



General Assembly

Seventy-fifth session

Official Records

Distr.: General
13 November 2020

Original: English

Sixth Committee

Summary record of the 9th meeting

Held at Headquarters, New York, on Thursday, 22 October 2020, at 10 a.m.

Chair: Mr. Skoknic Tapia (Chile)

Contents

Agenda item 86: The rule of law at the national and international levels (*continued*)

Agenda item 171: Report of the Committee on Relations with the Host Country

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>)

20-14009 (E)



Please recycle



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

Agenda item 86: The rule of law at the national and international levels (*continued*) (A/75/284)

1. **Mr. Uddin** (Bangladesh) said that efforts to combat corruption constituted an important catalyst for the establishment of the rule of law. Bangladesh, which had ratified the United Nations Convention against Corruption in 2007, was committed to preventing and combating corruption in all spheres of national life. As part of its national strategy, his Government had taken measures to prevent and significantly reduce illicit financial flows and money-laundering, including through the adoption of a Money-Laundering Prevention Act in 2012. It had reformed the country's administration, judicial and electoral systems in recent years, and had also strengthened its Anti-Corruption Commission, which had introduced a number of innovative initiatives to address complaints, including public hearings, a toll-free hotline service and a complaint box at each local administration office. His delegation appreciated the Secretary-General's statement on corruption in the context of coronavirus disease (COVID-19). During that crisis, it was more important than ever to prevent corruption and utilize scarce public resources for the welfare of those hurt by the pandemic.

2. While robust national efforts would be the first line of defence in preventing and combating corruption at the national level, corruption was also a global challenge that must be addressed by the whole international community acting together. The special session of the General Assembly against corruption, to be held in 2021, would provide an excellent opportunity to strengthen international cooperation, which should include the seamless exchange of information, intelligence-sharing and mutual legal assistance. His delegation hoped for the adoption of an action-oriented political declaration at that special session. National capacity-building, including training for relevant personnel in developing countries, as well as renewed political commitment, were also essential for the implementation of the Convention against Corruption.

3. **Mr. Shihab** (Maldives) said that, in the light of the serious challenges to the rule of law faced in the Maldives prior to the elections in November 2018, his Government had sought to strengthen independent institutions, reform the judiciary, eliminate corruption and promote transitional justice. It continued to investigate and seek redress for human rights abuses, murders and enforced disappearances and to address systemic corruption at all levels of government. It had also enacted legislation that provided guidelines for the

ethical conduct of members of independent institutions such as the Anti-Corruption Commission and required them to disclose their assets.

4. His Government was making every effort to ensure that judicial independence was upheld. To that end, it had established a judges appeal chamber, tasked with hearing appeals of actions taken by the Judicial Service Commission against members of the judiciary. Public confidence in the Judicial Service Commission had improved, as shown by the fact that 114 complaints had been submitted to it in 2019, compared to only 9 in 2018. The Commission would begin a comprehensive appraisal of all national judges in 2020. Furthermore, legislation continued to be enacted and amended to strengthen legal institutions and impose higher standards of ethics and independence on judges, prosecutors and other legal professionals. In that regard, a bar council had been established as a self-regulatory framework for the legal profession.

5. The Maldivian strategic action plan for 2019–2023 focused on ensuring the active participation of citizens and civil society, eliminating corruption and guaranteeing fundamental rights and freedoms for all. In September 2020, his Government had discussed how best to revise its priorities to ensure that it could deliver on its key promises, despite the impact of the pandemic. It was grateful for the support provided by the United Nations to ensure that the increase in policing activities required as a result of the pandemic had not led to a decline in human rights standards.

6. The Maldives continued to promote gender equality and expand the role of women, while eliminating gender-based violence and discrimination. The Decentralization Act required that women hold at least one third of all local council seats. Gender parity had been achieved among the heads of mission of the Foreign Service and efforts were under way to increase the role of women in the police force. For the first time in the Maldives, women judges were presiding over cases at all levels of the court system, from magistrate courts to the Supreme Court. His Government had also recently enacted the Child Rights Protection Act and the Juvenile Justice Act to further align its domestic laws with its international human rights obligations.

7. While great progress had been made, much remained to be done. The COVID-19 pandemic would continue to test the country's institutions, while the deleterious effects of climate change would strain its systems of governance long after the pandemic was over. At a time when the commitment to multilateralism in advancing the rule of law had never been more important, his Government would continue to promote

the rule of law both nationally and internationally, in collaboration with its international partners.

8. More detailed comments could be found in his written statement, available in the eStatements section of the *Journal of the United Nations*.

9. **Mr. Tozik** (Belarus) said that corruption was one of the chief threats to national security and to the rule of law and human rights. Corruption weakened public morals, undermined public trust in government institutions, hindered social and economic change, fostered the growth of the shadow economy and eroded tax revenues. Measures to combat corruption were therefore at the heart of the national security strategy of Belarus. Such measures involved the adoption of anti-corruption legislation, a stricter delimitation of the powers of government agencies, the establishment of anti-corruption units, commissions and other bodies tasked with combating crime and corruption, and the participation of civil society, media outlets and ordinary citizens.

10. The United Nations, and international agreements concluded under its auspices, played a central coordinating role in international anti-corruption efforts. Belarus was a party to the United Nations Convention against Corruption, the Civil Law Convention on Corruption and the Criminal Law Convention on Corruption. It was also a member of the Council of Europe Group of States against Corruption and a number of other regional and international bodies to counter corruption, money-laundering and the financing of terrorism.

11. The international community should be proactive in its efforts to combat corruption, employ the latest technologies and innovations and optimize data collection and sharing in order to address modern-day challenges. It should also unify the anti-corruption legal regime and update existing legal instruments. The members of the international community needed to work together on the practical aspects of combating corruption and avoid politicizing such cooperation efforts between States and with international organizations.

12. The scale and consequences of the COVID-19 pandemic had posed a grave challenge to law and order at the national level and to the rule of law at the international level. A systematic review needed to be conducted with a view to updating the relevant universal conventions, including those concluded under the auspices of the United Nations, and drafting new ones aimed at softening the impact of future pandemics and striking a balance between the interests of the individual, society and the State. The rule of law at the

national and international levels must always be assured during such difficult times for humanity.

13. **Ms. Wattanasophorn** (Thailand) said that the subtopic “Measures to prevent and combat corruption” was timely and provided a good opportunity for countries to share experiences and good practices on approaches and efforts to combat corruption. In that regard, her delegation appreciated the recently developed United Nations common position to address global corruption.

14. Corruption was a serious impediment to the rule of law and sustainable development. As related challenges became ever more complicated at the global level, each State must reinforce its capacity to prevent and combat corruption. Her Government had prioritized the fight against corruption in its national agenda in recent years, had strengthened its anti-corruption policies and had made every effort to bring its laws and regulations into line with the United Nations Convention against Corruption and international standards, including through the adoption of an amendment to its Organic Anti-Corruption Act in 2018. Under the Constitution of Thailand, the National Anti-Corruption Commission was required to perform its duties in an honest, just and impartial manner.

