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Chair: Mr. Kohona. (Sri Lanka)

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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/68/213)

1. **Mr. Diallo** (Senegal) said that Member States should mobilize all efforts to promote the rule of law, a task that was central to the mission of the United Nations, in order to realize the noble goal of a world of peace and justice in which human dignity was preserved. The rule of law was also the basis for democracy, good governance and respect for human rights — requirements for all societies in the modern world — and the sole guarantee of sustainable development.

2. His delegation was pleased to note that the United Nations was currently supporting the efforts of over 150 countries throughout the world to promote the rule of law at the national level. In the face of the complex challenges involved in a world shaken by multiple and manifold crises, the developing countries in particular required the help of the Organization in capacity-building. The Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (resolution 67/1) provided a good basis for concrete action.

3. Ever since it had become a sovereign nation, Senegal had exerted the utmost efforts to establish a State governed by the rule of law, with respect for human rights and individual and collective freedoms. The Senegalese Constitution enshrined the principle of separation of powers and expressly provided for the independence of the judicial and legislative branches from the executive. In politics, the practice of dialogue and consultation had allowed for peaceful transitions of government. Since good governance and transparency were values enshrined in the Constitution, the authorities were highly concerned with combating misappropriation, bribery, embezzlement and similar offences. New institutions had been set up to combat corruption, including a special court and two agencies with powers to investigate and bring cases to court.

4. At the international level, respect for the rule of law was the sole assurance of peaceful coexistence among nations. Respect for and application of the generally accepted rules and principles of international law and multilateral treaties, in particular those enshrined in the Charter of the United Nations, were essential. The frequent and flagrant violations of international law and the lack of political will to adhere

to those rules severely hampered the development of international relations exclusively based on the rule of law. His delegation commended the role of international courts, notably the International Court of Justice and the International Criminal Court, in helping to create a more just and peaceful world.

5. **Ms. Hafiz** (Saudi Arabia) said that General Assembly resolution 67/97 invited Member States to focus on the subtopic of the rule of law and the peaceful settlement of international disputes. Her delegation was committed to that mission, since the rule of law was the essential basis for development, human rights, security and peace. All those conditions had been realized in Saudi Arabia, which had enabled it to host over three million pilgrims during the Hajj. The Constitution was inspired by Islamic sharia, which enshrined the principles of human rights and the equality of all citizens before the law.

6. At the international level, her delegation stressed the need for respect for international law, particularly as enshrined in the Charter of the United Nations. Saudi Arabia's foreign relations were based on non-alignment, cooperation with friendly States, active participation in international organizations, non-interference in the internal affairs of other States and peaceful settlement of international conflicts. The candidacy of Saudi Arabia for membership on the Security Council was based on that peaceful policy, characterized by a non-confrontational stance and a firm rejection of terrorism. In that regard, Saudi Arabia strongly opposed any identification of Islam with terrorism.

7. Saudi Arabia was wedded to peace; it had consistently supported all Arab-Israeli peace initiatives and had pursued the goal of making the Middle East a zone free of all weapons of mass destruction. It had steadily maintained that force should never be used as an instrument of foreign policy. It was proud to have been a founding member of the United Nations, because it firmly believed in the Organization's role in maintaining peace and security within the framework of the international community. Saudi Arabia was an active member of other international organizations as well. Its foreign policy was based on adherence to the Charter and compliance with treaties to which it was a party, international law in general and all General Assembly and Security Council resolutions. The initiative of the King of Saudi Arabia to set up the United Nations Counter-Terrorism Centre in New York and the King Abdullah Bin Abdulaziz International

Centre for Interreligious and Intercultural Dialogue in Vienna were just two examples of its commitment to the aims of the United Nations.

8. **Mr. Adamov** (Belarus) said that the theme of the current session's debate, the rule of law and the peaceful settlement of international disputes, was a logical outgrowth of the discussions during the previous session on the occasion of the thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes (General Assembly resolution 37/10). His delegation shared the view of the Deputy Secretary-General that regional arrangements had considerable potential to assist in the peaceful settlement of disputes. As an illustration of that potential, he might mention that Minsk was the seat of the economic court of the Commonwealth of Independent States (CIS) and the court of the Eurasian Economic Community (EURASEC). The latter court was currently hearing disputes arising under agreements concluded in the framework of the customs union and single economic area.

9. The settlement of any differences that might arise through established procedures, based on the fundamental principles and rules of international law, in an atmosphere of mutual respect and willingness to compromise, was the means of achieving definitive and permanent resolution of conflicts. The Charter of the United Nations and established international practice had provided a range of instruments for peaceful settlement of international disputes. What was needed were new approaches to convince Member States to make use of those instruments, such as recommendations by the Security Council to countries in conflict to resort to mediation or to judicial means to resolve their disputes and the setting up of trust funds to help some States defray the cost of resorting to international tribunals.

10. Unilateral economic, financial or trade sanctions applied outside the framework of the Security Council would not contribute to the peaceful settlement of disputes. In the Declaration that had emerged from the high-level meeting of the General Assembly on the rule of law, States were urged to refrain from applying such unilateral measures not in accordance with international law and the Charter that impeded the economic and social development of developing countries.

11. The rule of law presupposed the equality of all subjects of international law and required them to comply with their obligations thereunder. The organs and agencies of the United Nations system should set an example in that respect by carrying out all their activities in strict compliance with the legal basis of their role as set forth in their founding document. His delegation welcomed any steps to optimize the rule of law activities of the United Nations. In that regard, all United Nations bodies, including the human rights treaty bodies, should carefully adhere to their mandates.

12. The rule of law was closely linked not only to development but also to many other important issues on the international agenda. The Organization's technical assistance to States to build capacity in fulfilling their international obligations and reforming their judicial systems and legislative procedures could help to resolve a whole spectrum of problems.

13. **Mr. Misra** (India) said that the Declaration that had emerged from the high-level meeting on the rule of law took stock of contemporary political, social and economic conditions and stressed implementation of rule of law principles in order to achieve the objectives of international peace and security, peaceful coexistence, gender justice and development. It also stressed the importance of reform of the Security Council, which, in his delegation's view, was essential in order to make that body broadly representative, efficient and transparent and should be accomplished as soon as possible.

14. With regard to the rule of law at the national level, his delegation agreed with the Secretary-General that laws must be publicly promulgated, equally enforced and independently adjudicated and consistent with international human rights norms and standards. However, it was important to bear in mind that law-making at the national level was exclusively the domain of the national legislature; the rule of law was a fundamental concept to be fully observed in law-making and implementation, but there was no established definition of the term. An independent judiciary, an efficient and transparent judicial system and equal access to justice by all were also essential for promoting the rule of law.

