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Chair: Ms. Krutulytė (Vice-Chair) (Lithuania)
later: Ms. Al-Thani (Qatar)

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In the absence of Ms. Al-Thani (Qatar), Ms. Krutulytė (Lithuania), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 85: The rule of law at the national and international levels (*continued*) (A/76/235)

1. **Mr. Evseenko** (Belarus) said that his delegation welcomed the Organization's efforts to assist States in strengthening domestic legal institutions and the judiciary and promoting public legal education during the coronavirus disease (COVID-19) pandemic. The Organization should focus those efforts primarily on rebuilding domestic justice institutions and training domestic legal experts, taking into account local specificities as much as possible. His delegation noted that the Secretariat played an important role in the codification and progressive development of international law, as demonstrated by the entry into force of new international agreements; the approval by the United Nations Commission on International Trade Law (UNCITRAL) of the publication of the Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales; and activities carried out under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. The subtopic selected for the current session was highly relevant to the way in which the concept of the rule of law interacted with the rights and interests of citizens. Belarus fully agreed with the prevailing view that strict adherence to the principle of the rule of law strengthened the sovereign equality of States and ensured the legality and predictability of State actions, thereby building trust among States and promoting sustainable development. The international community should uphold the rule of law at the international level as a matter of priority and base its efforts to do so on the fundamental, interrelated and equal principles of sovereign equality, non-interference in the internal affairs of States, non-use of force or threat of force, peaceful settlement of disputes, good-faith fulfilment of obligations and respect for human rights and fundamental freedoms.

3. State sovereignty was at the foundation of any domestic legal system and therefore could not be thought of as being at odds with human rights, as both were required in a State governed by the rule of law. The protection of human rights should not be used to justify disruption of the constitutional order of States, interference in their internal affairs or infringement of their sovereignty in the regulation of domestic affairs.

Placing the emphasis on human rights to the detriment of State sovereignty in fact undermined human rights.

4. Unilateral coercive sanctions that bypassed the Security Council, thereby violating the Charter of the United Nations, contravened the principle of the rule of law. Sanctions hurt the safety and welfare of citizens and undermined human rights, in particular the rights of the most vulnerable, by limiting their ability to work, receive medical care and obtain social support. Arbitrary unilateral coercive measures also undermined the independence and sovereignty of States and were often to blame for long-lasting regional instability that made respect for the rule of law and human rights impossible to uphold. The primacy of the rule of law meant that States were obligated to consistently observe all fundamental principles of international law, including respect for State sovereignty and independence. Arbitrary measures and double standards were therefore incompatible with the fulfilment by States of those obligations.

5. Although States needed to adapt to the changing times, institutional reform should unfold exclusively within a legal, constitutional framework, not through violence, turmoil and external interference. As a sovereign State seeking to carry out methodical and incremental legislative reform, Belarus had established a commission comprising government officials, civic and business leaders and academics to revise its Constitution, which would then be subject to a referendum.

6. **Mr. Molefe** (South Africa) said that international law and the rule of law formed the foundations of the international system. The rule of law at the national level and the rule of law at the international level were inextricably connected. The COVID-19 pandemic had highlighted the importance of the rule of law at both levels. It had exposed deep inequalities in the distribution of wealth and resources, justice and security and the protection of human rights, causing a loss of public trust and an increased demand for justice and a rule of law that was more people-centred. The rule of law was at the centre of inclusive growth strategies that improved the lives of citizens and led to better access to economic and other opportunities.

7. The democratic values of human dignity, equality, freedom and the rule of law were enshrined in his country's Constitution, and his Government was committed to the rule of law and good governance. Its efforts to uphold the rule of law had been evident during the COVID-19 pandemic; for example, a strong judiciary had allowed citizens to approach the courts if they had felt that their rights had been infringed.

8. His delegation encouraged the Organization to continue responding to Member States' requests for capacity-building, technical assistance and support for strategic institutional reforms. As the rule of law could not exist without a transparent legal system, capacity-building to strengthen enforcement structures and ensure an independent judiciary was particularly important.

9. **Ms. Solano Ramirez** (Colombia) said that Colombia, as a country with a long tradition of adherence to the rule of law, attached great importance to the maintenance and strengthening of institutions and to efficiency and effectiveness in the administration of justice. Her Government firmly believed that the administration of justice was one of the primary roles of States and that efforts to strengthen the rule of law must emerge from the initiative of States, in accordance with their particular needs and institutional capacity. Its commitment to building peace with legality was unwavering. Significant progress had been made in implementing the peace agreement signed in 2016 and in reintegrating former combatants. Colombia was grateful for the Organization's assistance in implementing measures to uphold victims' rights to truth, justice and reparation and its support for transitional justice mechanisms, in particular the Special Jurisdiction for Peace, the truth commission and the Unit for the Search for Persons deemed missing in the context of and due to the armed conflict. Those institutions could serve as models for programmes to strengthen the rule of law in countries with situations similar to that of Colombia.

10. In Colombia, and in Latin America in general, continued efforts were needed to strengthen democracy and the rule of law, particularly in the context of a pandemic that had forced nations to grapple with unprecedented challenges. There was a need to consolidate political institutions and give citizens greater power and ability to directly influence decision-making processes. Greater transparency in governmental bodies was also needed. In that connection, her delegation wished to draw attention to the advisory opinion of the Inter-American Court of Human Rights on presidential re-election without term limits, in which the Court had highlighted the interdependence of democracy, the rule of law and the protection of human rights.

11. With regard to access to justice, Colombia recognized the importance of the International Criminal Court in the fight against impunity for the most heinous crimes against humanity. However, in parallel to the work of the Court, and in cooperation with it, States should strengthen their national capacity to prosecute

and punish such crimes. Only if they did so could the rule of law permanently prevail.

12. Her Government was well aware of the challenges that Colombia faced in various areas, most of which could be resolved by strengthening the rule of law. A robust rule of law was an essential condition for improving access to public services, putting an end to corruption, protecting freedom of expression, ensuring equal access to justice and increasing citizens' confidence in institutions. Coordinated action was needed to ensure the long-term effectiveness and sustainability of the steps taken to address complex multidimensional issues related to the rule of law, such as strengthening the justice system; ensuring orderly, safe and regular migration; and promoting gender equality and the empowerment of youth.

13. In its cooperation with States, the Organization should focus on aspects of the rule of law that could be improved. To that end, communication links between the General Assembly, the Economic and Social Council and the Security Council should be reinforced. United Nations rule of law assistance should complement the efforts of countries and, as noted by the Secretary-General in his report entitled "Our Common Agenda" (A/75/982), support States, communities and people in rebuilding their social contract as a foundation for sustaining peace.

14. **Mr. Almansouri** (Qatar) said that respect for the rule of law was essential to the realization of the purposes and principles of the Charter of the United Nations, which entailed equality, mutual respect and cooperation among States, and the establishment of a rules-based international system. The importance of the rule of law had been underscored in numerous instruments and declarations, including the 2005 World Summit Outcome and the Declaration on the commemoration of the seventy-fifth anniversary of the United Nations.