15. At the international level, her delegation commended the United Nations Office on Drugs and Crime (UNODC) for its work in combating corruption. The conferences managed by that Office, and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, provided a platform for all Member States to identify challenges and exchange best practices for preventing and combating corruption. Her Government intended to ensure that the findings of the country review it had recently undergone would be properly reflected in its efforts to develop anti-corruption laws and regulations. It also looked forward to actively engaging in the special session of the General Assembly against corruption to be held in 2021.

16. **Mr. Ilnytskyi** (Ukraine) said that the rule of law remained an effective tool at the international level for defending sovereignty and territorial integrity and protecting human rights. As indicated in the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/75/284), it had become critical to uphold the rule of law to protect people’s human rights and access to justice in the context of the emergency measures adopted worldwide in response to COVID-19.

17. Since 2014, Ukraine had initiated proceedings against the Russian Federation in several cases before

international courts and had already achieved important results in some of them. In that regard, the Secretary-General, in his reports on the agenda item, should not merely refer to the decisions of international courts and tribunals but should also provide follow-up information on their implementation. In particular, the Russian Federation continued to ignore a binding order issued by the International Court of Justice in 2017 in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, requiring it to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language. The role of the Russian Federation in the downing of Malaysian Airlines flight MH17 in 2014 was another key element of the case before the Court, which had rejected the jurisdictional objections raised by that State. Ukraine would continue to take all legal action necessary to hold the Russian Federation accountable for its violations of international law.

18. Overcoming corruption was a priority of his Government. Among other steps taken, it had reformed the national corruption prevention agency, restored criminal liability for illegal enrichment, introduced a mechanism for the civil confiscation of property and launched the work of the High Anti-Corruption Court. His Government had also prepared its anti-corruption strategy for 2020–2024, under which it would seek to optimize the functions of public bodies and eliminate duplication, achieve digital transformation and open data, ensure the availability of convenient legal services, foster public intolerance of corruption and ensure the inevitability of punishment. Through that strategy, it aimed to increase public confidence in government and significantly accelerate the pace of socioeconomic development, including by making investment more attractive.

19. His delegation's full statement would be made available in the eStatements section of the *Journal*.

20. **Ms. Falconi** (Peru) said that her Government reaffirmed its commitment to multilateralism, the rule of law and democracy. In an increasingly interdependent world, the defence of an international rules-based order was essential if the international community was to deal effectively with the most serious threats to international peace and security. Recalling that the rule of law was the basis for peaceful and equitable relations between States, her Government acknowledged the decisive contribution of the United Nations in promoting the rule of law through its assistance activities, especially in the

context of COVID-19. It was essential to mitigate the risks of that disease in United Nations peacekeeping operations and take measures to uphold human rights and protect health protocols in prisons and detention centres.

21. Peru continued to promote the peaceful settlement of disputes, in accordance with Chapter VI of the Charter of the United Nations and was deeply concerned about the frequent violations of international law. It stressed the importance of strengthening the capacity of the United Nations in preventive diplomacy and the early warning mechanisms required to that end, in compliance with Articles 1, 34 and 99 of the Charter.

22. With regard to international accountability mechanisms, Peru was paying close attention to the activities 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 the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant. That attention reflected the importance that it attached to the need to exhaustively document alleged atrocities so that the perpetrators could be brought to justice.

23. At the national level, her Government was making every effort to combat corruption, which posed a serious threat to the rule of law, undermined public confidence and worsened inequality. Her delegation welcomed the decision to hold a special session of the General Assembly against corruption in June 2021, and hoped that Member States would adopt a clear, action-oriented political declaration that would lead to more effective cooperation and international legal assistance, especially in relation to corruption involving large quantities of assets, and would encourage the criminalization of corruption in the private sector.

24. Peru underscored its commitment to pluralist democracy based on the rule of law and respect for human rights, which was in line with the three pillars of the United Nations: peace and security, human rights and development.

25. **Ms. Ponce** (Philippines) said that the rule of law was more critical than ever, since the current pandemic had weakened prevention and enforcement mechanisms at both the national and international levels, putting vulnerable groups at risk. Integral to the rule of law was the peaceful settlement of disputes between States, as affirmed in the Charter of the United Nations and the 1982 Manila Declaration on the Peaceful Settlement of International Disputes.

26. Her delegation welcomed the fact that, in his report (A/75/284), the Secretary-General had characterized the rule of law as foundational to improving access to public services, curbing corruption and restraining the abuse of power; it also noted his observations regarding the impact of the COVID-19 pandemic on the rule of law. In the Philippines, over 4,000 persons deprived of liberty had been released from prison through paralegal assistance in the first two months of the pandemic, while officials in charge of pardons and parole had been directed to expedite the processing of applications for executive clemency. The courts and the justice department had taken measures to uphold the rule of law and mitigate challenges to access to justice by using such remote alternatives as videoconferencing, online hearings and e-inquests.

27. Corruption derailed progress, kept people poor and weakened societies by destroying the trust that held them together. For that reason, preventing and combating corruption was a key priority of her Government. As part of its policy of zero tolerance of corruption, it had established a complaints hotline that enabled administrative sanctions to be swiftly imposed. Criminal proceedings could be brought under the Anti-Graft and Corrupt Practices Act, the Anti-Money Laundering Act and other laws. Her Government had also established a national corruption prevention programme aimed at identifying and reducing corruption vulnerabilities in government agencies and operations, ensuring integrity in the public sector and improving the public's trust in government.

28. A coordinated multisectoral approach and the participation of civil society were indispensable in combating corruption. The Government Procurement and Reform Act required the presence of civil society organizations as observers in local and national government bidding procedures. Bottom-up budgeting also enabled such organizations to be involved in the national budget process to address community concerns. Since 2014, an inter-agency committee had worked to oversee the review and implementation of the United Nations Convention against Corruption within all government agencies, with participation by representatives from the public and private sectors.

29. Her delegation fully supported the decision to hold a special session of the General Assembly against corruption in 2021 and looked forward to an action-oriented declaration.

30. **Mr. Abd Aziz** (Malaysia), recalling that the Sustainable Development Goals made an explicit link between corruption and peaceful, just and inclusive institutions, said that his delegation acknowledged the

importance of the subtopic "Measures to prevent and combat corruption". Malaysia, as a State party to the United Nations Convention against Corruption, was committed to preventing and combating corruption from the grassroots upwards.

31. His country's National Anti-Corruption Plan 2019–2023, established in line with article 5 of the Convention against Corruption, was a comprehensive policy framework aimed at improving transparency and embedding principles of integrity and accountability in the public and corporate spheres. Various key stakeholders were involved in ensuring the full implementation of the Plan. Furthermore, the Malaysian Anti-Corruption Commission, an independent anti-corruption body established in 2009, was empowered to detect and investigate suspected offences of corruption, examine the practices, systems and procedures of public bodies and educate the public, while the Commission's own activities were scrutinized by five independent oversight committees and panels. Specific units had been established in all public agencies to address issues concerning the integrity of civil servants, while the National Centre for Governance, Integrity and Anti-Corruption coordinated and implemented related tasks within the government machinery. As for the judiciary, its independence from the control and interference of the executive and the legislature was enshrined in the Malaysian Constitution. A Judicial Appointment Commission had been established in 2009 to ensure the transparency of nominations, appointments and promotions of superior court judges. Thanks to its anti-corruption reforms, Malaysia had improved its rankings on both the Transparency International Corruption Perceptions Index and the World Bank Doing Business report.

