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Chair: Mr. Salinas Burgos (Chile)

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

Agenda item 83: The rule of law at the national and international levels (A/66/133)

1. **The Deputy Secretary-General**, introducing the report of the Secretary-General (A/66/133), said that recent events, especially those in Northern Africa and the Middle East, were a reminder of the universality of the quest for “a government of laws and not of men”. People were demanding more and more transparency, respect for justice, human rights and the rule of law from their Governments. Newly constituted Governments were seeking assistance from the United Nations in drafting constitutions, reforming justice and security institutions and dealing with the legacies of past atrocities.

2. The Sixth Committee’s long-standing engagement had been crucial to maintaining international attention on the rule of law at the national and international levels. With its support, the United Nations was refining its understanding of the rule of law and the assistance it provided to Member States. The annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/66/133) provided an overview of the extensive efforts undertaken by the Organization. United Nations engagement at the international level was rooted in the recognition that an effective multilateral system in accordance with international law was essential to addressing global challenges and threats. The principle that all individuals and entities — including States — were accountable to the law drove the Organization’s efforts. Impartial adjudication was thus critical.

3. The report outlined many activities that could strengthen accountability and the peaceful settlement of disputes. The trend towards greater utilization of treaty-based mechanisms, particularly the International Court of Justice, was welcome and should be encouraged. With the debate on the subtopic focusing on the rule of law and transitional justice in conflict and post-conflict settings, the report highlighted the work of the international and hybrid criminal tribunals that had been created to prosecute those responsible for the worst atrocities of the past decades.

4. The Organization was also striving to strengthen the Rome Statute system of international criminal justice, and was putting together a coherent approach to assisting Member States in fulfilling their primary

responsibility to investigate and try perpetrators of serious international crimes. That assistance could range from supporting complex investigation techniques to developing witness protection agencies.

5. The United Nations would also continue to support a variety of other transitional justice mechanisms. In 2011 alone, commissions of inquiry had been mandated in Libya, Côte d’Ivoire and Syria. The Secretary-General’s guidance note on the United Nations approach to rule of law assistance helped sharpen the work of the Organization. As 2011 marked the 50th anniversary of the Convention on the Reduction of Statelessness, the Secretary-General had also issued a guidance note to raise awareness of the ongoing challenge of statelessness.

6. Since the 2005 World Summit, the United Nations had made considerable progress towards greater coherence and coordination of its rule of law activities. Institutional arrangements, including the establishment of the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, had helped the Organization to establish a clearer policy framework by developing joint approaches on critical cross-cutting issues such as transitional justice, constitution-making and statelessness. Recently, the Group had piloted the first United Nations system-wide unified rule of law training programme, which would ensure that all staff understood the Organization’s unified approach to the rule of law and help ensure coordinated United Nations support.

7. The United Nations was providing rule of law assistance in more than 150 Member States in all contexts, from development and fragility to conflict and peacebuilding, including in 17 peace operations with rule of law mandates. In about 70 countries, at least three United Nations entities were engaged in rule of law activities, while five or more entities were carrying out activities in more than 35 countries.

8. Key operational United Nations entities were increasingly undertaking joint and comprehensive initiatives, particularly in conflict and post-conflict settings. For example, the United Nations Development Programme country offices and peacekeeping missions had increased their joint programming, with new initiatives in Haiti, the Democratic Republic of the Congo, South Sudan and Chad. In Burundi, impact and coherence were strengthened by integrating staff from

three distinct United Nations entities into a joint justice unit, under a single human rights and justice programme. The United Nations Development Programme and UN-Women had continued to pilot their joint programming in women's access to justice in post-conflict settings in Colombia, Nepal and Uganda, working closely with the Office of the High Commissioner for Human Rights on gender and reparations issues.

9. The Organization was committed to expanding the use of joint programming in peacekeeping operations and special political missions and to enhancing collaboration among its entities present in non-mission settings. However, deeper cooperation would only be possible if institutional hurdles were overcome and system-wide incentives for joint programming were instituted. The United Nations also needed to improve its assessment of the impact of its efforts by strengthening its monitoring capacity.

10. Political engagement was crucial for successful rule of law reform. The relative absence of national stakeholders and grass-roots experiences in high-level policy discussions on the rule of law had hampered progress in that field. With that in mind, the report entitled "New Voices: National Perspectives on Rule of Law Assistance", prepared by the Rule of Law Unit in cooperation with national experts from various countries and United Nations entities and development partners, was designed to ensure that national voices were systematically heard and placed at the centre of rule of law efforts.

