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Chair: Ms. Anderberg (Vice-Chair) (Sweden)

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In the absence of Mr. Mlynár (Slovakia), Ms. Anderberg (Sweden), Vice-Chair, took the Chair.

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

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

1. **Mr. Koonjul** (Mauritius) said that the core of the principle of the rule of law was that all were accountable in law and equal before the law. Many obstacles remained, however, to universal adherence to the rule of law. A part of his country's territory, the Chagos Archipelago, had been under the colonial administration of the United Kingdom since 1965. In 2016, at his country's instigation, the General Assembly had included in its agenda an item entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965". Approximately two years before Mauritius had gained independence in 1968, the colonial Power had purported to detach the Chagos Archipelago from the territory of Mauritius. Mauritians who had lived in the Archipelago for generations had been forcibly removed from their homes and had been prevented from returning ever since. His country, supported by the African Union and numerous States, had done all in its power to end that unlawful situation. In 2017, the General Assembly had adopted, with wide support, resolution 71/292, in which it had requested an advisory opinion from the International Court of Justice on whether the process of decolonization of Mauritius had been lawfully completed and on the legal consequences of the continued administration by the United Kingdom of the Chagos Archipelago.

2. In February 2019, the International Court of Justice had duly delivered its advisory opinion, in which it had concluded by an overwhelming majority of 13 to 1 that, owing to the detachment of the Chagos Archipelago, the process of decolonization of Mauritius had not been lawfully completed when Mauritius had acceded to independence; that the United Kingdom was under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible; and that Member States were under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius. The Court had also established that the right to self-determination had been part of customary international law at the time of separation of the Archipelago. Subsequently, in its resolution 73/295, the General Assembly had, by a vote of 116 in favour and only 6 against, affirmed the Court's advisory opinion and demanded that the United

Kingdom "withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months". His delegation welcomed the reference to the advisory opinion in the Secretary-General's report (A/74/139).

3. It was deeply disappointing that the United Kingdom had rejected outright the advisory opinion and resolution 73/295, even though it had clearly violated international law, and particularly given that it had resorted to groundless arguments and called into question the authority of the Court and the United Nations system as a whole. The British Government argued that the Court had failed to have regard to material facts and that the advisory opinion had the effect of circumventing the principle of consent. However, it knew full well that the Court had carefully considered thousands of pages of factual material and legal argument, including from the United Kingdom, and had heard oral submissions from more than 30 States and the African Union. The Court, in its near-unanimous opinion, set out the material facts in detail and explained clearly, by reference to a long line of judicial authority, why the consent-based objection of the United Kingdom had been bound to fail.

4. The defiant criticism of the Court by the United Kingdom and the refusal to implement resolution 73/295 stood in stark contrast to that country's long-standing commitment to a rules-based international system. It was difficult to see how the United Kingdom could purport to be a champion of human rights and the rule of law while maintaining an unlawful colonial administration in Mauritius and preventing the return of the people it had forcibly removed five decades before. The resolution was in no way ambiguous. The United Kingdom must, in accordance with paragraph 3 thereof, withdraw unconditionally from the Chagos Archipelago before 22 November 2019. It was not for any country to determine for itself which rules of international law it would abide by and which it would not abide by.

5. Respect for the rule of law was not a matter of choice or selective practice by Member States. It was crucial to ensuring a rules-based system in which nations could work together towards shared interests. It was equally important that the institutions created by the international community to uphold the rule of law were respected and that their credibility was not put in doubt.

6. His delegation commended the Sixth Committee for its work over the years to further the codification of international rules, including on State responsibility. It trusted that those efforts would have a positive impact on the many situations of unlawfulness around the world, including with regard to the Chagos Archipelago.

7. **Ms. Egmond** (Netherlands) said that, in line with paragraph 1 of Security Council resolution 2447 (2018), her delegation wished to underscore the importance of integrating United Nations support for police, justice and corrections services into the mandates of peacekeeping operations and special political missions to assist national Governments in the re-establishment or restoration of police, justice and corrections services, in order for peacekeeping operations and special political missions to address the root causes of each conflict, including through strengthening the rule of law at the national and international levels. Her delegation was proud that it had been able to ensure the adoption of that resolution during its membership of the Council and extended its appreciation to the thousands of police officers and hundreds of judicial affairs and corrections officers who were taking part in United Nations peace operations. They were at the forefront of efforts to strengthen the rule of law and advance peace and stability by protecting civilians, upholding victims' rights, ensuring accountability for the most serious crimes and ensuring access to justice. The work of the United Nations Development Programme to strengthen the rule of law in dozens of countries was also appreciated.

8. Access to justice, judicial reforms and transitional justice were essential for preventing conflict, sustaining peace and addressing the root causes of instability. As part of its commitment to promoting equal access to justice for all, her Government was co-chairing the Task Force on Justice, an initiative of Pathfinders for Peaceful, Just and Inclusive Societies.

9. The year 2019 marked the seventieth anniversary of the Geneva Conventions, which, together with their Additional Protocols, formed the core of international humanitarian law. All States and non-State actors should respect and implement those instruments unequivocally.

10. The rule of law also applied to international organizations, including the United Nations and its funds and programmes. Her delegation welcomed the inclusion in the Secretary-General's report of information regarding the administration of justice and would welcome the inclusion in the next report of information on the implementation by the Organization of judicial decisions taken. It would also welcome information on procedures established, in implementation of General Assembly resolution 52/247, to allow third parties to file claims for compensation for damage caused to them by the Organization. Her delegation strongly supported the United Nations policy against the sharing of evidence for use in criminal proceedings in which capital punishment might be imposed and urged the Secretary-General to formalize

that policy in order to avoid any misunderstanding as to the Organization's position with regard to the death penalty.

11. **Mr. Kayinamura** (Rwanda) said that fundamental human rights based on the principles of the rule of law, good governance and due process were enshrined in the Constitution of Rwanda. More than two decades previously, all the country's institutions had been destroyed. Nonetheless, much progress had since been made towards consolidating the rule of law throughout the country. The Constitution served as the supreme law and provided the foundation for the country's democratic institutions and a vibrant civil society that advocated strongly for the rule of law and human rights.

12. His Government's commitment to the rule of law, the protection of human rights and the strengthening of the national justice system was encapsulated in its Vision 2050 programme. Access to justice had been enhanced by an efficient court system, the provision of legal aid, a strengthened Bar Association, the efficient functioning of *abunzi* mediation committees and a clear focus on efforts to combat gender-based violence. Work was ongoing to build people's trust in the legal system, streamline laws and regulations, harness modern technology to raise public awareness of the law, particularly in remote parts of the country, and ensure that court judgments were enforced in a fair, just and expeditious manner.

13. It was important for Member States to work together on such issues. The Charter of the United Nations was the cornerstone of the rule of law at the international level. The United Nations had been established to uphold the sovereign equality of States and to ensure that they abided by the rule of law, including through the peaceful settlement of their disputes. The rule of law anchored the predictability and stability of national and international development and progress and allowed an environment of peace and security to flourish.

