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Chair: Mr. Sergeyev (Ukraine)

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

Agenda item 5: Election of the officers of the Main Committees

1. **The Chair** announced that the Asian States had nominated Mr. Pham Quang Hieu (Viet Nam) for the office of Rapporteur.

2. *Mr. Pham Quang Hieu (Viet Nam) was elected Rapporteur by acclamation.*

Agenda item 83: The rule of law at the national and international levels (continued) (A/66/749 and A/67/290)

3. **Mr. Crilchuk** (Argentina) said that United Nations capacity-building activities were crucial to strengthening the rule of law. That was particularly true in conflict and post-conflict situations, in which priority should be given to strengthening domestic judicial and law-enforcement systems. Member States could make an essential contribution in that area by participating in United Nations peacekeeping missions. The rule of law objective was increasingly linked to the work of the Security Council and had been reflected in its mandates.

4. Secondly, it was crucial to ensure accountability for gross violations of human rights by putting an end to impunity. Fortunately, the international community had moved away from the “justice versus peace” paradigm, whereby accountability was set aside through amnesty, to a recognition that justice and peace were not only compatible but also complementary objectives. The international community had made significant progress in that regard since the adoption of the Rome Statute of the International Criminal Court, which in a surprisingly short space of time had ushered in a permanent international criminal justice system and enabled the Court to play a central role in fighting impunity. The Review Conference of the Rome Statute, held in Kampala in 2010, had achieved significant results. Argentina was actively seeking to ratify the amendments adopted on that occasion, which was one of the pledges it had made in conjunction with the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, held on 24 September 2012. Under the principle of complementarity, however, the Court supplemented but did not take the place of internal justice. His delegation would also like to highlight the progress that had been

made in the development of standards relating to the right to truth, justice and reparation and guarantees of non-recurrence as pillars of the fight against impunity and welcomed the recent appointment of a Special Rapporteur on the subject by the Human Rights Council.

5. The third crucial aspect of the rule of law was the peaceful settlement of disputes, in which the International Court of Justice played a central role. A number of other international tribunals likewise formed part of the international regime for the peaceful settlement of disputes, in particular the International Tribunal on the Law of the Sea, whose jurisdiction Argentina had accepted. However, there were other methods of dispute settlement mentioned in the Declaration, including the good offices of the Secretary-General. That required, however, that the parties concerned should respond in good faith when United Nations organs, including the General Assembly, called upon them to negotiate and that third parties should refrain from conduct that would frustrate a peaceful solution.

6. Argentina, for its part, had been instrumental in establishing regional mechanisms for strengthening the democratic order and remained committed to the rule of law, the constitutional order, social peace and full respect for human rights.

7. **Ms. Kramberger Mendek** (Slovenia) said that the High-level Meeting on the Rule of Law and the consensual adoption of the final Declaration had demonstrated the international community’s strong commitment to the rule of law. His delegation supported a comprehensive discussion on the rule of law and looked forward to a follow-up to the High-level Meeting. The United Nations had a central role to play in coordinating all rule of law-related activities. Slovenia attached special importance to the growing cooperation between the various United Nations actors concerned and commended the indispensable work of the Rule of Law Unit in that regard. His delegation stressed the important work of the Security Council in upholding the rule of law through fair and clear sanctions regimes; in that regard his delegation commended the Ombudsperson of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities for her work in relation to the sanctions regime.

8. The prevention of mass atrocities and the fight against impunity clearly merited special attention. The international criminal tribunals, in particular the International Criminal Court, had an important part to play in that regard, and his delegation called upon all States to become parties to the Rome Statute and to cooperate with the Court. Slovenia had already incorporated the Kampala amendments to the Rome Statute on aggression and on war crimes into its national legislation and had initiated the process of ratification. However, since the prosecution of international crimes was the primary responsibility of States, it was important to strengthen the legal framework for mutual judicial assistance between States, including extradition.

9. Prevention was the foremost concern and that was a matter of shared responsibility, namely, the responsibility to protect. His delegation concurred with the Secretary-General that more dialogue was needed in order to implement that responsibility and effectively prevent genocide and mass atrocities. In the General Assembly Slovenia had put forward an initiative to bring together an intergovernmental forum of like-minded countries to propose new tools for prevention and a mechanism for more rapid and effective response to acts of genocide and other mass atrocities.

10. **Ms. Tijerino** (Nicaragua) said that throughout its history as a democratic country Nicaragua had upheld the rule of law and had demonstrated its commitment to protecting the economic, political and civil rights of its citizens, with special emphasis on human rights and the rights of women and children. It was similarly committed to strengthening the rule of law at the international level, to which end it was essential to reform the United Nations and in particular the Security Council, so as to enable it to fulfil the mandate assigned to it by the Charter. The General Assembly, for its part, should play its true role in strengthening the rule of law and seek to halt the taking of unilateral measures. Nicaragua remained attached to the peaceful settlement of disputes, as reflected in its active involvement in a number of cases before the International Court of Justice, with whose judgments it had consistently complied. It had never availed itself of the reservation it had entered in 2001 to its declaration accepting the Court's compulsory jurisdiction and had recently announced its intention to withdraw its reservation. The Court's work was essential in giving

full effect to the commitments made to preserve the sovereign equality of all States, a fundamental principle of the United Nations. His delegation called on all States that had not yet done so to recognize the Court's jurisdiction without reservation.