11. The external environment remained fragmented. The United Nations delivered only a small proportion of global rule of law assistance, with the lion's share being provided on a bilateral basis. The inefficiency of supporting States with numerous and often conflicting assistance programmes had been shown time and time again. Consequently, every effort must be made to adopt more consistent and joint approaches in order to enhance coherence and reduce the burden on recipient States. Speaking with one voice was crucial if the Organization was to assist national leaders with difficult institutional reforms.

12. Lastly, she thanked Member States for their continuing support and said she looked forward to the high-level event on the rule of law that would open the sixty-seventh session of the General Assembly.

13. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that it was crucial to maintain a balance between the national and international dimensions of the rule of law. To ensure that international relations were based on the rule of law, all States should have the opportunity to participate in international law-making processes and should fulfil their obligations under both treaty law and customary international law. The selective application of international law must be avoided and the legitimate and legal rights of States under international law must be respected.

14. The cornerstone of the rule of law at the international level was the principle of the prohibition of the threat or use of force and the peaceful settlement of disputes. States should therefore be encouraged to use the mechanisms established under international law for the peaceful settlement of disputes, including the International Court of Justice, treaty-based courts, such as the International Tribunal for the Law of the Sea, and arbitration. The members of the Movement called upon the General Assembly and the Security Council to make use, whenever appropriate, of their right under Article 96 of the Charter of the United Nations to request advisory opinions on legal questions from the International Court of Justice.

15. All States should fulfil their obligation to promote the observance and protection of human rights and fundamental freedoms in accordance with international law. The purposes and principles of the Charter and the principles of international law were crucial for peace and security, the rule of law, economic development and social progress, and human rights. The Movement of Non-Aligned Countries remained concerned at the use of unilateral measures, given their negative impact on the rule of law and international relations.

16. Member States must fully respect the functions and powers of all the principal organs of the United Nations, especially the General Assembly, and maintain the balance among them. Close cooperation and coordination among all the principal organs was essential. The members of the Movement remained concerned that the Security Council was encroaching on the functions and powers of the General Assembly and the Economic and Social Council by taking up issues within the competence of those two organs.

17. The General Assembly must play a leading role in promoting respect for the rule of law. The international community must not, however, supplant the national authorities in their task of establishing or strengthening the rule of law. Assistance and cooperation should be provided at the request of Governments and strictly within the respective mandates of the United Nations funds and programmes. Account should be taken of the customs and the political and socio-economic features of each country, and the imposition of pre-established models should be avoided. Appropriate mechanisms should be established to enable Member States to keep abreast of the work of the Rule of Law Unit and to ensure regular interaction between the Unit and the General Assembly.

18. Lastly, the Movement of Non-Aligned Countries welcomed the new system of administration of justice in the United Nations and supported initiatives to hold United Nations personnel accountable for misconduct during a deployment on mission. The Movement also condemned any attempt to destabilize the democratic and constitutional order in any of its member countries and stood ready to actively contribute to the deliberations on the proposed high-level meeting of the General Assembly on the rule of law at the national and international levels.

19. **Ms. Robertson** (Australia), speaking on behalf of Canada, Australia and New Zealand (CANZ), said that the political changes taking place in North Africa and the Middle East were creating complex situations that required sophisticated, multidimensional responses, including assistance with political and security sector reform, capacity-building of government institutions and transitional justice mechanisms. The CANZ group of countries had been providing such assistance in their respective regions and elsewhere. Australia and New Zealand, together with 13 other Pacific nations, had played a leading role in the Regional Assistance Mission to the Solomon Islands, which had helped restore law and order and foster economic recovery in that country. Canada continued to support the Special Court for Sierra Leone as well as training for security forces and judicial institutions, in order to increase their understanding of child protection principles and competency in cases of sexual and gender-based violence, child soldier recruitment and child rights violations.

20. With regard to transitional justice, both national and international efforts would be required to restore

the rule of law in conflict or post-conflict societies, bring perpetrators to justice and provide redress for victims. There was no one-size-fits-all approach to transitional justice, because each situation was unique. Transitional justice could be delivered through a variety of measures, including criminal prosecutions, reparations programmes, truth-seeking processes, hybrid or mixed courts, and truth commissions.

21. She expressed the hope that the reconciliation commission in Côte d'Ivoire would play a key role in forging unity and promoting reconciliation following that country's internal conflict.