14. **Mr. Rugeles** (Colombia) said that his delegation appreciated the support provided by the United Nations for transition mechanisms in Colombia, in particular the Special Jurisdiction for Peace, the Truth Commission and the Unit for the Search for Persons Deemed Missing in the Context of and Due to the Armed Conflict. In the complex process of establishing a sustainable and lasting peace following the signing of the peace agreement, Colombia gave central importance to the right to justice, not only for victims but for all citizens. Solid, independent institutions that effectively safeguarded liberties and kept power in check were key to strengthening democracy and regaining public trust.

While Colombia had a strong tradition of respecting and developing the rule of law, thereby offering an international benchmark for legal practice in many fields, broad sectors of the population had suffered from violence and inequality and still sought the effective protection of the rule of law.

15. The Colombian authorities would continue to work together with civil society, and with the support of the international community, to promote the rule of law, restore peace and uphold the right of victims to truth, justice, reparation and non-repetition. The groups of narco-terrorists threatening the peace and security of the Colombian people and finding safe havens beyond the country's borders posed a considerable challenge but would not diminish his Government's commitment to promoting peace, truth and justice. In that connection, his delegation welcomed the support that the United Nations could provide in strengthening the rule of law in Colombia, especially in border areas, where there was currently a particular need to support the 1.4 million Venezuelans who had entered the country and to ensure full respect for democratic values and principles in the region.

16. The Organization should give precedence to cooperation with States in its rule of law assistance work. The Secretary-General's reform process played a key role in that regard. The credibility of the various measures adopted by United Nations bodies, especially the General Assembly and the Security Council, depended on their effectiveness in restoring international peace and security. To meet complex and multidimensional challenges such as the restoration of the rule of law, the strengthening of the justice system, the promotion of safe and orderly migration, the achievement of gender equity and the protection of children, a coordinated approach was needed.

17. **Ms. Guardia González** (Cuba) said that her country was committed to promoting the rule of law in order to help change the current unjust international order. Any rule of law assistance provided by the United Nations to a Member State must be with the consent of that State. Promotion of the rule of law started with due respect for the legal institutions of all States by the international community and recognition of the sovereign right of peoples to create the legal and democratic institutions that best corresponded to their sociopolitical and cultural interests. National legal systems needed to be strengthened on a voluntary basis, in full compliance with the principle of self-determination of peoples and without any political conditions attached.

18. The Secretary-General's report (A/74/139) did not reflect an appropriate balance between the rule of law at the national level and the rule of law at the international level; the Organization's focus should be on the latter. The heavy emphasis in the report on aspects of the rule of law at the national level could give rise to interventionist interpretations and the violation of the principle of non-interference in the internal affairs of States. The assertion in the report that broader transitional justice processes were critical in addressing deficits in justice and the rule of law raised the question of who would decide which States had such deficits and on the basis of what criteria and authority such a decision would be made. The report contained no mention of how progress on certain issues, such as State responsibility for internationally wrongful acts and diplomatic protection, had for years been stymied by certain powerful States. At the same time, there was no hesitation in singling out States that had exercised their sovereign right to denounce or withdraw from an international treaty.

19. Certain initiatives mentioned in the report in connection with coordination and cohesion in United Nations rule of law assistance went beyond the mandate conferred by Member States in paragraph 41 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels. The Global Focal Point for the Rule of Law was a mechanism established by the Secretariat to deal with police, justice and corrections matters in conflict and post-conflict situations; it had no mandate from Member States to conduct assessments, much less to analyse compliance by States with rule of law standards that had not been agreed upon. The scope of the powers attributed to the mechanism was a source of concern. The Sixth Committee alone was competent to discuss the rule of law; there was no mandate to transfer that competence to other bodies or to establish rule of law institutions or mechanisms without a consensus decision by the Committee.

20. True rule of law began with a reformed United Nations that set a standard for transparency, democracy and the participation of the entire international community in the solution of critical global problems. As part of such reform, the central role of the General Assembly, the only body with universal membership and with exclusive responsibility for the progressive development and codification of international law, must be consolidated in order to strengthen the rule of law. It was clear from paragraph 36 of the declaration of the high-level meeting that true rule of law meant the democratization of the international economic, monetary and financial organizations to serve the

development of peoples and not the permanent enrichment of a few. Cuba also reiterated its commitment to bringing about far-reaching reform of the Security Council in order to make it into an inclusive, transparent and democratic forum that reflected the true interests of the international community, in accordance with the purposes and principles of the Charter of the United Nations.

21. The focus in the report of the Secretary-General on compliance with standards included in a Security Council resolution was incongruous. There was no mention, for instance, of the rule of law at the international level as a factor that should help promote equitable exchange among nations as a means of combating poverty. Disempowerment, exclusion and discrimination were cited as causes of poverty but underdevelopment, the unequal distribution of wealth, the impact of the international environment and the arbitrary international financial system were ignored.

22. Sovereign equality, good-faith compliance by States with their obligations, the peaceful settlement of disputes, refraining from the use of force or threat thereof against the territorial integrity or political independence of any State and non-interference in the internal affairs of other States, together with non-selectivity, must be the basic principles governing the actions of all States and the promotion of the rule of law, as was clearly reflected in paragraphs 1 and 3 of the declaration and paragraph 7 of the annex to the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/70/206). The international community must strive to give real effect to those principles.

23. Cuba had reserved its position on paragraph 28 of the declaration, since it did not believe that the Security Council had made a positive contribution to the rule of law and did not have a mandate to do so. Furthermore, some of the members of the Council openly violated international law and the decisions of the Council itself with a view to imposing their political agendas and achieving domination over other nations, particularly developing countries.

24. Cuba condemned any attempt to overturn or replace national authorities or to foment internal conflict in sovereign States with the aim of imposing regime change. National ownership in all rule of law activities was clearly recognized in paragraph 11 of the declaration.

25. Cuba viewed with concern attempts to impose a particular conception of the rule of law and to establish a monitoring mechanism outside the purview of the Sixth Committee; it rejected any attempt to politicize the

subject on the grounds of its alleged cross-cutting nature. The delegations participating in the Committee's work represented all States and were therefore fully capable of discussing any subject decided on by consensus.

26. Cuba was committed to seeking peaceful solutions to long-standing conflicts, as shown by its significant contributions to advancing the rule of law in the region, and reaffirmed the proclamation of Latin America and the Caribbean as a zone of peace. Aggression and acts of violence aimed at overthrowing the Government of any country in the region served only the interests of those who were bent on dividing the peoples of those countries in order to dominate them, thoughtlessly provoking conflicts with incalculable consequences for the region, as could also be seen elsewhere in the world.

27. In that connection, her delegation wished to draw attention to the cruel unilateral measures, the theft of assets, the threats of the use of force, and the intimidation and pressure that were being used by the United States against Venezuela in an attempt to overthrow the democratically elected Government of President Nicolás Maduro. Through such acts of non-conventional war, the Government of the United States time and again undermined the rule of law at the international level with its continuous and flagrant violations of international law, in particular the Charter of the United Nations. It was placing extreme pressure on numerous Governments to force them to support its arbitrary call not to recognize the legitimate Government of Venezuela and to hold fresh presidential elections, disregarding an election process in which more than 6 million Venezuelans had voted for President Maduro.

