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Chair: Ms. Millicay (Vice-Chair) (Argentina)
later: Mr. Gharibi (Vice-Chair) (Islamic Republic of Iran)

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In the absence of Mr. Manongi (United Republic of Tanzania), Ms. Millicay (Argentina), Vice-Chair, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 82: The rule of law at the national and international levels (A/69/181 and A/68/213/Add.1)
(continued)

1. **Mr. Kohona** (Sri Lanka) said that, in considering the rule of law, it was important to be mindful of the diversity of legal systems in the world, their philosophical underpinnings and the evolution of economic and social circumstances. Human civilization had given rise to different legal frameworks over time with the aim of preserving law and order, peace and security, and individual and community interests while at the same time, in a broad sense, distinguishing right from wrong. While certain common principles had influenced the evolution of all major legal systems, specific social, religious, philosophical and cultural factors had played a significant role in the evolution of the rule of law in different regions. Mutual respect for all national legal systems was a necessity in the modern world, as highlighted by the International Development Law Organization.

2. At the national level, the rule of law served as the cornerstone for a fair and functioning society and for the advancement of both public and private interests. Without it, discussions on matters such as individual and community rights, economic development and environmental conservation would lack substance. In the context of discussions on the Millennium Development Goals and the post-2015 development agenda, it must be borne in mind that strengthening the rule of law was essential for economic progress. Long-term approaches aimed at strengthening domestic institutions should be sought in order to improve the economic and social fabric of societies.

3. Sri Lanka was strongly attached to the rule of law and had accommodated its cultural, ethnic and religious diversity within its legal framework, as evidenced by the extensive provisions on fundamental rights in its Constitution. Those provisions gave aggrieved persons recourse to the courts without the assistance of an attorney and had contributed to the promotion and protection of children's rights, the empowerment of women and the protection of minority groups. Additional laws protecting minority rights were given effect through the judicial system.

4. Recent intensified efforts by the international community to tackle the threat of terrorism had brought to the fore the difficulties in balancing national and security concerns with obligations relating to human rights. By employing strategies such as using civilians as human shields, terrorist groups had exploited State responsibility to uphold international legal obligations even in times of deadly conflict. It was imperative for States to cooperate at the national, regional and international levels in order to confront the threat of terrorism and avoid falling prey to the terrorist agenda. Transnational challenges were bound to multiply with the increasing interconnectedness of the world, making cooperation among States and the development of common responses to global issues more important than ever.

5. After the carnage of the Second World War, the United Nations, with its commitment to institutionalizing multilateralism, had played a critical role in establishing an international order that had prevented the world from descending into another war of global proportions. Key to that success had been the Charter's overwhelming emphasis on the principles of national sovereignty and non-interference in the domestic affairs of States, except in clearly defined circumstances. Those two principles had served as the bulwark of the current international order, safeguarding the weak and discouraging the use of force in conflict resolution. However, the international legal frameworks developed in response to the global political and economic balance existing at the conclusion of the Second World War needed to be re-examined in the light of contemporary circumstances, particularly in view of the shift in the economic balance in the world.

6. Sri Lanka had effectively contributed to the development of the rule of law, as exemplified by its role in the codification of the law of the sea. It would continue to strengthen the rule of law within its domestic legal system and remained ready to work to strengthen the rule of law in the international arena.

7. **Mr. Tupouniua** (Tonga), welcoming the current debate's focus on the sharing of national practices in strengthening the rule of law through access to justice, said that Tonga was committed to facilitating access to justice for all Pacific small island developing States and to promoting effective dispute resolution at the regional and domestic levels. It participated in the Pacific Judicial Development Programme, the goal of which was to strengthen governance and the rule of law in the Pacific region through enhanced access to

justice and independent judicial officers. Components of the current phase of the programme included the delivery of high-quality judicial training, court development services and family violence and youth justice awareness workshops. Tonga was also a participant in the Advancing Gender Justice in the Pacific Programme, an initiative of UN-Women, and had taken decisive action to facilitate the participation of women in the judicial sphere. It also had a process for the translation of its laws into the Tongan language to facilitate access to the law and justice for all its nationals. Activities such as those were considered essential to strengthening the rule of law at the national level. His delegation called on all Member States to facilitate participation at both national and regional levels with the aim of increasing access to justice for all and fostering a fair and just legal system. It also called on States to encourage the progressive development of international law and its codification and to abide by all their obligations under international law.

8. At the international level, States had affirmed the importance of developing and maintaining cooperation within the international community through international law and the three pillars of the United Nations, which were directly linked to the post-2015 development agenda and the sustainable development goals currently under discussion as well as to the search for multi-stakeholder and partnership approaches. Some States had expressed the view that a more action-oriented approach to the rule of law was needed and that a follow-up mechanism should be created. States had also said that the role played by the Security Council in the United Nations framework should be addressed in the context of the rule of law. His delegation endorsed those views.

9. The Security Council contributed to the development of international law by ensuring equitable standards of behaviour by States in order thereby to maintain international peace and security. In that regard, his delegation wished to reiterate its views on the implications of climate change, which could lead to the disappearance of islands and territories and prompt vast movements of people, including across international borders. His delegation had observed with much hope the expansion of the scope of what might be deemed threats to international peace and security when health issues — in particular the recent Ebola virus disease outbreak — had been rightly taken into consideration by members of the Council and by the United Nations membership generally. The Council

should likewise consider the threat that climate change might pose to international peace and security and decide on the appropriate behaviour of States in that regard, thus building on the relevant rule of law on the issue and helping to protect all concerned.

10. Member States had also highlighted the importance of the International Court of Justice and the International Tribunal for the Law of the Sea in the settlement of disputes and the development of international law. Both bodies contributed to the development of law in areas of central importance to Tonga, including international environmental law and the law of the sea. Their judgments establishing a due diligence standard in international environmental law played a key role in climate change issues. Their advisory opinions regarding the deep seabed also had an important role in the management of seabed resources in areas beyond national jurisdiction. Several arbitral tribunals established under annex VII to the United Nations Convention on the Law of the Sea had also dealt with issues of crucial importance to Tonga and to the governance of the oceans. Increasing the role of the rule of law in those areas would strengthen avenues for international cooperation through access to justice. The codification and progressive development activities of the International Law Commission in areas such as protection of the atmosphere were also important for Tonga and for other Member States, and his delegation supported the Commission's role in addressing that matter.

11. **Mr. Aprianto** (Indonesia) said that access to justice was an important part of Indonesia's implementation of the rule of law at the national level. It was mandated by the Constitution and was one of the five philosophical foundations of the State. Justice was a basic human right accorded by States to their citizens in keeping with the principle of equality before the law. The rule of law underpinned the promotion and protection of human rights and the upholding of social justice, which were indispensable in maintaining social cohesion and stability in multi-ethnic and multi-faith countries such as Indonesia. His Government had repeatedly affirmed its commitment to improving Indonesia's legal system and strengthening access to justice for all citizens. Access to justice had evolved from a simple concept of providing public access to legal aid institutions into a total reform of the Indonesian legal system that took into account the character, customs, traditions and values of its people. In 2009 the Government had launched a national strategy on access to justice, which had later become

an important element in the overall national development strategy.