15. At the domestic level, Qatar continued to strengthen the institutions responsible for upholding the rule of law, raise awareness of rule of law issues, strengthen good governance and ensure that national laws were consistent with international instruments. Legislative elections had been held on 2 October 2021. At the international level, Qatar had worked in coordination with the Security Council and other United Nations bodies to promote the peaceful settlement of disputes in accordance with the Charter of the United Nations. The Rule of Law and Anti-Corruption Centre in Doha had been active since 2012, and the Sheikh Tamim Bin Hamad Al Thani International Anti-Corruption Excellence Award continued to be awarded each

December. Qatar had played an active role in the special session of the General Assembly against corruption, held in New York in June 2021.

16. *Ms. Al-Thani (Qatar) took the Chair.*

17. **Mr. Alavi** (Liechtenstein) said that, as stated in the Secretary-General's report (A/76/235), the rule of law was the foundation of a revitalized social contract. His delegation was encouraged to note that ensuring a people-centred rule of law at the national and international levels remained a priority for the United Nations. The Organization's engagement in collective efforts to promote the rule of law was critical. Even before the COVID-19 pandemic, millions of people had lived in extreme conditions of injustice, while billions had been unable to resolve their everyday justice problems or had been excluded from the opportunities provided by the law. The pandemic had made matters even worse. International cooperation and effective multilateralism were more necessary than ever to prevent conflicts, sustain peace, promote the rule of law and ensure access to justice for all.

18. Challenges to peace and security called for the rule of law to be strengthened at the international level, in particular. Liechtenstein had worked hard with other States to ensure the activation of the jurisdiction of the International Criminal Court over the crime of aggression, thereby enabling the Court not only to offer justice to victims of aggressive war-making but to provide a deterrent to further aggression. Liechtenstein would continue to work towards the goal of universal ratification of the Rome Statute as amended.

19. Impunity, including for the most serious crimes under international law, continued to be a burden on societies. Activities to ensure impartial justice and accountability were investments in sustainable peace. The International Criminal Court was the central institution in the fight against impunity for the most serious crimes under international law, but national courts retained primary jurisdiction for such crimes, in accordance with the principle of complementarity.

20. Until the Rome Statute was universally accepted and the Security Council was able to play its role under the Statute, alternative paths to accountability must be sought. The General Assembly could play a productive role in that regard, as exemplified by the creation 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. The Mechanism had had a concrete impact; States were sharing information with it and prosecutions were occurring in national courts. It

had also served as a model for other situations, notably in Myanmar. His delegation looked forward to discussions on the creation of a generic international, impartial and independent mechanism and other innovative accountability models based on the principle of complementarity.

21. As the Secretary-General had pointed out, the challenges posed by insufficiently governed digital spaces and the use of new technologies required urgent attention. There was consensus that international law applied to cyberspace. In discussions on how it applied to cyberwarfare, the applicability of the Rome Statute and the role of the International Criminal Court must be considered. Liechtenstein, along with 10 other States parties to the Rome Statute, had set up a council of advisers to explore the matter. It looked forward to presenting the council's final report during International Law Week at the current session.

22. **Mr. Koba** (Indonesia), noting that there was no agreed definition of the rule of law, said that the rule of law comprised at least three elements: the supremacy of law, equality before the law and due process of law. In implementing those elements, his Government was guided by its belief in one God, as well as by humanity, national unity, deliberative democracy and social justice. His delegation welcomed the political declaration adopted at the special session of the General Assembly against corruption (resolution S-32/1), which would help to galvanize collective political commitment and guide anti-corruption efforts. It noted with appreciation the Organization's efforts to promote the rule of law, including through the support provided to Indonesia and other countries for the development of prevention and response strategies for children associated with terrorists and for the rehabilitation of women formerly associated with terrorists.

23. With regard to the subtopic "Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda", his delegation wished to emphasize that the Indonesian people had a guaranteed legal right to participate in the law-making process and could do so through various mechanisms, including public hearings, conferences and workshops, providing verbal or written input. His Government was firmly committed to promoting the full participation of the Indonesian people and cooperating with all relevant stakeholders in combating COVID-19. The country had several existing laws relating to the management of contagious diseases and disasters, which had guided the response to the pandemic. It had also enacted laws declaring the pandemic a national disaster and establishing a national task force to combat COVID-19. Indonesia stood ready to work with all

stakeholders in advancing the commitments laid out in the report of the Secretary-General entitled “Our Common Agenda” (A/75/982).

24. **Mr. Mohammad Aamir Khan** (Pakistan) said that his delegation fully recognized the central role of the United Nations in promoting the rule of law at the international level. At the same time, it reaffirmed its view that the provision of any rule of law assistance by the United Nations to a Member State required the consent of that State. Strengthening public institutions and making them more responsive to the needs of the people formed the cornerstone of his Government’s policies. Priorities with regard to the rule of law included speedy and inexpensive access to justice, a culture of accountability and the elimination of corruption. His Government was also working to reduce poverty, create jobs and accelerate economic growth and development.

25. Adherence to the fundamental principles of the Charter of the United Nations, including the peaceful settlement of disputes, non-interference in the internal affairs of States and respect for the right of peoples to self-determination, was essential for strengthening the rule of law at the international level, which in turn was critical for creating an international order conducive to peace, prosperity, dignity and equal development opportunities for all. Ensuring the rule of law at the international level required that States subject themselves to the authority of international law in its broad sense and employ tools such as mediation and reconciliation for dispute settlement.

26. The peaceful settlement of international disputes was a key principle of international law, as recognized in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which urged Member States to refrain from taking any forcible action that deprived peoples of their right to self-determination and freedom and independence. Several resolutions of the General Assembly and the Security Council had declared null and void any attempt to unilaterally change the status of an occupied territory whose people had been unable to exercise the right to self-determination. The realization of a just and equitable world order and respect for the rule of law at the international level would remain elusive as long as such disputes remained unresolved. The United Nations should therefore invest more time and energy in addressing them.

27. Pakistan continued to call for necessary changes in the global counter-terrorism architecture and Security Council sanctions regimes, which posed challenges to

the rule of law at both the international and national levels. Opaque and non-inclusive processes were increasingly being consolidated within the global counter-terrorism architecture through the development of soft law standards and practices. Pakistan supported continued reform of the procedures of the Security Council committees to ensure due process and effective remedies in the implementation of sanctions regimes. His delegation welcomed the work of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and acknowledged the contribution of the Office of the Ombudsperson established pursuant to Security Council resolution 1904 (2009) to enhancing transparency in the Security Council sanctions procedures.

28. It was clear from paragraph 36 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels that a genuine rule of law meant the democratization of the international economic, monetary and financial organizations to serve the development of peoples rather than the enrichment of a few. The need for such democratization had been further highlighted by the COVID-19 pandemic, which had revealed and exacerbated inequalities between and within nations as well as the need for renewed global solidarity and concerted efforts to meet such unprecedented challenges. The 2030 Agenda for Sustainable Development provided a road map for overcoming the current crisis and creating a just, equitable and sustainable social and economic order. The rule of law and the justice sector were enablers of the response to and recovery from the pandemic.

