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Chair: Mr. Mlynár (Slovakia)
later: Ms. Anderberg (Vice-Chair) (Sweden)

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

Agenda item 83: The rule of law at the national and international levels (*continued*) (A/74/139)

1. **Mr. Türk** (Assistant Secretary-General for Strategic Coordination, Executive Office of the Secretary-General), introducing the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/74/139), said that respect for the rule of law at the national and international levels was a pre-requisite for fulfilling the objectives set out in the Charter of the United Nations and for maintaining international peace and security, achieving sustainable development, and upholding human rights and fundamental freedoms. The rule of law was fundamental to forging social contracts between peoples and their Governments on the basis of trust and inclusion. Indeed, the rule of law and its accompanying norms and institutions were indispensable in ensuring that vulnerable segments of the population, including women, had access to services and social protection and did not become victims of corruption and abuse of power. The rule of law was therefore essential to building resilient societies, an outcome that was in the interests of the vulnerable and the powerful alike.

2. Strengthening the rule of law at the international level required compliance with long-standing rules of international law, including rules on the use of force and the primary responsibility of States to protect their populations from genocide, crimes against humanity, ethnic cleansing and war crimes. Respect for the rule of law was also critical to advancing humanitarian efforts and human rights; addressing the significant human and financial costs of displacement and statelessness; and promoting environmental sustainability. A number of measures were being taken to address the emerging challenges to the rule of law at the national and international levels. The Secretary-General had developed a comprehensive plan to counter, through prevention and early action, the use of hate speech for political purposes or to incite violence. He had also launched an initiative to ensure the safety of religious sanctuaries. Citizens worldwide, in particular young people, were exerting pressure on Governments and courts to protect them against the negative impact of climate change and to fulfil their relevant international commitments, bearing in mind the immediate harm faced by those most directly affected by that threat.

3. Legal and governance frameworks needed to evolve in response to the large-scale changes brought about by the digital age. The rule of law must apply to online activities, in order to mitigate the impact of new technologies on human rights, security and data privacy.

At the same time, the potential of such technologies must be harnessed to strengthen the administration of justice, legal certainty, equality, participation and transparency. In a number of countries, the independence of the judiciary was being eroded as a result of the removal or retirement of judges on the basis of hastily promulgated laws; the refusal to implement court orders; the failure to allocate adequate resources for the effective functioning of courts; and direct attacks on the integrity of judicial personnel. Those trends undermined the fundamental principle of the separation of powers and weakened the social contracts between States and their people.

4. The Secretary-General welcomed the downward trend in the application of the death penalty, as well as the steps taken by Member States to abolish or reduce the scope of offences subject to that penalty. However, he had also found that some States had resumed executions or continued to use the death penalty for offences that did not meet the threshold of the most serious crimes. He continued to emphasize that capital punishment had no place in the twenty-first century. The support provided by the United Nations for the rule of law at the national and international levels had played a key role in the development of just and equitable societies and in the establishment of institutions capable of protecting people and their human rights in peace and conflict situations.

5. It had been reported that approximately five billion people, including many of the world's most marginalized, lacked access to justice, were excluded from the opportunity the law provided, and lived in extreme conditions of injustice. That "justice gap" was widening and was hindering the achievement of the Sustainable Development Goals. The Organization had worked to close that gap by, inter alia, helping to re-establish rural courts in remote areas of Darfur, Sudan, and deploy mobile courts in Timor-Leste and Somalia. It had also provided support for the alignment of national laws with the 1961 Convention on the Reduction of Statelessness.

6. As women were disproportionately denied their right to justice, ensuring access to justice was directly linked to the fulfilment of Sustainable Development Goal 5, on gender equality. In Afghanistan, courts specializing in violence against women had been operationalized. The adoption of resolution 2467 (2019) by the Security Council was also an important step towards encouraging Member States to adopt a survivor-centred approach to, and promote the participation of women in, addressing sexual violence in conflict. In addition, the United Nations had developed expertise in supporting countries and communities emerging from

conflict in their pursuit of transitional justice, including by ensuring the criminal accountability of those responsible.

7. The Organization had also made important contributions to the progressive development of international law, including through the General Assembly's decision in 2015 to convene an intergovernmental conference to prepare the draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, and the Sixth Committee's work on issues such as protection of the atmosphere and sea-level rise in relation to international law. In addition, the coordination and coherence of assistance in promoting the rule of law had been improved as a result of the work of the Global Focal Point for the Rule of Law and the launch of the United Nations Global Counter-Terrorism Coordination Compact in December 2018.

8. Guidance from and action by Member States were critical to enabling the Organization to address the challenges to the rule of law. In that regard, the Secretary-General welcomed the recommendations set forth by the Security Council in its resolution [2447 \(2018\)](#) with regard to the provision of assistance for strengthening the rule of law in crisis and conflict situations. He also looked forward to Member States' discussions, at the fourteenth United Nations Congress on Crime Prevention and Criminal Justice, on how to advance the rule of law to support the 2030 Agenda for Sustainable Development. During the debate on the current agenda item at the Assembly's seventy-fifth session, the Committee might wish to consider subtopics that were consistent with the Organization's common priorities, such as hate speech, anti-corruption efforts and the impact of climate change on the rule of law. Respect for the rule of law was essential to effective multilateralism and the development of institutions that ensured justice for all.

9. **Mr. Ke** (Cambodia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the rule of law at the national and international levels was a cornerstone of friendly relations among nations and multilateral cooperation. Since its establishment, ASEAN had been an inclusive, rules-based community governed by the rule of law. It was therefore committed to upholding international law and the principles of the Charter of the United Nations. ASEAN attached great importance to ensuring stability and security in its region and had adopted a number of treaties to that end, including the Treaty of Amity and Cooperation in Southeast Asia (1976), the Treaty on the

Southeast Asia Nuclear Weapon-Free Zone (1995), the Declaration on the Conduct of Parties in the South China Sea (2002) and the Declaration of the East Asia Summit on the Principles for Mutually Beneficial Relations (2011). In addition, the Association's member States continued to work with China towards the early conclusion of a code of conduct in the South China Sea. Their collective experience had demonstrated that shared respect for the principles of the sovereign equality of States, territorial integrity and non-interference in the domestic affairs of States enabled States to cooperate more effectively. Moreover, shared respect for the rule of law at the national and international levels enabled ASEAN members to carry out collective initiatives in a transparent, consistent and predictable manner.

10. To advance the rule of law at the national and international levels, technical assistance, knowledge- and skills-based training and development support must be provided to Member States. In that regard, his delegation welcomed the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General. Open communication and a coordinated approach were needed to enable the Organization to provide consistent and effective assistance for strengthening the rule of law and to collaborate fruitfully with its partners. The activities of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law were particularly valuable in promoting international law at the global level and fostering friendly relations among nations. Sustainable financing should be provided for that Programme with a view to broadening its reach.