28. With regard to the subtopic chosen for the current session, "Sharing best practices and ideas to promote the respect of States for international law", and looking ahead to the Organization's seventy-fifth anniversary, Cuba reaffirmed its commitment to the defence and promotion of multilateralism and respect for international law. In view of the increasing threats to international peace and security from non-conventional wars, gross violations of State sovereignty, policies of domination through the use of force, attempts to reimpose a unipolar order, breaches of international law, the ominous and arbitrary breaking of international treaties, and the proliferation of unilateral sanctions and trade wars, the only possible response was to preserve and revalidate multilateralism, based on strict respect for the principles of international law and the Charter of the United Nations.

29. In April 2019, Cuba had adopted a new Constitution in order to adapt to new developments in Cuban society; strengthen the political system and thereby consolidate and develop the fundamental rights of individuals; improve and modernize the justice system and power structures and give citizens greater control over them; bolster mechanisms for local self-government; and encourage greater citizen participation in decision-making. The new Constitution was the result of a process of popular consultation that had culminated in a referendum in which the public had participated widely.

30. True rule of law called for the unequivocal rejection of any unilateral acts or measures such as the promulgation of extraterritorial laws and the politically motivated exercise of jurisdiction by national or international courts. Cuba called for the immediate revocation of all the extraterritorial provisions constituting the economic, commercial and financial embargo imposed on it by the Government of the United States for more than 50 years, which had been tightened further with the implementation of Titles III and IV of the Helms-Burton Act. It also called for prompt compliance with the countless resolutions on the subject adopted by the General Assembly and with paragraph 9 of the declaration, in which States were urged to refrain from promulgating or applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impeded the full achievement of economic and social development, particularly in developing countries.

31. **Mr. Calderón** (El Salvador) said that one of the key characteristics of the rule of law was a commitment to ensuring fundamental rights. The establishment of administrative and judicial procedures that were accessible to all was thus a high priority for his Government. The protection of rights went hand in hand with respect for international law, including the obligation to take effective steps to create democratic and inclusive societies. His delegation welcomed the subtopic chosen for the Committee's debate on the current agenda item, "Sharing best practices and ideas to promote the respect of States for international law".

32. As part of his country's efforts to promote respect for international law and implement the international instruments to which it was a party, the Supreme Court had carried out projects designed to protect the rights of vulnerable groups, including persons with disabilities, women, children, members of the lesbian, gay, bisexual, transgender and intersex community, and victims of human trafficking. Court staff had taken sign language training in order to assist persons with hearing

impairments. The Institute of Forensic Medicine was amending its policies in order to ensure respect for bodily diversity in its protocols.

33. In accordance with international instruments relating to gender, the Supreme Court, in conjunction with the Legislative Assembly, had approved the establishment of specialized courts dealing with violence and discrimination against women. The judiciary was also working with the Central American Court of Justice to apply best practices and lessons learned with a view to implementing the regional rules on comprehensive care for women victims of gender-based violence, particularly sexual violence.

34. Respect for international law on the part of States also required ongoing training of justice officials, who played a key role in applying international norms in national legal systems. In El Salvador, the National Council of the Judiciary, which was an independent body, contributed to the professional development of justice officials, who were responsible for promoting access to justice for all. It also provided courses on international treaties, emphasizing that, under the Constitution, they were applicable as the law of the land. Training was also offered on international judicial cooperation in civil and criminal matters.

35. As a relatively young democracy, El Salvador attached great importance to strengthening its institutions, in particular with a view to combating corruption across all sectors. Under the Constitution, the human person was the origin and purpose of the activity of the State, the organization and operation of which were underpinned by the principles of representative democracy, legal certainty, defence, access to justice, and lawfulness. His Government would continue to make every effort to study the rule of law, particularly with regard to the implementation of practices and standards that would ensure legal certainty at the national and international levels.

36. **Ms. Yashiro** (Japan) said that the essence of the rule of law lay in the supremacy of law over arbitrary power and in ensuring that power was exercised to protect and benefit the people. A predictable, rules-based international order also made friendly and equitable relations between States possible. The International Court of Justice, the International Tribunal for the Law of the Sea and the International Criminal Court were vital to ensuring the rule of law and the peaceful settlement of disputes, and Japan continued to provide both human and financial resources to support them. In particular, it remained committed to supporting the International Criminal Court in its efforts to combat impunity. The year 2019 marked the seventieth

anniversary of the Geneva Conventions, which were today more essential than ever.

37. Her delegation greatly appreciated the work of the United Nations in promoting the rule of law and strengthening its universality. In particular, the General Assembly played a vital role in ensuring the progressive development and codification of international law. Her delegation also welcomed the deliberations of the International Law Commission at its seventy-first session.

38. Japan had undertaken a broad range of rule of law support activities, both domestically and internationally. It worked closely with the Asian-African Legal Consultative Organization to promote discussion among the Organization's member States on current international law topics, and in 2018 had announced the launch of a training programme to support national capacity-building in the area of international law. The first session would be held in December 2019. In August 2019, Japan had hosted the seventh Tokyo International Conference on African Development, at which the participants had underlined the importance of regional and international efforts to maintain a rules-based maritime order in accordance with the principles of international law, as reflected in the United Nations Convention on the Law of the Sea. As part of its commitment to achieving the Sustainable Development Goals, in particular Goal 16, Japan would host the fourteenth United Nations Congress on Crime Prevention and Criminal Justice in 2020. The rule of law was also closely woven into its international assistance efforts: capacity-building for justice and rule of law institutions featured prominently in the aid efforts of the Japan International Cooperation Agency and was aimed at advancing the rule of law all over the world.

39. **Mr. Singto** (Thailand) said that the rule of law was the foundation for peaceful coexistence and inclusive societies. It must be upheld first and foremost for the people and by the people and must be based on respect for and protection of all human rights.

40. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), an initiative of Thailand, were just one of the many examples of how the rule of law could be strengthened, both nationally and globally. The aim of the Rules was to protect the rights of women during imprisonment and ensure their fair and humane treatment, taking into account their specific needs, including health needs, as well as to support their reintegration into the community after their release. Thailand stood ready to share its experiences in that regard.

41. His delegation commended the International Law Commission and the Sixth Committee on their essential role in the codification and progressive development of international law and the strengthening of the multilateral legal framework. With respect to the dissemination of knowledge of international law, Thailand would be co-hosting the next regional course in international law for Asia-Pacific in Bangkok from 18 November to 13 December 2019. His delegation also welcomed the work accomplished thus far to develop the Audiovisual Library of International Law.

42. The rule of law was a fundamental prerequisite to, and would be an outcome of, the achievement of the 2030 Agenda for Sustainable Development. Thailand remained committed to working with all Member States, the United Nations and relevant agencies to further advance the rule of law at the national and international levels.