29. **Ms. Seneduangdeth** (Lao People’s Democratic Republic) said that the promotion of the rule of law at the national and international levels contributed to the maintenance of peace and security, which were fundamental conditions for advancing sustainable development. It was also important to ensure equal access to justice for all people and build effective and accountable institutions at all levels. The efforts of the United Nations to promote the rule of law at the national level were beneficial in paving the way for the achievement of the Sustainable Development Goals, particularly Goal 16 on peace, justice and strong institutions. All Member States, especially the least developed countries, should continue to receive support to enhance their capacity to implement their national strategies and plans in line with relevant international conventions.

30. Her Government was firmly committed to strengthening the rule of law and promoting good

governance at the national level. Significant progress had been made under a five-year legal sector master plan. In particular, the justice sector had been strengthened, a new penal code had been adopted and the law on the work of the courts and prosecutors' offices had been amended. Judges and prosecutors received regular training to enhance their capacity. To promote better access to justice, the Government had issued a decree on legal aid and established a legal aid fund for disadvantaged people, and legal aid offices had been set up across the country. An administrative chamber established in April 2021 would guarantee the rights and benefits of all people and further contribute to strengthening the rule of law.

31. A computerized platform had been put in place to provide easy access to information on domestic laws and to enable the public to comment on and participate in the drafting of new laws. The National Assembly also had tools, including a hotline, to encourage public participation during its sessions. To continue promoting good governance, her Government had focused on improving and modernizing its public administration through the development of a personnel information management system and a database to ensure that accurate and reliable statistics were available to both public servants and ordinary citizens. The Government continued to implement its plan of action on the prevention of corruption as part of the current five-year national social and economic development plan.

32. **Mr. Simcock** (United States of America) said that one of the most concerning trends identified by the Secretary-General in his report (A/76/235) was the politicization of justice institutions and threats to their independence. In every country, judicial institutions must be allowed to perform their work free from any form of interference and without fear of reprisal. They must be allowed to apply applicable domestic legal frameworks, even when the decisions of a Government were at issue. Equally worrying were the attacks against United Nations personnel serving in peacekeeping operations and special political missions. His Government condemned in the strongest possible terms all acts of violence against United Nations personnel, which might constitute war crimes, and paid tribute to all personnel who had lost their lives while serving the Organization.

33. The Secretary-General's report also highlighted some positive developments, including the e-justice project in Bangladesh, through which over 1,000 justice actors had received training. The analysis of millions of criminal and civil cases in Kazakhstan had helped to generate a mapping system to improve case management, and the support for gender-sensitive

infrastructure had improved the representation of women in the police force in Pakistan.

34. The practice of selecting subtopics could lead to more focused and productive debates on the rule of law within the Sixth Committee, and his delegation hoped that the Committee would be able to reach a consensus on a subtopic for the debate at the seventy-seventh session. Whenever the Sixth Committee met, it did so on the basis of the implicit understanding that, at its best, legal discourse was a substitute for more dangerous ways to approach problems. The same understanding was fundamental to preserving the rule of law. If the rule of law was protected, then the rules-based international legal order was also protected, and States would be better able to collectively address the global challenges before them.

35. **Ms. Cytrin** (Israel) said that the importance of independent, fair and reliable systems of justice at the domestic level had become increasingly clear in the context of the ongoing COVID-19 pandemic. Israel was proud that its vibrant democracy, legislature and independent court system had remained functional even in the face of pandemic-related lockdowns and restrictions. Reviews of her Government's COVID-19 policies by the Israeli High Court of Justice had demonstrated the independence of the judiciary and the country's unwavering commitment to democracy and the rule of law.

36. Israel continued to champion the advancement of women and gender equality at both the national and international levels. In 2021, following the signing of the Abraham Accords Peace Agreement, the Permanent Mission of Israel had hosted a groundbreaking dialogue between senior women diplomats from Bahrain, Israel and the United Arab Emirates and co-sponsored an event showcasing technological advances developed by Israel that could help prevent domestic violence. Israel was proud of its continued leadership of the Group of Friends for the Elimination of Sexual Harassment, a body it had helped to found. At the national level, the chief justice of the Supreme Court was a woman, as were 9 of the 27 government ministers, the highest number in the country's history. A woman had also recently been appointed to the post of Military Advocate General. The country had also achieved significant milestones for persons with disabilities in 2021, including the election of the first Israeli expert to the United Nations Committee on the Rights of Persons with Disabilities, the appointment of the first government minister with disabilities and the election of the first deaf member of parliament.

37. Her Government reaffirmed its commitment to upholding domestic and international law and preventing impunity for the gravest crimes, responsibility for which lay with each State. The law must be enforced in accordance with basic principles and standards, including independence, objectivity and fairness. It was particularly important for decisions to be taken in a manner that was free from undue influence and within the parameters of the mandates and authority of the institution in question. Any institution that failed to meet those requirements or that succumbed to external pressures undermined the validity of its own decisions, its credibility and its integrity, to the detriment of justice and true rule of law. There was no justification for holding international judicial and quasi-judicial bodies to a different or lower standard than similar domestic institutions. The international community must take action to ensure that proper safeguards were put in place to prevent such inconsistencies.

38. **Ms. Llano** (Nicaragua) said that the rule of law at the national level and the rule of law at the international level were complementary. At the national level, the rule of law was rooted in compliance with the Constitution and domestic laws. At the international level, it was rooted in respect for the principles of sovereign equality and non-interference in the internal affairs of States and the obligation to settle disputes by peaceful means and to refrain from the threat or use of force against the territorial integrity or political independence of any State and from the imposition of unilateral and illegal coercive measures. It was vital to respect the legal institutions of all States and to recognize the sovereign right of all peoples to establish their own legal and democratic institutions.

39. Nicaragua had every confidence in the International Court of Justice, whose work contributed to the promotion, consolidation and dissemination of the rule of law and was essential to the fulfilment of commitments to ensure the sovereign equality of all States, a fundamental principle of the United Nations. Some of the major Powers were acting in a manner that was incompatible with the purposes of the Organization, in an attempt to undermine the right to self-determination and political independence of developing countries. In the midst of the COVID-19 crisis, it was urgent to eliminate unilateral coercive measures, which violated the right to development and human rights, deepened poverty and inequality, violated the principles of international law and, in times of pandemics, amounted to crimes against humanity.

40. Nicaragua based its international relations on friendship, solidarity and reciprocity among peoples. It

not only recognized the principle of the peaceful settlement of international disputes through the means offered by international law, but had used such means on several occasions and would continue to do so. Nicaragua was firmly committed to the rule of law and acknowledged that States had the responsibility to respect and uphold sovereignty, consolidate democracy and ensure fairness in all areas. In 2007, her Government had launched a process of legal modernization with a view to promoting the rule of law, ensuring equal access to justice and protecting vulnerable groups, especially persons living in poverty, indigenous groups, women, children and adolescents. It remained firmly committed to the preservation of peace, stability and security in Nicaragua and to prosperity for all Nicaraguans. At the international level, those aspirations were reflected in her delegation's efforts to continue building relations based on respect, equality, solidarity and mutual cooperation.