11. **Mr. Varankov** (Belarus) said that his delegation agreed with the basic thesis in Secretary-General's report ([A/74/139](#)) that a stronger commitment to a world order that operated in accordance with international law and had the United Nations at its centre was required to ensure that investments in building a fair and multilateral system had positive effects for all. What was at stake, however, was not only the building of a multilateral system, but the prevention of global catastrophe. His delegation shared the Secretary-General's view of the urgency of such challenges as the proliferation of hate speech, incitement to violence and the destruction of religious sanctuaries. A balance must be struck, however, between the international community's legitimate interest in stopping hate speech and the need to uphold fundamental human rights, including the right to freedom of opinion and the right to information, and fundamental principles of international law, including non-intervention in the

domestic affairs of States. States should be primarily responsible for regulating the realm of information, while the United Nations should provide them with advice and other assistance and serve as a forum for the sharing of experiences and best practices.

12. Both the creative and the destructive potential of new technologies, including artificial intelligence, had been the subject of a conference on preventing and countering terrorism in the digital age, held in Minsk in 2018 in conjunction with the Organization for Security and Cooperation in Europe, and a conference on countering terrorism through innovative approaches and the use of new and emerging technologies, held in September 2019 in conjunction with the United Nations. The full range of issues related to cyberspace and artificial intelligence merited consideration by the International Law Commission; such issues were far more relevant to the international community's needs than some of the topics included or proposed for inclusion in the Commission's long-term programme of work.

13. His delegation welcomed the assistance provided by the United Nations to individual States in the post-conflict reconstruction of governmental and justice institutions. The Organization should concentrate its limited resources in that area, in particular the restoration of local justice institutions and the training of specialists from among the local population, with the utmost attention to local situations; otherwise, it risked establishing a cycle of State dependency on external assistance, which was dangerous not only for the State itself but also for donors. His delegation also commended the Organization's support for constitutional reform in several Asian and African States. In that connection, the United Nations should explore the possibility of cooperating with the European Commission for Democracy through Law (Venice Commission), a recognized centre of expertise in the field of constitutional law. With regard to strengthening the administration of justice within the Organization, the Secretary-General's report should provide information on the fulfilment of the mandates of United Nations entities, particularly in cases where States had repeatedly identified systemic problems.

14. Belarus attached great importance to cooperating with the United Nations to enhance expert capacity in international law. In December 2018, in conjunction with the United Nations Commission on International Trade Law, it had organized a regional conference on arbitration and mediation and, in November 2019, with the support of the United Nations Development Programme, it would hold a seminar on dispute settlement within the context of the World Trade

Organization. It was commendable that representatives from various United Nations bodies participated in such events, which made a substantive contribution to strengthening the rule of law.

15. There was no alternative to a world order based on international law, in particular the Charter of the United Nations. The tragic events that had prompted the international community to establish the Organization would never be forgotten. Without the rule of law, international relations would be based on natural selection on a global scale, the results of which, in view of modern technology, were not difficult to predict. Compliance with international legal obligations, therefore, was in the interest of all States without exception, at least in the medium and long term. No matter what supreme national interests or supposed international interests were used to justify violations of international law, the consequences of such violations, in the form of countermeasures, the escalation of confrontation or the undermining of trust, were ultimately detrimental both to the violator and to international law as a whole. While some violations of international law were a deliberate political choice, most were accidental and resulted from an incorrect interpretation of a given rule, a lack of training in international law among law enforcement officials or, in general, insufficient national capacity.

16. His delegation wished to highlight the important role of various international entities, including global and regional organizations, treaty bodies and conferences of parties, in clarifying treaty obligations. Much had been and would continue to be said on that subject. Effective communication, in a spirit of trust, between the relevant entity and the State concerned was of fundamental importance. Above all, the State should be provided with friendly assistance to properly fulfil its obligations. Since violations were by no means always the result of a deliberate political choice, any form of penalty, even of a moral or political nature, should be exceptional. Ultimatums, double standards and the violation by international entities of their own mandates and rules of procedure were completely unacceptable, did not help correct the violator's behaviour and seriously limited future prospects for respectful dialogue.

17. Regional organizations also played an important role by helping States comply with their obligations. That applied primarily to obligations undertaken in the framework of those organizations themselves; however, by generally improving legal knowledge and capacities in Member States, such organizations also contributed to the rule of law at the international level. The most effective way of promoting compliance with

international law was to lead by example. States that complied rigorously with the norms and principles set out in the Charter, and international institutions that adhered scrupulously to their mandates and rules of procedure, acquired legitimacy and a “capital of trust” that encouraged other actors to comply with international law.

18. **Mr. Jamiru** (Sierra Leone) said that, during the presentation of its voluntary national review report at the 2019 high-level political forum on sustainable development, Sierra Leone had focused on progress made in fulfilling Sustainable Development Goal 16, concerning the promotion of inclusive societies and access to justice. In 2015, his country had established a legal aid board designed to provide, inter alia, legal representation and mediation services to low-income citizens. Between 2015 and 2018, the number of cases for which such services had been used had increased significantly. About 14 per cent of the beneficiaries had been women and 19 per cent had been minors. Sierra Leone was developing a judicial strategy that would provide for the establishment of a directorate focusing on expanding access to justice. The legal framework had been configured with a view to codifying the common elements of the customary law system under a national common law system. To accelerate the achievement of the goal of justice for all, a proposal had been put forward to establish a centre to collect data on justice matters for use in policy formulation and decision-making.

19. Sierra Leone had significant experience in ensuring accountability for serious crimes under international law which it was prepared to share with the international community. The Truth and Reconciliation Commission and the Special Court for Sierra Leone, established following the end of the civil war in his country nearly two decades earlier, had enabled the restoration of political stability and sound governance by ensuring that those who bore the greatest responsibility for the conflict were held accountable; providing forums for victims and perpetrators to tell the truth about the conflict in order to prevent the revision of its history; and encouraging forgiveness. The Commission and the Special Court were thus valuable examples of transitional justice mechanisms that operated simultaneously to achieve the aims of restoring peace and ensuring accountability.

20. The judges of the Residual Special Court for Sierra Leone, which had been established to oversee the continuing legal obligations of the Special Court after its closure in 2013, had recently published a digitalized volume of the latter’s consolidated judgments. That publication had highlighted the Special Court’s unique

contribution to international criminal case law, including with regard to the use of child soldiers in armed conflict, terrorism, the classification of forced marriage as a crime against humanity, the immunity of Heads of State and attacks against United Nations peacekeepers. The Special Court had been based on an invaluable partnership forged between the United Nations and the Government of Sierra Leone at a difficult time in that country’s history. His government therefore called on all Member States to continue to support the activities of the Residual Special Court.

21. As a founder and co-convenor of the Pathfinders for Peaceful, Just and Inclusive Societies and its Task Force on Justice, Sierra Leone was committed to fulfilling Sustainable Development Goal 16. In 2018, his Government had hosted the annual showcase of the Sixteen Plus Forum, a platform dedicated to the exchange of lessons learned in the implementation of the 2030 Agenda for Sustainable Development. In 2019, it had also convened a ministerial-level meeting of the Group of Seven Plus that had resulted in the adoption of a declaration and joint action plan on ensuring access to justice for all in conflict-affected countries.