12. Two critical strategies must be vigorously pursued in building and strengthening access to justice. The first was human and institutional capacity-building, which was essential to the development of a culture of adherence to the rule of law and social justice and to the ongoing reform of Indonesia's justice institutions. It was, however, a long-term effort requiring education and training. Accordingly, the Government was working with relevant educational institutions to strengthen the values of social justice in legal curricula. Training was also being provided to law enforcement officials to ensure that they were kept apprised of local, national and international developments. Sharing of best practices among officials from various countries was an important element of the training programme. In addition, an ombudsman commission had been established in 2000 to facilitate the lodging of public complaints against State institutions and private companies involved in public service, thereby facilitating the public's access to justice.

13. A second essential strategy was strengthening transparency in the legislative process through enhanced participation of relevant stakeholders, including civil society and educational institutions. Transparency was important not only for maintaining accountability, but also for building a sense of community involvement and ownership of a particular piece of legislation. The Indonesian House of Representatives therefore consistently published any draft legislation due to be discussed. Domestic courts had also taken steps to increase transparency by providing public access to their decisions.

14. In Indonesia's experience, a sense of involvement and ownership encouraged people to speak out in defence of their rights. To ensure justice for people seeking to defend their rights, legislation had been enacted on legal aid, which made specific provision for such aid to be afforded to the poor. A number of policies and legal instruments provided guarantees of access to justice for women. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the creation of a national commission on violence against women were two examples of how women in Indonesia had moved beyond discrimination and exclusion. The most encouraging aspect of Indonesia's progress with regard to legal development, however, was the establishment of its Constitutional Court in 2003. Since then, the

Court had been the preferred venue for people seeking to contest legislation that in their view contravened the Constitution or infringed their constitutional rights.

15. At the international level, three elements were necessary to ensure the rule of law. First, all States must be fully committed to an international order grounded in international law and the Charter of the United Nations. Second, all of the major organs and specialized bodies of the United Nations must function, and be seen to function, in accordance with the highest standards of justice and fairness. To that end, the United Nations itself must undergo appropriate reform reflecting the realities of the present rather than of the past. The long-awaited reform of the Security Council and the revitalization of the General Assembly were critical. Third, the gap between commitments made at the international level and their implementation at the national level must be closely monitored. The United Nations was strategically positioned to support its Member States in that regard.

16. **Mr. Momen** (Bangladesh), recalling the United Nations definition of the rule of law set out in document [A/66/749](#), said that the rule of law required measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of subjectivity and arbitrariness, and procedural and legal transparency. Justice was key to the rule of law and to securing rights and dignity for all, and people must be empowered to seek and have access to it and to the mechanisms established to deliver it.

17. The rule of law at both the national and the international levels was one of the core values of the United Nations. Through the universal standard-setting power of the General Assembly, the enforcement power of the Security Council and the judicial power of the International Court of Justice, the Organization played a vital role in promoting and enhancing the rule of law at the global level. The corpus of international law developed at the United Nations provided the normative framework for promoting and preserving peaceful and friendly relations among nations and should therefore be observed by all States.

18. Bangladesh was convinced that the rule of law was a necessary condition for sustainable peace, protection of human rights and social and economic development in any society. In recent years the Government had undertaken much-needed

administrative, judicial and electoral reforms, including separation of the judiciary from the executive. It had also strengthened the anti-corruption commission, an independent constitutional body, and established a human rights commission to safeguard the rights of all citizens and ensure that international standards regarding human rights and personal freedoms were respected. An information commission had been established to ensure free access to public information by any citizen. Recently enacted laws provided assistance to autistic children, safeguarded the rights of persons with disabilities and protected women and children from family violence and discrimination. Measures had also been taken to ensure that law enforcement institutions operated with accountability and within the framework of international legal norms and principles.

19. Bangladesh staunchly supported conflict resolution through peaceful, non-military means. In order to achieve sustainable peace and stability, it was necessary to cultivate a mindset of tolerance, respect and love for others, irrespective of their colour, ethnicity or religion. Peace was currently threatened by civil wars, uprisings, religious intolerance, transnational crimes, terrorism, piracy, the effects of climate change, financial and energy crises and partisan application of laws, which had made more apparent than ever the need for just and equitable application of international law, adherence to the Charter and reliance on the International Court of Justice for the peaceful settlement of disputes. His delegation supported efforts to uphold the sovereign equality, territorial integrity and political ideology of all States and to ensure that States refrained from the threat or use of force and settled disputes peacefully. Given the strong interrelationship between the rule of law and development, advancing the rule of law at the national and international levels was essential for sustained and inclusive economic growth. That interrelationship should be enshrined in the post-2015 international development agenda.

20. **Mr. Gharibi** (Islamic Republic of Iran) said that access to justice was a constitutional right of every Iranian citizen, and all had recourse to the courts. In both civil and criminal cases, legal representation was provided free of charge for individuals who could not afford to hire an attorney. In order to facilitate access to justice throughout the country, courts, including family courts and other special courts, were to be set up in all provinces and towns. An electronic network enabling citizens to file civil claims online had made

access to justice significantly faster, easier and more transparent.

21. States should do their utmost to promote the rule of law at the national level. It should be recognized, however, that States had a sovereign right to establish their own models of the rule of law and administration of justice and to develop efficient and fair legal and judicial systems based on their own cultural, historical and political traditions. In its rule of law assistance activities, the United Nations should adhere strictly to the principle of national ownership. It could best assist Member States by facilitating the exchange of best practices. Any attempt to categorize States on the basis of artificial indicators would yield adverse results.

22. Greater attention to the rule of law was needed at the international level, where expectations had not been met. As could be discerned from the Secretary-General's report (A/68/213/Add.1), there were certain standards of achievement relating to the rule of law at the national level, but at the international level there were only general descriptions. Within the United Nations the basis for the rule of law was strict adherence to the purposes and principles of the Charter, yet for some countries the threat or use of force remained the norm in their international relations. Such conduct should be strongly denounced. The Sixth Committee should continue seeking a clear common vision of how to promote the rule of law at the international level. Issues to be addressed in that regard included recourse to the use of force, Security Council reform, sanctions and the extraterritorial application of domestic laws.

23. The extraterritorial application of domestic laws unilaterally by one country against another clearly contravened the rule of law at the international level. Such actions were an obvious manifestation of the rule of power through misuse of an instrument of law and in many cases could be qualified as internationally wrongful acts entailing the international responsibility of the States concerned, including the responsibility to make full reparation for damages to targeted States. Member States should never allow other States to dictate to them through the extraterritorial application of their domestic legislation. International law must be respected equally by all States, and selectivity and double standards in the application and enforcement of international treaties must be rejected.