32. Regional and international cooperation was needed to combat the transnational nature of corruption. In Malaysia, mechanisms for requests for assistance in criminal matters to and from States were governed by the Mutual Assistance in Criminal Matters Act. His Government attached great importance to promoting inclusive dialogue and sharing national practices through various platforms. It actively participated in the International Association of Anti-Corruption Authorities, the Anti-Corruption and Transparency Experts Working Group of the Asia-Pacific Economic Cooperation forum and the South-East Asia Parties Against Corruption mechanism and remained committed to playing a leading role in global efforts to prevent and combat corruption.

33. **Mr. Proskuryakov** (Russian Federation) said that, at the time of the founding of the United Nations 75 years earlier, the Charter of the United Nations had

formed the foundation of the new edifice of international law, with the principles of the non-use of force, the peaceful settlement of disputes, non-interference in the internal affairs of States, sovereign equality and cooperation as its cornerstone. The practical implications of those principles had been made clear in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. The International Court of Justice has recognized the Declaration as setting out the norms of general international law.

34. The current tendency to portray State sovereignty as the cause of many ills and to present unilateral actions and actions by alliances as more effective than collective decision-making was dangerous and could undermine the legal foundations of the Organization, which had thus far succeeded in preventing global armed conflict. History had shown that the destruction of States, which existed to protect the rights and interests of their citizens, generally left people at the mercy of uncontrollable violence. The United Nations should therefore foster dialogue and the development of common positions and provide assistance to Member States according to their priorities. The mechanism of coercion should be employed in the context of international relations only as a means of ensuring collective security, as provided for in the Charter.

35. The Organization must also ensure the ability of all Member States to participate equally in its work, regardless of their bilateral relations with the host country. It was unacceptable that the representatives of a number of Member States were being subjected to discriminatory treatment by the host country in the form of the non-issuance of visas, restrictions on their freedom of movement and the outright confiscation of diplomatic property. Unless the Secretary-General addressed that untenable situation with resolve and without compromise, all discussions of the rule of law at the Organization would turn into a farce.

36. The latest report of the Secretary-General was an eclectic, incomplete, redundant and ultimately pointless compilation of information about United Nations rule of law activities. The report included numerous references to so-called climate justice and other undefined concepts, and highlighted State practice in respect of a seemingly arbitrary array of international agreements. References to specific cases currently under review by United Nations judicial mechanisms had been included in the report, giving certain delegations an excuse to politicize the discussion. The report included references to 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, which had been established in violation of the Charter of the United Nations, and a similar mechanism established for Myanmar, as well as information about the administrative, legal and material assistance rendered to the International Criminal Court – a entity that was not related to the United Nations – but no objective assessment of the Court’s widely criticized activities. It was also not clear from the report whether the Global Focal Point for the Rule of Law served a purpose. In sum, the report had been a waste of United Nations resources and should not be requested in future.

37. **Mr. Awassam** (Nigeria) said that the rule of law, a fundamental element of Nigerian jurisprudence, was linked or related to every aspect of human development. It was a prerequisite for the establishment of justice, and a basis for peaceful coexistence and the prevention of armed conflict. The Nigerian Constitution prohibited discrimination on any grounds, including gender, and his Government’s policy on gender issues, which was focused on women’s empowerment and the elimination of discriminatory practices, bore witness to its adherence to the rule of law.

38. Efforts to combat corruption in Nigeria were based on the rule of law, and its various anti-corruption agencies worked to ensure that due process was always observed. His delegation welcomed the decision to hold a special session of the General Assembly against corruption in June 2021. Such a gathering would provide Member States with the opportunity to explore innovative ways to combat corruption.

39. 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.

40. Nigeria appreciated the sustained efforts of the United Nations to promote the rule of law and transitional justice in conflict and post-conflict societies. Member States should collectively work to address the global rule-of-law deficit and establish a world where the rule of law, accountability and social justice were the foundation for sustainable development and lasting peace.

41. His delegation's full statement would be made available in the eStatements section of the *Journal*.

42. **Mr. Taufan** (Indonesia) said that the rule of law was at the very heart of multilateralism since there could be no meaningful international relations without it, especially at a time of crisis such as the COVID-19 pandemic. His delegation commended the United Nations for its continued work to further promote the rule of law at the national and international levels. Such efforts were particularly important for developing States, and also in the context of the current pandemic. However, his delegation was deeply concerned at the unbalanced and inaccurate recommendation contained in paragraph 74 of the report of the Secretary-General (A/75/284) regarding the relationships between the effort to advance Sustainable Development Goal 16 on peace, justice and strong institutions, the application of the death penalty and the sharing of evidence collected by United Nations accountability mechanisms. He wished to emphasize that the International Covenant on Civil and Political Rights recognized the legality of applying the death penalty. Moreover, there was currently no international consensus on the abolition of the death penalty. The application of such punishment, taking account of all relevant considerations, was part of the sovereign rights of a State. 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.

43. With regard to the subtopic "Measures to prevent and combat corruption", Indonesia had completed the second review cycle under the Implementation Review Mechanism. It had established various anti-corruption measures, including a national plan of action on preventing and combating corruption for 2012–2025 and a national strategy on the prevention of corruption. It had also recently enacted legislation to strengthen the preventive functions of the Anti-Corruption Commission; ensure due process in accordance with criminal procedural law; and uphold the protection of human rights during investigations of corruption. International cooperation and asset recovery, especially through mutual legal assistance, were also important aspects of the fight against corruption, requiring mutual understanding and effective communication among States.

44. **Mr. Takht Ravanchi** (Islamic Republic of Iran) said that multilateralism, an important achievement of the United Nations system since its inception, was under severe attack as a result of the unilateral approach taken by the United States of America. That country had manifested its unilateralism by withdrawing from

international treaties and agreements and international organizations; waging trade wars; committing economic and medical terrorism by imposing inhumane universal coercive measures in pursuit of political objectives; threatening the International Criminal Court and its prosecutor; weaponizing its currency to abuse the international financial system; penalizing nations worldwide for abiding by Security Council resolutions; confiscating the assets of national banks; and violating its commitments toward the United Nations by imposing inhumane restrictions on the accredited representatives of some Member States. Such measures had seriously endangered the rule of law at the international level. His Government had brought two cases before the International Court of Justice in an attempt to defend its legitimate rights against the unlawful actions of the United States. The provisional measures unanimously granted by the Court in one of those cases, requiring the United States to remove the impediments arising from its illegal decisions following its withdrawal from the Joint Comprehensive Plan of Action, bore further witness to the illegality of the sanctions imposed by the United States. Instead of complying with that binding decision, the United States Government had intensified its coercive measures against the Islamic Republic of Iran and its people.