43. **Mr. Leal Matta** (Guatemala) said that his delegation endorsed the Secretary-General's call for Member States to engage in a frank and open dialogue on the effectiveness of United Nations rule of law assistance and in particular on ways in which the sustainability and coherence of such assistance could be strengthened across the three pillars of the Organization while maintaining the necessary respect for the decisions of sovereign States. The rule of law strengthened institutions and served as a bulwark against arbitrariness. No one was above the law; the rule of law had a clear impact on issues such as the eradication of poverty, the reduction of inequality, support for gender equality, environmental protection, access to justice and the establishment of fair, inclusive and strong institutions. The rule of law was a key component of the 2030 Agenda for Sustainable Development, since access to justice for all and efficient, accountable institutions were prerequisites for peaceful and inclusive societies.

44. Democratic transitions were a basic element of the rule of law. Guatemala was therefore pleased to have held free and peaceful elections in 2019, with the participation of international electoral observers. Moreover, for the first time in the country's history, Guatemalan nationals living abroad had been able to take part in the elections. The presidential commission on open and transparent public administration was carrying out its fourth national action plan on open government for the period 2018–2020.

45. His Government attached great importance to strengthening the rule of law by ensuring access to justice for all. It recognized the importance of a free, independent and effective judicial system to which

everyone had access without discrimination. Ensuring access to justice meant making people aware of their rights and of the mechanisms for ensuring respect for those rights. In addition, as enshrined in the Constitution, justice must be timely, judgments must be enforced, and the justice system must be responsive and efficient.

46. One of the foundations of the rule of law at the international level was the peaceful settlement of disputes. The International Court of Justice, as the principal judicial organ of the United Nations, played an important role in that regard. Guatemala had demonstrated its faith in the Court by submitting to it the dispute between Guatemala and Belize concerning the territorial, insular and maritime claim of Guatemala. His Government also emphasized the importance of other organs of the United Nations that worked to ensure the peaceful settlement of disputes, such as the International Tribunal for the Law of the Sea and the International Criminal Court.

47. **Mr. Giorgio** (Eritrea) said that the Organization's support for Member States in numerous areas relating to the rule of law continued to be important. The scale and speed of technological advances posed a number of challenges to States; in the case of Eritrea, its Penal Code and Civil Code had been updated in 2015 to cover cybercrime and narcotics-related offences. Eritrea recognized the importance of national ownership of efforts to promote the rule of law and the need to strengthen the capacities of Member States in that regard. His Government had signed and ratified more than 100 international conventions and instruments, many of which were reflected in the new Codes, along with other instruments to which Eritrea was not a party. It had also drafted a working document on the implications of international and regional instruments to which Eritrea was a party.

48. Eritrea had taken measures to establish a peaceful and inclusive society and establish a comprehensive and effective justice system. Access to and participation in the justice system had been enhanced through the establishment of community courts, with judges being elected by the community every two years; one candidate in each election must be a woman. The election of female judges had contributed to national efforts to ensure greater participation of women in the judicial process. A community police force, the members of which were elected by local assemblies, had also been established.

49. As part of his Government's policy of zero tolerance for corruption, a special court had been set up to tackle corruption and in 2016 a study had been

conducted on the basis of police reports, consultations, informal interviews, corruption allegations and overall data from 1994 to 2016. In recent years, Eritrea had partnered with United Nations entities, including the United Nations Office on Drugs and Crime (UNODC), to enhance the rule of law and security in Eritrea and throughout the East Africa region through activities tailored to address existing challenges and emerging threats. His Government had identified key areas of cooperation with UNODC, including crime prevention and investigation, and human resources development to boost efforts to prevent and combat crime, including transnational organized crime.

50. The issue of the rule of law required a balanced approach. The principles of sovereignty, territorial integrity and non-interference in the domestic affairs of other States must be respected in order to restore confidence in multilateralism and its institutions.

51. **Mr. Aung** (Myanmar) said that the rule of law was the foundation for relations among nations and was key to ensuring peace and promoting development. The United Nations and its agencies played an important role in strengthening the rule of law. At the international level, the rule of law must be based on universally established norms, such as respect for the sovereign equality and territorial integrity of States, non-interference in the internal affairs of other States, the prohibition of the threat or use of force, and the peaceful settlement of disputes. Some Member States and groups of States were exploiting international institutions, including the United Nations, for their own political interests and thereby undermining the established rules and principles of international law, including the principles enshrined in the Charter. Myanmar called on all Member States to work together to prevent such illegal actions.

52. The role of regional and subregional organizations in promoting the rule of law should also not be overlooked. Regional legal instruments such as the Treaty of Amity and Cooperation in Southeast Asia and the Treaty on the Southeast Asia Nuclear Weapon-Free Zone helped to strengthen the rule of law by contributing to peace and stability in the region.

53. His Government regarded the rule of law as a fundamental principle of democratic governance and was nurturing democratic norms and values such as the protection of human rights and the prevention of corruption. It was also seeking to make the country's laws more transparent and to ensure the equality of all before the law. In 2017, the Union Legal Aid Board had been established to improve access to justice, especially for the poor. Legal aid centres and associations had been

set up to ensure that all people received fair treatment and appropriate legal protection. Free legal aid was also available to convicted criminals facing capital punishment. A fair trial guidance manual had been distributed to the public and to legal professionals. Rule of law centres had been set up in some major cities to train legal professionals and community leaders, and a strategic plan for the period 2019–2023 had been adopted to strengthen the judicial system and build public trust in it. The Government was also implementing a nationwide crime prevention strategy for the period 2018–2020 and was planning to sign the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, with the aim of strengthening the national Anti-Corruption Commission.

54. With regard to the alleged human rights violations against Muslims in Rakhine State in the wake of terrorist attacks on security posts in northern Rakhine in 2016 and 2017, Myanmar was willing and able to ensure accountability where there was evidence of such violations. In that connection, the Government had formed an independent commission of inquiry, which was currently preparing its report. The military justice system was also investigating allegations of human rights violations in northern Rakhine. The integrity of those independent investigations should not be compromised by international actors pursuing their own interests.

55. Myanmar had objected to the establishment of the independent international fact-finding mission on Myanmar since its very inception, owing to deep concerns about the advisability of its formation, composition and mandate. Myanmar strongly rejected the mission's reports, which were based on one-sided narratives rather than facts. They would not help resolve the situation in Rakhine State; rather, they would contribute to further polarization and mistrust among the different communities involved. Myanmar also rejected the establishment of the independent investigation mechanism for Myanmar, which went beyond the mandate of the Human Rights Council. Further, Myanmar did not accept the decision of the International Criminal Court to exercise jurisdiction over Myanmar in connection with the displacement of people across the border. Myanmar was not a party to the Rome Statute; the Court therefore had no jurisdiction over it. The decision was illegitimate and would only erode the Court's integrity, legitimacy and moral and legal authority.