24. **Mr. Koppanyi** (Austria) said that international law and the rule of law were the foundations of the international system. A rules-based international

system with clear and predictable rules that applied equally to all Member States was an essential precondition for lasting peace, security, economic development and social progress. His delegation called upon all Member States to promote an international order based on the rule of law and international law, with the United Nations at its core, and to ratify and implement the relevant international agreements and settle disputes by peaceful means, including by referring them to the International Court of Justice.

25. Accountability and the fight against impunity for violations of international human rights and humanitarian law were crucial. Mass atrocities must be stopped and the perpetrators brought to justice, including through international criminal justice mechanisms. Austria was a strong supporter of the International Criminal Court and had recently ratified the amendments to the Rome Statute of the Court adopted by the Review Conference held in Kampala, Uganda, in 2010; it encouraged other States to do likewise. The Court could not fulfil its mandate without political and material support and cooperation by Member States. All States must also abide by their obligations to cooperate under the relevant Security Council resolutions. With regard to sanctions regimes, fair and clear procedures for their implementation and control were needed in the interests of strengthening the rule of law.

26. Efforts to promote the rule of law should focus more closely on prevention of human rights violations. In that connection, his delegation commended the Secretary-General's Human Rights Up Front initiative. It had repeatedly stressed the interdependence of the rule of law and the protection of human rights, as recognized in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels ([A/RES/67/1](#)), and believed that efforts to achieve universal ratification of international human rights treaties should be intensified. His delegation welcomed the report of the Secretary-General prepared in response to the General Assembly's request in paragraph 41 of the Declaration of the High-level Meeting ([A/68/213/Add. 1](#)) and stood ready to contribute actively to follow-up initiatives aimed at further developing the linkages between the rule of law and the three pillars of the United Nations. To that end, in June 2014 it had co-organized, with South Africa and UN-Women, a panel discussion on women's access to justice. Austria's activities in the framework of the United Nations and its development cooperation had included

a focus on strengthening the rule of law, including access to justice, and it therefore welcomed the theme of the current debate. It also fully supported the work of the United Nations Rule of Law Coordination and Resource Group and the Rule of Law Unit.

27. Good governance and the rule of law at the national and international levels were essential for sustainable development and the eradication of poverty and hunger. Hence, the rule of law, including access to justice, would be a crucial element for the success of the post-2015 development agenda and should have been more adequately reflected in goal 16 of the proposal of the Open Working Group on Sustainable Development Goals ([A/68/970](#)). The rule of law was also fundamental for inclusive and equitable economic growth. Both small businesses and large corporations were more likely to thrive where laws were clearly defined, known to the public and applied neutrally. In that regard, his delegation also commended the contribution of the United Nations Commission on International Trade Law to the promotion of the rule of law, including in the context of international trade, long-term development, conflict prevention and post-conflict reconstruction.

28. Corruption was a true enemy of development and must be addressed. It deterred investors and exacerbated inequalities in societies. The key to success was education and training on how to prevent corrupt practices. The International Anti-Corruption Academy in Austria provided anti-corruption education and professional training as well as technical assistance. In addition, Austria promoted cooperation and exchange between national constitutional courts. Effective control of national legislation by an independent competent judiciary was a cornerstone of effective rule of law in the national sphere. As coordinator of the Group of Friends of the Rule of Law, Austria would continue to give utmost priority to efforts to promote the rule of law, not as an abstract goal but as a means of protecting the rights and interests of individuals.

29. *Mr. Gharibi (Islamic Republic of Iran), Vice-Chair, took the Chair.*

30. **Mr. Li Yongsheng** (China) said that China had always been a firm defender of the rule of law at the international level and had long supported its progressive development. The current year marked the sixtieth anniversary of the proclamation of the Five Principles of Peaceful Co-Existence, for which China, Myanmar and India had organized a series of

commemorative activities. Participants in those activities had emphasized that the Five Principles reflected the essential requirements of international law: they represented the common interests of countries and the international community, embodied the purposes and principles of the Charter of the United Nations and fundamental principles of international law, enjoyed wide support by the international community as basic norms governing international relations and had contributed greatly to the promotion of peace, stability and development.

31. As had been emphasized by the President of China at a conference marking the anniversary of the Five Principles, countries should jointly promote the rule of law in international relations and use uniformly applicable rules to clarify right and wrong and pursue peace and development. All countries should exercise their rights in accordance with the law and oppose attempts to distort international law and undermine, in the name of the rule of law, peace and stability and other countries' legitimate rights and interests. An international law colloquium had recognized the significance of the Five Principles in guiding collective efforts to advance international peace, security and development and had affirmed that international relations should be guided by the concepts of sovereignty, peace, progress for all and justice enshrined in the Principles. The Chinese Government had stressed that China would remain a firm defender of State sovereignty, a staunch upholder of international peace and security, an energetic promoter of economic and social cooperation and development and an active builder of the international order and the rule of law.

32. There was no "one size fits all" model and standard of the rule of law. Countries had the right to choose their own paths in accordance with their national circumstances. Efforts by the United Nations to promote the rule of law should be more open and transparent and take fully into consideration the opinions of Member States, especially developing countries. The Chinese Government attached great importance to the role of the rule of law in improving national governance and safeguarding people's rights. It had enhanced assistance and compensation for victims of criminal offences and was exploring a system of relief in judgment enforcement whereby courts might provide appropriate relief to the winning party in cases in which both parties were in economic distress and the losing party was therefore incapable of implementing the judgment. A system of legal aid

involving the Government, lawyers and legal aid professionals, grassroots legal service personnel and volunteers provided free legal services to litigants in financial difficulty.

33. China's sovereignty claim over the islands in the South China Sea was fully justified by a large body of historical and legal evidence. Any dispute should be resolved by the countries directly concerned through negotiations and consultation on the basis of respect for historical facts and international law. That had been the consistent position of China and an important point of common understanding between it and the countries of the Association of Southeast Asian Nations (ASEAN), as reflected in the Declaration on the Conduct of Parties in the South China Sea. It was regrettable that a certain country had violated its commitment under that Declaration. The current overall situation in the South China Sea was stable, and China opposed any attempt to exaggerate the supposed tensions in the region.

34. China was open to proposals regarding the South China Sea, but they must be well-meaning, objective, impartial and constructive, rather than conjuring up new ideas, following double standards, causing further troubles and differences, disrupting the comprehensive implementation of the Declaration and jeopardizing the common interests of China and the ASEAN countries. Such acts as illegally occupying China's islands and reefs and carrying out construction activities with a view to perpetuating an illegal occupation ran directly counter to the spirit of the rule of law. China remained committed to comprehensive implementation of the Declaration on the Conduct of Parties in the South China Sea and would work with relevant countries to manage differences, promote maritime cooperation and joint development and make the South China Sea a sea of peace, friendship and cooperation.