11. **Mr. Sarkowicz** (Poland) said that his delegation welcomed the current focus on the rule of law, a principle that was at the core of the United Nations system and that was also enshrined in Poland's Constitution. The High-level Meeting on the Rule of Law, its outcome document and the pledges submitted by Member States represented an important step forward; the Declaration embodied a strong common vision on rule of law issues and would change the way that the United Nations dealt with them. The event offered a point of departure for the further common efforts of all stakeholders to convert the rule of law into a stable foundation for human relations at the national and international levels and to advance towards the full establishment of the rule of law as a constitutional rule of the world order. At the national level, the Government intended to disseminate the results of the High-level Meeting widely to all public institutions and civil society and to build upon them in accordance with Poland's national priorities.

12. Its delegation also intended to participate actively in further cross-cutting discussions on the rule of law, building on the work of the General Assembly committees. It had already responded to the Secretary-General's appeal by offering active cooperation and submitting concrete pledges. The 2012 treaty event had been one of the most important in recent years owing to the large number of States, including Poland, that had become parties to various United Nations treaties; that participation was indispensable in strengthening the rule of law.

13. **Mr. Archondo** (Plurinational State of Bolivia) said that for the past 30 years his country had enjoyed the longest period of democratic rule in its history, and it cherished the hope that the era of dictatorships in Latin America had come to an end. In the course of those three decades the Plurinational State of Bolivia had deepened the strength of its democracy, moving from formal voting to direct popular participation and the people's right not only to elect but also to recall those who governed them. In addition to regular elections the institutions of referendum and constituent assembly had been established. For the first time in the country's history the Bolivian people had been able to

deliberate and vote on a new Constitution and had elected an indigenous President representative of the majority of the population. Women had assumed positions of leadership in the Government, the Senate, the Chamber of Deputies and the Electoral Tribunal. His delegation was grateful for the valuable help of the United Nations in that process. Since his country was characterized by its cultural and linguistic diversity, its Constitution established the pluralism of its political system and guaranteed the individual and collective freedoms of its citizens.

14. The Plurinational State of Bolivia was a peaceful nation and subscribed to the rules of international law and international human rights norms. It considered that disputes should be settled by peaceful means, through mediation or arbitration, and did not recognize force as a source of law. For that reason Bolivia aspired to recover the territory on the Pacific that it had lost in 1904 through a war of conquest.

15. It had made structural changes to its institutions while ensuring the separation of powers. Criteria of interculturality and gender balance had been incorporated in the system for choosing the judiciary, and the members of a number of tribunals were currently elected by popular vote.

16. His delegation found it all the more regrettable that the same spirit of democracy was not yet apparent at the United Nations. There was an urgent need to reform the Security Council so that it would represent the emerging world, reflect the new international dynamics and respect the equal rights of all Member States. The Security Council should reflect the plurality of voices of the international community, not just the interests of the world's military powers, and it should have no first- and second-class members.

17. The international order could not be democratic without being multilateral; the international rules governing the rights and duties of States were universal and must be implemented universally. So long as any country assumed the right to intervene in, control or manipulate the affairs of another country, one could not speak of freedom, sovereignty or democracy. A State that did not recognize human rights, coerced another or punished the population of another country through economic and financial blockades had abandoned multilateralism and severely harmed the United Nations system. His country accordingly rejected all forms of unilateralism and hoped that the Committee's

work would help to advance the cause of multilateralism within the United Nations.

18. **Mr. Tchiloemba Tchitembo** (Republic of the Congo) said that the High-level Meeting on the Rule of Law was a welcome and epoch-making event whose outcome Declaration had the same political importance and legal force as some of the earlier great texts adopted by the General Assembly, such as the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples and the 2005 World Summit Outcome. The Declaration opened up fresh prospects for regional and international cooperation, in particular between States with long experience in the building of democratic institutions and States still in the process of laying the institutional foundations for their fledgling democracies. It ushered in a consensual approach towards such cooperation, based on the principles and norms of international law, as was fitting among sovereign States which, by definition, were all equal in authority.

19. In Africa, the perpetual quest to advance the rule of law formed an integral part of national strategies; it was a political commitment and a social reality. It was to be hoped that the action of the United Nations regarding the rule of law at the international level would be on a par with those of States at the national level and that they would lead to reform of the Security Council and an enhanced role for the General Assembly in the Organization's decision-making processes in the political, economic and environmental fields.

20. **Ms. Onanga** (Gabon) said that her country remained attached to the rule of law, both internationally and in the national sphere, where it was reflected in its efforts to secure social peace and justice. In the early 1990s, Gabon had sought to strengthen its democratic institutions through the adoption of a new Constitution, which had restored a multiparty system and established or strengthened such institutions as the Constitutional Court, to make it more accessible to the citizens; the National Communication Council, to promote pluralism in the media; and an independent National Human Rights Commission. Gabon had also established effective mechanisms to fight corruption. It had strengthened the vitality and independence of its judiciary through a greater budget allocation and better training. Awareness-raising programmes were under way to

increase people's understanding of how the judicial system functioned and enhance access to justice.