56. The Government and people of Myanmar were committed to building a democratic federal union through the promotion of the rule of law, despite the

multiple daunting challenges they faced. The primary responsibility for maintaining and enforcing the rule of law in a country rested with the Government and its people. The international community could support national efforts only through capacity-building or other forms of constructive cooperation. The strengthening of the rule of law was essential for the maintenance of a rules-based international order and for peace, harmony and development in every nation.

57. **Ms. Langerholc** (Slovenia) said that respect for the rule of law was a prerequisite for peace, stability and development. Multilateral treaties played a key role in setting down common rules for all nations. Never had it been more important to strengthen the rules-based international system and to promote the full enjoyment of human rights for all.

58. Effective implementation of the rule of law was possible only with the strong commitment of Member States and the targeted and operational support of the United Nations. The fulfilment of international legal obligations, especially the implementation of decisions and awards of international courts and tribunals, was a basic principle of the rule of law. By implementing such judgments, regardless of whether it agreed with them, Slovenia had demonstrated its commitment to the rule of law. It expected no less from others.

59. In order to achieve lasting peace, the perpetrators of violations of international law, including international human rights law and international humanitarian law, must be brought to justice, including through international criminal justice mechanisms. More must be done to combat impunity and ensure accountability for the most serious crimes. Slovenia continued to support the International Criminal Court in the exercise of its important mandate. It was important to ensure that the Court could continue to act impartially and independently so as to contribute to peace and justice in the interests of all, especially the victims of the most serious crimes. Slovenia encouraged all States that had not yet done so to consider joining the Court.

60. Given the limitations arising from the Court's lack of universality, Slovenia also supported other mechanisms aimed at combating impunity. In partnership with Argentina, Belgium, the Netherlands, Mongolia and Senegal, it was leading the mutual legal assistance initiative to promote the adoption of a convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity and war crimes.

61. New global trends posed challenges to national and international rule of law structures. The current means and levels of international cooperation and

regulation were insufficient to cope with the scale of change brought about by digital technology. The use of artificial intelligence applications might therefore require a normative framework to protect human rights. Artificial intelligence had the potential to serve humankind and to bring benefits to individuals, societies and businesses. However, it was necessary to address questions of fairness, the risk of perpetuating bias, stereotypes and discrimination, and challenges relating to privacy, security and oversight. The design, development and implementation of artificial intelligence tools must be compliant with human rights and fundamental freedoms, democracy and the rule of law, and should support economic and political stability.

62. **Mr. Warraich** (Pakistan) said that respect for international law was rooted in the firm conviction that international behaviour must be governed not by the whims of a few powerful States but, instead, by a set of universally applicable rules. At a time when the fundamental tenets of multilateralism were under threat, strict adherence to the purposes and principles set out in the Charter of the United Nations, such as the sovereign equality of States, the peaceful settlement of disputes, the obligation to refrain from the threat or use of force, non-interference in the internal affairs of other States, and the right to self-determination, was crucial for preserving a rules-based international order. The rule of law encompassed the protection of individual rights; checks and balances in government; transparency and accountability of institutions; measures to combat corruption; good governance; and inclusiveness. It also entailed equality of opportunity and the equitable distribution of resources. Its purpose would be defeated if it were invoked as a condition for development assistance by donors and international financial institutions.

63. The United Nations had a critical role to play in strengthening the norms of international law. In particular, the Security Council should act by example; its resolutions must be implemented without selectivity or bias and must conform to the purposes and principles of the Charter. The tools available under Chapter VI of the Charter should be used to settle disputes peacefully, while Chapter VII should be invoked only as a last resort. The use of force should be consistent with the principle of collective security. International judicial institutions should be strengthened and the Security Council should have greater recourse to the International Court of Justice: to date it had referred only one dispute and one request for an advisory opinion to the Court. The failure to implement United Nations resolutions on long-standing disputes undermined the rule of law at the international level.

64. The essence of the rule of law was access to justice, which meant empowering people to enjoy their full civil, political, social, economic and cultural rights. In Pakistan, the Government was pursuing policies to strengthen public institutions and make them more responsive to the needs of the people, build a justice system that was speedy and inexpensive, promote a culture of accountability and eliminate corruption. It was also working to reduce poverty, create jobs and accelerate economic growth and development.

65. Fair and just application of laws and principles was necessary if the noble ideals espoused in the Charter were to be achieved. Whenever a fundamental norm of international law was flouted or resolutions or decisions of the United Nations were sidestepped, the moral legitimacy of the international legal framework was compromised.

66. **Mr. Molefe** (South Africa) said that his delegation welcomed the increased support provided by the United Nations in recent years to Member States in many areas relating to the rule of law, such as addressing and preventing violent conflict, protecting human rights and restoring justice and security.

67. In his report ([A/74/139](#)), the Secretary-General dealt with the advisory opinion delivered in February 2019 by the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. South Africa had made both written and oral submissions in support of Mauritius to the Court. It therefore welcomed the Court's conclusion that the detachment of the Chagos Archipelago from Mauritius before Mauritius had become independent in 1968 had been unlawful under the principles of international law applicable at the time and that the process of decolonization of Mauritius had therefore not been lawfully completed; that the United Kingdom was under an obligation to end its administration of the Chagos Archipelago as rapidly as possible; that the modalities necessary for ensuring the completion of the decolonization of Mauritius fell within the remit of the General Assembly and that the Court could not prescribe the steps to be taken by the Assembly in that regard; that, since all Member States were bound by the obligation to respect the right to self-determination, they must all cooperate with the United Nations to complete the decolonization of Mauritius; and that, during the completion of the decolonization process, the Assembly should also address the matter of the resettlement of expelled nationals of Mauritius.

68. The concept of the rule of law was the cornerstone of any constitutional democracy. The rule of law required that public power be exercised in compliance

with the law and within the boundaries set by the law. It also required an effective, inclusive and functioning justice system, criminal accountability and access to justice. The codification and development of international norms, standards and rules would make sense of competing interpretations of the rule of law. Laws needed to be general, clear, prospective in their application and relatively constant. Where the rule of law was undermined, the courts must fearlessly uphold it. All State bodies and public institutions had a responsibility for ensuring the rule of law and must not interfere with the functioning of the courts. The Constitution of South Africa contained a provision setting forth the primacy of the Constitution and the rule of law. South African courts were independent and subject only to the Constitution and the rule of law. For the rule of law to prevail at the international level, the content of international law must be fair.

69. **Ms. Abu Ali** (Saudi Arabia) said that her country's foreign policy was based on compliance with its obligations under international law and international instruments and its ongoing and constructive interaction with the international community, bearing in mind the principle of national sovereignty, through organizations such as the League of Arab States and the Organization of Islamic Cooperation. Saudi Arabia also supported the activities of the United Nations and its specialized agencies.