35. **Mr. Aldahhak** (Syrian Arab Republic), endorsing the comments made the previous day by the representatives of Cuba and the Russian Federation regarding the report of the Secretary-General (A/68/213, Add.1), said that the rule of law had, for almost seven decades, formed the framework within which States Members of the United Nations had sought to strengthen respect for international law and establish norms governing international relations. The rule of law was an indivisible whole. It was neither possible nor acceptable to insist on the rule of law solely at the national level or only in certain countries while ignoring the rule of law in other countries or at the international level. Adherence to the rule of law

demanding respect for the principles of international law and the Charter of the United Nations, specifically the principles of equal sovereignty, non-interference in the domestic affairs of States and the peaceful settlement of disputes, as well as ending situations of occupation and combating terrorism.

36. Any obstacles to the primacy of the rule of law at the international level were not the result of a lack of mechanisms or international instruments but rather of selectivity, the application of double standards and the politicization of issues by certain countries which sought to impose their hegemony and unilateral decisions on other countries, including through the threat or the use of force without a clear Security Council mandate. Those countries pursued ideas that served their national interests but did not enjoy consensus within the international community. The rule of law should not mean ignoring the civilization or cultural specificities of any country or region, nor should it mean imposing the norms of certain countries or disregarding the fundamental rights of people to choose their national model of governance.

37. It went without saying that interference in the internal affairs of a State or attacks on its territorial integrity or national sovereignty were contrary to the rule of law, which could not be expected to prevail while the international community remained silent, as it had done for decades, when the leaders of certain Arab and regional States whose identities were well-known provided unconditional support for terrorism that threatened the Syrian Arab Republic and its people. The governments of those countries had for three years been providing various forms of support to foreign terrorist fighters and mercenaries brought in from all over the world to wreak death and destruction in his country so that they could spread their extremist ideas, which had nothing to do with any religion or with civilization or with humanity. They had enabled the terrorists to swell their ranks and to inflict the most barbaric and horrific atrocities on the Syrian people, their Iraqi neighbours and citizens of other countries, threatening the region and the entire world.

38. Unfortunately, the competent organs of the United Nations had ignored the documented facts presented by his delegation and failed to heed its requests to exhort those countries to cease their terrorism and violations of international law. Turning a blind eye to the practices of those countries and failing to hold their authorities accountable was clearly at odds with certain countries' professed attachment to

international law and the implementation of international anti-terrorism instruments.

39. The rule of law was incompatible with the imposition of unilateral coercive measures on other countries. The United Nations had said many times that such coercive measures were unlawful, yet such measures were negatively affecting the lives of Syrians, preventing them from meeting their daily needs, including access to food, medical services and fuel. Obviously, the rule of law could not prevail while the Syrian Golan and other Arab territories remained occupied, nor while the occupying authorities continue to commit war crimes and crimes against humanity against the Palestinian people, nor while the international community remained silent about the support being provided to Israel and to terrorist organizations operating in the area of separation, which had repeatedly attacked personnel of the United Nations Disengagement Observer Force. Justice could not be achieved as long as Governments that supported terrorists were not held accountable.

40. Member States must comply with the provisions of international law and with the purposes and principles of the Charter and must refrain from any act that might threaten international peace and security. Technical assistance provided in relation to the rule of law must not be used as a means of political pressure or as a pretext to interfere in the internal affairs of a State or threaten its sovereignty.

41. **Mr. Sousa Bravo** (Mexico) said that his delegation joined others in calling for a thorough examination of the recommendations contained in the Secretary-General's report on the linkages between the rule of law and the three pillars of the United Nations (A/68/213/Add.1). The international dimension of the rule of law was an essential aspect of any discussion on the topic, and his delegation would have welcomed greater attention to it in the report. The rule of law gave predictability and legitimacy to the actions of States, reinforced their sovereign equality and provided the foundation for a State's responsibility towards all individuals. It was also crucial to development and, as affirmed in the Declaration of the High-level Meeting (A/RES/67/1), was firmly linked to human rights and democracy and was one of the fundamental, universal values and principles of the United Nations.

42. Although his delegation recognized the complexity of the debate on the topic and the wealth of ideas reflected in the various positions, it could not share the objections to a structured, comprehensive and

forward-looking discussion. The rule of law was a cross-cutting topic having to do with various aspects of the work of the General Assembly and the other main organs of the Organization, and it was therefore not feasible to limit its discussion to the Sixth Committee, as had been illustrated by the negotiations of the Open Working Group on Sustainable Development Goals, in particular the complex discussions on proposed goal 16 relating to the rule of law. His delegation appreciated the inclusion of the concept in that goal and the related targets, although it would have preferred a more ambitious statement of the international community's commitment, especially in relation to human rights. It would seek to strengthen that commitment through the intergovernmental deliberations on the post-2015 development agenda.

43. The elements highlighted by the Secretary-General in his report provided a good starting point for the discussions on the matter. It was not the first time that the General Assembly had been faced with a controversial subject on which there were marked differences of opinion. In the past, a number of tools had been used to examine complex, multifaceted issues, and his delegation believed that the same tools should be brought to bear in the current debate.

44. With regard to the topic of national practices in strengthening the rule of law through access to justice, his country, like many others, faced major challenges. Without efficient modern institutions, it was impossible to maintain a strong rule of law regime, in which laws were enforced without exceptions or delays, and where everyone — especially the most vulnerable segments of the population — had access to justice. Mexico was in the process of implementing a new adversarial model of criminal justice with the aim of addressing the most urgent problems of the justice system. A new, reformed code of criminal procedure would facilitate the uniform application of judicial criteria, leading to greater legal certainty and security in prosecution and in the administration of justice. At the same time, the Government was engaged in an intensive effort to build capacity and promote human rights in national judicial organs, in keeping with the international human rights instruments to which Mexico was a party. The Office of the Attorney-General was being restructured and reorganized to give it full legal autonomy.

45. His delegation shared the views of those who had emphasized the importance of national ownership: processes related to the rule of law should be led by Member States. The more than 400 pledges made by States during the High-level Meeting on the Rule of

Law offered abundant opportunity for advancing the rule of law and also provided a valuable repertory of experience in both the national and international spheres. Mexico stood ready to share its experiences in that regard, including through its promotion of the Arms Trade Treaty, which would soon enter into force. His delegation planned to initiate and invite Member States to participate in an exercise focusing on those pledges, with the aim of sharing experiences and best practices in strengthening and promoting the rule of law at the national and international levels.

46. **Ms. Woldeyohannes** (Eritrea) said that, while attaching great importance to the current debate's theme of sharing national practices in strengthening the rule of law, her delegation strongly believed that greater attention to the international dimension of the rule of law was needed. Only by strengthening the rule of law and justice at the international level would it be possible to address global security, human rights and development challenges and to achieve national, regional and international peace and security. Building independent, efficient and competent judicial systems formed the backbone of her Government's efforts to strengthen the rule of law at the national level. At the same time, safeguarding Eritrea's sovereignty, territorial integrity and political independence against aggression, occupation, unwarranted sanctions and belligerence from hostile powers was a key priority.