15. In keeping with the agreed focus of the current debate, settling international disputes by the peaceful means provided for in Article 33 of the Charter was a matter of the highest priority in order to achieve the

goal of maintaining international peace and security. Judicial settlement was an important mechanism available to Member States. The International Court of Justice had proved remarkably efficient in the peaceful resolution of disputes and had a well-deserved reputation as an impartial institution which maintained the highest legal standards. In addition, the Permanent Court of Arbitration had a significant role in the resolution of disputes involving States, State entities, intergovernmental organizations and private parties.

16. India was a strong supporter of respect for sovereignty and the integrity and political independence of States and considered that any unauthorized intervention in a State's internal affairs or use of force should be avoided. Adherence to rule of law principles and enhanced cooperation among Member States could ensure the peaceful resolution of international disputes.

17. **Mr. Otsuka** (Japan) said that the rule of law was the necessary foundation for any society. International courts and tribunals, notably the International Court of Justice, the International Tribunal for the Law of the Sea and the International Criminal Court, played a vital role in maintaining peace and security through the peaceful settlement of disputes and strengthening the rule-based system through fair and impartial application of the law. Japan's substantial financial contribution to those international judicial institutions and the presence of Japanese nationals serving as judges attested to his country's commitment.

18. His delegation commended the work of the International Law Commission in codifying and elucidating international law, thereby contributing to the development of a stable and predictable international legal system. During the current session the Sixth Committee would be discussing a number of important sets of draft articles prepared by the Commission, including the draft articles on the law of transboundary aquifers, intended to provide the basis for equitable and reasonable utilization and proper management of such aquifers. His delegation firmly believed that the draft articles provided a good basis for the development of a stable system in the field of underground water management.

19. Regional frameworks also played a crucial role in promoting the rule of law. One such example was the Asian-African Legal Consultative Organization, which Japan was committed to supporting. His Government

also provided assistance to developing countries, particularly those in the Asia-Pacific region, in building stable legal systems and developing human resources capable of sound administration of justice.

20. **Mr. Joyini** (South Africa) said that the judicial settlement of disputes was at the heart of the rule of law, which was, in turn, one of the essential pillars of democracy. The rule of law had three basic tenets, namely, that every person was subject to the rule of law; that every person was subject to the ordinary law and the ordinary courts of the land; and that there should be no special laws or separate courts for certain groups or individuals.

21. For judicial settlement of disputes to conform to principles of justice, States must provide legal aid to the poor and vulnerable. As an original sponsor of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution [67/187](#)), South Africa had been a leading advocate of the need to improve access to counsel for indigent accused persons. Legal aid was an integral part of the right to access to justice and the right to a fair trial and protected society's most vulnerable members against pretrial detention, torture, coerced confessions and other abuses. His delegation hoped to inspire action by other States by hosting an international conference on that important issue the following year.

22. In view of its conviction that the rule of law was a key element in any strategy aimed at achieving long-term sustainable peace, South Africa, together with Denmark, was actively championing the principle of complementarity and was committed to helping to ensure that States had the national capacity to investigate and prosecute serious crimes. At the international level, South Africa promoted peace and harmony through bilateral and trilateral agreements and mediation efforts in various parts of the world.

23. In the absence of a compulsory system of judicial settlement of disputes, States interpreted their international law obligations in different, often conflicting ways. The particular ills caused by such auto-interpretation could be remedied or at least greatly reduced by regular recourse to international mechanisms for the pacific settlement of disputes, notably the International Court of Justice and the International Tribunal for the Law of the Sea. Such mechanisms should be strengthened. On the other hand,

his delegation was of the view that adherence to the rule of law at the international level would continue to be elusive as long as the Security Council, which had primary responsibility for the maintenance of international peace and security, remained unrepresentative.

24. **Ms. Dieguez La O** (Cuba) said that the Government of Cuba reiterated its commitment to promoting the rule of law in the true sense, which would make it possible to transform the current unjust international order. The process must begin with a reformed United Nations that would set the standard for transparency, democracy and full participation of the entire international community in the resolution of pressing global problems. The reforms should strengthen the central role of the General Assembly, the only organ with universal membership and sole responsibility for the progressive development and codification of international law. True rule of law also entailed democratizing the international economic, monetary and financial organizations, to place them at the service of the development of peoples, rather than the enrichment of a few. It would also require a thoroughgoing reform of the Security Council to make it an inclusive, transparent and democratic organ that reflected the genuine interests of the international community. Her delegation reserved its position on paragraph 28 of the Declaration on the rule of law, finding it offensive for the international community to suggest that the Security Council had made a positive contribution to the rule of law. Some of the Council's permanent members openly violated international law and even the decisions of the Council itself in order impose their political agenda and military domination on developing countries.

25. Sovereign equality, compliance of obligations in good faith, peaceful settlement of disputes, refraining from the threat or use of force against the territorial integrity or political independence of any State, non-interference in the internal affairs of other States and non-selectivity should be the basic principles governing the actions of States at all times. Cuba condemned any attempt to supplant the national authorities of a country, contrary to the principle, clearly enunciated in the Declaration, of national ownership of rule of law activities. Promotion of the rule of law must take as its point of departure respect for the legal institutions of all States and recognition of the sovereign right of peoples to establish the legal and

democratic institutions most appropriate to their sociopolitical and cultural interests. Efforts to strengthen national legal systems must be undertaken on a voluntary basis, with respect for the self-determination of peoples and without political conditions attached. Her delegation had noted with concern intentions to impose a concept of the rule of law and establish a follow-up mechanism independent of the Sixth Committee; it rejected any attempt to politicize the item on the pretext that it was a cross-cutting issue. The delegations in the Sixth Committee represented the entire membership of the Organization and were fully competent to deal with the matter.

26. True rule of law required renouncing unilateral acts, including the application of extraterritorial laws or the politically motivated exercise of jurisdiction. In that regard, Cuba demanded the immediate lifting of all the extraterritorial provisions constituting the economic, financial and trade embargo imposed by the United States of America on Cuba for over 50 years.

27. **Mr. Haniff** (Malaysia) said that the Declaration that had emerged from the high-level meeting on the rule of law rightly recognized the interconnection between the rule of law and peace and security, human rights and development. His delegation also wished to emphasize the importance of the principles of sovereign equality, territorial integrity, non-interference and equal application of international law to all States.

28. The theme of the deliberations of the current session, the rule of law and the peaceful settlement of international disputes, was very timely. Adherence to the principles of the rule of law made it possible to resolve even difficult and contentious disagreements. In accordance with the principles of the Charter, States had a duty to refrain from the threat or use of force. International law provided numerous avenues for peaceful dispute settlement. Malaysia had relied on the International Court of Justice on two occasions to resolve disputes with neighbouring countries. Where there was a sincere commitment to bring an end to situations of conflict that had brought pain and suffering to countless lives, a peaceful solution could be achieved. His Government had been honoured to facilitate peace talks between the Government of the Philippines and the Moro Islamic Liberation Front, talks which had culminated in an historic peace framework agreement to bring an end to a four-decade conflict. Malaysia was also supportive of the dialogue process in southern Thailand.