22. **Mr. Errázuriz** (Chile), speaking on behalf of the Rio Group, said that full respect for human rights and fundamental freedoms was at the core of the rule of law at the national and international levels. The Rio Group welcomed the Secretary-General's efforts to improve the coordination and coherence of the United Nations programmes and activities related to rule of law assistance, as exemplified by the guidance note on the United Nations approach to such assistance. The framework for strengthening the rule of law should include elements applicable not only to post-conflict societies, but to all communities worldwide. All actions within that framework must be governed by agreed values and by principles and norms created through predictable and recognized processes.

23. The Rio Group welcomed and supported the Secretary-General's view that national perspectives should be at the centre of United Nations rule of law assistance. In order to be successful, any programme aimed at strengthening the rule of law at the national level must reflect an in-depth understanding of the local socio-political context and needs. "Local ownership" was not a self-evident concept, however, and needed to be clarified in each situation through capacity-building and technical assistance. National rule of law structures must be in place for countries to be able to meet their international obligations.

24. The Governments of the Rio Group reaffirmed their strong commitment to the preservation of democratic institutions, the rule of law, the constitutional order, social peace and full respect for human rights.

25. The Rio Group welcomed the idea of exploring ways of improving coordination, promoting dialogue and reinforcing the commitment to the rule of law. In that connection, it welcomed the resolution adopted by

the Human Rights Council to appoint a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, which would help combat impunity within the framework of the United Nations.

26. **Mr. Le Hoai Trung** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that international efforts to provide rule of law assistance must be based on the principles of national ownership, sovereign equality of States, peaceful settlement of disputes, adherence to a rules-based regime and respect for territorial integrity. The United Nations, in coordination with donors, national partners and other international agencies, must be at the centre of effective rule of law assistance.

27. The ASEAN Charter reaffirmed the commitment of all ASEAN member States to the principles of the rule of law, good governance, democracy, and constitutional government, and to the upholding of the Charter of the United Nations and international law. Accordingly, ASEAN had adopted several legal instruments covering such issues as privileges and immunities, dispute settlement mechanisms, rules of authorization of legal transactions under domestic laws and rules of procedure for the conclusion of international agreements.

28. The establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) showed that ASEAN was a people-centred organization. In pursuance of greater stability and security in the region, the Association would immediately implement the Guidelines on the Implementation of the Declaration on the Conduct of Parties in the South China Sea and start identifying elements of a regional code of conduct.

29. **Mr. Salem** (Egypt) said that enhancing respect for the rule of law at the international level was fundamental to maintaining international peace and security and promoting the effective protection of human rights and fundamental freedoms, economic growth and sustainable development. It required the international community to strengthen its efforts in the areas of codification, development, promotion and implementation of an international framework of norms and standards without selectivity, politicization or double standards. The clearest manifestation of

adherence to the rule of law at the international level would be to approve the Palestinian request for admission as a State Member of the United Nations.

30. It was important for the United Nations to support Member States in enhancing their capacity to fulfil their national and international obligations regarding the rule of law. To that end, the Organization should improve coordination among its different organs involved in the implementation of rule of law assistance programmes. It must develop a holistic approach in that regard, while empowering national Governments to follow their own vision, agenda and approach in implementing those programmes. In fact, experience had shown that the rule of law was strengthened when reforms adhered to the principles of inclusion, participation, transparency and national ownership.

31. **Mr. Ndao** (Senegal) said that respect for the rule of law was essential for peace, justice, democracy, good governance and harmonious and sustainable development. The United Nations needed to pay particular attention to the rule of law and the administration of justice in conflict and post-conflict situations.

32. In the area of transitional justice, actions would be effective only if they were based on respect for the rights and needs of victims and their families. In that connection, special hybrid or international tribunals might play a vital role by ensuring that perpetrators were brought to justice and victims' rights were respected. Truth and reconciliation commissions might also be useful in the quest for national reunification and a return to lasting peace.

33. The peacebuilding experience had shown that countries often emerged from conflict with few of their institutions or resources intact, thus exacerbating the challenge of restoring the rule of law. International assistance to help post-conflict countries restore their judicial systems, among other institutions, was therefore essential. Nonetheless, despite much progress made by the international community to strengthen the rule of law at the national and international levels, much remained to be done to promote peace and reconciliation in post-conflict countries.

34. **Ms. Gutzwiller** (Switzerland) said that while her delegation was encouraged by examples of operational cooperation in the United Nations system to establish the rule of law, particularly in fragile and post-conflict

situations, it felt that a more comprehensive approach was needed. In that connection, it supported the recommendations in the report of the Secretary-General (A/66/133) to expand the use of joint programming in peacekeeping and special political mission areas by increasing efforts to assess, plan and implement jointly from the outset; and to enhance collaboration among United Nations entities present in non-mission settings by assessing and planning jointly in response to Member States' requests for support.