47. Eritrea's unequivocal commitment to the achievement of a peaceful and inclusive society through access to justice for all must be gauged in the light of the enormous challenges faced during its nation-building process. The Government had been pursuing several key priorities, including greater community participation in the judicial process through community courts that enhanced people's access to justice at lower cost, thus facilitating access for the poor. Recently promulgated legislation changing the jurisdiction of courts, refining procedural laws and improving enforcement had further enhanced citizens' access to judicial services within their communities. Eritrea was working in close partnership with the United Nations, including through a strategic partnership cooperation framework, to strengthen its judicial system based on its needs and priorities and with a focus on local and national ownership.

48. Steps taken to empower women included the criminalization of female genital mutilation and underage marriage. Women's right to own property and to equal payment for equal work had been enshrined in laws, and 30 per cent of parliamentary seats had been

allocated to women. To bridge the gender gap in the legal profession, new training centres had been opened and a policy had been introduced mandating that one in three community judges must be a woman. As part of a government policy to empower youth, the executive body of the National Union of Eritrean Women included young Eritreans. With a view to enhancing social justice and fostering sustainable development, efforts had been made to ensure food security, improve health and education and reduce disparities between rural and urban populations through the construction of roads, dams, schools, health centres and hospitals.

49. **Mr. Šćepanović** (Montenegro) said that the rule of law was one of the building blocks of shared prosperity. It was also vital to government accountability, access to justice and protection of human rights. Failure to adhere to the rule of law was a common concern. All countries had a responsibility to strengthen the rule of law and promote human rights, and the United Nations had a responsibility to provide adequate and efficient support for their efforts. As a country with an open society and an open economy, Montenegro paid particular attention to the rule of law at the national and international levels. National ownership of rule of law activities, respect for international law and incorporation and implementation of international norms in domestic legal systems were among its key objectives.

50. Attempts to strengthen the rule of law at the international level would be significantly hampered without strong rule of law at the national level, as the two were inextricably linked. States could contribute to the rule of law at the international level by strengthening the linkages between it and human rights, peace and security. Montenegro was therefore committed to supporting United Nations and European Union rule of law initiatives, including peacekeeping operations and training for members of the police and the judiciary. It was also committed to codification of the rule of law at the international level through further development of international law and was confident that the United Nations had the proper tools to advance that endeavour.

51. Respect for the rule of law was a foundation and a prerequisite for international relations, peaceful coexistence, stability and development. Mechanisms for pacific settlement of disputes and instruments of international law were useful mechanisms for maintaining international peace and security and ensuring the rule of law and justice on both levels. His delegation acknowledged the important role of the

International Criminal Court and other international tribunals in fighting impunity and strongly supported cooperation with all such institutions, especially the International Tribunal for the Former Yugoslavia.

52. The rule of law and a well-functioning justice sector would support inclusive growth and development. Impartial access to justice and the fight against impunity also formed essential elements of the mutually reinforcing nexus between the rule of law and development. Human rights and the rule of law, as critical enablers and as goals in themselves, must be included in the post-2015 sustainable development agenda. Improving access to justice, reducing violence, promoting human rights and ensuring that institutions were effective, fair and accountable were challenges for all countries, not just developing ones, and his delegation was therefore pleased that the post-2015 agenda would apply to rich and poor countries alike. All Governments should be responsive to the needs and concerns of the people they were entrusted to serve; participation by civil society actors should be encouraged; and democratic oversight over the implementation of the rule of law should be allowed.

53. **Mr. Rao** (India) said that his delegation appreciated the assistance provided by the United Nations to least developed countries and other developing countries in promoting the rule of law by establishing or fostering institutions and practices acceptable to those countries. It was important to note, however, that law-making at the national level fell exclusively within the sovereign domain of the national legislature. It might also be noted that there was no agreed definition of the term “rule of law”.

54. The Declaration of the High-level Meeting on the Rule of Law had reaffirmed the duty of all States to settle their international disputes by peaceful means. It had also stressed the importance of continuing efforts to reform the Security Council. His delegation considered it essential to reform the Council as soon as possible in order to make it a broadly representative, efficient and transparent body. It called upon the international community to ensure observance of the rule of law at the international level. There was a long-standing deficit with regard to the rule of law in the institutions of global governance, in particular within United Nations agencies and bodies, which were neither representative nor transparent, raising questions about their legitimacy. Developing countries should be given a real voice and participation in global decision-making, and international institutions should be fully reflective of contemporary realities and rule of law

norms if they were to address global challenges effectively.

55. As to the focus of the current session's debate, his delegation subscribed to the view that independent, efficient and competent judicial systems formed the backbone of the rule of law, as they provided legitimate and peaceful means to resolve conflicts, ensure accountability and provide redress. India's Constitution established the objective of securing social, economic and political justice for all its citizens and guaranteed all citizens fundamental rights and freedoms, including the right to life and liberty, equality before and equal protection of the law, protection against arbitrary detention and freedom of speech, association and religion. Another important right was the right to remedy, including the right to approach the Supreme Court, in cases involving violations of any fundamental rights or freedoms. The Constitution also guaranteed individuals access to the high courts in each state for remedies against violations of their legal rights. Further, it guaranteed everyone the right to have any dispute decided in a fair public hearing before an independent court or tribunal or another impartial forum. In order to ensure access to justice on a basis of equal opportunity, the Constitution mandated free legal aid to poor and disadvantaged citizens. Legislation implementing that provision had been enacted in 1987.

56. The Indian judiciary had, through its judicial pronouncements and activism, upheld the essence of the constitutional provisions ensuring equal access to justice for all. The Supreme Court and the high courts had affirmed in a number of cases that there could be no derogation from fundamental rights conferred by the Constitution, especially the right to life and liberty, equality and protection against discrimination, and access to justice. The Supreme Court had also taken proactive measures to promote access to justice by relaxing the traditional rules of *locus standi* and procedural rules by treating a petition or even a letter received from any individual or body acting *pro bono publico* as a formal petition to initiate legal proceedings in respect of fundamental rights. In appropriate cases the Court appointed commissioners or expert bodies to undertake fact-finding investigations.

57. With regard to the Secretary-General's report on strengthening linkages between the rule of law, human rights, peace and security and development (A/68/213/Add.1), a comprehensive and thorough discussion should be held on the possible tools and

models proposed in the report. That discussion should take place primarily in the Sixth Committee.