29. Double standards and selectivity undermined the credibility of the international justice system and should be avoided at all costs. Peaceful resolution of international disputes was made difficult if not impossible when the rule of law was applied asymmetrically between parties. Violations of international law, including human rights and humanitarian law, obstructed attempts to find a solution to long-running disputes, and the responsible parties should be held accountable. Efforts towards peaceful settlement of disputes were hampered by the outmoded configuration of the Security Council, which rendered it unable to respond effectively to pressing conflict situations. The composition and working procedures of the Security Council should be reformed to reflect current realities.

30. In conclusion, his delegation urged the international community to apply the principle of moderation; moderation contributed to promoting trust, confidence and mutual understanding, which paved the way for peaceful resolution of disputes.

31. **Mr. Şahinol** (Turkey) said that the high-level meeting on the rule of law had marked a new phase in the work of the General Assembly; it had enabled Member States to agree on a forward-looking agenda, but their work was not done, since the principles enshrined in the Declaration could be further developed. The rule of law went hand in hand with the mutually reinforcing principles of human rights, democratic values, justice and international law, which were core values of the United Nations. All States needed to fulfil their obligations to respect and promote observance of human rights and fundamental freedoms for all. However, the rule of law was not limited to those values. Consideration should also be given to the close relation between the rule of law and sustained and inclusive economic growth, socioeconomic development, employment, eradication of poverty and hunger, generation of investment and facilitation of entrepreneurship. In that regard, Turkey had recently co-hosted a meeting on the global dialogue on the rule of law and the post-2015 development agenda during the current session of the General Assembly.

32. There was no dividing line between the rule of law at the national and international levels; the two levels were closely linked, and national ownership was at the heart of the matter. Upholding the rule of law was not an option but a necessity. The Member States

had a historic responsibility to their peoples and future generations to create the conditions for a secure, just and prosperous world in which the rule of law prevailed.

33. As to what the United Nations should do to promote the rule of law, the three-tier system already set up to strengthen the Organization's ability to deliver its rule of law activities was useful and practical. The Secretary-General's report on measuring the effectiveness of the support provided the United Nations system for the promotion of the rule of law in conflict and post-conflict situations (S/2013/341) describe important tools. In addition, the establishment of a United Nations rule of law implementation task force would be valuable in helping Member States to implement and promote the principles of the rule of law.

34. **Mr. Al-Hajri** (Qatar) said that it was appropriate for the Committee to continue to discuss the rule of law in view of the importance accorded to it by the Member States in the high-level meeting of the General Assembly on the rule of the law at the national and international levels and the outcome Declaration, which defined the elements and scope of the rule of law, including peaceful settlement of disputes, justice for vulnerable groups and the relationship of the rule of law to the three pillars of the United Nations, namely, international peace and security, human rights and development.

35. Because of its commitment to the rule of law, Qatar had put in place a clear national legal framework consonant with international law and standards and the principles of the Declaration and strove to uphold equality before the law as well as accountability. Its Constitution provided for separation of powers and imposed limits on the executive and legislative branches in order to ensure respect for individual rights and freedoms. Qatar was engaged in implementing the provisions of the many international conventions to which it was a party. The Government made efforts through seminars and workshops and other means, in collaboration with the United Nations and other relevant organizations, to raise awareness of the law among citizens and residents and sought to ensure access for all to the machinery of the law without discrimination. In its national programmes the Government made the rule of law part of the national strategy and worked to link it to good governance and social and economic development. It had also

strengthened the national institutions responsible for ensuring transparency and combating corruption.

36. At the international level, relations between States should be based on the rule of law, equality, mutual respect and cooperation. The conduct of States must be in accordance with international law; hence the importance of accountability. Qatar also supported the civil society organizations that played a positive role in raising awareness of the rule of law. Implementation of the rule of law required respect for the machinery accepted by the international community to put an end to blatant human rights violations and combat impunity, achieve peaceful settlement of disputes, promote the empowerment of woman and combat corruption. Achieving international peace and security also required respect for the right of peoples to self-determination. Qatar had contributed effectively to the peaceful settlement of many disputes and had made repeated efforts to settle others in accordance with the Charter and international law.

37. The principle, enshrined in international legal instruments, that no one should be above the law could not be realized without measures for preventing violations of international humanitarian law and other international crimes and holding perpetrators accountable. Selfish political interests should not be allowed to undermine justice. His delegation called upon the international community to put an end to the blatant crimes committed by the current Syrian regime and its policy of intimidation and murder and to bring to justice those responsible.

38. **Mr. Manongi** (United Republic of Tanzania) said that the high-level meeting of the General Assembly on the rule of law had marked the beginning of a new phase in strengthening the rule of law within the United Nations system and the international community. The rule of law was a core principle of the international system. Without strong rule of law capacity at the national level, however, efforts at strengthening the rule of law at the international level were undermined. Hence there was a need for the United Nations system to sustain its focus on integrated and effective assistance to national rule of law initiatives, enhancing synergies and promoting the exchange of good practices and the formulation of common policies. At the same time all actors should avoid “one size fits all” approaches or approaches that exceeded their mandates.

39. The rule of law was the cornerstone of his Government’s programme of democracy and governance and underpinned current national efforts to formulate a new constitution. The exercise, broad in scope and encompassing citizens of every walk of life, was seen as an opportunity to strengthen democracy and the legitimacy of the country’s institutions.

40. The United Republic of Tanzania was committed to promoting the rule of law in the conduct of international relations. Peaceful settlement of disputes consistent with the Charter of the United Nations remained one of the cornerstones of Tanzanian foreign policy. Even disputes involving territorial sovereignty could be resolved peacefully, among other means through resort to the International Court of Justice. At the regional level, the United Republic of Tanzania had been actively involved in promoting peace and security, most recently in the Great Lakes region of Africa.

41. The work of the ad hoc criminal tribunals for Rwanda and the former Yugoslavia had given special impetus to the establishment of the International Criminal Court. The United Republic of Tanzania commended their accomplishments and pledged its support for the International Residual Mechanism for Criminal Tribunals, one branch of which his country was privileged to host in Arusha. The establishment of the International Criminal Court as a mechanism for combating impunity had been possible only with the support of Africa. It was therefore regrettable that a rift had grown between the Court and the continent owing to the Court’s perceived unresponsiveness to legitimate African concerns. His delegation believed that a balance could be struck that allowed for greater empathy without undermining the Court’s integrity or the confidence of its member States.