45. Corruption undermined the rule of law, and threatened the prosperity and development of all societies. It could be defeated only through sustained political will in line with the United Nations Convention against Corruption. His Government was committed to combating corruption effectively and responsibly and to ensuring the full, effective and balanced implementation of the Convention, in particular its provisions on asset recovery, which to date had been underutilized. In line with that commitment, it had made significant efforts at both the national and international levels to prevent and combat corruption. For example, it had revised its 2008 anti-money-laundering law and had finalized a draft bill on conflicts of interest. Despite all its efforts, it still faced certain challenges in preventing and combating corruption. Unilateral coercive measures had hindered its allocation of the resources necessary to combat corruption, while the unwillingness of certain States to cooperate effectively in the recovery of illegally acquired assets demonstrated double standards that would merely embolden the perpetrators of corruption.

46. **Mr. Giorgio** (Eritrea) said that his country recognized the importance of strengthening the rule of law at the international and national levels, and had acceded to 121 international instruments to date. It was in the process of designing a comprehensive strategy to improve the quality of justice and enhance access to

justice and was working with United Nations agencies and other partners to further strengthen its institutions. Before the COVID-19 pandemic, a capacity-building study tour organized by the United Nations Development Programme had enabled Eritrean judges, law enforcement agencies and lawyers to travel to Rwanda and interact with their counterparts regarding the e-justice system, traditional justice mechanisms, the Rwanda Investigation Bureau and Rwanda National Police, and the gacaca court system.

47. With regard to the subtopic, the prevention and combating of corruption was critical in order to advance the rule of law, address poverty and inequality, contribute to sustainable development and promote respect for human dignity. At the national level, awareness-raising initiatives targeting government institutions and the public had been conducted as part of efforts to prevent and combat corruption. When corrupt practices surfaced, they were vigorously addressed at the legal and administrative levels, while continuous efforts were being made to root out favouritism and bribery, as well as to tackle negligence in public responsibility and lack of accountability. As part of its policy of zero tolerance for corruption, his Government had set up a special court with the mandate to investigate corruption, abuse of power and misuse of public resources. It had also issued, and later amended, a proclamation on combating money-laundering. The draft Penal Code of 2015 contained several specific provisions on corruption. In 2016 a study on corruption had been conducted on the basis of police reports, consultations, informal interviews, corruption allegations and overall data from 1994 to 2016. In the cases studied, those found guilty of corruption had been punished and obliged to return the embezzled government resources or ill-gotten gains. Addressing corruption and speculation would continue to be a top priority of his Government. The fight against corruption should be intensified at all levels, and the United Nations should continue to provide its valuable support to Member States for the development of anti-corruption strategies and the investigation of complex corruption cases. His delegation looked forward to the special session of the General Assembly against corruption, to be held in 2021.

48. **Mr. Grigoryan** (Armenia) said that his Government continued to work closely with the United Nations for the promotion of effective and inclusive justice institutions and the promotion of human rights. It had been implementing a series of reforms to enhance transparency and accountability, overhaul the judiciary, and implement a people-centred, human-rights-based, inclusive development model. In the area of justice

sector reform, it had been working to improve its legislation in a number of areas and had engaged in effective international cooperation, including within the regional framework of the Council of Europe and the European Commission for Democracy through Law. Such cooperation, together with its vibrant civil society and inclusive civic space, had been instrumental for its ongoing reform efforts.

49. His delegation welcomed the subtopic chosen for the Committee's debate on the current agenda item. Armenia was a party to all relevant international instruments and mechanisms for combating corruption and was committed to efforts to build enhanced anti-corruption frameworks, including relevant prevention mechanisms and integrity systems. The establishment of its Corruption Prevention Commission had been an important step towards improving governance, transparency and accountability at the national level.

50. Corruption and a lack of integrity brought about an erosion of social and institutional trust, leading to various forms of instability. In the absence of access to justice and respect for human rights, and against a backdrop of crises such as the current COVID-19 pandemic, large-scale systemic corruption could lead to conflict and violence. Having failed to build a just, peaceful and inclusive society, the Government of Azerbaijan had for decades been instrumentalizing the Nagorno-Karabakh conflict to cling to power and silence dissent. It had now opted to embark on massive military aggression in the middle of a pandemic, in order to divert attention from its corrupt practices, internal insecurities and appalling human rights record. For almost four weeks, the armed forces of Azerbaijan, with the military support of Turkey and the involvement of mercenaries and terrorist fighters, had been conducting large-scale hostilities in the region, in total disrespect for the Secretary-General's call for a global ceasefire. That joint aggression was accompanied by grave violations of humanitarian law, including indiscriminate attacks against civilians, destruction of cultural and religious buildings, shelling of schools, kindergartens and hospitals, attacks on journalists, mutilations and public executions, inhuman treatment of prisoners of war, use of banned cluster munitions and despicable acts amounting to war crimes, all of which had been documented and presented to the international community. The Azerbaijani attacks, which were clearly an attempt to conduct ethnic cleansing, were unacceptable and should no longer be tolerated or condoned. The time had come to denounce force, coercion and terrorism as methods of conflict resolution and to require the aggressors and their enablers to

adhere to the basic norms of humanity and the rule of law.

51. **Mr. Nyan Lin Aung** (Myanmar) said that the rule of law was the cornerstone for relations among nations and was key to ensuring peace and promoting development. The United Nations and its agencies played an important role in strengthening the rule of law. At the international level, the rule of law must be based on universally established norms, such as respect for the sovereign equality and territorial integrity of States, non-interference in the internal affairs of other States, the prohibition of the threat or use of force, and the peaceful settlement of disputes.

52. The subtopic “Measures to prevent and combat corruption” was relevant and timely. Since the peaceful transfer of State responsibilities in Myanmar, his Government had been consolidating its democratic system and promoting the rule of law, including good governance, protection of legal rights and measures against corruption. It had ratified the United Nations Convention against Corruption in December 2012 and had promulgated its Anti-Corruption Act the following year. It had also completed the first review cycle under the Implementation Review Mechanism, and was currently undergoing the second cycle. Combating corruption and ensuring the independence of the judicial system were high priorities for his Government, which had recently strengthened the mandate and independence of the Anti-Corruption Commission. Myanmar had also become a member of the International Anti-Corruption Academy in 2019. While progress had been made in addressing corruption in his country, much remained to be done. In that regard, the Anti-Corruption Commission had recently taken action to prevent corruption related to exploitation of the COVID-19 pandemic.

53. His delegation strongly rejected the establishment of the Independent Investigative Mechanism for Myanmar. The Human Rights Council clearly had no mandate or authority to establish any kind of legal, judicial or investigative mechanism and, consequently, the Mechanism’s mandate constituted a blatant violation of the sovereignty of a Member State. While the strengthening of the rule of law was essential for the maintenance of a rules-based international order, and for peace, harmony and development in every nation, the primary responsibility for maintaining and enforcing the rule of law in a country rested entirely with the Government and its people. His Government welcomed capacity-building and other forms of constructive cooperation from the international community to encourage its national efforts to promote the rule of law.

54. His delegation’s full statement would be made available in the eStatements section of the *Journal*.

55. **Mr. Warraich** (Pakistan) said that the subtopic chosen for the Committee’s debate on the current agenda item was apt and timely. Corruption had a wide range of corrosive effects on societies and economies around the world. By diverting resources from where they were needed most, it impeded the delivery of basic services, undermined trust in institutions and hampered the ability of developing countries to mobilize domestic finance, especially in the context of the COVID-19 pandemic. In order to combat corruption, a comprehensive, multidisciplinary and integrated global approach was needed, with full implementation of the United Nations Convention against Corruption.