58. **Ms. Zarrouk Boumiza** (Tunisia) said that Tunisia remained willing to cooperate with United Nations agencies in relation to the rule of law on a basis of transparency and constructive dialogue. It honoured its obligations under the international legal instruments to which it was a party and was committed to ensuring that its laws were in harmony with international norms and standards relating to the rule of law. Tunisia would continue to participate in strengthening all mechanisms necessary to uphold the universal values of human rights in accordance with the Declaration of the High-level Meeting on the Rule of Law. It had, for example, proposed the establishment of an international constitutional court to assist recently liberated nations in areas such as developing constitutions and preventing rule by force. The proposal had been well received in academic circles, and her delegation hoped that it would also find support among Member States.

59. At the national level, Tunisia had recently ratified a new Constitution that guaranteed individual and collective rights and freedoms and laid the foundation for true democracy. One of its most important provisions was the separation of powers and the independence of the judiciary. The new Constitution also established a constitutional court, which could rule on the constitutionality of domestic laws and thus protect the freedoms and rights of citizens. In addition, Tunisia had made significant strides towards achieving transitional justice, including the adoption in December 2013 of a new law establishing a truth and dignity authority to investigate serious violations of human rights, determine the fate of victims and provide compensation for the harm inflicted.

60. **Mr. Shava** (Zimbabwe) said that the nexus between development, peace and security, human rights and the rule of law was inextricable. The rule of law at the international level was essential for global socioeconomic development and the maintenance of international peace and security. The Charter of the United Nations was the bedrock of the rule of law, and relations between States should be guided by its principles, including the sovereign equality of States, non-interference in the internal affairs of States, non-aggression, peaceful coexistence and respect for independence, sovereignty and territorial integrity. The United Nations should continue to champion the cause of self-determination so that peoples who continued to

live under occupation and subjugation might be liberated and enjoy their full rights.

61. As agreed in the Declaration of the High-level Meeting, States must refrain from the threat or use of force, which undermined development, peace, security, human rights and the rule of law. Ample recent evidence had demonstrated that heavy-handed interventions did not always bring about sustainable solutions; instead, they often cost lives, destroyed economic and social infrastructure and created instability, leaving innocent civilians to pick up the pieces in their aftermath. The Declaration also cautioned States to avoid the use of unilateral punitive sanctions and other measures against other States. Regrettably, however, such measures continued to be employed by powerful States against weaker ones to achieve narrow political objectives. His country and a number of other developing countries continued to suffer under such unjustified unilateral sanctions. As Member States worked to frame the post-2015 development agenda, it was to be hoped that developing countries' efforts would not continue to be hindered by unilateral economic sanctions and other coercive measures.

62. His delegation supported international efforts to end impunity and hold those responsible for atrocities to account. It was concerned, however, that the international criminal justice system had operated in a selective manner, focusing only on soft targets in the developing world, mainly in Africa, and thereby undermining confidence in the system. For the system to be credible, it must be seen to apply universally and equally to all.

63. At the national level, Zimbabwe was committed to the rule of law and good governance and to the strengthening of accountability and justice institutions. Its new Constitution emphasized the separation of powers and enhanced the independence of the judiciary. All domestic laws were being brought into line with the new Constitution. Several independent bodies, including commissions on human rights, anti-corruption and the media, protected the rights and interests of citizens and helped to further enhance the rule of law.

64. His delegation welcomed the idea of sharing national practices in strengthening the rule of law and justice and believed that the United Nations was one of the most appropriate forums for sharing best practices and capacity-building through genuine cooperation. Zimbabwe was committed to cooperation based on

mutual understanding and respect. As a small nation, it relied on the rule of law for protection against arbitrary actions by the rich and the powerful and believed that harmonious relations between States and national development could be guaranteed only through multilateralism, dialogue and cooperation, not by force and coercion.

65. **Mr. Gumende** (Mozambique) said that the current session was taking place at a time of great challenges to the principles and values underpinning the rule of law at the national and international levels. The present debate represented an opportunity for Member States to strengthen their resolve to promote the culture of legality and the primacy of the rule of law, based on full respect for the principles enshrined in the Charter of the United Nations and international law as a precondition for peace, stability, socioeconomic development and peaceful coexistence. His delegation valued the role played by the United Nations, as the custodian of international legal frameworks, in promoting universal adherence to those principles and to international law.

66. The international community should continue to pursue the codification and progressive development of international law, focusing special attention on promoting the ratification and full implementation of core treaties, while recognizing the support that some Member States might require for that purpose. Special tribute should be paid to the International Law Commission and to the Sixth Committee for their role in the production and dissemination of international treaties. His delegation acknowledged the growing role of international institutions in upholding the rule of law and noted the pledge by the United Nations to be at the forefront of efforts to combat impunity. It supported the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in coordinating the relevant United Nations activities. The Organization's support and training programmes and its annual treaty event were also worthy of note.

67. At the national level, Mozambique remained committed to promoting adherence to the rule of law by, inter alia, ensuring domestic implementation of international obligations and strengthening its democratic institutions, including through justice system reforms aimed at protecting human rights and ensuring effective administration of justice. The Government believed that good governance and adherence to the rule of law would contribute to more effective socioeconomic development, ensure the participation of the people in decision-making and

secure respect for human rights, thus consolidating peace and stability at the national level.

68. In order to meet the challenges of an evolving democratic political system and enhance the rule of law, Mozambique's Constitution had been reviewed with the aim of strengthening the fundamental principles of good governance, including freedom of expression, freedom of political party affiliation and respect for citizens' fundamental rights and freedoms. To ensure the constitutional right of equality of all peoples before the law, steps had been taken to strengthen the role of oversight institutions, including the Constitutional Court, the Office of the Attorney General, the Anti-Corruption Office, the Parliament Complaints Commission and the recently established Human Rights Commission. The Office of the Ombudsman was also being empowered with a view to strengthening individual guarantees and making the Government and public administration more accountable. Significant progress had been made in legal reform, in developing and training human resources and in creating infrastructure.

69. The rule of law was of paramount importance in addressing corruption, one of the challenges to maintaining public confidence and promoting government accountability, legitimacy and transparency. Efforts to combat it had included strengthening of existing anti-corruption laws and adoption of new ones, including a public probity law aimed at preventing public officials, including politicians, from misappropriating public funds or profiting from their positions. The law also sought to encourage appropriate moral behaviour and consolidate good practices within the public administration. With a view to promoting good governance and accountability, annual independent audits of the State budget were conducted and the findings submitted to Parliament. In addition, as a means of preventing misuse of public resources and ensuring the protection of citizens' rights, administrative courts had been established in every province. All constitutional, democratic and judicial reforms had been preceded by public consultations, which had afforded an opportunity for citizens, politicians, civil society and other relevant stakeholders to participate in the decision-making process.

70. **Mr. Sargsyan** (Armenia), after expressing his appreciation for the activities of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, said that, as the United Nations prepared to embark on the post-2015 sustainable development

agenda, it was important to strengthen the linkages between the rule of law and the three pillars of peace and security, human rights and development. His delegation considered national and global processes involving the rule of law to be mutually inclusive and, while recognizing the importance of national ownership of the rule of law, believed that the notion of the rule of law at the international level should also be promoted.