35. Her delegation welcomed the adoption of the resolution that it had sponsored, along with Argentina and Morocco, calling for the appointment of a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, as well as the Declaration of the Human Security Network on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence.

36. Considering that the efforts of the United Nations to promote transitional justice were sometimes random and even inconsistent, her delegation welcomed the forthcoming report of the Secretary-General on legal empowerment and poverty reduction and the inclusion of the issues of impunity and transitional justice in the Joint Strategic Plan for 2012-2014. The General Assembly should pay special attention to the conclusions of the World Bank's *World Development Report 2011: Conflict, Security, and Development* during the high-level debate on the rule of law at its sixty-seventh session, and the debate should include a discussion on the rule of law, transitional justice and the policy of complementarity.

37. **Ms. Rodríguez-Pineda** (Guatemala), drawing attention to paragraph 31 of the report of the Secretary-General (A/66/133), said that in its four years of existence the International Commission against Impunity in Guatemala had posted significant successes in its areas of responsibility, including prosecution of emblematic cases, technical training and the promotion of legislation to enhance the State's capacity to end impunity.

38. The International Commission was a novel and effective model for institutional strengthening that had helped to professionalize Guatemala's national institutions. Nevertheless, the Commission's main national counterpart, the Office of the Public Prosecutor, required further strengthening and capacity-building in order to ensure that it would be

able to continue investigating and prosecuting cases after the Commission's mandate had ended. Despite the signing of the Agreement on a Firm and Lasting Peace in 1996, illegal security forces and clandestine security organizations not only had continued to operate with impunity but had evolved into organized crime structures, forming symbiotic relationships with transnational organized crime syndicates.

39. Her country was entering a new phase as it tried to come to grips with the systematic human rights abuses that had occurred during 36 years of armed conflict. Its peace agreements had included elements of transitional justice, such as the development of historical memory, reform of key institutions, mechanisms for victim compensation and other national reconciliation educational programmes.

40. Guatemala had learned from its experience with armed conflict that it was difficult to simply wipe the slate clean or demand an apology; that the democratization process was a precondition for strengthening the rule of law; and that there was no single definition of the concept of transitional justice.

41. **Ms. Enersen** (Norway) said that the issues of development and the rule of law were clearly intertwined, because investors always sought predictable and secure markets for their investments. There was near-universal agreement on the need to combat impunity for serious crimes by ensuring that perpetrators were brought to justice. The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda were important steps forward in that regard. There was no one-size-fits-all solution for transitional justice, although any justice mechanism must be supported, trusted and welcomed by the people of the State in question.

42. Her delegation supported informal justice mechanisms, such as truth commissions, that were requested by the victims and the population in general. It also favoured complementarity between national and international institutions, to ensure that the international system was not overloaded with cases that could be handled at the national level.

43. Lastly, she welcomed the decision of the Human Rights Council to appoint a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, as well as the General Assembly's

decision to convene a high-level meeting on the rule of law at its sixty-seventh session.

44. **Mr. Wang Min** (China) said that in an increasingly globalized world, the international community should facilitate the promotion of the rule of law at the national and international levels, allowing them to inform and complement each other.

45. A combination of legal and other measures should be used to establish effective mechanisms for social governance and coordination. In addition, there was a need to take into account individual States' specificities while upholding universal principles, and to choose legal and judicial systems suitable to the respective situations of conflict countries. A balance must be found between short-term and long-term plans for the promotion of the rule of law in countries emerging from conflict. It was important to identify the priorities of such countries and to concentrate first and foremost on addressing the needs of greatest concern to them and their people. At the same time, long-term plans must be developed with a view to advancing reform and building institutions based on the rule of law.

46. International assistance should be provided to nationally owned reconstruction efforts, and various types of resources should be used to efficiently promote the rule of law. Countries in conflict situations should be encouraged to mobilize domestic resources for nation-building, including establishing the rule of law regime suitable to their specific situation. At the same time, the international community should provide assistance in areas such as finance, infrastructure and training in line with the priorities of countries emerging from conflict so as to help build their capacity. The United Nations should play a leading role in coordinating international support.

47. **Ms. Mwaipopo** (United Republic of Tanzania) said that the United Nations had a major role to play in implementing international law for the peaceful resolution of disputes and maintenance of international peace and security. The Organization furthermore provided a forum for constructive dialogue on the implementation of legal instruments to maintain the rule of law, which was essential for the stabilization of countries and societies in post-conflict situations.