56. The stolen assets of developing countries, including the proceeds of corruption and bribery, must be returned in full to them. Gaps in compliance with existing mechanisms, especially the measures set out in chapter V of the Convention against Corruption, must be addressed. An additional protocol on asset returns and the establishment of mediation and arbitration mechanisms for asset recovery should also be considered.

57. In order to strengthen global efforts to combat corruption, States should afford one another the widest measure of mutual legal assistance in investigations and prosecutions, as provided in article 46 of the Convention. The effective recovery and return of assets should not be obstructed by “procedural” safeguards. Furthermore, there should be no safe havens available for those engaging in corrupt practices. Criminal and financial penalties should be imposed on the financial institutions receiving and utilizing the proceeds of corruption, while the financial intermediaries that acted as enablers of corruption, including bankers, accountants and lawyers, must be closely regulated, monitored and held accountable.

58. In view of their huge economic influence, private entities, including multinational corporations, must not be excluded from any international anti-corruption strategy. Mandatory frameworks to counter practices such as profit-shifting to low tax jurisdictions must be established, while a fair, transparent and predictable system for adjudication of investment disputes was also urgently needed. Lastly, the United Nations should set up a mechanism to coordinate and supervise the work of official and non-official bodies addressing illicit financial flows. The special session of the General Assembly against corruption to be held in 2021 would provide an ideal opportunity to make substantive progress on those issues.

59. Combating corruption was at the heart of his Government's agenda. The elimination of corruption in Pakistan was not merely an end in itself but was also essential to ensure the rule of law, eradicate poverty, address socioeconomic inequalities and achieve inclusive and sustainable development. His Government had adopted a whole-of-society approach to achieving that goal, with the involvement of the legal system, youth, civil society and the media, and its efforts were bearing fruit. In response to the COVID-19 pandemic, it had recently rolled out the largest social protection initiative in the history of Pakistan. That programme had been praised for its transparency and its effective outreach to nearly half the population.

60. A rules-based international order could only be built on the purposes and principles of the Charter of the United Nations, including the sovereign equality of States, the prohibition of the threat or use of force, and the peaceful settlement of disputes, which remained as relevant as ever. The self-arrogated claims of privilege by some States, which sought to revive outdated notions based not on the rule of law but on the brazen projection of power, ran counter to those ideals and were a betrayal of what the United Nations stood for.

61. **Mr. Nyanid** (Cameroon) said that the rule of law was the basis of the social contract in any society. 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. His Government was in the process of reforming and modernizing its institutions, including through the implementation of the Act of 24 December 2019 establishing the General Code for Decentralized Local Authorities. Having undertaken to restore the authority of the State in certain areas, it had faith in the judicial systems of those 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.

62. The measures taken by his Government to combat the scourge of corruption were bearing fruit. However, corruption must be addressed from a global and systemic perspective, in order to ensure the equal treatment of all those engaging in corruption at both the national and international levels. The rule of law laid the foundations for the fairer, more peaceful and more prosperous world envisaged in the Charter of the United Nations. His delegation was therefore concerned at increasing signals pointing to the emergence of a sui generis law, which, though born out of the Westphalian system, was taking its dangerous first steps towards the rule of force and which, based on national interest,

national security objectives and sometimes geopolitical and geostrategic considerations, challenged the long-standing consensus on such sensitive issues as sovereignty, independence and immunity. International peace depended on the existence of and respect for good law, in other words law that was accepted as such, that was impersonally formulated and implemented, and that was never instrumentalized. His delegation hoped that chaos would be avoided by means of 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.

63. **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 the consequences of that breach, was a cornerstone of the international legal 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.

64. The effective functioning of the international legal 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. 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.

65. Serious violations of international humanitarian law had been committed in the course of the Armenian aggression against Azerbaijan. Armenia had continued to enjoy impunity for those offences, despite evidence of extreme brutalities, and notwithstanding the Security Council's acknowledgement in several resolutions that the acts of military force committed against Azerbaijan were incompatible with the Charter of the United

Nations and constituted a violation of its sovereignty and territorial integrity. On 27 September 2020, Armenia had perpetrated another armed attack against Azerbaijan, resulting in numerous civilian and military casualties and causing substantial destruction. The armed forces of Azerbaijan had undertaken countermeasures to repulse the aggression and ensure the safety of the civilian population, in the exercise of the right of self-defence and in full compliance with international humanitarian law. Despite the humanitarian ceasefire agreed on 9 and 17 October 2020, the armed forces of Armenia had continued their direct and indiscriminate attacks. Azerbaijan would spare no effort to end the unlawful occupation of Nagorno-Karabakh and its other seized territories, to achieve a political settlement of the conflict based on international law and to ensure peace and justice in the region.

66. **Ms. Ighil** (Algeria) said that the rule of law was vital at the national level to achieve stability and economic and social progress. It was also instrumental at the international level in maintaining peace and security and building friendly and equitable relations between States. Adherence to the rule of law was essential to upholding the principles enshrined in the Charter of the United Nations, including the sovereign equality of States, non-interference in the internal affairs of States, the right to self-determination and the peaceful settlement of disputes.

67. The subtopic chosen for the Committee's debate on the current agenda item was relevant, since corruption had detrimental effects on societies, economic growth, sustainable development and the rule of law. It exacerbated poverty and inequality, and disproportionately affected those in the most vulnerable situations, all the more so in times of crisis, such as the current COVID-19 pandemic. It was therefore important to strengthen cooperation and intensify national and global efforts to prevent and combat corruption. The first ever special session of the General Assembly against corruption, to be held in 2021, would provide an opportunity to make progress in that regard.

68. Algeria was committed to fighting corruption under the United Nations Convention against Corruption. Its national legal framework for preventing and combating corruption comprised provisions under several pieces of legislation, including on money-laundering and the financing of terrorism. Algeria was also a party to international agreements on cooperation, crime control and crime prevention, and cooperated internationally through various mechanisms and networks. The National Agency for the Prevention and Combating of Corruption, an independent body,

published annual evaluation reports in which it highlighted shortcomings and made legislative and administrative recommendations. Other bodies concerned with preventing and combating corruption at the national level were the Central Office for the Repression of Corruption, the Court of Auditors, the Higher Council of the Civil Service and the Financial Intelligence Unit, all of which enjoyed the necessary independence to perform their functions in that area.

69. **Ms. Lahmiri** (Morocco) said that her delegation welcomed the way in which the United Nations system was addressing the global challenges associated with the COVID-19 pandemic, which required a collective response based on international cooperation and solidarity. Efforts must be redoubled to maintain the primacy of the rule of law and ensure that the pandemic did not serve as a pretext for the erosion of previous gains, especially in the areas of human rights and humanitarian law. At the national level, the Moroccan Ministry of Justice, in coordination with the Superior Council of the Judiciary and the Office of the Public Prosecutor, had taken a number of cross-cutting measures to overcome the obstacles created by the pandemic and ensure continued access to public justice, including by holding remote proceedings and developing security protocols for access to buildings.