71. Armenia strongly supported efforts to strengthen the international justice system, which was fundamental to the peaceful settlement of disputes and promotion of access to justice. In that context, it was important to recall that all States had a duty to refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to settle their international disputes by peaceful means and to maintain international peace, security and justice. As a nation that had experienced the first genocide of the twentieth century and that continued to face denial of that horror, Armenia reaffirmed its strong support for the fight against impunity for the most serious crimes, including genocide and crimes against humanity. Such crimes were more likely to occur where international judicial mechanisms were inefficient and the integrity of the State's internal justice system was seriously compromised.

72. His delegation espoused the view that human rights, including peoples' right to self-determination, the rule of law and democracy, were mutually reinforcing and formed part of the universal and indivisible core values and principles of the United Nations. It was also convinced that the rule of law could be promoted effectively at the international level only if it had a strong footing at the national level. Armenia's Constitution guaranteed that all persons were equal before the law and entitled to equal access to the legal system.

73. Since regaining its independence, Armenia had recognized that broad-based reform and institution-building in the public administration were necessary to underpin the country's growth agenda, which was led by the private sector. One of the key building blocks in that process had been the creation of a more efficient, effective and independent judiciary to better serve citizens, enforce contracts and encourage commercial activities and investments. Legal reforms included the creation of a three-tiered structure of courts of general jurisdiction under the 1995 Constitution. A second phase of judicial reform had begun with a 2005

constitutional amendment intended to reduce the dominant role of the presidency in the court system and increase the independence of the judiciary. A judicial code passed in 2007 had further reorganized the courts and introduced a doctrine analogous to precedent in common law systems.

74. Broad public discussions had been under way since 2013 to examine the need for new constitutional reforms aimed at further improving governance and increasing transparency and accountability. Judicial reform remained a priority. The Government, in close collaboration with international partners, had undertaken in recent years to enhance the institutional capacity of the national bar association, improve the quality of legal education, foster an effective environment for human rights protection and increase the judiciary's knowledge of international courts, including the European Court of Human Rights.

75. **Mr. Koroma** (Sierra Leone) said that strict adherence to the global concept of the rule of law was one of the barometers used to determine whether a State was socially, economically and politically progressive. The comprehensive definition of the rule of law put forward by the Secretary-General's report on transitional justice in conflict and post-conflict societies (S/2004/616) elaborated on the core principles upon which the Charter of the United Nations was based and laid the foundation for best practice by States. Sierra Leone rigorously endeavoured to implement the principles of the rule of law at the national and international levels. It had had first-hand experience with the tremendous benefits of respect for the rule of law, democracy, human rights and good governance, the core values and principles that often set countries apart in terms of degree of development.

76. Within a short period, Sierra Leone had undergone a phenomenal transformation from a fragile State devastated by 11 years of civil war to a stable and resilient country with one of the fastest growing economies in the world. It had held successive general elections that had been acclaimed as free, fair and credible by international observers, which had paved the way for a smooth and peaceful transition of power. Peace and security were growing, the sanctions measures imposed by the Security Council had been lifted and Sierra Leone had been proclaimed a United Nations success story. Although the Ebola outbreak in the region had slowed progress and threatened to reverse some gains, he was confident that with

continued support from the international community the country would overcome the disease.

77. The Government had taken several bold steps in its quest to implement the rule of law, including setting up a broad-based committee representing all sectors of society to review the Constitution. It was hoped that the committee would tackle constitutional ambiguities. Its findings would be presented to Parliament and its work would culminate in a referendum. One of the most hotly debated issues was the constitutional moratorium on the death penalty, which could be amended only by referendum. A constitutional review process had been an important provision of the Lomé Peace Agreement of 1991 and also a key recommendation of the Truth and Reconciliation Commission.

78. Bold steps had also been taken to reform the police and other law enforcement agencies and the judiciary. Access to justice had improved at all levels of the judicial system. Civil society organizations had been very proactive in pushing for a legal aid system to enable individuals to have legal representation in both civil and criminal matters. A number of flagship programmes had been established with the support of international partners and the United Nations with the aim of strengthening the rule of law, including one to enhance access to justice. Legislation had been enacted to address specific needs of vulnerable groups, including laws to protect persons with disabilities, children and victims of sexual offences.

79. The rule of law would always be endangered where there was extreme poverty and little accountability and transparency on the part of public officials. As part of the effort to eradicate extreme poverty and sustain socioeconomic development, Parliament had enacted a new anti-corruption law in 2008 which enabled the national anti-corruption commission to prosecute any government minister or senior public official without recourse to the Attorney-General or Minister of Justice. The President and all senior officials were required to declare their assets on a regular basis while in office. There was room for improvement, however, in the judicial system and the administration of justice as a whole, and the fight against corruption must be sustained.

80. At the international level, Sierra Leone was deeply committed to the implementation of its international obligations and recognized that it could not survive unless it linked its aims, objectives and development aspirations to the overall development of

the people of the world. It would continue to support and work with the United Nations and with regional and subregional organizations to promote world peace and security, striving for a world in which the territorial integrity and sovereignty of all States and the fundamental rights of all people were respected by other nations. It would also strive for the end of colonialism in the remaining non-self-governing territories and would continue to promote the African position on the reform of the United Nations, seeking to reach a common understanding that would pave the way towards an inclusive, united, transparent and accountable Security Council. It would continue to support and strengthen the International Criminal Court in the fight against impunity and would support all United Nations initiatives geared towards ensuring fulfilment of the responsibility of States to protect their people. It would remain faithful to the Constitutive Act of the African Union and to the protocols of the Economic Community of West African States on peace, democracy and stability and would support all African Union processes seeking to promote democratic principles and institutions and human rights.

81. His delegation affirmed that a nexus existed between the rule of law at the national and international levels and national and global development. The rule of law was a catalyst for peace, stability, sustainable development and resilience. As a post-conflict State, Sierra Leone supported goal 16 of the set of goals proposed in the report of the Open Working Group on Sustainable Development Goals (A/68/970). The need for peaceful and capable institutions should be recognized as a stand-alone goal in the final list of priorities under the post-2015 development agenda.

82. **Ms. Kanchaveli** (Georgia) said that the rule of law was fundamental to peace and security, development and respect for human rights at the national and international levels. Peaceful settlement of international disputes was one of its core elements at the international level. Expanding the scope of justiciability of international disputes was vital in order to enhance the efficiency of international institutions such as the International Court of Justice, which had a key role in the peaceful settlement of disputes. Her delegation called upon all States that had not yet done so to accept the Court's compulsory jurisdiction. The rule of law was also a key element in conflict prevention and resolution and in peacekeeping and peacebuilding with justice, which were critical to achieving peace and security in conflict and

post-conflict situations. There should be an effective, efficient interplay between national justice systems and the International Criminal Court in the fight against impunity, in accordance with the principles enshrined in the Rome Statute.