41. **Mr. Segura Aragon** (El Salvador) said that his delegation welcomed the Secretary-General's vision as set out in his report entitled "Our Common Agenda" (A/75/982) and his call for a more networked, inclusive and effective world in which systems and institutions provided results for the people, thereby restoring public trust. Respect for the dignity of the human person formed the foundation for a more just, inclusive and cohesive society. Under the Constitution of El Salvador, the human person was the origin and purpose of government action, which was meant to achieve justice, legal certainty and the common good. There was an indivisible relationship between the rule of law and human rights. A solid rule of law was essential to protect human rights and fundamental freedoms and to facilitate redress when human rights were violated.

42. For his Government, the concept of democracy was not limited to compliance with minimum procedural standards for the exercise of citizens' suffrage; it also meant ensuring political representation, participation and empowerment of people in decision-making, creating sustainable solutions to development problems and improving quality of life. Being responsive to people's needs was a priority for his Government. Accordingly, despite the COVID-19 pandemic and the occurrence of tropical storms Eta and Iota, it had prioritized the protection of the population's right to health and basic services. An interdisciplinary team had been deployed to conduct COVID-19 testing and provide treatment, and a national COVID-19 vaccination plan had been developed to ensure timely, free vaccination, with an emphasis on vulnerable groups.

43. His Government recognized that ensuring access to justice helped to alleviate the disadvantages faced by some people and to reduce structural inequalities, marginalization and discrimination. The Code of Civil and Commercial Procedure had been amended to provide for virtual hearings and enhance the efficiency of civil and commercial proceedings, and reforms had been introduced in the Code of Criminal Procedure as part of the Government's efforts to combat corruption and impunity. The elimination of statutory limitations on the prosecution of corruption offences had marked a historic step forward in the fight against corruption.

44. **Ms. Abu-ali** (Saudi Arabia) said that her delegation was pleased that, as stated in the report of the Secretary-General (A/76/235), ensuring rule of law and justice systems that were responsive to people's needs remained an important priority for the Organization, which continued to assist Member States in such areas as supporting security, crime prevention and armed violence reduction and ensuring effective and inclusive justice and security institutions. Such efforts would help to combat corruption, ensure access to justice for all and address the root causes of structural inequality, marginalization and discrimination. Saudi Arabia was committed to the rule of law as a precondition for international peace and security. It had put in place robust measures to combat corruption, uphold governance and accountability, and achieve the goals of the Saudi Vision 2030. At the international level, it had launched the Riyadh initiative for enhancing international anti-corruption law enforcement cooperation, which had led to the establishment of the Global Operational Network of Anti-Corruption Law Enforcement Authorities.

45. Her Government had worked to ensure the repatriation of foreign terrorist fighters; some 1,000 Saudi Arabian citizens had thus far been repatriated from conflict zones. Her Government was providing assistance to some 160 families with regard to regularization of status, deradicalization, counselling and reintegration. It remained committed to effective multilateral action aimed at upholding the rule of law.

46. **Ms. Hackman** (Ghana), welcoming the people-centred approach to the rule of law put forward in the Secretary-General's report (A/76/235), said that her Government's coordinated programme of economic and social development policies placed people at the heart of development with the aim of creating opportunities for all citizens, building a resilient environment and a prosperous nation, and maintaining a stable, united, safe country while upholding the national values of freedom and justice. Ghana continued to make progress in strengthening its regulatory and institutional framework

and controlling corruption. A special prosecutor had been appointed to investigate and prosecute corruption offences, recover proceeds of corruption and take steps to prevent corruption in the private and public sectors.

47. To facilitate access to justice during the COVID-19 pandemic, virtual court hearings had been introduced and hearings had been held in prisons to enhance access to justice for inmates and help with prison decongestion. Specific COVID-19 prevention and mitigation strategies were being implemented within the criminal justice system, and safety protocols had been put in place to stem the transmission of the virus in prisons. A new remand prison and various camp prisons were being constructed across the country to reduce prison overcrowding and uphold the rights and dignity of inmates. At the same time, the COVID-19 pandemic had highlighted the need to explore non-custodial sentencing and correctional measures.

48. Regrettably, the COVID-19 pandemic had compounded gender inequalities and vulnerabilities and increased the risk of gender-based violence against women and children. Protecting the fundamental rights and freedoms of women and girls must remain a priority for all Governments. Upholding and advancing the rule of law meant dismantling discriminatory structures and barriers that hindered the full and effective participation of women and girls. The promotion of gender equality, gender mainstreaming and gender-responsive institutions would be vital to building back better and ensuring resilient economies in the wake of the pandemic.

49. **Ms. Jiménez Alegría** (Mexico) said that the existence of a solid rule of law was a necessary condition for the fulfilment of the goals and ideals of the international community. Clear rules and the capacity to enforce them were needed in order to achieve environmental sustainability, promote peace and gender equality and fully realize human rights. The previous two years had brought major challenges for all countries in the world and for international organizations. States must address corruption, transnational organized crime and the alarming rise in hate crimes, both at the national level and in the regional and global spheres.

50. The COVID-19 health emergency had highlighted the challenges that the international community faced in tackling global threats. The unprecedented crisis had forced States to re-examine the functioning of justice systems and the effectiveness of the rule of law in emergency situations. The pandemic had been a true test of global governance and the strength of the rule of law; as a global phenomenon, it could only be effectively contained through cooperation and multilateralism. In

that regard, her delegation welcomed the Secretary-General's report entitled "Our Common Agenda" (A/75/982) and supported the proposed subtopic for the current session.

51. **Mr. Pieris** (Sri Lanka) said that the strengthening of the rule of law at the national level was essential for good governance and sustainable development, and was a common responsibility of States. The Constitution of Sri Lanka included extensive provisions on fundamental rights, including children's rights, the empowerment of women and the protection of the country's various ethnic communities. A number of personal laws related to the ethnic communities were given effect through the judicial system.

52. The rule of law was a force for the good which advanced democracy and human dignity. While the concept of the rule of law might not have been perfectly defined, it had gained a settled meaning. In States that respected the rule of law, members of the public were expected to comply with the law and public officials were expected to apply the law equally and to refrain from exceeding their powers. Such States provided access to justice and the assurance that their courts were fair and impartial. The law must be clear, easily understood and predictable, and questions relating to legal rights must be decided in accordance with the law; there was no room for discretion. Any power must be exercised lawfully, fairly and reasonably. There must be equality before the law, human rights must be respected, trials must be fair and States must comply with their obligations under both international and domestic law.

53. His delegation was concerned by the threats posed by the actions of various entities that sought to undermine international law and the rule of law. Both States and international organizations must adhere to the rule of law, avoid arbitrariness, ensure legal transparency and avoid selectivity. Sri Lanka would continue in its efforts to reinforce the rule of law within its domestic legal system and contribute proactively to efforts to strengthen the rule of law at the international level.