48. Her Government attached great importance to States' responsibility to prosecute those responsible for serious violations of international humanitarian law in

conflict and post-conflict situations. It was committed to supporting the International Criminal Court and lauded the work of other international criminal tribunals, which had helped to substantially strengthen the rule of law. Referring to the Peacebuilding Commission, she stressed the importance, in the process of supporting transitional justice in countries emerging from conflict, of bringing perpetrators to justice and building a foundation for peaceful, stable and democratic societies based on the rule of law.

49. **Mr. Tladi** (South Africa) said that his Government strove to promote the rule of law, including through bilateral and trilateral agreements aimed at helping other countries to achieve peace. Up to now, the international community had focused much of its attention on the rule of law at the national level; it was crucial, however, to give equal consideration to the rule of law at the international level. Moreover, promotion of the rule of law at the international level involved more than just the number of international instruments adopted, ratified or even implemented: it also related to the normative content of international law.

50. Member States should defend the independence and impartiality of the United Nations, while the latter should never take sides in a conflict but maintain its impartiality. In that connection, it was important to assess the extent to which the Organization held its organs, in particular the Security Council, accountable for adherence to its foundational values and ensured the equitable representation of all its Members.

51. Recourse to the International Court of Justice as the principal judicial organ of the United Nations would alleviate concerns that resolutions were not being implemented faithfully or that actions implementing the resolutions went beyond the permissible boundaries of international law. Moreover, through whatever arguments that could be made in defence of such actions, the principles of deliberative democracy and culture of justification — both essential elements of the rule of law — would be promoted.

52. Regarding Palestine's application for membership in the United Nations, he said that the fairness with which the General Assembly and Security Council treated the application would have a significant impact on the rule of law within the Organization. The membership criteria listed under Article 4 of the Charter were the only criteria to be taken into account,

as confirmed by the International Court of Justice itself in its Advisory Opinion of 28 May 1948. A decision not to grant Palestine membership on the ground of any condition not expressly stipulated in Article 4, paragraph 1, of the Charter would indicate failure to adhere to the rule of law.

53. Another essential element of deliberative democracy was the equality of all, including through equitable representation. The current configuration of the Security Council, which did not include any African or South African States in the category of permanent membership, stood completely at odds with that principle. His delegation would therefore continue to strive for early reform of the Security Council, including expansion of both categories of membership.

54. He commended the work of the General Assembly as an illustration of deliberative democracy and that of the International Criminal Court, which played an important role in promoting the rule of law by holding those responsible for the commission of the most serious international crimes accountable for their actions.

55. **Mr. Barriga** (Liechtenstein) said that the activities outlined in the report of the Secretary-General (A/66/133) illustrated the international community's potential contribution to strengthening the rule of law at the national and international levels. His Government strongly supported the Rule of Law Coordination and Resource Group and the Rule of Law Unit in their efforts to coordinate those activities and thus provide valuable substantive guidance to the United Nations system.

56. The international community had made tremendous progress in strengthening the rule of law, in particular through the work of the International Criminal Court and other international tribunals, as well as fact-finding missions and commissions of inquiry. However, there were limits, both jurisdictional and practical, to the impact of international mechanisms. Greater attention therefore needed to be paid to improving individual States' capacity to provide justice for conflict-related crimes. Such efforts, moreover, should not be limited to conflict- or post-conflict situations.

57. Noting with satisfaction that the United Nations had assisted a number of countries in strengthening their prosecutorial capacity to deal with conflict-related crimes, she nevertheless expressed concern at

the lack of a clear centre of coordination and support for such capacity-building. Her delegation called on the Secretary-General to designate a United Nations lead entity for the strengthening of domestic criminal justice systems to enable them to deal with the most serious and complex crimes. The requisite capacity-building did not necessarily have to focus on specific crimes, but should instead address the capacity of domestic authorities to handle all aspects of complex criminal trials and high-profile investigations. The United Nations Office on Drugs and Crimes would be best placed to serve as the lead entity, in line with its original mandate to promote effective, fair and humane criminal justice systems.

58. Commitment to the rule of law was not merely a technical matter, but required political support at the highest levels. In that connection, she looked forward to the high-level meeting on the rule of law to be held at the sixty-seventh session of the General Assembly as an opportunity to galvanize political support for rule of law assistance programmes from the perspective of both donors and recipients.