22. Inadequate investment in justice programmes and a perennial lack of capacity continued to hinder progress in consolidating the rule of law in Sierra Leone. Further strengthening of bilateral and multilateral partnerships in the context of the United Nations and other international forums was critical to advancing the rule of law at the national and international levels.

23. **Mr. Nagy** (Slovakia) said that, although it was clear from the Secretary-General’s report (A/74/139) that virtually all human activity, including in international relations, had legal consequences, the Committee was not necessarily the appropriate forum for discussing all the issues mentioned in the report. The United Nations, however, must ensure that the rule of law remained an integral part of its policies in all areas, including peacekeeping, security sector reform and the achievement of the Sustainable Development Goals.

24. States were both the creators and the primary subjects of international law. Respect for international law must start internally in every State; State authorities must know and conform with their international legal obligations, and States must be equipped and willing to ensure that individuals and entities under their jurisdiction did not act contrary to international law. The rule of law was at the heart of the international order. In the current complex world, States and other subjects of international law were more than ever required to act in compliance with the relevant norms or risk irreparably damaging the foundations of the rules-based system.

Unfortunately, however, gross violations of international law, particularly international humanitarian law and human rights law, continued.

25. States must act amicably and in good faith in their relations with other States. Preventive mechanisms and approaches such as good offices and mediation were essential to the avoidance of disputes and conflicts that could result in violations of international law. Disputes between States must be settled peacefully, and the International Court of Justice, as the principal judicial organ of the United Nations, was indispensable in that regard. All States Members of the United Nations should accept the compulsory jurisdiction of the Court.

26. Justice and the rule of law could not exist without accountability. The perpetrators of the most serious violations of international law must be brought to justice in the interest of conflict resolution and reconciliation. In view of the global trend towards victim-oriented justice, the rights of victims must be strengthened, and clear, simple procedures for obtaining reparation for material and moral damages must be established; the International Criminal Court should play a central role in that regard.

27. **Ms. Tang** (Singapore) said that her country had been founded on the rule of law, which continued to underpin its legal system and was essential to international peace and security, sustainable development and the work of the United Nations. The Secretary-General's report (A/74/139) contained useful information on the support provided by the United Nations to strengthen the rule of law, but her delegation was disappointed with and objected to paragraph 8 of the report, which contained inaccurate, imbalanced and biased assertions. First, it was inaccurate to claim that General Assembly resolution 73/175 confirmed that the downward trend concerning the application of the death penalty had continued. No trends related to the death penalty were reflected in the resolution; had that been the case, the resolution would have reflected the fact that a number of countries had reintroduced the death penalty. Second, the Secretary-General referred selectively to the resolution, ignoring the fact that the resolution had been adopted by a vote that had divided the Organization's membership. No mention was made in the report of the reaffirmation in the resolution of the sovereign right of all countries to develop their own legal systems, including appropriate legal penalties, in accordance with their international legal obligations.

28. Third, the Secretary-General had adopted the perspective of one group of States and ignored the views of others. A similar issue had arisen at the seventy-third session, during which Singapore and other Member

States had expressed concern about the manner in which the Secretary-General had reported on the death penalty. Her delegation had, in its comments on the rule of law at that session, expressed the hope that the Secretary-General would, in future reports, accurately reflect the diversity of views among Member States in an objective, neutral and non-partisan manner. Her delegation was therefore disappointed that the Rule of Law Unit had ignored the views of Committee members.

29. The fact that resolution 73/175 had been put to a vote showed the lack of an international consensus against the use of the death penalty, a penalty that was not prohibited by international law. Every State had an inalienable and sovereign right to choose its political, economic, social, cultural, legal and criminal justice systems. Accordingly, the question of whether to retain or abolish the death penalty, and the types of crimes for which that penalty was applied, should be determined by each State, taking fully into account its own history, legal traditions and national circumstances. The death penalty was not an issue to be legislated on by the United Nations or the Secretary-General. Her delegation hoped that, in his future reports, the Secretary-General would capture the diversity of views among Member States on the issue in an objective, neutral and non-partisan manner that avoided inaccurate, selective or biased characterizations of any General Assembly resolution.

30. Singapore promoted respect for international law by helping to improve the accessibility of international dispute settlement mechanisms. The regional office of the Permanent Court of Arbitration was in Singapore, and proceedings of the International Centre for the Settlement of Investment Disputes were often held in the country. Singapore believed in the multilateral rules-based system and contributed actively to the development of multilateral legal instruments. It participated in the work of the United Nations Commission on International Trade Law and in the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

31. Such multilateral processes and the resulting legal instruments were essential to promoting the respect of States for international law. Just as important was the interaction between Member States and members of international courts and tribunals. The Committee's practice of inviting the President of the International Court of Justice to its meetings during International Law Week provided a welcome opportunity for such interaction, which helped to improve understanding of

how international courts and tribunals functioned and fostered trust in international dispute settlement processes.

32. **Mr. Liu Yang** (China) said that the world was embracing the vast potential for social development unleashed by economic globalization and scientific and technological revolution, but the maintenance of world peace and the promotion of common security remained arduous tasks because of regional hotspots and rampant terrorism. Such non-traditional security threats as climate change and cybersecurity issues were proliferating and the global governance deficit was increasing. The authority of international law and the international order were being undermined and the gains of multilateralism and economic globalization were being reversed, owing to unilateralism, protectionism and bullying. International law, which played an important role in regulating States' behaviour, was essential to just, rational and cooperative international relationships and was needed by the international community to distinguish right from wrong, arbitrate differences and settle disputes.

33. Now more than ever, consensus must be built, respect for international law must be promoted and the international system, on which human survival, development and prosperity depended, must be upheld. To promote international norm-setting, the international community must support multilateralism and reject unilateralism and the law of the jungle. The international community must advocate strict compliance with international law and the fulfilment of international obligations in good faith, and reject double standards and the selective application of international law. It must also safeguard the core values of such law, which must be applied, interpreted and developed in keeping with the overriding goal of ensuring fairness and justice in international relations and promoting peace, development and cooperation. The international community must oppose the distortion and abuse of international law on the basis of narrow self-interests and as a pretext for acts of hegemonism and interference in the internal affairs of other countries.

34. China remained committed to promoting and defending international law. In 1954, it had joined India and Myanmar to propose the Five Principles of Peaceful Coexistence, which were in line with the purposes and principles of the Charter of the United Nations and had enriched the basic norms that governed international relations. They were the foundation of Chinese foreign policy and were widely accepted by the international community. Despite dramatic changes in international relations, the Five Principles were as relevant as ever.

35. China had safeguarded an international system with the United Nations at its core and international law as its foundation, had actively participated in global governance across the board and had promoted international cooperation based on international law. It had joined almost all intergovernmental organizations and acceded to more than 500 international conventions. As a permanent member of the Security Council and the second-largest contributor to the regular and peacekeeping budgets of the United Nations, China was committed to upholding justice in relation to international issues and promoting solutions conducive to peace, cooperation and mutual benefit.