54. **Ms. Barba Bustos** (Ecuador) said that the rule of law was essential for ensuring peaceful coexistence among peoples and States. Ecuador reaffirmed its commitment to the purposes and principles of the Charter of the United Nations, international law and justice, and a rules-based international order. Her Government recognized that the rule of law applied equally to all States and to international organizations, including the United Nations. It acknowledged the important role of the International Court of Justice in adjudicating disputes between States and had

consistently defended the role of the International Criminal Court in fighting impunity and promoting peace and reconciliation. It also valued the work of the International Law Commission in the codification and progressive development of international law.

55. The rule of law, human rights and democracy were interrelated and mutually reinforcing. 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 that ensured that they enjoyed, without discrimination, all the rights recognized under the Constitution. Ecuador was a signatory to all the United Nations conventions and universal instruments on human rights and ensured that they were applied at the national level. Freedom was a fundamental principle in Ecuadorian society, respect for which enabled persons with differing views to live together peacefully. However, freedom was inextricably linked to responsibility; the two principles together were the foundation of the rule of law.

56. Corruption was a scourge that undermined economic and political stability and security and hindered the achievement of sustainable development. It restrained the activities of the State, diminished the legitimacy of government institutions and prevented the full enjoyment of human rights. Ecuador rejected all corrupt practices, including bribery, money-laundering and the transfer of illegally acquired funds and assets.

57. **Mr. Ramde** (Burkina Faso) said that the factors weakening the pillars of the rule of law at both the national and international levels made it unlikely that the Sustainable Development Goals would be achieved by 2030. His delegation was pleased that, despite the constraints imposed by the COVID-19 pandemic, the United Nations had been able to continue providing technical assistance to countries in need, enabling many of them to consolidate the foundations of the rule of law, accountability and democracy. Establishing the rule of law was essential to improving access to public services, fighting corruption and strengthening social cohesion. It was therefore important for the Organization to continue to support States, particularly developing countries, in their efforts to strengthen the rule of law.

58. Burkina Faso was grappling with an unprecedented security and humanitarian crisis, which had been exacerbated by the COVID-19 pandemic. Nevertheless, in order to consolidate democracy and the rule of law, his Government had successfully conducted fair and transparent presidential and legislative elections in November 2020, and municipal elections were scheduled for May 2022. In order to ensure that the

principles underpinning the rule of law were reflected in domestic law, the Government was implementing ambitious reforms to ensure that all citizens fully enjoyed their rights and freedoms. For example, it had amended the Constitution to enshrine certain economic, social and cultural rights, including the rights to food and housing. It continued to provide training on human rights and international humanitarian law to the defence and security forces and had launched investigations into alleged human rights violations.

59. Recognizing that respect for the rule of law was closely linked to access to justice, his Government had undertaken a major reform of the justice and human rights sector with the aim of strengthening the independence of the judiciary. It had increased the budget allocation to the legal aid fund, recruited more than 200 judges and opened three new courts in order to bring justice closer to the people. It had also built new prisons to ensure that prisoners were held in conditions that protected their human rights. At the international level, Burkina Faso continued to implement the international legal instruments to which it was a party and to cooperate with mechanisms for the promotion and protection of human rights. For example, it had set up a national mechanism for the prevention of torture, in line with the recommendations of the Committee against Torture.

60. **Mr. Skoknic Tapia** (Chile) said that Chile attached particular importance to the topic of the rule of law at the national and international levels. Following a severe political crisis two years earlier, Chile, with the support of the United Nations, had held a plebiscite in which the Chilean people had decided that a new Constitution should be drafted. A constitutional convention, whose members included women and men in equal numbers and representatives of indigenous peoples, had been elected for that purpose. The process of drawing up the new Constitution, which could take up to one year, had been designed to be genuinely democratic, fully transparent and highly participatory. It was being carried out with respect for the international treaties to which Chile was a party. Once drafted, the new Constitution would be put to a vote in another plebiscite.

61. Despite the difficulties it had experienced, Chile has been able to channel the legitimate demands of its people into a peaceful and democratic process, in keeping with the current Constitution and the rule of law. His Government trusted that the constitutional convention would propose a text that would foster greater equity and social justice, protect freedoms and reflect the country's republican tradition and the values of its society.

62. **Mr. Rittener** (Switzerland) said that an international order based on the rule of law and international law was of paramount importance. Respect for international law and international agreements was key to maintaining relationships of trust between States. The rule of law was crucial for international peace and security and for economic and social progress, development and the protection of human rights and fundamental freedoms. Switzerland would continue to promote respect for the rule of law, which was enshrined in its Federal Constitution.

63. International bodies such as the International Law Commission and the International Court of Justice made significant contributions to strengthening the rule of law and encouraging the peaceful settlement of disputes. His delegation urged States to participate in the upcoming election of members to the Commission and to have recourse to the Court and other international judicial bodies, such as the International Tribunal for the Law of the Sea, to settle disputes. As States and international organizations made increasing use of soft law and other international instruments, more attention should be paid to how such instruments influenced the international legal order and what role they played with respect to international judicial institutions.

64. In recent years the rules-based international order, international organizations and multilateralism in general had come under increasing pressure. The International Criminal Court was an essential component of the multilateral architecture for safeguarding the rule of law, fighting impunity for the most serious crimes under international law and providing justice to victims. It was a strong symbol of universal justice and a reminder that the rule of law applied to all. Switzerland encouraged those Member States that had not yet done so to ratify the Rome Statute and called upon all States to cooperate fully with the Court.

65. Switzerland also supported efforts that were complementary to those of the Court in the fight against impunity, such as those 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 Independent Investigative Mechanism for Myanmar. The role of the International Criminal Court and other international mechanisms was, however, subsidiary to that of States, which had the primary responsibility for investigating and prosecuting the most serious crimes. His delegation called on all States to assume that responsibility and strengthen the rule of law.

66. **Ms. Falconi** (Peru) said that her Government reaffirmed its commitment to multilateralism, the rule of law and democracy. The rule of law was the basis for ensuring peaceful and equitable relations between States and for building fair and inclusive societies. 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. 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, which, as noted in the Secretary-General's report (A/76/235), had exposed deep inequalities in the distribution of wealth and resources, justice and security for all, protection of human rights and delivery of basic services.

67. Her Government was committed to promoting social inclusion and justice, eliminating inequalities and unfair distribution of wealth and building a robust and democratic society in which freedom and civil rights were guaranteed. It was also committed to ensuring access to justice for all, free of charge, through an independent, transparent, efficient and predictable justice system. The right to public defence was seen as a fundamental human right, and the Ministry of Justice and Human Rights provided free legal assistance in criminal and other matters. It also defended persons who had been the victims of rights violations. The criminal justice system offered viable alternatives to incarceration and sought to rehabilitate offenders and enable them to perform productive activities in order to facilitate their return to society and their reintegration into the labour market. In terms of justice for women and girls, gender equity was a priority for her Government, which was working to remove all legal, social and economic obstacles to women's empowerment, ensure that their rights were upheld and eliminate discriminatory practices.