70. Her delegation was convinced about the importance of international cooperation based on shared responsibility, as well as the need for a stronger commitment to a world governed by international law, to deal with emerging challenges for national and international rule of law structures, including climate change, the proliferation of hate speech and incitement to violence. In that connection, it welcomed the role played by the Secretary-General in drawing up a comprehensive action plan to tackle hate speech; it also appreciated the effort led by the United Nations High Representative for the Alliance of Civilizations to help to ensure the safety of religious sanctuaries. There was a need to keep the rising tide of Islamophobia in check and to devise strategies to address hate speech and discrimination directed at minorities because of their religious beliefs.

71. Human rights were guaranteed in her country under the principles of Islamic sharia, which were based on justice, consultation and equality, and through the consolidation of strong legal norms guided by the principles of good governance and accountability and the combating of corruption. Through its Vision 2030 programme, her country was striving to address challenges at home and abroad. Her delegation

welcomed the work of the Committee in the area of the rule of law, by which all must be bound at the national and international levels. Her country was committed to working with other Member States and stakeholders to promote international law with a view to the equal advancement of all societies.

72. **Mr. Hitti** (Lebanon) said that the strengthening of the rule of law at both the national and the international levels contributed to the implementation of the three pillars of the United Nations. The Charter of the United Nations, multilateral treaties and relevant United Nations resolutions constituted the main guarantee of his country's sovereignty and territorial integrity. At a time when the rule of law and multilateralism were coming under great pressure, adherence to existing legal instruments became even more important.

73. Respect for the rules and principles of international law could be enhanced through the constant exchange of best practices and ideas. More use should be made of the tools contained in Chapter VI of the Charter to settle disputes peacefully. International judicial mechanisms, such as the International Court of Justice, played a key role; the Court's judgments and advisory opinions must be respected. His Government also continued to closely follow the work of the Special Tribunal for Lebanon in its efforts to unveil the truth, end impunity and provide relief to victims' families. Education, through capacity-building activities and assistance at all levels, played a fundamental role in strengthening international law. Since 1965, thousands of jurists, students, lawyers, practitioners and diplomats had received training through the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

74. As noted in the Secretary-General's report (A/74/139), the United Nations was at the forefront of the exchange of best practices and ideas. It had been a long-standing partner of Lebanon; for instance, his Government had concluded a strategic framework for the period 2017–2020 with the Office of the United Nations Special Coordinator for Lebanon, which was designed to support the country's security, political, human rights and developmental priorities. His Government recognized the need to be inclusive in its approach to promoting respect for international law. In Lebanon, civil society and academia had historically been instrumental in strengthening the rule of law and human rights. For example, they had contributed to the establishment of the National Commission for Lebanese Women, whose efforts had led to the endorsement by the Government of the first national action plan to implement Security Council resolution 1325 (2000) on

women and peace and security. The committee on international humanitarian law, established in 2010, had the task of drawing up an annual plan of action to boost awareness of international humanitarian law; it was also responsible for monitoring and documenting violations and making recommendations. International humanitarian law was also included in military training programmes.

75. National and international conferences for parliamentarians, such as the Assembly of the Inter-Parliamentary Union, were a means of raising awareness of the importance of respect for international law. The rule of law hinged on a symbiotic relationship between justice and law that could not be dissociated from accountability and respect for human rights.

76. **Ms. Desta** (Ethiopia), noting that the Secretary-General referred in his report to the alarming proliferation of hate speech and incitement to violence, said that her delegation welcomed the two initiatives launched to deal with that problem. Over the past two years, Ethiopia had undergone a period of profound reform, including legal reforms aimed at enhancing the rule of law. Prisoners had been released on amnesty and exiled opposition politicians had been encouraged to return home and participate in the country's political life with a view to reforming the justice sector and promoting and protecting human rights.

77. At the international level, her Government had decided to implement fully the Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia (Algiers Agreement) and the decisions of international tribunals with regard to the boundary dispute between Ethiopia and Eritrea, thereby putting an end to what had been a long drawn-out conflict. Ethiopia had also continued its efforts, in collaboration with other countries and under the auspices of the Intergovernmental Authority on Development, to ensure stability in the region – a prerequisite for the rule of law and justice – by addressing matters concerning Somalia, South Sudan and the Sudan.

78. Her delegation encouraged the United Nations and regional organizations to support States in their efforts to ensure the rule of law. Capacity-building, including enhanced technical assistance, boosted efforts to promote the rule of law at the national level. The concepts of effectiveness and national ownership, as well as the political and socioeconomic realities of recipient States, must be taken into account in the assessment of capacity-building needs and priorities.

79. **Ms. Senewiratne** (Sri Lanka) said that a rules-based international order was crucial in the face of

emerging challenges, including climate change, mass migration, internal displacement, transnational organized crime, terrorism and violent extremism, and a rise in nationalism. In formulating multilateral responses to those challenges, Governments must act within the law. At the same time, the international community and the United Nations system must abide by the principles of sovereign equality and non-interference, the prohibition of the threat or use of force, and the obligation to settle international disputes peacefully, as set out in the Charter. Moreover, the United Nations must give primacy to Member States and work within the confines of agreed frameworks, particularly on issues of dispute. Departments of the United Nations must not resort to unilateral punitive action against a Member State. Regrettably, Sri Lanka had experienced unjust treatment at the hands of the Department of Peace Operations. The Department had taken a unilateral decision, in violation of the relevant memorandum of understanding, to adjust her country's contribution to a peacekeeping operation, and had sought to link that decision to an internal appointment made by Sri Lanka as a sovereign right, thereby challenging the Head of State. Member States should not allow such actions to set a precedent, lest politicization become entrenched in the United Nations system. They should seek to ensure that the Organization remained Member-State-driven and that the Secretariat served the interests of all Members in an equal manner by fulfilling their legitimate expectation that the provisions of mutually agreed-upon documents, such as memorandums of understanding, were followed in letter and spirit by all parties.

80. All States must be afforded equal opportunities to participate in the international law-making process. The rule of law was not a concept to be imposed on nations by external forces according to alien templates that ignored domestic political, social, religious, philosophical and cultural factors. International law required global consensus and the good-faith fulfilment of obligations entered into by States under the Charter.

81. Having experienced the scourge of terrorism over a period of 30 years, Sri Lanka had taken several steps to rebuild its democratic institutions and create a framework for reconciliation based on the pillars of truth, justice, reparations and non-recurrence: offices of missing persons and reparations were now operational, a draft framework for the establishment of a truth and reconciliation commission was being drawn up, and a right to information act had been adopted. Sri Lanka had ratified the International Convention for the Protection of All Persons from Enforced Disappearance and had also adopted a law on assistance to and protection of

victims of crime and witnesses. It had acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had designated the Human Rights Commission of Sri Lanka as the national preventive mechanism. It had also become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the Convention on the Rights of Persons with Disabilities and the Convention on Cluster Munitions.

82. Sri Lanka noted with appreciation the focus on anti-corruption in the Secretary-General's report. It was a party to the United Nations Convention against Corruption and had adopted a holistic approach to combating corruption. Illicit financial flows emanating from corruption on the part of both State and non-State actors, transnational organized crime and tax evasion all exacerbated social divides and sabotaged genuine development and economic progress at the national level. In addition, international networks with linkages to transnational organized crime were a critical lifeline for violent extremists and terrorist groups. Her Government had therefore put in place mechanisms to counter money-laundering and the financing of terrorism.