59. Her Government was keenly interested in the Secretary-General's proposal to create an inclusive international policy forum on the rule of law with a view to resolving the lack of overall coordination among relevant national and international actors, as referred to in the Secretary-General's report, and agreed that the United Nations would be best placed to host such a forum. It would be useful, however, to receive further information on such an initiative, preferably well in advance of the high-level meeting. In fact, the creation of a such a forum might be considered a potential primary outcome of the meeting.

60. The time was ripe for a critical assessment of the effectiveness of the Rule of Law Coordination and Resource Group. While the Group had been successful in providing substantive guidance on a number of issues, the Group's effectiveness in its core task, namely, that of coordinating rule of law activities with the United Nations system, was less clear. Her delegation would welcome, therefore, more information and analysis from the Secretariat in preparation for the high-level meeting.

61. **Mr. Adi** (Syrian Arab Republic) said that the current discussion was extremely important, coinciding as it did with the need to emphasize the principles and purposes of the United Nations insofar as the Security

Council continued to encroach upon the mandate of the General Assembly, thereby diminishing the rule of law at the international level and impairing the mechanisms for application of the Charter. The General Assembly had emphasized the need for observance of the rule of law at both the international and the national levels, given the alarming proliferation of acts involving the use or threat of use of force, the occupation of sovereign States or their territories, and such other newly contrived concepts as pre-emptive war, relative sovereignty, responsibility to protect and the linkage of security, development and democracy with human rights. In that regard, unilateral measures had an adverse impact on the rule of law at the international level and on international relations.

62. All States were bound to respect and apply the principles of international law without selectivity. The sovereignty and independence of States were also to be respected, together with the right of peoples under occupation to fight for self-determination, independence and liberation. Further principles supported by his country were the settlement of disputes by peaceful means, non-interference in the internal affairs of States and respect for the equal rights of all, without distinction.

63. In the field of international relations, the rule of law was still far from established, owing to continuing exceptions to the rule, double standards and imposition of the will of the strong on the weak, which stemmed from the lack of effective deterrents and failure to treat States equally.

64. Since the beginning of the regrettable and tragic events in the Syrian Arab Republic, President Bashar Al-Assad had responded swiftly to the people's legitimate demands by announcing a comprehensive reform programme, which the new Government had begun to implement. The aim was to foster national democracy-building and political pluralism, extend citizens' participation, promote human rights, consolidate national unity and uphold public order and security. Genuine and tangible reforms had undeniably taken place on the ground. The country had adopted a law laying the bases for multiparty politics; a general electoral law guaranteeing free and fair elections under full judicial supervision; a law on local government, which focused responsibility and oversight in the hands of the people; a law regulating the right to peaceful demonstration; and a law guaranteeing freedom and independence of the media. A national dialogue had

begun at the provincial level in order to discuss a vision for the future. A national committee would be formed with the task of considering amending the Constitution. Nevertheless, certain parties had blatantly sought to interfere illicitly in the country's internal affairs in order to disrupt the process.

65. The rule of law at the national level assumed a variety of forms as a function of the unique political, historical and cultural features characterizing individual States. Methods for the provision of technical and financial assistance should be developed with those features in mind and not turned into a tool for political pressure or a pretext for interfering in the affairs of States or diminishing their sovereignty. The rule of law was furthermore intertwined with human rights and democracy. Each of those elements should therefore be applied and strengthened in a balanced manner, and each State should fulfil its obligations to promote and protect all human rights and fundamental freedoms.

66. **Mr. Wada** (Japan) said that his delegation welcomed the Secretary-General's report on the rule of law, which provided a basis for the peaceful settlement of disputes and was essential for the maintenance of peace and stability. It furthermore supported the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, while looking forward to further coordination efforts within the United Nations system to avoid duplication and create effective synergies.

67. The international courts played an important role in strengthening the rule of law. Japan had accepted the compulsory jurisdiction of the International Court of Justice and actively supported the International Criminal Court through funding and by contributing judges. The universality of the International Criminal Court was of great importance; he welcomed those countries that had newly become States parties to the Rome Statute.

68. The role of the International Law Commission in the area of codification of international law and in the progressive development of international law could not be overstated. Japan called on other Member States to ratify the codification treaties established on the basis of the Commission's work.

69. The mere creation of law was not sufficient to make law complete or to ensure that it functioned autonomously. New ways in which the law might

enhance people's well-being should be constantly re-examined. Regional frameworks had played an important role in promoting the rule of law internationally. Japan stood ready to provide technical assistance in establishing the rule of law in the developing countries of South-East Asia and other regions. Lastly, Japan commended the United Nations Audiovisual Library of International Law for its essential role in advancing the understanding and dissemination of international law.