36. In response to current global challenges, China had proposed the establishment of a human community with a shared future and advocated a clean, beautiful world of lasting peace, universal security, common prosperity, openness and tolerance. China attached great importance to the role that developing countries like itself played in promoting respect for international law and had worked with many such countries to build a more just and rational international order. Developing countries were an important force on the international stage and, in a world in which multilateralism and globalization were encountering resistance, they had a responsibility to uphold justice, safeguard and develop international law and restore mutual respect, equity, justice and cooperation.

37. His Government attached great importance to the role of the United Nations and its specialized agencies in the dissemination of international law and had, for many consecutive years, contributed financially to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. It had also continued to organize training courses and other activities for a variety of stakeholders aimed at promoting the rule of law at the international level.

38. **Mr. Simcock** (United States of America) said that the Secretary-General identified in his report a number of concerning developments, particularly in relation to the proliferation of hate speech and incitement to violence. Since hatred was a threat to everyone, combating hate speech was a job for everyone; his delegation looked forward to engaging with the United Nations Strategy and Plan of Action on Hate Speech, bearing in mind that efforts to counter such speech must be in accordance with freedom of expression.

39. States could improve their compliance with international humanitarian law by voluntarily sharing their practices, including official publications, policies and procedures, in the area. The United States shared its

practices regularly and publicly, including through publications that contained explanations and guidance related to the law of armed conflict. The United States had also participated in international forums for the sharing of best practices in improving compliance with international humanitarian law and mitigating civilian harm. Future discussions of the matter should revolve around the sharing of State practice and mitigation measures to improve the situation of civilians affected by armed conflict.

40. With regard to the informal consultations on the draft resolution on the rule of law, his delegation hoped that the Committee would reach consensus on a subtopic for the debate on the agenda item at the seventy-fifth session.

41. **Mr. Alharran** (Kuwait) said that the rule of law was essential to peace and security, economic development and equality. It was stated in the Preamble to the Charter of the United Nations that one of the Organization's goals was to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained. Upholding the rule of law was also an effective means of addressing serious violations of international legal instruments concerning peace and security, human rights, fundamental individual freedoms and equality, particularly in conflict areas. The rule of law must be strengthened at the national and international levels, and Member States and the main bodies of the United Nations must uphold the principles of the Charter and international law, which were essential to addressing the threats faced by the international community.

42. Kuwait had a democratic Constitution that safeguarded the rights and responsibilities of all, without discrimination, and his Government had in recent years passed a law on the protection of national unity, which prohibited hatred of or contempt for any social group, race, community, colour, origin or religious denomination, as well as incitement to violence; a law criminalizing the use of information networks and systems to commit embezzlement or forgery, corrupt public morals or steal information; and a law organizing electronic advertising to improve the use of information technology and ensure that freedom of opinion and the right of access to information were upheld, that information was made available to everyone, and that public order and morals and the rights of all were respected. His Government had introduced penalties for violations of the country's Environmental Protection Act in response to the shared challenge of climate change and the conservation of the environment. In relation to sustainable development and

strengthening the rule of law, his Government had adopted a national development plan that made provision for the reform of government administration and the enhancement of transparency.

43. Human rights, fundamental individual freedoms, the right of self-determination of peoples and equality of rights must be protected, using international judicial mechanisms as a guide; disputes must be settled peacefully and the international community must redouble its efforts to provide humanitarian relief to alleviate the suffering of afflicted peoples.

44. **Ms. Ponce** (Philippines) said that human rights, the rule of law and democracy were independent but mutually reinforcing concerns. All three depended on respect for the principles of sovereign equality of States, territorial integrity of States and non-interference in the internal affairs of States. It was important to bear in mind that, as a practical matter, only individual States and their people had the ability to guarantee human rights, preserve the rule of law and protect democracy, and no external individuals or groups could dictate their actions in that regard.

45. Integral to the rule of law was the peaceful settlement of disputes between States, and not between States and organized criminal enterprises such as drug cartels. The 1982 Manila Declaration on the Peaceful Settlement of International Disputes was the authoritative articulation of the collective duty of all States under the Charter of the United Nations to peacefully resolve disputes in the international arena.

46. In his report, the Secretary-General took note of the withdrawal of the Philippines from the Rome Statute of the International Criminal Court, a decision which was based on her country's principled stand against any politicization of human rights. The country's independent and well-functioning organs and agencies continued to exercise jurisdiction over cases arising from its efforts to protect its people. Although the wheels of justice in the Philippines turned slowly, as they did in all democracies, they did turn. Notwithstanding its withdrawal from the Rome Statute, the Philippines reaffirmed its commitment to combating impunity for atrocity crimes, having adopted national legislation for that purpose.

47. Many conveniently forgot that, under the Rome Statute, which was based on the principle of complementarity, States had the primary responsibility and right to prosecute international crimes, and the International Criminal Court could exercise jurisdiction only when national legal systems failed or were unable to do so, which was not the case of the Philippines. In 2019, a Philippine court had convicted a member of the

Maute terrorist group for violations of international humanitarian law, underscoring her Government's effective domestic enforcement of international humanitarian law.

48. The Secretary-General also referred in his report to the work of the United Nations with the Philippines to strengthen national institutions and frameworks to prevent and combat terrorism and violent extremism. Addressing statelessness was also a priority for the Philippines. The adoption of a national action plan to end statelessness by 2024 was aligned with the emphasis in the Sustainable Development Goals on leaving no one behind. The plan, the first of its kind in Southeast Asia, was intended to resolve existing cases of statelessness, ensure that no child was born stateless and improve data related to stateless populations.

49. The Philippines was strongly committed to an internationally legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Such an instrument was integral to strengthening the international treaty framework, as was the delimitation of maritime boundaries. In that regard, the Philippines and Indonesia had jointly deposited their maritime boundary delimitation treaty with the Secretary-General in September 2019.

50. The Philippines was committed to the peaceful resolution of disputes in the South China Sea in accordance with international law, including the United Nations Convention on the Law of the Sea. In that regard, the award of 12 July 2016 handed down by the arbitral tribunal constituted under Annex VII to the Convention in the South China Sea Arbitration (*The Republic of Philippines v. The People's Republic of China*) was now, despite its apparent vacuity, part of international law and could not be diluted, diminished or abandoned by Governments. The entitlements generated by the reefs referred to in the award were absolute, final and beyond compromise. In its capacity as coordinator of relations between the Association of Southeast Asian Nations and China, the Philippines was working towards a code of conduct for the States members of that Association and China in relation to the South China Sea.

51. Strengthening academic discourse at the national level was essential to promoting respect for international law. In that connection, the Philippines had, *inter alia*, hosted the biennial conference of the Asian Society of International Law, revived the Philippine Society of International Law and relaunched the Philippine Yearbook of International Law. In

addition to such academic exercises, her Government also helped Filipinos, and foreign nationals doing business with Philippine companies, to enjoy the practical benefits of international law, including private international law. In May 2019, the Philippines had become a party to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

52. Member States appreciated the work of the Rule of Law Coordination and Resource Group, but were besieged by projects that were at cross-purposes from different agencies that were unaware of each other's initiatives and with little consideration for the national priorities of Member States. Yet, United Nations agencies must take their lead from and act at the request of Member States.