42. The approach of the international community to peaceful settlement of disputes continued to evolve in response to the changing nature of global threats to peace and security. However, the United Nations, the International Court of Justice, the International Tribunal for the Law of the Sea and the International Seabed Authority remained key actors.

43. **Mr. Waheed** (Maldives) said that Maldives remained steadfast in its commitment to the ideal of maintaining the rule of law both within its borders and throughout the global community. In its path to democracy, Maldives had initiated reforms culminating in 2008 in a new democratic constitution providing for

separation of powers and independent institutions of horizontal accountability. Multi-party presidential elections then had been conducted, and, despite tensions, the democratic process had been upheld thanks to the safeguards put in place by the Constitution. Although the most recent round of elections had resulted in charges of fraud, the electoral process was once more on track, as domestic stakeholders had accepted the Supreme Court as the ultimate arbiter in the event of dispute. It was gratifying that the rule of law had been maintained, but more work remained before the nascent democracy was consolidated.

44. A society could only claim to be based on the rule of law when it was built on democratic principles, when fundamental human rights and minority rights were protected, and when the smallest and weakest of its citizens felt safe. The rule of law was not only inherently linked to peace and security but was also related to development and human rights. Maldives was a party to eight of the nine core international human rights instruments, eight International Labour Organization conventions and the United Nations Convention against Transnational Organized Crime and was in the process of formulating a national strategy to strengthen capacity to implement those instruments. The Government was also seeking the consent of Parliament to accede to other important instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance.

45. The Government had announced a five-year action plan for human resource development in the area of a rule of law and a timeline for developing a dispute resolution mechanism. It had also developed a plan to enhance the institutional capacity of law enforcement agencies and strengthen oversight mechanisms, such as the independent Police Integrity Commission mandated by the Constitution. In order to protect the most vulnerable, laws had been enacted safeguarding the rights of persons with disabilities and penalizing child abuse and domestic violence. The Family Protection Authority had been strengthened and safe houses had been set up for victims of sexual abuse, domestic violence and human trafficking.

46. In the community of nations the small island developing States were inherently the most vulnerable and required differential treatment, based on a comprehensive definition, within global governance regimes and multilateral financial institutions. In the

forum of the Human Rights Council Maldives had advocated measures to increase participation by small island developing States and least developed countries and had led a cross-regional group of countries to establish a trust fund to build capacity to enable those States to meet their reporting obligations. Though emerging from a traditionally conservative society, Maldives was steadfast in its desire to meet the highest human rights standards and in its belief that there were certain inalienable rights applicable across the vast spectrum of humanity. With that vision it was seeking re-election to the Human Rights Council for another term and counted upon its friends to support its candidacy.

47. As a community of nations, Member States had a duty to agree on a consensus definition of what constituted the rule of law. Without preying on the weak or disregarding the small, the international community should ensure that there were no double standards in its application. Although the most vulnerable required differential treatment, the principle of equality enshrined in the Charter must be maintained. The rule of law was the bedrock of society and the foundation of the United Nations and should not be sacrificed for the sake of expediency.

48. **Ms. Carayanides** (Australia) said that the rule of law was the best guarantee of the freedom and dignity of all people. The Declaration that had emerged from the high-level meeting on the rule of law recognized the importance of the rule of law to peaceful settlement of international disputes and conflict prevention. States could contribute to international stability by making it a priority to resolve their disagreements peacefully through respect for the rules and norms of international law and utilization of the international justice system. The International Court of Justice offered states a mechanism for seeking a judicial settlement and contributed to the evolution of international law. Her delegation called on all Member States that had not yet done so to accept the compulsory jurisdiction of the Court and congratulated the Marshall Islands on taking that step.

49. Without justice, moreover, it was difficult to establish an inclusive and lasting peace. The investigations and prosecutions by the International Criminal Court and the ad hoc criminal tribunals had demonstrated that those responsible for the most heinous crimes were not above the law. Her delegation called on all Member States that had not done so to

ratify and implement the Rome Statute. Her delegation noted the recent concerns expressed about the Court by African delegations. Australia had welcomed Africa's leadership on the Court since its inception, including the high rate of membership among African countries and their commendable example in referring matters to the Prosecutor. Decisions about justice, especially in conflict situations, were never straightforward, and the actions of the Court would inevitably generate controversy from time to time, but her delegation encouraged all States parties to remain committed to the difficult but vital endeavour of ending impunity and would continue to work with others on the issue. A chronic funding crisis continued to undermine the work of another ad hoc criminal tribunal, the Extraordinary Chambers in the Courts of Cambodia. Failure of the Extraordinary Chambers would be a tragedy for the people of Cambodia, and her delegation supported the call for Member States to provide urgently needed financial support.

50. Since the rule of law required a robust, impartial and independent judiciary commanding the respect of the community it protected, there was a need for effective and coordinated assistance to develop the capacity of State justice institutions. Australia had been engaged with other Member States in providing rule of law assistance and capacity-building in its own region and elsewhere. Its contribution to peace operations had moved beyond simply keeping the peace to actively building the peace. Promotion of the rule of law — particularly for women and marginalized groups — was central to that effort. Australia had embraced the idea that effective, efficient and accountable judiciaries, prisons and police forces were crucial to the promotion of security and development.

51. **Ms. Ramírez Sanchez** (Nicaragua) said that, in its relations with other States and international organizations, Nicaragua was guided by the principles of independence, sovereignty, self-determination, dignity, respect, unity and solidarity, and its Government reaffirmed and promoted the ideals of peace and international security and respect for international law. In the 2005 World Summit Outcome (General Assembly resolution 60/1), Member States emphasized the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter and rededicated themselves to support all efforts to uphold the sovereign equality of all States. Unlike some Member States, Nicaragua had complied

with the judgments of the International Court of Justice in all the cases in which it had been a party, and it called upon all those States that had not yet done so to recognize the Court's jurisdiction.

52. Her delegation firmly condemned selective application of international law, the imposition of unilateral measures, extraterritorial application of domestic law or the threat or use of force in international relations. Such conduct undermined the very purpose of the Organization, threatened international peace and security and prevented full realization of the rule of law. Only through adherence to a true rule of law, in which the rules of international law and domestic law were harmonized, could sustainable development be achieved.

53. While recognizing the efforts of the international community to promote the rule of law through the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (resolution 67/1), her delegation had stated its reservations with respect to paragraphs 28, 41 and 42. In order to strengthen the rule of law, it was essential to reform the United Nations, in particular the Security Council. Moreover, the General Assembly should fulfil its true role in promoting the rule of law and preventing unilateral actions.

54. There was no one model of democracy that was universally applicable. Over the course of history every people had found its own mode of organization based on its customs and political and socioeconomic situation. Hence, all international cooperation directed at building national capacity should be in keeping with national needs, with full respect for sovereignty and self-determination.