70. The subtopic chosen for the Committee's discussions under the current agenda item was particularly apt in the context of the COVID-19 pandemic, which, as the Secretary-General had said, could seriously undermine good governance and hurt progress towards the Sustainable Development Goals. Corruption corroded the rule of law by weakening national institutions, heightening inequalities, eroding public confidence, holding back sustainable development and undermining the credibility of States. Progress in combating corruption therefore depended on the joint efforts and conscious involvement of the State and all members of society.

71. In its national efforts to combat corruption, Morocco had adopted a global and integrated strategic approach that had resulted in numerous institutional reforms. Its commitment to good governance was enshrined in its Constitution and it had established an appropriate legislative arsenal covering, inter alia, money-laundering, regulation of access to public contracts, and protection of witnesses, victims and whistle-blowers. A participative and inclusive approach had been taken in the drafting of the National Strategy for Combating Corruption for 2016–2025, a cross-cutting strategy built around the five main planks of governance, prevention, punishment, communication and education. The National Anti-Corruption

Commission, chaired by the Head of Government and comprising representatives of government ministries, governance institutions, the private sector and civil society, was responsible for its follow-up and implementation.

72. At the international level, closer cooperation, the development of good practices and the implementation of obligations under the United Nations Convention against Corruption would all contribute to preventing and combating corruption. In that regard, Morocco had ratified the Convention against Corruption and participated actively in the work of United Nations bodies such as UNODC and the Commission on Crime Prevention and Criminal Justice. The special session of the General Assembly against corruption, to be held in 2021, would provide an opportunity for Member States to share national experiences and good practices and jointly identify innovative and collective approaches for preventing and combating corruption.

73. **Ms. Villalobos Brenes** (Costa Rica) said that it was crucial to promote and observe the rule of law in order to maintain peaceful, just and stable societies in which all fundamental rights and freedoms were guaranteed. However, the COVID-19 pandemic had clearly had a negative impact on the rule of law. The prevention and mitigation measures taken against COVID-19 had in some cases affected fundamental rights such as freedom of movement and freedom of expression. Moreover, the socioeconomic conditions resulting from the pandemic had affected the most vulnerable groups and had obviously had a gender impact. Her delegation commended the United Nations system for its prompt response in situations where institutions, especially those related to access to justice, were being undermined. Efforts must be made to ensure that the pandemic did not weaken the accountability of those responsible for upholding justice.

74. Solid, independent and impartial judicial systems, with judges who acted in accordance with the law, were part of the institutional response to corruption, which was a serious impediment to the rule of law and sustainable development. Recalling that, in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, Member States had recognized that corruption obstructed economic growth and development, eroded public confidence, legitimacy and transparency and hindered the making of fair and effective laws, as well as their administration, enforcement and adjudication, her delegation considered it vital that the United Nations should continue to support countries in developing the capacity that they needed to implement the commitments

assumed under the United Nations Convention against Corruption, to which almost all Member States were parties. Her delegation called on all States that had not yet ratified the Convention to do so.

75. When Governments faced economic crises like the present one, corruption would only make the road to recovery that much more difficult and would give rise to a lack of trust in public institutions. It was important to ensure that even during the institutional lockdowns caused by the pandemic, easily accessible reporting mechanisms and whistle-blower protection systems still existed. Her delegation hoped that the special session of the General Assembly against corruption, to be held in 2021, would allow Member States to share experiences and good practices with the aim of improving the prevention, detection, investigation and prosecution of corruption.

76. **Mr. Nayeck** (Mauritius) said that a rules-based order in which all States, both large and small, had an obligation to respect and comply with the law was the basis for peace and security. The International Court of Justice, through its judgments and advisory opinions, continued to play a crucial role in maintaining and promoting the rule of law around the world. It was therefore regrettable that the colonial Power that had brought the first case before that Court had now totally disregarded the institution that it had helped to create. In 2019, in its advisory opinion on *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, the Court had confirmed that the decolonization of Mauritius had not been lawfully completed, because it had not been conducted in a manner consistent with the right of peoples to self-determination. It had concluded that the continued administration of the Chagos Archipelago by the United Kingdom constituted a wrongful act entailing the international responsibility of that State and that the United Kingdom was therefore under an obligation to bring to an end its unlawful administration of the Archipelago as rapidly as possible. The Court had confirmed, in its authoritative legal ruling, that the Chagos Archipelago was and had always been part of the territory of Mauritius, and that Mauritius was the sole State lawfully entitled to exercise sovereignty over the Archipelago and sovereign rights over the appurtenant maritime spaces. Following that ruling, the United Nations had revised its world map, which now clearly depicted the Chagos Archipelago as part of the territory of Mauritius.

77. It was highly regrettable that the United Kingdom had failed to end its unlawful administration of the Chagos Archipelago by 22 November 2019, as required by the General Assembly in its resolution [73/295](#). That

State's persistent defiance of the Court and its refusal to implement resolution 73/295 stood in stark contrast to its long-standing commitment to a rules-based international system. It was difficult to see how the United Kingdom could purport to be a champion of human rights and the rule of law while maintaining an unlawful colonial administration in Mauritius and preventing the return of the people it had forcibly removed five decades earlier.

78. It was a fundamental principle of the rule of law system that there should be no double standards in the application of the law. Under the Charter of the United Nations, the rules of international law were applicable to all States and their obligations under the law must be fulfilled. The world's leading voices should set an example in that regard. His delegation trusted that the Committee's efforts over the years to codify international rules, including on State responsibility, would advance the rule of law and allow historical wrongs around the world to be corrected, as the International Court of Justice had done in the case of the Chagos Archipelago.

79. More detailed comments could be found in his written statement, available in the eStatements section of the *Journal*.

80. **Mr. Almowaizri** (Kuwait) said that the rule of law was essential to peace and security, economic development and equality. It was stated in the Preamble to the Charter of the United Nations that one of the Organization's goals was to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained. Upholding the rule of law was also an effective means of addressing serious violations of international legal instruments concerning peace and security, human rights, fundamental individual freedoms and equality, particularly in conflict areas. The rule of law must be strengthened at the national and international levels, and Member States and the main bodies of the United Nations must uphold the principles of the Charter and international law, which were essential to addressing the threats faced by the international community. Kuwait had a democratic Constitution that safeguarded the rights and responsibilities of all, without discrimination. At the international level, it was committed to respecting its obligations, maintaining international peace and security and settling disputes through peaceful means.

81. The continued construction of illegal settlements by Israel amounted to a grave and recurring violation of international law and flew in the face of the relevant resolutions of the United Nations. Member States

should therefore scale up their efforts to uphold the rule of law at the international level and thereby maintain international peace and security.

82. **Mr. Blanco Conde** (Dominican Republic) said that the impact of the COVID-19 pandemic had been particularly devastating in societies characterized by wide social inequalities, economic instability, weak institutions and high levels of corruption. The pandemic had demonstrated that strengthening the rule of law at the national and international levels was important for mitigating the impact and consequences of crises, and was the way to achieve sustainable development that promoted peace and security, equality, strong institutions and transparency.