53. **Mr. Majszyk** (Poland) said that Poland welcomed the Organization's activities to promote the rule of law worldwide. On the eightieth anniversary of the outbreak of the Second World War, it was particularly valuable to reiterate the importance of upholding international law in order to maintain international peace and security. The contemporary system of international security was based on the fundamental principles and norms enshrined in the Charter of the United Nations, in particular the prohibition of the threat or use of force, territorial integrity, political independence of States and peaceful settlement of disputes. The international community should not tolerate any infringement of those norms.

54. During its current term as a non-permanent member of the Security Council, Poland would focus on strengthening international law, including international humanitarian law and international human rights law, and would continue to advance that priority if elected to the Human Rights Council in 2019. Upholding international law benefited States, individuals and humanity as a whole. In that regard, States needed to strengthen the international justice system, *inter alia*, by accepting the jurisdiction of the International Court of Justice and by ensuring the universal application of the Rome Statute of the International Criminal Court. Poland strongly supported the role of the Court and other international and regional criminal courts, tribunals and mechanisms in maintaining peace worldwide.

55. Robust mechanisms must be developed to bring to justice those responsible for the most serious crimes under international law. In particular, every effort should be made to punish the perpetrators of crimes committed in conflict areas. Where comprehensive and systematic prosecution of such crimes remained

impossible, initiatives to deliver partial justice or lay the groundwork for the future delivery of justice could play an important role.

56. States should settle disputes peacefully through the mechanisms established by international law. The selective application of international law and the arbitrary exercise of power should be avoided, and the duty that States had not to recognize as lawful any situation created by a serious breach by a State of an obligation arising from international law should be considered essential in upholding the rule of law at the international level. Enhanced technical and capacity-building assistance should also be provided to support States in fulfilling their international obligations and in abiding by the *pacta sunt servanda* principle. In accordance with Article 2 of the Charter, States were required to fulfil those obligations comprehensively, efficiently and in good faith. Based on that principle, States did not only have to sign and ratify international treaties, but also had to transpose them into their national legal orders. Parties to treaties were therefore encouraged to share information on the methods and procedures through which they carried out their international obligations.

57. **Mr. Alavi** (Liechtenstein) said that, in the light of emerging global challenges, the engagement of the United Nations in collective efforts to promote the rule of law was more critical than ever. While the inclusion of Sustainable Development Goal 16 in the 2030 Agenda represented encouraging progress, much remained to be done to achieve justice for all. Challenges to peace and security called for a strengthening of the rule of law at the international level. In order to reinforce Article 2 of the Charter of the United Nations, Liechtenstein had worked to ensure the activation of the jurisdiction of the International Criminal Court over the crime of aggression. By criminalizing the most serious forms of the illegal use of force, the Court not only delivered justice for the victims of aggressive war-making but also helped to deter such acts. Liechtenstein noted with appreciation that 39 States had ratified the Kampala amendments on the crime of aggression, making them the most widely ratified amendments to the Rome Statute. His country would continue to work with all States parties towards the universal ratification of the Statute as amended.

58. The International Criminal Court was the central institution in the fight to ensure justice for the most serious crimes under international law, but it was not the only one. National judiciaries retained primary jurisdiction, according to the principle of complementarity. Until the Rome Statute had achieved universality and the Security Council was able to play its role under that Statute,

alternative paths to accountability must be found where necessary. The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since 2011 illustrated the potential for the General Assembly to play a productive role in that area. Less than two years after it had commenced operation, the Mechanism was fully operational and was having a concrete impact, as reflected in the investigations and prosecutions under way in a variety of national courts and the information shared by States. Accountability for crimes committed in Syria was thus within reach.

59. His delegation welcomed the operationalization of the Independent Investigative Mechanism for Myanmar, which had been modelled on the International, Impartial and Independent Mechanism for the Syrian Arab Republic. He also looked forward to discussions on the establishment of a stand-alone international, impartial and independent mechanism and on the future use of other innovative models based on the principle of complementarity, such as the International Commission against Impunity in Guatemala.

60. Activities to ensure justice were more economical than the military interventions of peacekeeping missions. More importantly, they were investments in sustainable peace. Holding perpetrators accountable facilitated the reconciliation of societies, fostered stability and prevented cycles of violence. The financial sustainability of international accountability mechanisms should therefore be improved. Such mechanisms should be funded from the regular budget of the United Nations, as had been decided in the case of the Independent Investigative Mechanism for Myanmar. In that connection, Liechtenstein hoped that the General Assembly would approve regular budget funding for the International, Impartial and Independent Mechanism for the Syrian Arab Republic at the current session.

61. Upholding international law in cyberspace was critical, as cyberattacks could cause massive civilian casualties. Governments must ensure that international criminal justice systems were aligned with new developments in the cyber domain, including by not relying on analogy in regulating behaviour in cyberspace. Specific international law addressing current and emerging threats in that area must be identified and updated. There was also an urgent need to develop a framework to harmonize international law in cyberspace and to expand the fight against impunity to that space. In addition, understanding the extent of the applicability of the Rome Statute and other international legal frameworks to cyber operations was essential.

62. **Mr. Okaiteye** (Ghana) said that access to legal representation and legal aid was provided for under the Constitution of Ghana and had been enhanced by the adoption of a law on legal aid in 1997. Legal aid stakeholders and members of non-governmental organizations and civil society had together developed a robust mechanism to ensure access to justice for all citizens, including the poorest and most vulnerable. One component of the legal aid system was a programme designed to ensure the provision of legal representation to prisoners on remand whose trials were unreasonably delayed. That programme, which had been commended in the context of the universal periodic review process, had helped to strengthen the rule of law and to protect the human rights of prisoners, their families and prison officials. It had also helped to significantly reduce the number of persons detained while awaiting trial. Responsibility for adjudicating cases under the programme would soon be delegated to high-court judges in the sixteen regions of Ghana, and other Governments in Africa were studying the programme with a view to replicating it in their countries.

63. To counter corruption, which could destroy every facet of a nation, including the judiciary, which was supposed to uphold the rule of law at the national level, the Government of Ghana had implemented paperless customs clearance procedures at ports and harbours; digitalized processes in most government administration units to reduce the risk of illegal transactions; and introduced a biometric identity card. It had also strengthened the capacity of local institutions to improve their performance and to inform citizens so that they could demand more accountability at all levels of government, and adopted legislation providing for the right of citizens to access information held by public institutions.

64. To combat impunity and promote accountability and the rule of law, Ghana had enacted a law providing for universal jurisdiction over crimes of international concern, including piracy, trafficking in narcotics, hijacking of aircraft, terrorism and trafficking in persons. Ghana had also classified some crimes under international law as crimes under its domestic law. Those crimes included genocide, slavery and other breaches of the Geneva Conventions of 12 August 1949 and their Additional Protocols, as well as specific crimes that could constitute war crimes when committed in the context of, or in association with, an armed conflict, such as murder, rape and enforced prostitution. Capacity-building should be provided to developing countries to enable them to effectively implement national and international instruments. Such assistance would enable national courts to handle cases that were

international in nature, and thus to complement the role of international courts.