83. Multilateral treaties relating to the global commons – the environment, the oceans and outer space – reflected the spirit of cooperation among States. The diversity of systems among Member States should be viewed as an opportunity to find ways to advance the rule of law as a tool for sustainable development, peace and security, and the realization of human rights.

84. **Mr. Bondiuk** (Ukraine) said that ongoing reform of the law, the judicial system and the law enforcement agencies in his country was aimed in particular at rooting out corruption. The Supreme Anti-Corruption Court had begun its work in September 2019. His delegation looked forward to sharing its experience on the subject at the special session of the General Assembly against corruption in 2021.

85. The rule of law remained an effective tool at the international level for defending sovereignty and territorial integrity and protecting human rights. Ukraine was committed to the peaceful settlement of international disputes, including those resulting from foreign military aggression. Since 2014, it had initiated proceedings in several cases against the Russian Federation before international courts. In his report, the Secretary-General referred to the order issued by the International Tribunal for the Law of the Sea in the *Case concerning the detention of three Ukrainian naval*

vessels (Ukraine v. Russian Federation), in which the Tribunal prescribed provisional measures. While the Russian Federation had released 24 detained Ukrainian servicemen, it had not fully complied with the order. It should immediately release the Ukrainian naval vessels in question.

86. In his reports on the agenda item, the Secretary-General should not merely refer to the decisions of international courts and tribunals but also provide follow-up information on their implementation. In particular, the Russian Federation continued to ignore a binding order issued by the International Court of Justice in 2017 in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination* requiring it to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language in temporarily occupied Crimea. The failure of the Russian Federation to comply with the order was reflected in resolutions of the General Assembly. Moreover, the Assembly had strongly condemned the continuing and total disregard by the Russian Federation for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for temporarily occupied Ukrainian territory. The role of the Russian Federation in the downing of Malaysian Airlines flight MH17 in 2014 was another key element of the case before the Court.

87. His delegation commended the Organization's support for Member States in numerous areas relating to the rule of law. It agreed with the view expressed by the Secretary-General in his report that existing rules, norms and mechanisms appeared insufficient to tackle emerging challenges, such as forced displacement, mass migration and hate speech. However, in addition to seeking new solutions, compliance with existing norms, rules and principles must be strengthened.

88. **Mr. Park Chull-Joo** (Republic of Korea) said that the training, knowledge-sharing and other assistance provided by the Organization had contributed to progress in promoting the rule of law. The rule of law was fundamental to upholding the three pillars of the United Nations and creating a stable international order. It also made it possible to promote good governance, which in turn provided a solid foundation for economic development and inclusive societies. Without justice and strong institutions, peace and sustainable development could not be accomplished. His delegation attached special importance to Sustainable

Development Goal 16, which included promotion of the rule of law and was key to the successful implementation of the entire 2030 Agenda for Sustainable Development. The Republic of Korea had been participating actively in Pathfinders for Peaceful, Just and Inclusive Societies, an initiative relating to Goal 16, and had sponsored annual showcase events of the 16+ Forum and held side events on Goal 16 during sessions of the high-level political forum on sustainable development.

89. The Republic of Korea supported the Secretary-General's initiatives to address the proliferation of hate speech and incitement to violence, led by his Special Adviser on the Prevention of Genocide and the United Nations High Representative for the Alliance of Civilizations. It also supported the work of the International Law Commission on the codification and progressive development of international law and the activities of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The Republic of Korea contributed to global efforts to raise awareness of international law through initiatives such as the Seoul Academy of International Law and the international conferences on the law of the sea that it co-hosted with the International Tribunal for the Law of the Sea. During the Assembly's current session, the Republic of Korea would be co-hosting, with Singapore and Slovakia, a side event on the judicial dialogue between the International Court of Justice and the International Tribunal for the Law of the Sea.

90. As a country that had experienced rapid economic development and made the transition to democracy, the Republic of Korea was fully aware of the importance of justice and access to justice. It was fully committed to advancing the rule of law and looked forward to working with other States and partners to that end.

91. **Mr. Chinyonga** (Zambia), noting with concern new global trends such as the proliferation of hate speech and incitement to violence and the inadvertent amplification of fake news, said that his Government had launched a national development plan designed to protect the rights of all, in particular the most vulnerable. The rule of law was enshrined in the Constitution of Zambia, and the Government was working to make the justice system more effective and accessible and to ensure that actions at the highest levels of authority fully complied with the law. Effective remedies were in place to deal with violations of the rule of law. The Constitution also provided for specialized courts such as the Constitutional Court, the Family Court and the Children's Court, and stipulated the principles to be followed by the courts in their work,

including that justice must be done to all without discrimination and in a timely manner; that adequate compensation must be awarded where appropriate; and that alternative forms of dispute resolution, including traditional mechanisms, must be promoted.

92. Although the death penalty remained on the statute books, no executions had taken place in Zambia since 1997. The Government intended to launch an awareness-raising campaign on the importance of placing a moratorium on the use of the death penalty. However, since the death penalty was provided for in the Bill of Rights, it could not be abolished through a mere political pronouncement; under the Constitution, the Bill of Rights could be amended only by referendum. Therefore, only the people of Zambia could decide whether or not to abolish the death penalty.

93. His Government was working to enhance the effectiveness of the country's prosecution services. It had also taken steps to improve access to justice, particularly for disadvantaged and marginalized groups, through entities such as the Legal Aid Board and the National Legal Aid Clinic for Women, and to raise awareness among those groups of options for gaining access to justice. Efforts had been made to amend the law to address the specific needs of women. The adoption in 2011 of a law to counter gender-based violence had improved the responsiveness of the courts to issues relating to women's rights.

94. Zambia was making strides in the promotion of women's leadership, political participation and decision-making. The First Lady of Zambia, through her foundation, had continued to pursue an awareness-raising campaign regarding sexual and gender-based violence, women's rights and the ills of early marriage, which had encouraged many traditional leaders in rural communities to speak out against child, early and forced marriage and to join efforts for the advancement of women and girls.

95. Sustainable solutions to the aforementioned challenges could not be achieved without international cooperation and solidarity. The United Nations, through its agencies, played a key role in achieving access to justice for all, especially the most vulnerable. His delegation urged the Organization to continue to provide assistance with national capacity-building, including the training of prosecutors, lawyers and judges on how to tackle cases of gender-based violence, with an emphasis on people-centred responses and full adherence to human rights.

96. **Mr. Lutfi** (Afghanistan) said that strengthening the rule of law had been the key objective in his country's efforts over the past 18 years to

institutionalize democracy and promote fundamental human rights. The recent presidential elections had been preceded by a range of measures to ensure the transparency and credibility of the electoral process, including the adoption of a new election law, the appointment of new members of electoral commissions and the introduction of new mechanisms for voter verification. His Government was committed to ensuring that the electoral commissions performed their tasks of counting votes and addressing electoral complaints in an independent manner. Afghanistan thanked its international partners, including the United Nations, for providing financial and technical support for the country's electoral process.