55. **Mr. Masood Khan** (Pakistan) said that the adoption of the Declaration on the rule of law, in which Member States had rightly described the rule of law as an indispensable foundation for a more peaceful, prosperous and just world, had been a watershed moment. The rule of law was inextricable from the three pillars of the United Nations and would form an intrinsic part of the post-2015 development agenda.

56. In order to ensure adherence to the principles of international law, the international judicial institutions should be strengthened and peaceful resolution of disputes should be promoted through the mechanisms of negotiation, mediation, conciliation, arbitration and other means provided for in Article 33 of the Charter.

In particular, the Security Council should make the best possible use of the International Court of Justice for the settlement of disputes and should request advisory opinions from the Court when faced with issues of legal intricacy. The Council could also make better use of Article 36 of the Charter by referring parties to a conflict to the Court. Frequent recourse by Member States to international adjudicative mechanisms for the peaceful settlement of disputes would promote the rule of law. His delegation also commended the work of international courts and tribunals established under United Nations auspices in promoting accountability and fighting impunity. Just and durable solutions to long-standing disputes and situations would do more to uphold the rule of law than rhetoric and posturing. The United Nations should invest the requisite time and energy to address the unresolved and festering disputes on its agenda.

57. The Charter, international law and a rule-based international system should underpin a just world order. In that regard, the fundamental notions of sovereign equality, the settlement of disputes by peaceful means, the conduct of international relations without threat or use of force, the right to self-determination of peoples that remained under colonial domination and foreign occupation, and non-interference in the internal affairs of States were sacrosanct. While under Article 39 of the Charter the Security Council had the duty to determine the existence of any threat to the peace or breach of the peace, it must discharge that duty in accordance with the purposes and principles of the Charter, as provided in Article 24, paragraph 2. Moreover, the use of force must be consistent with the Charter's principles relating to collective security. The resolutions and decisions of the Security Council should be implemented uniformly and without discrimination, as selectivity in the implementation of resolutions created obstacles to the resolution of conflicts and the strengthening of the rule of law. The Security Council should decide carefully whether to invoke Chapter VI, VII or VIII of the Charter. Measures taken under all Chapters were enforceable, but in most cases resort to Chapter VI could be the most salutary and productive course. Provisions under Chapter VII should be invoked as a last resort and in a graduated manner so as to ensure compliance.

58. The rule of law, backed by the United Nations, erected barriers against war crimes, genocide and crimes against humanity, addressed impunity and

reinforced accountability. The international criminal justice system must be built on the principles of fairness, impartiality and respect for State sovereignty. The international community should also end impunity for financial crimes and strengthen cooperative mechanisms to ensure that assets acquired through corruption or other unlawful means were repatriated to their country of origin.

59. His delegation supported the continued reform of the procedures of the Security Council committees so as to ensure due process and effective remedies in the implementation of sanctions regimes. In that context, his delegation appreciated the work of the Ombudsperson of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities.

60. United Nations peacekeeping operations had served as an important tool to restore peace and promote the rule of law in conflict-affected areas of the world. Pakistan was proud to have been one of the leading and most consistent contributors to that endeavour for decades and also played a role in United Nations post-conflict peacebuilding efforts.

61. National laws must be consistent with international obligations; all States that affirmed the rule of law as a priority at the national level must also respect it beyond their borders. The Security Council must continue to demand full compliance with international humanitarian law as the guiding norm in situations of armed conflict in order to mitigate their appalling consequences. His delegation condemned all instances of cross-border recruitment of children by armed groups and terrorists, wherever and whenever they took place.

62. **Mr. Errázuriz** (Chile) said that one of the biggest challenges facing the international community in the twenty-first century was strengthening the international legal order and the rule of law, which was essential to the peaceful coexistence of peoples, good governance, respect for human rights and economic and social progress. Respect for the rule of law at the international level was necessary for peace and stability; among other things, it entailed universal acceptance by States of international law, including compliance in good faith with their obligations under international treaties, particularly those establishing national boundaries. Universal acceptance of

multilateral international treaties, which governed matters of interest to the international community as a whole, should be a goal of Member States. The General Assembly should encourage States to sign and ratify or accede to such treaties. In that regard, his Government had recently signed and would soon ratify the Arms Trade Treaty, a landmark instrument that manifested the international community's will to prevent and combat the suffering caused by the illicit trade in arms.

63. Strengthening the rule of law at the international level also meant fostering and promoting the peaceful means of dispute settlement envisaged in the Charter, subject to the principle of free choice of such means. Peaceful settlement of disputes based on the sovereign equality of States was essential for international peace and security and required permanent mechanisms for dispute settlement. The International Court of Justice played a key role in that regard, both in the resolution of disputes and the issuance of advisory opinions. His delegation also valued the work of the International Tribunal for the Law of the Sea, the regional human rights tribunals, the ad hoc criminal tribunals and the International Criminal Court. The establishment of the latter had marked a milestone in the struggle to end impunity and had clearly demonstrated the commitment of the States parties to carry that struggle forward. Cooperation between regional organizations and the United Nations, as provided for in Chapter VIII of the Charter, was important in preventing conflicts or resolving them peacefully.

64. Since economic and social development depended on the rule of law, peace and security initiatives should be linked to and reinforce development initiatives. International law could function properly only if the rule of law also functioned properly at the national level. The rule of law at the national level was both a prerequisite for domestic peace and the foundation on which international peace was built. The rule of law at the national level required as a foundation a representative democracy and the establishment and effective functioning of national institutions. An autonomous and independent judicial system was also essential, and all, regardless of rank or position, must be held accountable for their actions and treated equally under the law. The United Nations, and particularly the General Assembly, should continue to promote reflection on the conditions, means and mechanisms for enhancing respect for the rule of law at the national

level. States should also work together and maintain a dialogue for that purpose.

65. In his delegation's view, the Declaration on the rule of law adopted by Member States should have been more action-oriented and should have established a follow-up mechanism, such as the working group proposed by the co-facilitators, which might have led to fruitful discussions and concrete actions by States concerning the rule of law. The Committee's future discussions on the topic should be oriented towards the achievement of specific goals. The high-level meeting had not been an end in itself but rather the start of a process of strengthening the rule of law at the international and national levels.

66. **Mr. Kim Saeng** (Republic of Korea) said that the adoption of the Declaration on the rule of law had been a significant step towards the development of a coherent approach. In particular, his delegation welcomed paragraph 4 of the Declaration, which reflected the basic principle that States should settle their international disputes by peaceful means of their own choice, as set out in Article 33 of the Charter.

67. The Republic of Korea was committed to an international legal framework founded on the rule of law as a guiding principle. While the United Nations had a vital role in ensuring that the rule of law was promoted at the international level, a corresponding national commitment was also needed. The experience of the Republic of Korea offered examples of the ways in which the rule of law could foster sustainable peace and development, facilitate economic growth and enhance human rights. A mutually reinforcing relationship between the rule of law and the protection of human rights was a necessary precondition for sustainable peace and development in every society.