65. *Ms. Anderberg* (Sweden), *Vice-Chair*, took the Chair.

66. **Mr. Abdelaziz** (Egypt) said that the report of the Secretary-General captured accurately the developments that had taken place over the previous year, including efforts by the United Nations to support programmes in Member States to strengthen the rule of law at the national and international levels. Nonetheless, his delegation had a reservation regarding the reference to capital punishment in paragraph 8 of the report, which it considered inaccurate and imbalanced. The positive appraisal of the downward trend in the application of capital punishment in the paragraph constituted an undue value judgment and did not take into account the fact that some countries had reinstated capital punishment during the reporting period. Moreover, the relevant draft resolution had been submitted to a vote, indicating that there was no international consensus in favour of abolishing capital punishment. The decision to apply that penalty was part of the sovereign right of States to develop their legal systems and criminal legislation, in accordance with international law and the Universal Declaration of Human Rights. Furthermore, capital punishment was a criminal justice issue and not a rule of law issue. His delegation therefore hoped that any references to capital punishment in future reports would be more accurate and balanced.

67. To uphold the rule of law at the international level, States should settle their disputes through the mechanisms established by international law, in a manner that did not undermine peace, security and justice, as stipulated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States; and in accordance with the Charter of the United Nations. They should also refrain from taking unilateral actions serving only their interests, and respect the principle of good faith, one of the general principles of international law recognized by civilized nations and thus a source of public international law under Article 38 of the Statute of the International Court of Justice. In that connection, it was regrettable that, during the negotiations on important matters such as the management of transboundary aquifers, some States had insisted on maintaining inflexible positions in an attempt to win time and thus create de facto situations that served their interests at the expense of those of other parties. Such behaviour ran counter to the principles of the peaceful settlement of disputes, international cooperation and good faith, and thus undermined the rule of law.

68. **Mr. Yasir Abdalla Abdelsalam Ahmed** (Sudan) said that respect for the rule of law at the international and national levels was indispensable for the maintenance of international peace and security and for socioeconomic development. Since its glorious revolution of December 2018, the Sudan had entered a new era of cooperation with the international community to strengthen the rule of law. His Government continually reviewed its laws to ensure that they were consistent with international conventions and standards.

69. In his report (A/74/139), the Secretary-General rightly pointed out that, in the previous year, the United Nations had facilitated discussion among members of the international community about constructive ways to address the new challenges that had emerged for national and international rule of law structures. Innovative solutions, however, must be found to equip rule of law institutions to address those challenges, which included climate change, forced displacement, hate speech and the impact of new technologies on modern societies. Member States and humankind as a whole were concerned about the proliferation of hate speech and incitement to violence, which had resulted in events such as the attacks in New Zealand and Sri Lanka in 2019. His delegation thus welcomed the two initiatives set in motion by the Secretary-General, namely the drawing up of a United Nations plan of action to fully mobilize the system to tackle hate speech, and the effort to help to ensure the safety of religious sanctuaries.

70. The involvement of the United Nations in collective efforts to strengthen the rule of law at the national and international levels was more important than ever, but the Secretary-General's focus in his report was the national level; the international level was considered only briefly. His delegation welcomed the support provided by the United Nations for Member States, including the Sudan, on all continents, to develop domestic capacities to strengthen the rule of law, in alignment with their needs and priorities and with United Nations policy to promote gender equality and human rights and build peaceful and inclusive societies.

71. His delegation, however, had a reservation regarding the unfair discussion of the death penalty in paragraph 8 of the report. Although 87 countries were against the death penalty, more than 100 countries were in favour of it for serious crimes; the issue was therefore contentious. Those demanding the abolition of the death penalty had many arguments to support their case, but those defending that penalty had more, and those arguments were not presented in the report.

72. The principles enshrined in the Charter of the United Nations provided the foundation for friendly relations based on dialogue, mutual understanding, State sovereignty, avoidance of the use or threat of force and non-interference in the domestic affairs of States. The peaceful settlement of disputes was the best way to uphold international peace and security, strengthen relations among States, avoid conflict and enhance the rule of law at the national and international levels. In order to ensure that States engaged with that process, a clear and transparent system should be in place, allowing States to fully scrutinize the activities of the Secretariat. The rule of law at the national and international levels was fundamentally a matter for States and no attempt should be made to impose a one-size-fits-all model.

73. It was essential to maintain a balance between the international and national dimensions of the rule of law. The Organization should focus more on the international dimension, which should be governed by the Charter and the principles set forth therein. In accordance with the principle of sovereign equality among States, States should have equal opportunities to formulate international law. All States must comply with their obligations under international conventions and customary international law. International law should not be applied selectively, and the rule of law at the international level should be based on the principles of the prohibition of the threat or use of force and the peaceful settlement of disputes. States must remain committed to rules-based international relations.

74. His delegation also called upon Member States to settle disputes by peaceful means through the mechanisms and instruments established by international law, including the International Court of Justice and the various regional and international arbitration mechanisms. The Court should be supported as the principal judicial organ of the United Nations, and the General Assembly and the Security Council should exercise their prerogative under Article 96 of the Charter to seek advisory opinions from the Court on legal questions. To ensure a just and transparent legal framework that allowed for balance in international relations, the principles of the Charter and the established rules of international law must be followed, experiences related to strengthening, disseminating and benefiting from the rule of law must be shared among States, and cooperation with States in capacity-building and technical assistance must be enhanced in accordance with the needs and circumstances of States, until they could build national institutions that were capable of leading the rule of law process.

75. **Mr. Al Samikh** (Qatar) said that compliance with the rule of law at the national and international levels was one of the main challenges to the advancement of the three pillars of the United Nations, namely peace and security, sustainable development and human rights, which were the foundation of cohesive and inclusive societies where justice and the rule of law prevailed. Respect for international law was essential to the establishment of a stable, rules-based international system characterized by the sovereignty and independence of States, equality, mutual respect and peace and security were maintained.

76. The international community, through the United Nations, had done much to strengthen the rule of law, but challenges remained, in particular with regard to respect for the Charter, international law, international humanitarian law and human rights. Compliance with international law and international legal obligations was the foundation of international relations based on the rule of law. Member States must comply with the instruments that governed international law and international relations and must promote peaceful dispute settlement mechanisms, including by adhering to the decisions and judgments of international courts.

77. Respect for the rule of law was the best way of ensuring freedom, dignity and prosperity for societies and States, and a prerequisite for successful international cooperation, the peaceful settlement of disputes, and stability in multilateral and bilateral relations. In accordance with the Charter of the United Nations, relations between States should be governed by the rule of law and the principles of equality, mutual respect and international cooperation, and States' conduct should be in line with international law and its related obligations. Monitoring and accountability mechanisms were necessary in order to ensure that countries fulfilled those obligations.

78. Sustainable Development Goal 16, on the provision of access to justice for all, the promotion of good governance and the establishment of transparent, effective and accountable institutions, was particularly important to the efforts of Qatar to strengthen the rule of law. In cooperation with other Member States and United Nations bodies, Qatar had played a leading role in establishing the Global Alliance for Reporting Progress on Promoting Peaceful, Just and Inclusive Societies. It would continue to cooperate with the international community in fostering the rule of law by contributing to the peaceful settlement of disputes at the international and regional levels, in keeping with international law and the Charter of the United Nations.