70. **Mr. Ruiz** (Colombia) said that his Government had carried out several initiatives relating to transitional justice, including the adoption of the Justice and Peace Act and the Victims and Land Restitution Act. The first of those acts, adopted by the Colombian Congress in 2005, had been aimed at resolving the legal situation of the soldiers of an illegal armed group — the Autodefensas Unidas de Colombia — who had been demobilized following a Government-led dialogue and negotiation process. For the first time in history, an illegal armed group had been demobilized through a process of amnesty and the full application of international standards of truth, justice and reparations. The Act provided for criminal prosecutions and major and alternative sanctions for those responsible for conflict-related violent acts and crimes, as well as a State-funded compensation mechanism for victims.

71. The transitional justice initiative had been carried out on an unprecedented scale; fortunately, it had received international institutional assistance from the start, including from the Organization of American States (OAS). In April 2011, the Permanent Mission of Colombia had presented to the OAS Permanent Council a report providing an objective assessment of the process from its beginning. According to the report, one of the major impacts of the demobilization efforts had been the elimination of illegal armed groups as a political reality in Colombia.

72. The Victims and Land Restitution Act had been adopted in June 2011 on the basis of his Government's commitment to helping the Colombian people to overcome the violence they had experienced and to build a united and progressive society. Specifically, the law provided for the annulment of fraudulent deeds obtained by violence and the restitution of lands to their true owners. It also called for assistance and comprehensive reparations for victims of the internal armed conflict, including for indigenous and Afro-

Colombian communities. While the challenge ahead was enormous, with some four million victims of the violence, the people and institutions of Colombia stood ready to do all that was necessary to implement the ambitious programme of measures. He called on the international community to assist his Government in that process.

73. **Ms. DeRosa** (United States of America) said that her delegation looked forward to the high-level meeting of the General Assembly on the rule of law at the national and international levels at the Assembly's next session as an opportunity to take stock of progress and continuing challenges in respect of the rule of law.

74. Her Government supported the objectives of the Rule of Law Coordination and Resource Group and believed that improvements to the Organization's capacity in rule of law should be closely linked to the ongoing process of follow-up and implementation of the independent review on civilian capacity in the aftermath of conflict. The United States attached great importance to the role of law and transitional justice; accordingly, it continued to carry out a number of related assistance programmes involving civilian police, legal infrastructure and justice systems. Such programmes helped countries to build their own capacity for protection and accountability and to combat impunity.

75. Rule of law and the justice sector were crucial to post-conflict recovery. Her Government welcomed the Secretary-General's focus in his report on several critical challenges, including achieving early and visible results; developing sector-wide approaches to improve coordination of financial and technical support; and building a sense of national ownership over projects. A key to creating a sense of ownership was to send highly competent people into the field to participate in projects in a way that helped to build trust.

76. The work of the United Nations and other organizations to support transitional justice processes deserved the international community's support. The communities concerned, nevertheless, must learn to rise to the challenges ahead; involving civil society in that process was crucial.

77. In recent years, her Government's efforts had focused on integrating justice at the national level in conflict and post-conflict situations and justice at the international level. Strengthening the rule of law

nationally helped to reduce the need for international bodies to intervene. To achieve domestic accountability, moreover, countries must develop the capacity needed to investigate the most serious crimes and to protect judicial officers, victims and witnesses in such cases.

78. There were cases where justice and accountability could be achieved only with the contribution of the international community. Accordingly, her Government supported the work of a number of international tribunals in respect of transitional justice. Consistent with the status of the United States as a non-party to the Rome Statute, her Government would continue to support the International Criminal Court's work in that area and others.

79. **Mr. Kapambwe** (Zambia), welcoming the Secretary-General's report (A/66/133), noted with satisfaction that the United Nations provided rule of law assistance to over 150 Member States from all the regions of the world.

80. Nationally, the Government of Zambia was implementing a programme to ensure access to justice by everyone, including the underprivileged; specific actions included the construction of legal aid offices, the provision of adequate legal representation and the recent establishment of a small claims court. In an effort to prevent domestic violence and to promote the observance of human rights, his Government had enacted the Anti-Gender-Based Violence Act. In addition, presidential and general elections had been held in September 2011 and had been declared free and fair by international observers. The peaceful change in Government demonstrated the consolidation of democracy in Zambia and its commitment to the principle contained in the Constitutive Act of the African Union that made it unacceptable to change governments through unconstitutional means. He hoped that the same principle would be adopted by the United Nations in due course.