83. Recognizing that the application of the rule of law was the basis for democracy, his Government had incorporated into its legislative and judicial system the provisions of the agreements and treaties to which it was a party, as part of its efforts to ensure social equality, the protection of human rights and access to justice for all its citizens. In view of the fact that corruption, whether in the form of bribery, impunity, sexual harassment, money-laundering or the squandering of public resources, seriously harmed society and violated the rights of all its members, especially the most vulnerable, the Dominican Republic had become a party to the United Nations Convention against Corruption in 2006. A culture of accountability, consequences and democratic control of institutions was needed in order to combat corruption. To that end, the Dominican Republic was reforming its justice system with a view to establishing an independent and transparent judicial mechanism guided solely by the Constitution and the law. His Government had recently signed a memorandum of understanding with the United Nations system in the Dominican Republic to strengthen the fight against corruption and establish a general framework for cooperation in support of national anti-corruption efforts, including the provision of technical assistance for law enforcement personnel and government policymakers.

84. His Government attached great importance to reducing gender inequality, creating better opportunities for persons with disabilities, ensuring the protection of children and adolescents and improving conditions for older persons by establishing a flexible and efficient legal framework to protect their rights. It was therefore developing legislation along those lines to implement the 2030 Agenda for Sustainable Development. His delegation would participate actively in the special session of the General Assembly against corruption to be held in 2021, with a view to strengthening the international commitment to combating that scourge.

85. **Ms. Ozgul Bilman** (Turkey) said that corruption posed a serious threat to human rights, democratic institutions, the rule of law, and global trade and development. Since that threat transcended national boundaries, it was unlikely that corruption would be completely eliminated without strong international cooperation and a united response from States, international organizations and interest groups. Her delegation had supported the selection of the subtopic “Measures to prevent and combat corruption” for the Committee’s debate under the current agenda item at its seventy-fifth session, and noted that the discussion had become even more pertinent in the face of the challenges posed by the COVID-19 pandemic. It looked forward to the special session of the General Assembly against corruption, to be held in 2021.

86. The fight against corruption was a policy priority for her Government, which had enhanced its domestic capacity in that regard through numerous legislative, administrative and institutional measures. The national strategy against corruption, in force since 2010, covered the areas of transparency, accountability and effectiveness, which were key elements in combating corruption. Turkey was a party to various international conventions concerning corruption, including the United Nations Convention against Corruption and the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. It was also a member of the Council of Europe Group of States against Corruption and the International Anti-Corruption Academy.

87. Her delegation wished to underscore the link between terrorism, organized crime and corruption. Strong international cooperation, including for the extradition of suspects and criminals and the confiscation of the proceeds of crime, was essential in addressing such threats. There was also a key connection between the 2030 Agenda and the global fight against corruption, as reflected in targets 16.5 and 16.6 of Sustainable Development Goal 16. Her Government would continue to work towards achieving those targets in cooperation with national and international partners.

88. With regard to the allegations made against Turkey by the Armenian delegation, it had become clear that Armenia was intent on disrupting the Committee’s work with outrageous claims, defamation and propaganda in an attempt to steer the attention away from its aggression and portray itself as the victim. Turkey strongly condemned all attacks by Armenia against Azerbaijan, which constituted flagrant violations of international law, including international humanitarian

law. Armenia continued to occupy 20 per cent of the sovereign territory of Azerbaijan, despite four Security Council resolutions calling for its immediate, complete and unconditional withdrawal. The fact that Azerbaijan was conducting its operations within its internationally recognized borders should be emphasized.

89. Her delegation’s full statement was available in the eStatements section of the *Journal*.

90. **Ms. Raz** (Afghanistan) said that her delegation commended the United Nations for its continued provision of rule of law assistance to Member States, including in the context of the COVID-19 pandemic. Strengthening the rule of law had been the key objective of her country’s efforts over the past 19 years to achieve a stable and self-reliant state. Despite the challenges of terrorism and insecurity, now coupled with the COVID-19 pandemic, her Government had made significant progress in that regard.

91. Combating corruption remained a cross-cutting priority for her Government. Significant legal and institutional reforms had been carried out, including the adoption of new laws for the criminalization of corruption offences and the reform of the asset disclosure and verification regime; the enactment of a strong Access to Information Act, a Whistle-Blower Protection Act and an Anti-Corruption Act clarifying the roles and responsibilities of key anti-corruption institutions; and the establishment of asset recovery regulations. Her Government had also introduced reforms in the Attorney General’s Office and the Supreme Court, and had established several new institutions, including the National High Council on Rule of Law and Anti-Corruption, to serve as the main policymaking forum, the Special Anti-Corruption Secretariat, to oversee the implementation of the anti-corruption strategy, and the Ombudsperson’s Office to address corruption complaints concerning high-level officials.

92. Despite the progress made, more needed to be done to combat corruption and improve accountability. The Geneva Conference on Afghanistan to be held in November 2020 would provide an important opportunity for her Government and its international partners to recommit themselves to mutual accountability, transparency and aid effectiveness in their work together for the development and stability of Afghanistan. At the Conference, her Government would present an interim anti-corruption strategy, which would build on lessons learned from the implementation of the first strategy. It would also outline its vision for progress on peacebuilding, economic growth and self-reliance, including through the strengthening of State institutions

and the rule of law, in the Afghanistan National Peace and Development Framework for 2021–2025.

93. At the international level, the United Nations had a key role to play in galvanizing a comprehensive response to corruption. The United Nations Convention against Corruption, to which Afghanistan was a party, was important in that regard as the only legally binding universal anti-corruption instrument. Her delegation looked forward to participating actively in the special session of the General Assembly against corruption, which would provide a good opportunity to advance the global anti-corruption agenda, including by adopting innovative approaches and sharing best practices.

94. **Monsignor Hansen** (Observer for the Holy See) said that international treaties were central to the maintenance of good relations among States, to the rule of law at the international level and to the protection of universal human rights within States. However, for treaties to achieve their purpose, they must be interpreted and observed faithfully.

95. It must be emphasized that a treaty was binding only upon its parties. While in some instances treaties might codify or reflect already binding customary international law, or the near universal ratification of a particular treaty might furnish evidence of the general practice necessary to establish the existence of customary international law, the fundamental principle remained that no State could be bound by a treaty that it had not ratified. Any effort to impose a treaty obligation on a State that had not ratified the relevant instrument would undermine both the sovereignty of the State as a subject of international law and the process leading to ratification. In that regard, since treaties could be applied only when ratified, his delegation remained hopeful that a number of instruments, including the Treaty on the Non-Proliferation of Nuclear Weapons, would soon be ratified and implemented by all States.

96. His delegation therefore continued to encourage Member States to maintain legal clarity in draft resolutions when referring to international treaties and their provisions. Imprecise language suggesting the universal applicability of treaty provisions per se was unhelpful, since it blurred the line between what was binding on States under treaty law and what was not, and also suggested that concerted action to bring States to ratify particularly important treaties was not needed. Conversely, an excessively narrow interpretation of treaty provisions could wrongly suggest that States had not undertaken obligations that were in fact clearly stated in the text.