79. Given the importance of raising awareness of the rule of law in its region, his Government had established the Rule of Law and Anti-Corruption Centre in Doha, which held meetings, seminars and training workshops related to the rule of law with the participation of specialists from countries in the region. The Centre was at the forefront of regional efforts to strengthen the rule of law and, as a result of its success, had opened offices in Geneva and Dakar. To promote international efforts to combat corruption, which was a grave violation of the rule of law, a socioeconomic and ethical scourge and an obstacle to development, the Sheikh Tamim Bin Hamad Al Thani International Anti-Corruption Excellence Award, established in 2016, was granted each December to individuals and institutions that contributed to the global fight against corruption.

80. Respect for the rule of law meant respect for the will of the international community and entailed taking clear, transparent measures to ensure that those responsible for serious violations of international law, international humanitarian law and human rights were held accountable and that international criminals were punished. His delegation welcomed the additional steps taken by the Secretary-General to support the International, Impartial and Independent Mechanism for the Syrian Arab Republic. Qatar would continue to work with the international community to honour its international commitments related to the strengthening of the rule of law at the national and international levels.

81. **Mr. Al Arsan** (Syrian Arab Republic) said that certain States with political and economic influence were seeking to entrench controversial and alarming international legal doctrines and to assume sole responsibility for interpreting and implementing the principles of international law and the provisions of the Charter. They tended to select certain elements and goals of the 2030 Agenda for Sustainable Development, while ignoring those aspects of the Agenda that did not suit their interests. Those developments were taking place against a backdrop of growing polarization in international relations and a shift in favour of the threat or use of force and the imposition of unilateral coercive economic measures. In order to uphold the rule of law at the international level, it was essential to build confidence in international relations and at the United Nations. With that end in mind, the variety of political systems around the world ought to be seen as a basis for complementarity and cooperation, rather than confrontation and escalation.

82. In paragraph 45 of the report of the Secretary-General (A/74/139), reference was made to the challenges related to the territorial collapse of Islamic State in Iraq and the Levant (ISIL), in particular the

thousands of people with links to United Nations-designated terrorist groups that remained stranded in overcrowded camps in Syria and in Iraq. His delegation had hoped that the report would shed light on the genuine challenges impeding the implementation of the policy and operational principles for the protection, repatriation, prosecution, rehabilitation and reintegration of women and children with links to those groups. For instance, the foreign terrorist fighters in Syria and Iraq had come from 101 countries, most of whose Governments now refused to assume their national and international legal, political and moral responsibility to repatriate those individuals or their families. Some Governments had gone so far as to strip them of nationality in order to relieve themselves of the problem. Moreover, the American occupation forces and the secessionist militias known as the Syrian Democratic Forces were exploiting the tragic situation in the Hawl camp for their own petty interests, to the detriment of Syrian national sovereignty and the future of the foreign terrorist fighters' families.

83. In paragraph 75 of the report, reference was made to the so-called International, Impartial and Independent Mechanism. His delegation objected in principle to that section of the report. Bafflingly, and unjustifiably, the Secretariat insisted on promoting the so-called International, Impartial and Independent Mechanism, whose establishment had clearly been illegal. The adoption of General Assembly resolution 71/248, which had taken place without consensus, clearly contravened Article 12 of the Charter, which stated that, while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requested. The Security Council was, in fact, still fully and directly performing its functions with regard to the situation in the Syrian Arab Republic.

84. The functions of the General Assembly were set out in Articles 10, 11, 12 and 22 of the Charter. Nowhere in those Articles was any reference made to the establishment of an entity such as the so-called International, Impartial and Independent Mechanism; such action was the sole prerogative of the Security Council. The Government of the Syrian Arab Republic had never asked the United Nations for any legal or technical assistance in that regard. The so-called International, Impartial and Independent Mechanism, which had been established without the consent of, or any consultation or coordination with, the Syrian Arab Republic, was an anomalous entity that was now collecting evidence in Geneva, thousands of kilometres away from the borders of the Syrian Arab Republic,

without the slightest guarantee of a credible chain of custody. Like any other Member State, the Syrian Arab Republic had a right, indeed a duty, to object to such a process.

85. In contrast, the Security Council, acting in accordance with its mandate, had adopted resolution 2379 (2017), by which it had requested the Secretary-General to establish an investigative team, headed by a special adviser, to support domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence in Iraq, but not outside the country. That resolution had been adopted by consensus after several months of difficult negotiations with the Government of Iraq.

86. The States behind the establishment of the so-called International, Impartial and Independent Mechanism were now attempting to have that illegal entity funded from the regular budget, even though its functions had not been defined in terms of time, location, or any other criteria consistent with the Charter and the established working methods of the United Nations. That idea had caused considerable disagreement and did not enjoy consensus within the Committee for Programme and Coordination. Moreover, those same States ignored the fact that the Organization's counter-terrorism efforts, which ought to be funded from the regular budget, were instead funded by voluntary contributions, something that contributed to their politicization.

87. The political process in the Syrian Arab Republic was entering a sensitive phase. The Government, in close coordination with its Astana process allies and the Special Envoy of the Secretary-General for Syria, had agreed on the composition of the Constitutional Committee that had been announced by the Secretary-General. Its terms of reference had been agreed, and its work would be Syrian-led, under Syrian ownership and free from foreign intervention. The outcomes of any political process in Syria would be based on justice and accountability in the context of the country's legal and judicial institutions. His delegation therefore urged Member States to distance themselves from the illegal Mechanism and refrain from cooperating with it in any way.

88. **Mr. Arrocha Olabuenaga** (Mexico) said that it was essential to consolidate the rule of law in order for the international community to achieve its goals in a number of areas, including sustainable peace and development. Observance of international law and respect for justice and security institutions at the national and international levels were particularly critical for combating hate speech, ensuring climate justice, improving governance of digital technology, and

countering corruption. Furthermore, full respect for the rule of law could not be achieved without true gender equality and the participation of all segments of society, including civil society and the most marginalized.

89. The international community, including the United Nations, must make every effort to combat the increasing use of hate speech to incite violence, as such practices undermined human rights and the rule of law. Moreover, the lack of effective justice institutions and mechanisms had a negative impact on accountability and, by extension, on the consolidation of peace and development. At a time when multilateralism and international law were being threatened, it was essential to demonstrate the value and effectiveness of international norms and institutions; support the efforts of the International Law Commission to codify and progressively develop international law; and promote the universality of treaties. States should settle disputes peacefully by complying with the judgments of the International Court of Justice and with the provisions of international law and the Charter governing the use of force. They should also firmly reject impunity for international crimes and strengthen the International Criminal Court.

90. The Security Council should fulfil its mandate to take prompt and effective action, on behalf of all Member States, to maintain international peace and security, including by preventing atrocity crimes. To that end, Mexico, together with France, called on the Member States that had not yet done so to support the initiative to encourage permanent members of the Security Council to refrain from using the veto in situations where atrocity crimes had been committed.