68. 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.

69. 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.

70. **Mr. Šimonović** (Croatia) said the stark reality was that, all too often, might had more leverage than right. There had been challenges to democracy, the rule of law and human rights, and the COVID-19 pandemic had only made matters worse. His delegation welcomed the Secretary-General's vision of a more just and inclusive world and a renewed social contract based on solidarity between Governments and their peoples. However, without major progress in the rule of law, that vision would remain just a set of attractive ideas.

71. United Nations rule of law activities were currently fragmented, and coordination between various actors was difficult. In efforts to build back better after the COVID-19 pandemic, States should reflect on how to provide more resources for the rule of law and how to ensure concerted action to bridge the gap between aspirations and reality. The rule of law was the cornerstone for democracy, human rights, peaceful coexistence and cooperation among States and for the prevention of atrocity crimes. Without it, the world would not be able to prevent climate change, biodiversity loss and pollution or ensure sustainable development.

72. Croatia called upon all States to abide by international law and resolve their disputes by peaceful means. It supported the principles of international justice based on an effective and impartial adjudicative mechanism such as the International Criminal Court, which remained the most important instrument to fight impunity for the most serious international crimes. His delegation encouraged all Member States to ratify the Rome Statute. At the European Union level, Croatia was supportive of new mechanisms for upholding and promoting the rule of law, such as the European Rule of Law Mechanism, which provided a framework for open and constructive dialogue on the subject.

73. Corruption must be fought at the national, regional and international levels. His Government had adopted a new strategy for the prevention of corruption for the period 2021–2030 that involved citizens, the media and civil society in the detection of corruption and was thereby helping public authorities to work more responsibly, transparently and appropriately to reduce corruption.

74. **Mr. Lam Padilla** (Guatemala) said that it was important for Member States to engage in a frank and open dialogue on the effectiveness of United Nations rule of law assistance and in particular on ways in which the sustainability and coherence of such assistance could be strengthened across the three pillars of the Organization while maintaining the necessary respect for the decisions of sovereign States. The rule of law was essential to the functioning of a true democracy. It strengthened institutions and served as a bulwark against arbitrariness. No one was above the law. The rule of law had a clear impact on issues such as the eradication of poverty, the reduction of inequality, support for gender equality, the protection of women, access to public services, environmental protection, the elimination of corruption and the preservation of institutions that ensured access to justice. The rule of law was also inextricably linked to development and, together with justice, provided the basis for the prevention and settlement of disputes and for the achievement of sustainable peace.

75. Promotion of the rule of law involved a wide array of actors, including States, regional and subregional organizations, international tribunals and the United Nations, which must work together to make the rule of law a reality. His Government attached great importance to strengthening the rule of law at the national level and had taken steps to bolster institutional efforts to enhance transparency and accountability. It recognized the need to ensure a free, independent and effective justice system that provided access to justice for all without discrimination.

76. The rule of law at the national level was intrinsically related to the rule of law at the international level. One of the foundations of the rule of law at the latter level was the peaceful settlement of disputes. The International Court of Justice, as the principal judicial organ of the United Nations, played an important role in that regard. Guatemala had demonstrated its faith in the Court by submitting to it the dispute between Guatemala and Belize concerning the territorial, insular and maritime claim of Guatemala. Respect for the Court's decisions and opinions was fundamental to upholding international law and promoting the rule of law. Guatemala also recognized the important work of the International Criminal Court in fighting impunity, ensuring accountability, delivering justice and providing redress to the families of victims.

77. **Mr. Kawase** (Japan) said that the rule of law was a global public good. It was imperative to maintain and strengthen the rule of law in order to facilitate the resolution of disputes in a peaceful, equitable and predictable manner, something that was in the common

interest of all Member States. Japan strove to promote the peaceful resolution of international disputes. To that end, it had provided financial and human resources to a number of international judicial bodies, including the International Court of Justice, the International Tribunal for the Law of the Sea and the International Criminal Court. Japanese judges were playing active roles in all three of those bodies. Japan was the largest financial contributor to both the International Criminal Court, which was an essential mechanism for ensuring accountability for the most serious international crimes, and the Permanent Court of Arbitration.

78. The rule of law in the maritime area was of particular importance for Japan. States should make their claims on the basis of international law and should not use force or coercion to assert them. They should seek to settle disputes by peaceful means consistent with international law, especially the United Nations Convention on the Law of the Sea.

79. His delegation welcomed the emphasis in the Secretary-General's report entitled "Our Common Agenda" (A/75/982) on the importance of the rule of law and supported the idea that consideration should be given to the development of a global road map for the development and effective implementation of international law, which could urge Member States to accept the compulsory jurisdiction of the International Court of Justice and withdraw reservations to treaty clauses relating to the exercise of its jurisdiction. Japan reaffirmed its commitment to the global efforts to end the COVID-19 pandemic and promote trust in society. To that end, it had pledged \$1 billion to the COVID-19 Vaccine Global Access (COVAX) Facility and planned to provide up to 60 million doses of vaccine.

80. **Ms. Bhat** (India) said that, at the international level, the rule of law should be applied in keeping with the principle of the sovereign equality of States, which entailed their protection from aggression, including from terrorism. Respect for the rule of law was fundamental to the relationship between States Members of the United Nations. It was also essential for States to respect and give full effect to the decisions of international judicial bodies, including the International Tribunal for the Law of the Sea.

81. The independence of the judiciary, the legislature and the executive, together with media freedom and a vibrant civil society, formed the basis for governance and the rule of law in India. The Government had ensured continuous access to justice during the COVID-19 pandemic by means of digital technology. The judicial system had been made to function online and courts had conducted virtual hearings via

videoconferencing. India recognized the role of multilateral treaty processes in advancing the rule of law. It was a party to numerous treaties adopted under the auspices of the United Nations and other bodies and had enacted laws to give effect to those treaties. It collaborated with other developing countries in capacity-building in relation to electoral practices, the drafting of legislation and law enforcement issues.

82. Effective multilateralism and the rule of law at the international level required that global governance structures reflect contemporary realities. The United Nations should improve its effectiveness and reliability. In particular, there was a pressing need to make the Security Council more representative by increasing the number of both permanent and non-permanent members. Developing countries should be given the opportunity to participate in global decision-making.

83. **Mr. Al-Edwan** (Jordan) said that Jordan remained committed to fulfilling its obligations with respect to the rule of law at both the national and international levels. His delegation was concerned by the proliferation of violations of human rights and international law committed by States and groups. Recent years had seen an increase in calls for justice and systemic change around the world. In response, the international community needed to cooperate in resolving the challenges linked to climate change, the rights of future generations, gender and racial injustice, accountability for egregious crimes, corruption, and insufficiently governed digital spaces and the use of new technologies.