83. Her Government was striving to adjust Georgian legislation to the best international standards. Parliament had adopted a law on cooperation with the International Criminal Court and had ratified the amendments on the crime of aggression adopted by the Review Conference of the Rome Statute. Justice sector reforms were a top priority for her Government as part of an overarching effort to establish and enhance functional democracy and uphold principles of transparency, accountability and the rule of law. Reforms begun in 2012 were aimed at depoliticizing and strengthening the independence of the High Council of Justice and other judicial institutions. The reforms ensured participation by judges in the formation of the High Council of Justice and in decision-making on the judicial system in general. A constitutional amendment adopted in November 2013 had introduced life tenure for judges. The next stage of reform would focus on measures to guarantee the independence of judges.

84. Prosecutorial powers formerly vested in the Minister of Justice had been transferred to the Chief Prosecutor with a view to strengthening the institutional independence of the prosecution service and ensuring its impartiality. The criminal code was being liberalized, modernized and refined in line with international and European standards. A new law ensured the independence, accountability and transparency of legal aid programmes, a central component of strategies to enhance access to justice. Legal aid services had been opened in mountainous regions, regions populated by ethnic minorities and other areas outside of the regional centres.

85. In April 2014 Georgia had adopted a national strategy on human rights, aimed at ensuring the implementation of its human rights obligations. The strategy explicitly required the State to respect, protect, fulfil and promote human rights and sought to ensure that every person in Georgia understood the essence of his or her rights and was capable of exercising them in practice.

86. **Mr. Mkandawire** (Malawi) said that, after over 30 years of dictatorship in a one-party State, the Government and people of Malawi cherished the rule of law. Malawians had achieved a multi-party

democracy in 1994 and since then had held five transparent and internationally recognized elections to choose democratic leaders. The most recent elections, in 2014, had been held under credible and peaceful conditions in accordance with constitutional requirements. The Constitution included a bill of rights, and the Government had ensured that every Malawian enjoyed his or her human rights. Citizens' whose rights had been violated could seek redress from institutions such as the ombudsman, the human rights commission and the courts. The judiciary was independent of the other powers. The courts were accessible to all citizens. A government legal aid department provided assistance to poor and marginalized persons and ensured their access to justice at low or no cost. A community policing initiative currently being implemented throughout the country had helped to ensure better protection for citizens, reduce crime and facilitate swift apprehension and prosecution of suspects.

87. At the international level, Malawi stringently upheld the Charter of the United Nations and was convinced that only through adherence to its principles could international relations be conducted in a fair and peaceful manner. Malawi was also a signatory to the Rome Statute of the International Criminal Court and a member of International Court of Justice, and it strongly believed that countries should have recourse to those institutions whenever possible in order to resolve misunderstandings. Through its active membership in the Southern African Development Community and the African Union, it sought to promote international understanding, cooperation and the rule of law among countries. The rule of law must be observed not only at the domestic level, but also in the international arena in order for peace to thrive and social and economic development to take place.

88. **Mr. AlAjmi** (Kuwait) said that independent, effective and efficient legal systems formed the cornerstone of the rule of law and provided legitimate means of resolving disputes peacefully. At the national level, Kuwait had been a pioneer in the implementation of the principles of the rule of law and in providing for a clear separation of the powers of the State. Its judiciary was fully independent, as stipulated in its 1961 Constitution, which also set forth the civil rights and freedoms of citizens and had made Kuwait a model of democracy. At the international level, the principle of the rule of law should be based on a common understanding among Member States and should be implemented through adherence to international

instruments and treaties. International disputes should be resolved by peaceful means, including recourse to international institutions such as the International Court of Justice and the International Criminal Court.

89. The Arab-Israeli conflict was not a conflict over land; it was a struggle for survival. Israel was committing violations of international laws and norms through its systematic military attacks on Gaza. Its Operation Protective Edge on 8 July 2014 had killed more than 2,100 Palestinians, including 530 children. Israel also continued to impose an illegal blockade on Gaza, which had become a prison for people who had committed no other crime than wanting to survive. Its ongoing settlement activities constituted a grave violation of the rule of law and of international humanitarian law. His delegation called on the international community to shoulder its responsibilities and compel Israel to adhere to relevant international resolutions.

90. The international community must do all in its power to combat the growing scourge of terrorism, which threatened international peace and security. In that regard, his delegation welcomed the activities outlined in paragraphs 45 and 46 of the Secretary-General's report (A/69/181) and the outcome of the high-level meeting of the Security Council on preventing the flow of foreign terrorist fighters, which had adopted resolution 2178 (2014).

91. Kuwait reaffirmed its adherence to the principles of the Charter of the United Nations and its support for the Organization's efforts to enhance the dissemination of international law and promote the rule of law, which reinforced international, regional and national efforts to ensure adherence to international humanitarian law and achieve stability and security in the world.

92. **Ms. Geoghegan** (Observer for the International Committee of the Red Cross) said that in armed conflict, upholding the rule of law enhanced the effectiveness of international humanitarian law, helping to save lives and reduce suffering and providing a platform for rebuilding communities. States had the primary responsibility to respect and ensure respect for international humanitarian law, which required the development of clear normative frameworks and strong judicial mechanisms that included accountability measures. To have greater impact, such action should be taken in peacetime. It was encouraging to note that States had taken a number of steps to ensure that national legislation and civilian and military judicial systems were aligned with international norms

protecting those affected by armed conflict. In addition, a range of safeguards, including regulatory frameworks and judicial guarantees, were needed to ensure that all persons deprived of their liberty were protected from arbitrary detention and denial of their fundamental rights and freedoms. Such safeguards would also have a practical impact in preventing enforced disappearances and ensuring access to justice for persons deprived of liberty.

93. The International Committee of the Red Cross (ICRC) supported national authorities in their efforts to ensure that the protections of international humanitarian law were given full effect. While the adoption of domestic legislation and related measures was an important first step towards upholding the rule of law, it must be accompanied by extensive awareness-raising in order to translate legal measures into effective protections and knowledge into appropriate behaviour. At the invitation of States, ICRC organized and participated in programmes aimed at audiences such as the armed forces, law enforcement agencies, civil servants, the judiciary and parliamentarians that were directly involved in ensuring respect for international humanitarian law and other applicable norms. It specifically recognized the important contribution of judges and was planning an expert consultation to further support their role.

94. At the national level, many States had established international humanitarian law committees, which played a crucial role in framing a comprehensive national response to international humanitarian law issues. All efforts to build national capacity must integrate local legal and institutional traditions. National Red Cross and Red Crescent Societies played an important role in supporting the efforts of public authorities to promote the implementation of international humanitarian law. Efforts to strengthen the rule of law were part of a wider effort to create an environment conducive to protecting and ensuring respect for people's lives and dignity in all situations, including when they were affected by violence. ICRC reaffirmed its commitment to continue working with States to that end.

The meeting rose at 5.55 p.m.