68. The International Criminal Court and the other international criminal tribunals had made great strides in combating impunity. Those who had violated the most serious international humanitarian and human rights laws should be held to account. Special consideration should be given to women, children, and other vulnerable groups in conflict and post-conflict situations. His delegation had been pleased to note that the Secretary-General's report (A/68/213) explicitly recognized the contributions of all international judicial organs, including the International Court of Justice, the International Tribunal for the Law of the

Sea and the International Criminal Court, among others, in establishing and enhancing the rule of law.

69. His delegation supported the work of the United Nations Rule of Law Coordination and Resource Group and the Rule of Law Unit and looked forward to a consultation process that involved as broad a spectrum of stakeholders as possible. His Government would continue to contribute to various rule of law initiatives, including capacity-building assistance.

70. **Mr. Holovka** (Serbia) said that both the Charter of the United Nations and the Universal Declaration of Human Rights recognized the importance of the rule of law to lasting international peace. Serbia was active in efforts to establish the rule of law at the global level and strongly supported United Nations initiatives and programmes aimed at conflict prevention and peace facilitation in crisis areas, as well as related regional initiatives. It had acceded to all major international instruments related to non-proliferation, disarmament and arms control, and its Government was committed to their full and systematic implementation.

71. In view of the importance of accountability as part of the rule of law, combating impunity was an obligation. Through cooperation with the International Tribunal for the Former Yugoslavia, his Government had contributed to strengthening international justice, restoring and improving relations among Balkan States and instilling confidence in the effectiveness of national and international institutions. Transitional justice mechanisms were an essential component of efforts to strengthen the rule of law and had been particularly important in fostering reconciliation in the Balkan region.

72. Serbia attached great importance to the work of the International Criminal Court and was committed to its objectives. The Rome Statute offered a prime example of the way in which international and national rule of law efforts could be mutually reinforcing, since the Court was complementary to national jurisdictions and an important catalyst for the development of domestic justice systems. Although the establishment of the Court was a major step towards the prosecution of perpetrators of the most serious international crimes, the international community should not flag in its pursuit of a strong and efficient international criminal justice system. The next step should be to find mechanisms to enable national judicial systems to take

on the tasks entailed by the principle of complementarity.

73. His delegation commended the Secretary-General for his leadership in advancing the issue of the rule of law and supported the work of the Rule of Law Coordination and Resource Group, whose efforts should be based on the fundamental principles of the Charter, including national sovereignty, territorial integrity and non-interference in the internal affairs of States. It should also be recalled that the protection of human rights was an integral component of the rule of law and that the economic, social and political development of States depended on the rule of law.

74. **Mr. Sinhaseni** (Thailand) said that the adoption of the Declaration of the high-level meeting on the rule of law had played a vital role in establishing norms for international relations. His delegation commended and supported the efforts of the Rule of Law Unit to establish an online platform to follow up on voluntary pledges made during the high-level meeting and to assist Member States in fulfilling their pledges.

75. The rule of law accorded predictability and legitimacy to the actions of States and strengthened their sovereign equality before the law. In particular, the mechanisms for the settlement of international disputes established in the Charter and through international tribunals helped prevent disputes from escalating into conflict. When used by parties to a dispute, the International Court of Justice could play a critical role in restoring peaceful relations. In that regard, his Government reaffirmed its commitment to maintaining lasting peace, as called for in the Court's Judgment of 15 June 1962 in the case concerning the *Temple of Preah Vihear (Cambodia v. Thailand)*.

76. His Government attached great importance to harmonizing domestic laws with international norms and standards. In that connection, it would soon deposit its instrument of ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which would enhance the effectiveness of the criminal justice system. His Government was also committed to eradicating corruption, and in that regard, would host the second Assembly of Parties to the International Anti-Corruption Academy Agreement in December 2013.

77. The 2013 United Nations Regional Course in International Law for the Asia-Pacific Region had unfortunately been cancelled owing to a lack of funding; however, his Governments stood ready to host the 2014-2015 course. Another important regional initiative had been the establishment of the Thailand Institute of Justice, which promoted justice and the rule of law in accordance with United Nations standards and norms on criminal justice and human rights among members of the Association of Southeast Asian Nations (ASEAN).

78. His Government supported the mainstreaming of the rule of law into the post-2015 development agenda, which would promote the prosperity of the region and the world. In November 2013 it would host the Bangkok Dialogue on the Rule of Law: Investing in the Rule of Law, Justice and Security for the Post-2015 Development Agenda. Such a dialogue among political leaders, United Nations officials and members of academia and civil society would help build momentum for a more inclusive and equitable development agenda.

79. Earlier in the meeting, the delegation of a neighbouring State had made reference to the situation in southern Thailand. The issue was a domestic matter and could not be referred to as an international dispute or an international situation.

80. **Mr. Hakeem** (Sri Lanka) said that the rule of law was essential to maintaining peace, stability, good order and economic well-being. All societies had contributed over the centuries to the evolution of the rule of law, and it was important to respect its diverse roots when it was discussed in the contemporary context. There had also been long-standing efforts by States to create an international community based on the rule of law. The Charter of the United Nations, developed in the aftermath of the Second World War, was one of humanity's seminal achievements; the Charter enshrined the concepts of State sovereignty, non-interference in the internal affairs of States and the conduct of international relations without the threat or use of force. Over the years, the international community had also developed rules on human rights and in particular the rights of women, children and disabled persons. The high-level meeting of the General Assembly on the rule of law had represented an important milestone in efforts develop a common understanding of the concept among Member States.

However, the temptation remained for a State to interpret international law to its own narrow advantage.

81. At the national level, adherence to the rule of law had been a major factor in advancing sustainable human development and protecting human rights, particularly the rights of women, children and minorities. The Sri Lankan legal system had evolved to accommodate the country's diverse cultural, ethnic and religious differences; each ethnic group was governed by its own personal laws, resulting in a rich web of personal laws enforced by the highest courts. The provisions on fundamental rights in the Constitution were comprehensive, and an aggrieved person could appeal to the courts even without the assistance of an attorney. Sri Lanka had emerged from a 27-year-long conflict with a terrorist group that had challenged democracy and the legal framework. Support for institutional mechanisms was therefore needed to strengthen the rule of law. Countries emerging from decades of conflict must be given time and space to engage in a restorative process. Initiatives on the rule of law should not conform to external prescriptions that ignored domestic realities; judgmental international interventions were counterproductive.