84. In efforts to establish new legal systems or reform existing ones, Governments must take account of gender and racial equity implications. Equal treatment under the law was a fundamental principle for proper governance. No distinctions should be made on the basis of gender, age, race, colour, religion, nationality, ethnicity or national origin. Non-discrimination was a normative principle of international law, adherence to which would increase public trust and enhance access to justice. It was therefore not surprising that, in his report (A/76/235), the Secretary-General emphasized the importance of dismantling discriminatory laws. In that connection, his delegation wished to highlight the pivotal role of women in current and future decision-making.

85. The principles of justice and equality formed the basis of the legal and governance systems of Jordan. His Government had made fighting corruption, nepotism and organized crime a priority. It had set up new democratic institutions, including the Constitutional Court, an election commission and an integrity and

anti-corruption commission, to ensure that the rule of law was implemented for all.

86. His delegation wished to draw attention to the issue of unlawful use of force in national and international armed conflicts. The use of force was permitted only in accordance with the rules established under international law and the Charter of the United Nations, and those rules were being violated. It was crucial to ensure that the parties to armed conflicts, whether they were international or non-international in nature, adhered to international humanitarian law. United Nations peacekeeping and peacebuilding operations had proved useful in controlling armed conflicts and re-establishing the rule of law, preserving peace and security, promoting the organization of elections, aiding in disarmament and safeguarding human rights.

87. **Ms. Langerholc** (Slovenia), noting that, in his report (A/76/235) the Secretary-General focused on the rule of law as a fundamental value in a revitalized social contract, said that the essence of the modern social contract was that it provided the conditions in which individuals could participate in all areas of social life. Such participation presupposed that individuals trusted systems and institutions. When there was a direct relationship between the individual and the rule of law, every member of society bore a responsibility to contribute to the common good. The 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels and Sustainable Development Goal 16 provided a framework for strengthening the rule of law at the national and international levels, building social relations and creating a just social order.

88. It was important to place individuals at the heart of justice systems and to find ways to transform those systems so as to strengthen social ties, particularly in the context of the current COVID-19 pandemic. States must strike a balance between taking measures to secure public health and upholding the human rights and fundamental freedoms of individuals. Establishing and supporting legal aid for vulnerable groups was one way to help build public trust.

89. Slovenia would support the Organization's efforts to raise awareness of the need to renew the social contract with the aim of restoring social norms that would facilitate human coexistence and thus help to strengthen the rule of law and achieve lasting peace. Strengthening the rule of law by protecting the individual's rights was at the forefront of her Government's foreign policy. Slovenia supported the International Criminal Court, which represented a

means of protecting the rights of victims of the worst atrocities. It was crucial to fight impunity and enforce the judgments of international courts and arbitral tribunals. Slovenia also actively supported the adoption of an international treaty that would establish multilateral inter-State cooperation mechanisms for the investigation and prosecution of the most serious international crimes.

90. **Mr. Altarsha** (Syrian Arab Republic) said that, as stated in the report of the Secretary-General (A/76/235), the COVID-19 pandemic had exposed deep inequalities in the distribution of wealth, resources and security for all. The United Nations was the main forum for strengthening the rule of law, something that required a commitment to the Charter of the United Nations and the principles of international law, including the sovereign equality of States and the immunity of States and their property. However, certain States continued to resort to the threat or use of force in international relations. His Government rejected any arbitrary or selective interpretation of international law for petty political aims; such an approach merely undermined international law.

91. In the report, it was indicated that the political and socioeconomic fallout from the pandemic could fuel the threat of terrorism in the midterm to long-term by exacerbating underlying conditions and making more people susceptible to terrorist radicalization and recruitment. However, another contributing factor was ignored, namely the illegal unilateral coercive measures imposed by certain States, which had a catastrophic effect on civilians and created conditions that could draw young people into conflicts in furtherance of those States' agendas. Similarly, it was stated in the report that overly broad or imprecise definitions of terrorism in domestic law could be exploited to restrict civic space and basic freedoms. No mention was made, however, of the international community's failure to agree on a comprehensive definition of terrorism. That failure had arisen because certain States wished to continue using counter-terrorism as a pretext for their acts of aggression.

92. Reference was made in the report to the need for States affected by the phenomenon of foreign terrorist fighters to develop or implement comprehensive prosecution, rehabilitation and reintegration strategies; however, there was no mention of States of origin. Moreover, Syria had yet to receive any genuine assistance from the United Nations to address that issue. Decisive measures should be taken to prevent the flow of foreign terrorist fighters and hold accountable the States involved. Neither was any mention made of the fact that certain States were occupying parts of the

Syrian Arab Republic and plundering the country's resources, imposing conditions on humanitarian and development work, and impeding any progress that would pave the way for the dignified and voluntary return of Syrian refugees and displaced persons.

93. In the report, reference was made to the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. His delegation rejected the pretexts that had been invoked for the establishment of that body and the politicized findings arising from its activity, which was illegal. United Nations assistance could be provided only in coordination with the concerned State and at its request; but the Government of the Syrian Arab Republic had requested no technical or legal assistance from the United Nations, and no United Nations entity had consulted with it or secured its consent. Moreover, the establishment of the so-called International, Impartial and Independent Mechanism contravened Article 12 of the Charter, which stated that, while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requested. The General Assembly had thus encroached on the powers of the Security Council, and any findings resulting from that situation would be invalid.

94. **Mr. Tun** (Myanmar) said that the rule of law was the bedrock for a peaceful and prosperous society in all countries, irrespective of their political systems or social policies. Adherence to the rule of law at the national level was fundamental to strengthening respect for international law. Because of that interdependent and mutually reinforcing relationship, the destruction of the rule of law in a domestic setting could result in massive violations of international law, particularly international criminal law, international human rights law and international humanitarian law, largely undermining the rule of law at the international level.

95. Nothing demonstrated utter disregard for the rule of law more than the illegal overthrow of a democratically elected Government. All States should be deeply concerned by such unlawful actions, and the United Nations should be unequivocal in denouncing them. In Myanmar, the military had staged an illegal coup in February 2021 under the pretext of alleged election fraud. While every candidate in an election had the right to formally contest the results, and an election dispute mechanism was in place for that purpose, the military, which was neither a participant in nor a legal

authority on election matters, had not followed the existing constitutional and legal dispute settlement procedures. The military had thus blatantly violated the Constitution, and then had gone on to commit widespread and systematic atrocities against peaceful protesters. The preliminary analysis of the Independent Investigative Mechanism for Myanmar indicated that crimes against humanity had likely been committed.

96. His delegation was grateful to the Security Council for condemning the violence against protesters, calling for the immediate release of all those detained arbitrarily, including members of the Government, and stressing the need to uphold the rule of law. Nevertheless, the military junta, disregarding calls from the international community, had continued to murder civilians. There had been widespread arbitrary arrests, extrajudicial killings and cases of torture and enforced disappearance. Under the junta, democratic law-making processes had been replaced by rule by fiat, and justice mechanisms and institutions had lost credibility. Accused persons had no legal representation. According to the United Nations High Commissioner for Human Rights, 65 individuals, including 2 children, had received death sentences, with more than half having been tried in absentia. Public confidence in State institutions, especially law enforcement, had collapsed.