97. A correct understanding of treaties was crucial for their amendment or interpretation. Only States parties

could amend the text of a treaty, and most multilateral instruments imposed rigorous procedures for such changes. Similarly, with regard to the interpretation of treaties, proposals or opinions advanced by conference secretariats, expert bodies, commissions or other entities to interpret, further develop or broaden treaty texts had no legal effect until they were explicitly approved by the States parties in question. While members of treaty bodies, and special rapporteurs, were required to be of high moral standing and had a broad knowledge of the subject matter of a particular treaty, they often had no great competence in the interpretation and application of international legally binding instruments. It was therefore important when selecting such experts to ensure that they were qualified to interpret complex legal instruments correctly. Lastly, international tribunals played a fundamental role in the interpretation of treaty provisions since their decisions, although binding only upon the parties in the cases in question, guided all States in the interpretation and implementation of existing treaties and thereby contributed to the development of international law.

98. **Mr. Civili** (Observer for the International Development Law Organization (IDLO)) said that work to protect human rights and combat inequalities and discrimination was an intrinsic part of his organization's approach to its rule of law mandate. The 2030 Agenda, with its emphasis on justice and inclusion across all the Sustainable Development Goals, directed the action of IDLO, including its contribution to the global response to the COVID-19 pandemic. In July 2020, IDLO had launched its Crisis Governance Forum as a multi-stakeholder online platform for the exchange of policymaking experiences in the response to the pandemic. The first thematic session had addressed the issue of equitable access to health services and products, while future policy themes would be chosen in response to emerging priority concerns. IDLO had also recently published a policy brief with recommendations on priority actions to strengthen the legal and policy framework for managing the pandemic; to mitigate its impact, especially on marginalized groups; and to strengthen resilience to future crises. Its current activities included work on gender-based violence in the context of COVID-19 and a programme to support the introduction of digital technologies, e-justice tools and e-filing modules in the administration of justice.

99. Corruption was a key factor undermining the achievement of the 2030 Agenda, given its disproportionate impact on women, persons living in poverty and vulnerable groups, and the obstacles it placed in the way of access to public services, including health, education and justice. Enhanced investment in

justice sector institutions remained integral to curbing corruption. In that regard, IDLO was, inter alia, supporting innovations in the justice sector, building capacity to strengthen integrity and transparency in the judiciary and providing targeted support to civil society organizations to monitor and engage with Governments' anti-corruption reform processes. It was also participating actively as an observer in the meetings of various subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption, including those held in preparation for the special session of the General Assembly against corruption, at which it hoped to contribute relevant experience from both its research and its operational programmes.

100. IDLO fully supported the call by the Assistant Secretary-General for Strategic Coordination for new thinking and renewed action on governance and rule of law structures to respond to the challenges ahead. It stood ready to play its part in that endeavour under the leadership of the United Nations.

Statements in exercise of the right of reply

101. **Mr. Wickremasinghe** (United Kingdom), responding to the comments made by the representative of Mauritius, said that the United Kingdom had no doubt about its sovereignty over the Chagos Archipelago, which had been under continuous British sovereignty since 1814. Mauritius had never held sovereignty over the Archipelago and the United Kingdom did not recognize its claim. However, the United Kingdom had a long-standing commitment, first made in 1965, to ceding sovereignty over the territory to Mauritius when it was no longer required for defence purposes. It stood by that commitment.

102. The joint United Kingdom-United States defence facility on Diego Garcia helped to keep people in Britain and around the world safe and to combat some of the most challenging threats to international peace and security, including those from terrorism, organized crime and piracy. Those functions were possible only under the sovereignty of the United Kingdom.

103. The United Kingdom had been disappointed that the matter had been referred to the International Court of Justice, contrary to the principle that the Court should not consider bilateral disputes without the consent of both States concerned. An advisory opinion was advice provided to the General Assembly at its request, not a legally binding judgment.

104. **Mr. Nayeck** (Mauritius) said that his Government had no doubt that the position of the United Kingdom was in breach of international law and of its legally

binding obligations, as clearly set out in the advisory opinion of the International Court of Justice. While that advisory opinion was not binding, it constituted an authoritative declaration of international law, with which all States were obligated to comply. That was what the Court had meant when it had concluded that the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. His Government invited the United Kingdom to bring itself into compliance with international law.

105. **Mr. Musayev** (Azerbaijan) said that his delegation could not remain silent in the face of the Armenian delegation's outrageous lies. The persecution of political opponents, politically motivated killings, limited freedom of media, interference in the judiciary and widespread corruption were all realities in Armenia. Furthermore, the current Armenian Government continued to deny any responsibility for the heinous crimes it had committed against Azerbaijan and its citizens in the course of its aggression against them.

106. With regard to the ongoing combat operations, Azerbaijan had no land claims to any State but refused to yield an inch of its territory to anyone. It was acting exclusively on its own sovereign soil to liberate occupied territories, defend its territorial integrity and allow more than 700,000 internally displaced persons to return to their homes. It was Armenia that had violated the humanitarian ceasefire agreed on 9 and 17 October, in an attempt to regain control over territories liberated by his country's armed forces. Despite the statements of the Secretary-General, the Minsk Group Co-Chairs, other international organizations and individual States, urging the two sides to resume substantive negotiations without delay, Armenia had indicated that it was currently unwilling to consider a diplomatic solution to the conflict.

107. Armenia continued to use the same barbaric systems of warfare as in the early 1990s, in blatant violation of international humanitarian law. Since 27 September 2020, 63 civilians, including children, women and the elderly, had been killed and 292 civilians had been seriously injured as a result of direct indiscriminate attacks against densely populated areas in Azerbaijan. The Azerbaijani armed forces did not target civilians and civilian objects and had urged civilians living in the territories to stay away from military action, including the military facilities and infrastructure of the armed forces of Armenia.

108. His Government categorically rejected the allegations that it was using foreign terrorist fighters and that it and Turkey were involved in terrorist-related

activities. Armenia was clearly using such fabrications and misinformation in an attempt to conceal its own crimes, justify the heavy losses sustained by its armed forces, and mislead the international community. There was no doubt that all occupied territories of Azerbaijan would be liberated, the demographic composition and cultural structure and heritage of the liberated areas would be restored, and the right of forcibly displaced persons to return to their homes in safety and dignity would be ensured.

Agenda item 171: Report of the Committee on Relations with the Host Country (A/75/26)

109. **Mr. Mavroyiannis** (Cyprus), speaking as Chair of the Committee on Relations with the Host Country and introducing the report of the Committee (A/75/26), said that during the reporting period, concerns had been raised in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, particularly in connection with entry visas, travel restrictions and the banking operations of permanent missions. The Committee would continue its efforts to address all issues under its mandate in a spirit of cooperation and in accordance with international law.

110. The Committee had sought to reflect fully in the report its discussions throughout the year, while noting that a number of the issues raised remained unresolved. The recommendations and conclusions contained in the report featured new formulations concerning, inter alia, the issuance of entry visas to representatives of Member States and Secretariat staff, the denial of a visa to a Minister for Foreign Affairs, travel regulations adopted by the host country that affected mission staff from certain States, and the role of the Secretary-General in the work of the Committee and in connection with the implementation of the Headquarters Agreement.

111. He stood ready to help address all issues raised in the Committee, in a spirit of compromise and with full regard for the interests of the Organization, and noted the importance of the relevant parties being engaged in a process that they considered to be constructive, that could yield results and that should continue, as more work remained to be done.

The meeting rose at 12.55 p.m.