97. In spite of the ongoing challenge of terrorism and insecurity, Afghanistan had made notable gains on the path towards self-reliance. At the Geneva Ministerial Conference on Afghanistan, held in November 2018, Afghanistan and its international partners had agreed on a renewed set of commitments under the Geneva Mutual Accountability Framework. Participants had recognized the Government's efforts to combat impunity and had also welcomed the reform of the civil service and the development of an anti-corruption strategy, while calling for more efforts to ensure effective investigation and prosecution of corruption cases. To that end, the Government had continued to strengthen oversight mechanisms and the institutional and legal frameworks for ensuring justice and accountability. It had revised the anti-corruption strategy with a view to making its goals and benchmarks clearer and easier to measure; most of the benchmarks had now been achieved. Evidence of its commitment to combating corruption included the coordination of anti-corruption reforms at the highest level, the progress made in investigating and prosecuting corruption cases, and the inclusion of corruption offences in the new Penal Code, in accordance with the United Nations Convention against Corruption.

98. With regard to human rights, in particular the rights of women, the Government had recently launched the second phase of its national action plan to implement Security Council resolution 1325 (2000), developed a strategy for preventing violence against women, drafted an anti-harassment law, and established an office for the elimination of violence against women within the Office of the Attorney-General. As noted in the report of the Secretary-General, specialized courts on violence against women had been made operational across the country.

99. A stronger and more responsive United Nations was vital in order to strengthen the rule of law at the international level. Afghanistan therefore welcomed the

Secretary-General's reform agenda, the implementation of which had generated renewed confidence in the operational capacity of the Organization to defend and promote the principles and objectives enshrined in the Charter. However, reform of the Security Council, in the light of the scope and nature of contemporary challenges, was long overdue. The strengthening of the rule of the law at the international level was also dependent on timely and proper implementation of the resolutions of the Council and the General Assembly.

100. **Mr. Umasankar** (India) said that his country appreciated the continued support provided by the United Nations and its agencies to Member States, at their specific request, in the development of their national capacities to strengthen the rule of law. Owing to the uneven impacts of globalization, both within and among nations, the spirit of multilateralism appeared to be in retreat, even though the list of global challenges requiring collective action continued to grow. The advancement of the rule of law at the national level was essential for the protection of democracy, human rights and fundamental freedoms, and for the achievement of socioeconomic growth. At the international level, it was the sine qua non for ensuring peace and justice.

101. The rule of law, based on the Charter of the United Nations, prevailed in a wide range of areas, including trade, investment and intellectual property; transport and communications; use of the global commons, such as seas and oceans; and the environment, climate change and outer space. However, in other areas that was not the case. For example, owing to narrow geopolitical interests, some States were preventing progress on a draft comprehensive convention on international terrorism. Greater cooperation was also needed to cope with the impact of rapid, technology-driven globalization.

102. Effective multilateralism and the rule of law at the international level required that global governance structures should reflect contemporary realities. The current United Nations structures had been designed by a handful of States for a bygone era. To maintain legitimacy and effectiveness, it was important to undertake fundamental reform of those structures, in particular the Security Council.

103. India had always engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors. It was continuing to make serious efforts to bring its national laws into line with its international obligations. It was also continuing to partner with fellow developing countries in capacity-building efforts relating to

electoral practices, the drafting of legislation and law enforcement.

104. In India, the world's largest democracy based on the rule of law, the independence of the judiciary, legislature and executive, together with free media and civil society and strong traditions of electoral democracy, were the foundation for the rule of law. India recognized the important role played by international courts and tribunals, including the International Court of Justice, in upholding the rule of law, combating impunity and maintaining or restoring peaceful relations between parties to disputes. It welcomed the contribution of the International Law Commission to promoting respect for international law.

105. India attached great importance to the peaceful settlement of international disputes and had recently signed the United Nations Convention on International Settlement Agreements Resulting from Mediation. In addition, a raft of domestic laws had been enacted over the past year in a broad range of areas, including health, education, arbitration and conciliation, consumer protection, banking, wages and marriage rights.

106. The Security Council must be made more representative, in terms of both its permanent and its non-permanent members. Developing countries needed to be given a real voice in global decision-making. Global institutions must be fully reflective of contemporary realities and rule of law norms if they were to address global challenges effectively.

107. **Ms. Dickson** (United Kingdom), speaking in exercise of the right of reply and responding to the comments made by the representative of Mauritius, said that the United Kingdom had no doubt about its sovereignty over the Chagos Archipelago, which had been under continuous British sovereignty since 1814. Mauritius had never held sovereignty over the Archipelago and the United Kingdom did not recognize its claim. However, the United Kingdom had a long-standing commitment, first made in 1965, to ceding sovereignty over the territory to Mauritius when it was no longer required for defence purposes. It stood by that commitment.

108. The United Kingdom was disappointed that the matter had been referred to the International Court of Justice, contrary to the principle that the Court should not consider bilateral disputes without the consent of both States concerned. Nevertheless, the United Kingdom respected the Court and had participated fully in the Court's process at every stage and in good faith. The Court's advisory opinion constituted advice provided to the General Assembly at the Assembly's request; it was not a legally binding judgment. Her

Government had considered the content of the opinion carefully, but did not agree with the Court's approach.

109. Like successive Governments before it, her Government had expressed its sincere regret about the manner in which the Chagossians had been removed from the British Indian Ocean Territory in the late 1960s and early 1970s. Having considered all the available information, it had decided not to support or permit their resettlement on the grounds of feasibility, defence and security interests, and the cost to the British taxpayer. The United Kingdom was, however, currently designing a support package worth approximately \$50 million to improve Chagossians' livelihoods in the communities in which they now lived, in Mauritius, the Seychelles and the United Kingdom. As part of the package, the United Kingdom was also implementing an increased programme of visits to the British Indian Ocean Territory.

110. **Mr. Liu Yang** (China), speaking in exercise of the right of reply and responding to comments made by the representative of the Philippines at the previous meeting, said that China was firmly opposed to the award handed down in the South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China). The case, which involved a dispute between China and the Philippines concerning territorial matters and maritime delimitation in the South China Sea, had been initiated unilaterally by the Philippines. Under international law, including the United Nations Convention on the Law of the Sea, the arbitral tribunal had no jurisdiction over the subject matter of the arbitration. It had seriously exceeded its authority in considering the case and handing down an award, which ran counter to international law and seriously undermined the integrity and authority of the Convention. It had dealt a serious blow to the rule of law at the international level. The ruling was null and void and had no binding force.

111. The position of China regarding the arbitration case had been consistent: China had not accepted or participated in the arbitration and would never recognize or accept the so-called award, nor did it accept any proposition or action based on the ruling concerned. China had adopted that position to defend its rights under international law and to safeguard the integrity and authority of the Convention and the rule of law at the international level.

The meeting rose at 5.55 p.m.