97. The key enabler of such violations, and of the lack of respect for the rule of law, was the impunity enjoyed by the perpetrators of the military coup. Ending impunity and ensuring accountability were critical in promoting the rule of law at the international level. In order to re-establish the rule of law in Myanmar, it was essential to put an end to the illegitimate military junta and hold it accountable for the lives lost at its hands. His delegation would continue to work closely with the international community to end the gross violations of domestic and international law and restore democracy, justice and the rule of law in Myanmar.

98. **Mr. Dhungel** (Nepal) said that respect for the rule of law was an essential condition for peace, stability and development and was directly linked to the protection of human rights and fundamental freedoms. It was therefore important for every nation to promote the rule of law as an overarching principle of governance, and it was even more crucial to do so in the context of the COVID-19 pandemic, which had affected not only people's lives and livelihoods but also the use of State power to control their lives. With their focus on addressing the pandemic, Governments' efforts to maintain good governance might have been compromised and fundamental rights might have been denied, access to justice delayed and democratic norms and values

curtailed. Every effort must be made to ensure that the rule of law did not fall victim to COVID-19.

99. Universal adherence to the rule of law was essential for peaceful coexistence and cooperation among States at the international level. Internationally accepted norms of the rule of law and respect for human rights and fundamental freedoms were enshrined in the Constitution of Nepal, which ensured democratic governance, an independent judiciary, periodic elections and proportional representation. The Constitution also recognized the principle of equality before the law and provided for independent and effective judicial remedies. His Government strove to promote fair, transparent and non-discriminatory access to justice for all, including through the provision of legal aid. It had worked to strengthen an independent judiciary and was committed to ensuring transitional justice in the spirit of the comprehensive peace agreement, various directives of the Supreme Court and relevant international commitments. To further align its domestic judicial system with international law, Nepal had enacted a national civil code and a national penal code.

100. Nepal considered compliance with international treaties central to maintaining good relations among States and upholding the rule of law at the international level. It fulfilled its legal obligations under treaties and customary international law to respect, protect and promote human rights, including civil, cultural, economic, political and social rights. Nepal had a national human rights commission, which was an independent constitutional body fully compliant with the Paris Principles.

101. Sustainable Development Goal 16 was an important element for ensuring the rule of law. The COVID-19 pandemic and other global challenges, including climate change, conflicts and cybercrime, posed a serious threat to the effective implementation of the rule of law at all levels. The strongest defence against those challenges was solidarity and unity based on the rule of law at the international level.

102. **Mr. Inashvili** (Georgia) said that it was crucially important for United Nations rule of law assistance to promote and protect the human rights of all. Upholding the rule of law and transparent, inclusive and democratic governance that was responsive to the needs of citizens was a priority for his Government. It therefore welcomed the Secretary-General's undertaking, as stated in his report entitled "Our Common Agenda" (A/75/982), to promote a new vision of the rule of law, building on Sustainable Development Goal 16. The latter provided a blueprint for achieving just, peaceful and inclusive societies where the rule of law and human

rights were respected. Georgia was engaged in various global initiatives to support the attainment of Goal 16, including the Open Government Partnership and Pathfinders for Peaceful, Just and Inclusive Societies.

103. The COVID-19 pandemic remained a major impediment to the effective functioning of justice systems globally. Ensuring access to justice and preventing corruption were of critical importance. Prisoners were one of the population groups most vulnerable to COVID-19. Georgia was taking proactive measures to prevent the spread of the disease in Georgian prisons and to protect the health of inmates and prison staff through periodic preventive screening and vaccination. A high percentage of both inmates and staff had been vaccinated.

104. The rule of law could not be achieved without a fierce fight against heinous crimes, such as trafficking in persons. Despite the pandemic and the challenges associated with it, his Government had continued its efforts to combat trafficking in persons, including through the implementation of an action plan that reflected the recommendations of, inter alia, the United Nations treaty bodies and special rapporteurs and the Organization for Security and Cooperation in Europe. Participation in the enforcement of international justice was another example of support for the rule of law and human rights. As a State party to the Rome Statute, Georgia continued to invest in strengthening the International Criminal Court in institutional and budgetary terms, including by donating to the Trust Fund for Victims.

105. His Government had continued to be prevented from upholding the rule of law in the Russian-occupied regions of Georgia – Abkhazia and the Tskhinvali region/South Ossetia. Protracted occupation of those two regions by the Russian Federation had deprived ethnic Georgians of basic human rights. The European Court of Human Rights, in its judgment of 21 January 2021, had unequivocally confirmed the occupation of, and exercise of effective control over, the two Georgian territories by the Russian Federation and had affirmed that country's responsibility for the killing, torture, ill-treatment and arbitrary detention of Georgian civilians and military personnel; for the looting and burning of Georgian homes; for the inhumane treatment of Georgians targeted as an ethnic group; and for the inability of internally displaced persons and refugees to return to their homes. The Court had also found that the Russian Federation had violated the ceasefire agreement of 12 August 2008. His delegation called on the international community to urge the Russian Federation to cease provocations in Georgia and the wider region

and to respect its international obligations, first and foremost by implementing the ceasefire agreement.

106. **Mr. Hadgu** (Eritrea) said that the principles of sovereignty, territorial integrity, and non-interference in domestic affairs enshrined in the Charter of the United Nations must be respected by all to ensure peace and security, socioeconomic progress and justice. Nevertheless, some Member States were conducting their foreign affairs in a manner that was inconsistent with the rule of law at the international level by adopting unilateral coercive measures, mostly directed towards countries that pursued independent policies. Unilateralism undermined the rule of law and weakened multilateralism. Such unilateral coercive measures were sometimes packaged as “targeted” measures and promoted as if they were inconsequential to the peace and stability of the affected countries and their populations, who in reality faced untold hardships. Whether targeted or not, such measures had no legal basis. Member States could not allow the issue to take a back seat in their collective efforts to build trust in multilateralism and multilateral institutions. All States should renew their commitment to establishing a just and peaceful world order in accordance with the purposes and principles of the Charter.

107. The domestic laws in force in Eritrea were rooted in transitional codes, which in turn had their origins in codified customary laws dating back to the fifteenth century. Those codes, which reflected the traditions and cultural values of the Eritrean people, had served as a strong foundation for promoting peace and maintaining social cohesion. The transitional codes had been reviewed and updated by a law reform committee established in 1993, and new national codes had been published in 2015. A campaign to raise public awareness of the content of the new codes was ongoing.

108. To promote equitable access to judicial services, innovative community courts had been introduced. Notwithstanding the resource and capacity challenges that came with the expansion of services to the village level, those courts had evolved as part of the emerging local governance structure. Building the capacity of the judicial system and other relevant institutions would remain an important aspect of efforts to consolidate the rule of law at the national level. His delegation supported United Nations programmes to strengthen the rule of law at the national and international levels, with full recognition of the importance of national ownership and the need for such activities to be carried out at the request of interested Member States.

The meeting rose at 6 p.m.