81. Internationally, his Government participated actively in the promotion of the rule of law by contributing troops and other personnel to conflict and post-conflict situations around the world, in addition to serving on human rights bodies and contributing to the State party reporting process under international human rights law. Nevertheless, implementation of the rule of law remained a challenge, particularly for developing countries, owing to scarce resources to support the

relevant institutions and mechanisms. He therefore called on the international community to provide technical assistance and capacity-building to further strengthen the institutions designed to promote, develop and implement the rule of law.

82. **Mr. Al-Shuraim** (Kuwait) said that his Government attached great importance to consolidation of the rule of law at the national and international levels. In that connection, he welcomed the Secretary-General's report and reaffirmed the need for action to ensure the enjoyment of international peace and security. He furthermore called for the protection of human rights and individual fundamental freedoms, as well as the right of peoples to self-determination.

83. At the national level, the constitutional democracy of Kuwait guaranteed the rights of all Kuwaitis and thus contributed to respect for the rule of law, particularly with regard to the separation of powers. His Government supported the efforts of the United Nations in assisting Member States with the drafting and implementation of a national constitution, an important element in peaceful transitions. Such was the case in situations of immense political change, such as the Middle East or North Africa, where constitutional reform had become a priority for the States concerned.

84. The Government of Kuwait continued to take steps to deal with the status of persons living illegally in Kuwaiti territory, including through the establishment, in 2010, of a new mechanism which had led to the drafting of resolutions relating to the illegal residents in question and to a number of executive measures to regularize their situations.

85. Internationally, his Government respected the relevant treaties and law with a view to contributing to the maintenance of worldwide peace and security. It was committed to the principle of non-intervention in the internal affairs of other States and denounced efforts by certain States to encroach on other States' sovereignty or on their legal or constitutional systems through the threat or use of force, which ran counter to the principles of the United Nations as set out in the Charter. His Government supported the peaceful settlement of disputes between States.

86. The Palestinian-Israeli conflict was the most serious threat to peace and security in the Middle East. The United Nations had failed to find a solution to the problem, which in turn had enabled Israel to continue

ignoring international law with total impunity. The perpetrators of actions in contravention of international law must be held accountable in order to consolidate the rule of law and its application to everyone equally. His Government fully supported the application of Palestine for admission to membership in the United Nations.

87. **Mr. Htut** (Myanmar), welcoming the Secretary-General's report (A/66/133), noted with satisfaction the progress made by the Rule of Law Coordination and Resource Group in strengthening system-wide strategic coordination and coherence of United Nations activities in promoting the rule of law. Such activities should continue to be carried out at the national and international levels in a complementary manner. The Organization and, in particular, the International Law Commission, had a central role to play in the further codification and progressive development of international law.

88. The incorporation of international and regional treaties into States' domestic legal systems remained a major challenge. The international community could facilitate that process, especially in developing countries, by providing capacity-building and technical assistance at the request of interested recipient Governments, and by fostering the wider dissemination of international law.

89. Recognizing the primacy of international customary law and a State's obligation to ensure within the limit of its competence that its national law was consistent with its international obligations, his Government was currently reviewing its domestic legislation to bring it into line with modern international standards, while taking into account the nation's culture and traditions. The rule of law should be promoted in strict observance of the Charter of the United Nations; however, the principles embodied in the Charter would be effective only if all States complied with their international obligations arising from it.

90. **Mr. Maza Martelli** (El Salvador) said that while all States had a duty to respect the rule of law, it was often challenging for those States in conflict or post-conflict situations to do so effectively. Furthermore, the rule of law was not merely a question of legality, but the recognition of the primacy of essential values of justice and equality, which must lead to the elimination of arbitrary practices and laws.

International law played a fundamental role in enhancing transitional processes through the provision of an appropriate legal framework, closely linked to respect for human rights and State responsibility.

91. In 1992, El Salvador had itself emerged from a 12-year period of armed conflict, the resolution of which had been achieved with considerable assistance from the United Nations. To achieve the objectives of the transitional process, his Government had adopted a number of legal and administrative measures to strengthen the rule of law, including the creation of a truth and reconciliation commission, a purge of the armed forces, and institutional reforms. In addition, a number of activities had been undertaken more recently to officially apologize to victims of the violence where the State had been expressly recognized as responsible for the acts in question.

92. His Government had sought, through General Assembly resolution 65/196, to promote remembrance of victims of serious and systematic violations of human rights as well as the importance of the right to truth and justice as essential obligations, especially in transitional periods. While all such measures had been crucial in moving forward the transitional process in El Salvador, it was important for each society to adopt the measures appropriate to their own situations.

The meeting rose at 1 p.m.