82. The codification of international law was an important aspect of the development of the rule of law at the international level, with the Office of Legal Affairs of the United Nations playing a central role in that process. The United Nations could assist Member States by facilitating their access to the vast collection of treaties that had been deposited with the Secretary-General and by assisting States to build capacity for domestic compliance with treaty obligations. The Organization could also strengthen the rule of law by continuing to encourage the teaching, study, dissemination and wider appreciation of international law. In that regard, his delegation hoped that the United Nations would continue to fund the annual fellowship established in memory of Hamilton Shirley Amerasinghe, a Sri Lankan who had played a seminal role in the negotiation of the Convention on the Law of the Sea; such support would benefit generations of lawyers in developing countries.

83. Regional bodies had begun to play an increasingly important role in addressing the growing problem of transnational organized crime and terrorism. In particular, piracy, drug trafficking and human smuggling had become major sources of funding for terrorism, with critical destabilizing effects. Long-term

solutions to those problems would need to focus on the delivery of basic services by justice and security institutions, while taking into account relevant economic and social factors.

84. Strengthening the rule of law was essential, not only to maintain peace and good order, but also to facilitate sustained economic progress and achieve the Millennium Development Goals. In that regard, the rule of law should be treated as a cross-cutting issue in devising sustainable development goals. While it was customary to refer to the rule of law in the context of individual rights, it could also play a role in maintaining a balance between sustainable economic progress and environmental sustainability.

85. **Ms. Kramberger Mendek** (Slovenia) said that her delegation commended the Rule of Law Unit for its work to enhance coordination and coherence within the United Nations. The prevention of mass atrocities and the fight against impunity clearly merited special attention; it was the shared responsibility of the international community to implement all three pillars of the responsibility to protect. The peaceful settlement of disputes remained key to avoiding situations that could lead to the commitment of such crimes, and better use should be made of the means of dispute settlement set out in Chapter VI of the Charter. In that regard, her Government would be hosting the third international seminar on the promotion of mediation in the Mediterranean in 2014.

86. Although, in accordance with the principle of complementarity, the prosecution of international crimes was the primary responsibility of States, the International Criminal Court had an important part to play in cases where States were unable or unwilling to prosecute perpetrators of the most heinous crimes. There was also a need to strengthen the international legal framework for judicial assistance between States, including extradition. In that regard, the Governments of Slovenia, the Netherlands and Belgium were exploring the possibility of adopting an international instrument on mutual legal assistance and extradition for effective investigation and prosecution of the most serious crimes of international concern by domestic jurisdictions. Other States were invited to join the initiative, which would continue within the framework of the Convention against Transnational Organized Crime.

87. In September 2013, in the framework of the Bled Strategic Forum, Slovenia had hosted a panel discussion on international criminal justice as a precondition for a prosperous economic future, which had emphasized the role of the International Criminal Court. At the panel, the Prosecutor of the International Criminal Court had stressed that the Court should be seen as an investment in the future of women and humanity as a whole. Her delegation fully agreed with that statement and considered further that support for the Court was an investment in the rule of law. Accordingly, Slovenia had fulfilled its pledge made at the high-level meeting on the rule of law to incorporate the amendments on the crime of aggression (the Kampala amendments) to the Rome Statute into its national legislation: in September 2013 it had deposited its instrument of ratification of the amendments. Together with the Government of Liechtenstein, her Government would host a regional seminar on the ratification and implementation of the Kampala amendments in 2014. Her Government called on States that had not yet done so to ratify the Rome Statute and its amendments in order to strengthen the rule of law and establish an era of accountability.

88. **Mr. Pham Quang Hieu** (Viet Nam) said that adherence to the rule of law was the legal foundation for collective responses to the many challenges the international community was facing. It was critical to achieving a durable peace, effective protection of human rights and sustainable development and should be an intrinsic part of the post-2015 development agenda. However, the efforts of the international community to strengthen the rule of law must be based on the principles of sovereign equality of States, peaceful settlement of disputes and territorial integrity.

89. As the Association of Southeast Asian Nations (ASEAN) progressed in its transformation from a loose regional grouping to a rules-based organization with its own legal personality, it had enshrined the rule of law in its Charter as both a purpose and principle of the organization. As an ASEAN member State, Viet Nam participated in efforts to create a politically cohesive, economically integrated and socially responsible ASEAN Community by 2015. The organization would seek to provide an effective response to regional and international challenges in order to maintain peace, stability and maritime security in the region. In that regard, his delegation emphasized the importance of full implementation of the Declaration on the Conduct

of Parties in the South China Sea and the early conclusion of a code of conduct in the South China Sea, to ensure the peaceful resolution of disputes in accordance with universally recognized principles of international law, including the United Nations Convention on the Law of the Sea.

90. Viet Nam was committed to promoting the implementation of the rule of law at the national and international levels in accordance with the fundamental principles of the Charter. In that connection, it was revising its Constitution in order to facilitate the building of a socialist State governed by and for the people. His delegation urged the Committee to focus its discussion on ways to fulfil the commitments made at the high-level meeting of the General Assembly on the rule of law.

91. **Mr. Auväärt** (Estonia) said that the report of the Secretary-General (A/68/213) illustrated the progress made towards finding agreement on fundamental values; it also highlighted the important role of the International Criminal Court and the need to cooperate with it. His delegation called on all Member States that had not yet done so to accede to the Rome Statute and the Kampala amendments, which his own Government had recently ratified. Member States must strive to set an example of non-aggression, self-restraint and respect for the rule of law. While his delegation welcomed the continuing cooperation of the United Nations with the Court, in particular the provision of logistical support for field operations and the submission of documents to the Prosecutor and defence counsel, that relationship should continue to develop in order to enhance the Court's legitimacy. In that regard, States parties to the Rome Statute and those that referred situations to the Court should ensure that adequate support was consistently provided.

92. However, States must recognize that it was first and foremost their responsibility to develop national capacity to investigate and prosecute serious international crimes. They should cooperate in designing development programmes incorporating justice initiatives. The administration of justice was essential to sustainable development and security in any post-conflict society, as impunity provided fertile ground for the recurrence of conflicts and bred instability. Consistent prosecution, either domestically or internationally, was the most effective tool for combating crimes against humanity.

93. His delegation welcomed the report issued in May 2013 by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda entitled, "A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development", which recognized that responsive institutions that promoted the rule of law and access to justice helped create the transformative shifts needed to foster development, build peace and establish effective, open and accountable institutions for all. The post-2015 development agenda should address justice, equality and equity, good governance, democracy and the rule of law.

94. The rule of law was a core principle of governance that ensured justice by holding all persons, including the State itself, accountable to laws that were equally enforced and independently adjudicated. Respect for the rule of law at the national level promoted adherence to the principle in international relations. At the international level, the rule of law accorded predictability and legitimacy to the actions of States, forming a fundamental framework for the conduct of their relations.