91. **Mr. Fintakpa Lamega** (Togo) said that his delegation welcomed the fact that the Secretary-General's report (A/74/139) contained information on the mechanisms and practices that promoted the effective implementation of international law by Member States. In Togo, international law was included in the curricula of public and private universities; of the national training academy for public officials; and of the centre for the continuous training of judicial personnel. In addition, as part of their training prior to deployment to peacekeeping operations, members of the defence and security forces took introductory courses in human rights and international humanitarian law.

92. Togo was a party to more than 100 international legal instruments relating to, inter alia, refugees, stateless persons, human rights, the status of women, disarmament and the law of the sea. Furthermore, the Constitution of Togo stipulated that, as from its date of publication, a regularly ratified or approved treaty or

agreement took precedence over domestic laws, provided the treaty or agreement was applied by the other party, proof that the country honoured its international commitments.

93. His Government's efforts to find a definitive and lasting solution to the political misunderstandings that had occurred in Togo in August 2017 had resulted in the holding of legislative elections in December 2018, which had been welcomed by the Economic Community of West African States and the entire international community. It had also instituted a number of constitutional and institutional reforms, including the adoption of constitutional amendments providing for the election of the President by universal, free, direct, equal and secret suffrage for a term of five years, with a limit of two terms; for the introduction of a two-round, uninominal majority voting system for the election of the President; and for the reconstitution of the Constitutional Court and the appointment of its members for terms of six years, with a limit of two terms. Local elections had also been held, in which new municipal councillors had been elected to replace the special delegations that had been governing municipalities in Togo since 1987.

94. It was noteworthy that, in its presidential statement of 7 August 2019, the Security Council had taken note of the inter-Togolese dialogue process, and hoped it could provide the foundation for a free and fair, credible, timely and peaceful presidential election in Togo in 2020. The Council had also emphasized the need for national stakeholders in Togo to work together to facilitate the timely preparation for, and holding of genuinely free and fair, credible, timely and peaceful elections, and to take all appropriate steps to prevent violence. The Government had taken all those points on board as it prepared for the upcoming elections in 2020.

95. **Ms. Cerrato** (Honduras) said that the rule of law and development were mutually reinforcing. Honduras was currently working on policies to legally empower women so that they had an equal opportunity to participate in political, legislative and local decision-making processes, and had the right to property and access to financing. The challenges involved in ensuring legal equality for the most vulnerable and the poor could not be underestimated. The Rule of Law Unit played an important role in addressing that situation by coordinating legal and social justice cooperation programmes, as the United Nations Development Programme did in her country through its work in the areas of justice, international security, human rights and international humanitarian law.

96. Her Government had demonstrated its firm determination to combat corruption and impunity, drawing both on its national laws and on the support of the international community to maintain and protect the rule of law. In conjunction with the Organization of American States, it had established the Mission to Support the Fight against Corruption and Impunity in Honduras, which had achieved positive outcomes. Her Government also expressed appreciation to the United Nations for supporting the national political dialogue currently under way in Honduras, one objective of which was to carry out reforms for the development of a new electoral model to help strengthen the rule of law at the national level.

97. In that connection, with the support of the Secretary-General and the Organization of American States, Honduras was consolidating its electoral institutions and ensuring that its National Court of Electoral Justice and National Electoral Council continued to perform their functions in a reliable, ethical and transparent manner. At the international level, Honduras had not only adhered to the standards of the United Nations but also always resorted to the Organization's mechanisms for the peaceful settlement of its disputes with other States.

98. Lastly, for the rule of law to prevail, having effective laws, policies, lawyers and judges was insufficient; the fostering of well-informed and cohesive societies that protected development opportunities and the well-being of their people was also required. For that reason, Honduras had established its National Commission for Sustainable Development, comprising government institutions, the private sector and civil society, in order to monitor the implementation of the 2030 Agenda and to apply the rule of law elements for achieving Sustainable Development Goal 16.

99. **Mr. Mohamed** (Maldives) said that, since the election of a new Government in the Maldives in November 2018, important steps had been taken to consolidate democratic gains and restore the rule of law. A transitional justice programme had been developed to redress human rights abuses, investigate murders and enforced disappearances, and combat systemic corruption. As part of that programme, two presidential commissions with investigative responsibilities, underpinned by a parliamentary statute, had been established. The Presidential Commission on Corruption and Asset Recovery was responsible for overseeing investigations into cases of misappropriation of assets and bringing the perpetrators to justice. The authorities were investigating 56 such cases, and 7 charges had been filed by the Office of the Prosecutor-General. The Presidential Commission on Investigation of Murders and Enforced Disappearances

was tasked with conducting transparent, impartial and thorough investigations into inexplicable disappearances and deaths that had occurred under suspicious circumstances. In addition, a web portal had been established to enable anonymous reporting of corruption and malpractice in the public sector, and Parliament had recently adopted the Whistle-blower Act, a significant step towards combating corruption and enhancing accountability.

100. To modernize and strengthen the accountability of the judiciary, the Government was reviewing its procedures to ensure that any justices appointed were well-versed in the law and had extensive judicial expertise to safeguard the right of citizens to justice. In accordance with the Constitution and relevant laws, the Judicial Service Commission was strengthening the integrity and improving the oversight functions of the judiciary, including by carrying out a comprehensive appraisal of all judges. In addition, the Department of Judicial Administration had been removed from its subordinate position under the Supreme Court and had been brought under the purview of the Judicial Service Commission. Plans were also under way to establish a district court system, for the efficient delivery of justice.

101. The Government had an extensive legislative agenda, including 201 bills covering 22 areas. An independent bar council with elected members had been established as a self-regulatory framework for the legal profession. A programme was also under way to modernize and enhance the accountability of the national police service. In addition, the Government's strategic action plan for development for 2019–2023 focused on ensuring the active participation of citizens in decision-making processes; guaranteeing fundamental freedoms; decentralizing governance structures; and empowering local communities.

102. The Maldives was committed to promoting gender equality and eliminating gender-based discrimination and violence. In accordance with its 2016 law on gender equality, the Government had taken steps to promote the representation of women in leadership roles. As a result, half of the ambassadors in its foreign service were women, and women had recently been appointed to senior government positions. In demonstration of its support for streamlining the use and trade of conventional weapons, the Maldives had recently ratified the Arms Trade Treaty and the Convention on Cluster Munitions. It had also amended its law on terrorism prevention to strengthen compliance with Security Council resolutions on counter-terrorism. In addition, it had signed the United Nations Convention on International Settlement Agreements Resulting from Mediation and the United Nations Convention on the

Recognition and Enforcement of Foreign Arbitral Awards.

103. Lastly, enhancing legislation was not enough to achieve the significant progress required to eliminate the culture of endemic corruption, misuse of public funds and disregard for the rule of law that had long characterized public life in the Maldives. Instead, a resilient, decentralized governance system was needed in order to rebuild trust in institutions, empower local communities and achieve gender equality.

The meeting rose at 1 p.m.