95. **Ms. Zarrouk Boumiza** (Tunisia) said that the Committee should build on the momentum created by the high-level meeting on the rule of law and seek to develop linkages between the rule of law and the three pillars of the United Nations. At the national level, the rule of law was crucial for democracy, stability and growth and was best respected when people were empowered to voice their rights. As Tunisia progressed in its democratic transition, the Government was committed to adopting a constitution that consecrated the civil nature of the State and laid the foundation for a democratic regime. At the international level, the rule of law was the cornerstone of peaceful coexistence and cooperation among States. The rule of law accorded predictability and legitimacy to the actions of States, strengthened their sovereign equality and built trust and mutual confidence among them.

96. Her delegation welcomed the choice of the theme of the rule of law and the peaceful settlement of international disputes as the focus of the Committee's debate on the item at the current session. The many complex and interconnected challenges facing the international community required more than ever the integration of the principles of the rule of law into the management of international relations and the mechanisms for the pacific settlement of disputes set

out in the Charter, which included negotiation, enquiry, mediation, conciliation, arbitration, judicial settlements, resort to regional agencies or arrangements, or other peaceful means. The effectiveness of those mechanisms was evident in the immense amount of work undertaken by United Nations envoys, special representatives and political missions, which had been critical in easing tensions and negotiating settlements. The rise in the number of cases before international courts and tribunals, including the International Court of Justice and the International Tribunal for the Law of the Sea, was also a testament to the value Member States attributed to those institutions.

97. However, there was still a need to optimize and develop the use of mechanisms for the peaceful settlement of disputes. Mediation, for example, was a promising and cost-effective tool; Member States should strengthen national and regional capacities to engage in mediation, leverage resources allocated to mediation and seek to achieve gender balance in mediation posts. In addition, since regional and subregional organizations were well-positioned to pinpoint crises early, their ties with the United Nations should be strengthened, with a view to developing joint mechanisms to address crisis situations and mobilize the required resources. The issue deserved greater attention from the Committee in future debates.

98. **Mr. Cabactulan** (Philippines) said that his delegation reaffirmed its support for the Declaration on the rule of law, which laid stress on the peaceful settlement of disputes, the role of international tribunals, sovereign equality and the equality of women and men and identified the priorities of combating terrorism and corruption. The Declaration recognized that the United Nations system possessed the institutions, working methods and relationships to make the rule of law relevant to peace and security, human rights and development.

99. At the national level, the rule of law was an instrument of justice and development. The United Nations played a key role in supporting capacity-building and the exchange of best practices. Partnerships between Member States and international organizations had yielded accomplishments in the areas of good governance, including the deterrence of corruption and the speedy delivery of impartial justice. Such partnerships also supported inclusive and sustainable economic growth and development and the peaceful resolution of internal disputes, such as the

conflict between the Government of the Philippines and the Moro National Liberation Front.

100. All Member States were subject to Article 1, paragraph 1, of the Charter, which called for the settlement of international disputes by peaceful means, and to Chapter VI, which set out the relevant mechanisms available to Member States. That was the rationale for the 1982 Manila Declaration on the Peaceful Settlement of International Disputes, which stated that recourse to judicial settlement of legal disputes should not be considered an unfriendly act between States. The Philippines was committed to the rule of law and a rules-based approach to the settlement of disputes and subscribed to mediation and arbitration proceedings to help resolve maritime disputes and clarify maritime entitlements in the region. It also supported the early conclusion of a binding code of conduct affecting the exclusive economic zones and adjacent areas of coastal states in the region.

101. Coastal States' maritime entitlements were limited to those established by the United Nations Convention on the Law of the Sea. No country should make expansive and excessive maritime claims in violation of international law, particularly the Convention. Resolving those disputes through peaceful means in keeping with the rule of law was the only way to proceed. The bulk of all commercial goods travelling from one continent to another moved through or near the exclusive economic zones of coastal states of the region. Freedom of the high seas was essential to global peace and the stability of the international economy.

102. Beyond economic concerns, his Government also hoped for a peaceful settlement and durable maritime regime that was beneficial to all. It had assumed its obligations in terms of upholding the Convention. It was important for all States to contribute to creating peace, order, stability and predictability on the seas; clarifying rules and maritime entitlements would benefit all claimants and the international community as a whole. From 1988 to the institution of arbitration proceedings in 2013, all bilateral diplomatic and political avenues for a negotiated settlement of maritime disputes had been exhausted. Allowing disputes to fester for years would perpetuate uncertainties and was an untenable course of action.

103. The rule of law was critical to the predictability and stability of human, national and international

development. It anchored relations between countries on the basis of respect and sovereign equality and was necessary for peace and security to flourish. The vision of his Government for the United Nations was based on the Philippine Constitution, which mandated a foreign policy aimed at peace, equality, justice, freedom, cooperation and amity with all nations.

104. **Ms. Guillén-Grillo** (Costa Rica) said that her delegation attached great importance to the efforts made by the United Nations system to support Member States in fulfilling their obligations under international law and to the Secretariat's commitment to follow up on the Declaration on the rule of law. The United Nations Development Programme deserved special mention for its active role in promoting good governance, while the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) provided the most marginalized half of humanity with critical tools to empower them and increase their participation in development and political processes. Her delegation welcomed the progressive integration of human rights concerns into rule of law initiatives. As a member of the Human Rights Council, her Government was committed to ensuring that the universal periodic review process was conducted in an objective, non-political and constructive manner.

105. In 1973, Costa Rica had accepted and sought the jurisdiction of the International Court of Justice, which was the pre-eminent entity responsible for ensuring justice and respect for obligations assumed under international law, as set out in the Charter. It was important to note that the role of the Court was judicial and not political, and that, as provided in Article 94 of the Charter, compliance with its decisions was obligatory. Full compliance implied respect not only for the judgments of the Court, but also for its provisional measures. Her Government also valued the role of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

106. The progress made by the ad hoc criminal tribunals and the International Criminal Court in implementing international criminal justice was cause for optimism. Costa Rica attached particular importance to the universal ratification of the Rome Statute. In its fight against impunity, the United Nations should give priority to adequate funding of the Court and the residual mechanisms of the ad hoc

tribunals. States parties to the Rome Statute must also maintain a solid and active commitment to the independence of the Court in order to ensure its effectiveness. That included preventing any political considerations from interfering with the Court's strictly judicial mission or distorting the mandates that States parties had agreed to respect.

107. States that strove to uphold the rule of law created better living conditions for their citizens. When a society promoted effective and representative legislative bodies, just laws, universal accountability, independent tribunals, equitable access to justice, tolerance for diversity and intolerance for corruption and impunity, its social, economic and cultural development accelerated. Costa Rica, a peaceful democracy that did not maintain a military, would not be able to exist in peace and tranquillity without the guarantees provided by respect for the rule of law and the efficacy of multilateral mechanisms.

The meeting rose at 6 p.m.