21. At the international level, Gabon firmly supported the principles of the Charter of the United Nations. It was steadfast in its commitment to living in harmony with its neighbours and to seeking to resolve any disputes by peaceful means. It remained deeply attached to the principles of the equal sovereignty of States, self-determination of peoples, territorial integrity and non-interference in the internal affairs of States. In an increasingly interdependent and interconnected world there was unprecedented pressure to depart from these principles; it was therefore important to reaffirm the obligation of States and international institutions to respect them.

22. Peace, development and the rule of law were intrinsically interlinked and any call to strengthen the rule of law must accordingly take into account the need to strengthen the economic capacity of countries, particularly those in conflict or post-conflict situations. Indeed, the development of an effective judicial system, the construction and maintenance of prisons and the training of law-enforcement officers and judicial personnel weighed heavily on national budgets, sometimes to the detriment of social and economic development. Effective and proactive international cooperation was therefore required, with due regard for national priorities, in order to help develop the rule of law for the benefit of all.

23. **Mr. Panin** (Russian Federation) said that his country remained committed to the rule of law at the national and international levels. However, the rule of law should help to bring countries together rather than divide them. The drafting of the outcome document of the High-level Meeting on the Rule of Law had brought to light certain contradictions. Parochial concepts not enjoying universal support might be used to apply political pressure on certain States. There had been attempts to reduce the definition of the rule of law to the enjoyment of human rights at the national level and to erect on that shaky foundation a massive institutional superstructure. The topic of the rule of law should not address abstract, idealistic models but deal with realities where consensus could be reached.

24. The debate on the topic, including follow-up to the High-level Meeting, should be confined to the Sixth Committee; that understanding was the basis for paragraph 41 of the Declaration of the High-level

Meeting. However, some of the proposed subtopics for future debates on the rule of law were not suitable for the Committee, being too narrow, such as the subtopic on birth registration, national identification and citizenship. Future subtopics should be general and concern the rule of law at the international level; for the discussion of human rights at the national level, the United Nations had established specialized forums. Subtopics of interest to his delegation were those concerning the rule of law in relation to peaceful settlement of disputes, use of force, combating terrorism and transnational organized crime, economic development and reform of the international financial system.

25. Full compliance with the Charter of the United Nations and other international instruments was central to collective efforts to maintain international peace and security, with an important role being assigned to judicial and non-judicial international mechanisms. In that connection, his delegation regretted that the International Commission of Inquiry for Libya had failed to investigate fully the cases of civilian casualties resulting from NATO air strikes. Lastly, and while welcoming the Organization's efforts to promote the rule of law at the national level, the Russian Federation believed that projects related to the drafting of constitutions, incorporation of international legal obligations in domestic legislation and strengthening of justice and governance institutions should be based on the norms and principles of the Charter of the United Nations and applicable norms of international law and take due account of the principle of non-interference in the internal affairs of States.

26. **Ms. Guo Xiaomei** (China) said that the mutually reinforcing development of the rule of law at both the international and national levels was of significance for enhancing international peace and security, development and human rights. It was in the common interest of all members of the international community to strengthen the rule of law. For that effort to be effective, it was necessary, first, to uphold the purposes and principles of the Charter of the United Nations and universally recognized principles of international law, such as sovereign equality and non-interference in internal affairs. Secondly, international law must be applied in a uniform and consistent manner, without double standards or selectivity; most importantly, States should not engage in power politics and armed intervention under the guise of international law.

Thirdly, efforts were needed to improve international legislation, especially in the non-traditional area of security, while preserving the leading role of the United Nation in global governance. Fourthly, although it was necessary to punish war crimes, genocide and crimes against humanity, justice should not be pursued at the expense of peace or national reconciliation.

27. As early as the 1950s China had joined India and Myanmar in advocating the Five Principles of Peaceful Coexistence. More recently, the Chinese Government had put forward a concept for building a harmonious world, which consisted of the following elements: upholding democracy and equality as the basis for coordination and cooperation; striving for friendly relations and mutual trust as a means to achieve common security; seeking equality and mutual benefit in pursuit of common development; and taking an inclusive and open approach to the dialogue of civilizations.

28. With regard to the implementation of the rule of law at the national level, there was no uniform model for the rule of law applicable to all countries; all States were entitled to choose ways of achieving it that were in line with their own national conditions, political systems and legal traditions. That being said, the international community should strengthen cooperation for that purpose, with due respect for the principles of the sovereign equality of States and non-interference in their internal affairs.

29. China, for its part, had been actively seeking ways of establishing the rule of law that were suited to its own conditions, within a socialist legal system with Chinese characteristics. Among other measures to safeguard and improve the rule of law, her country had incorporated provisions for human rights protection into its Constitution, code of criminal procedure and other basic legislation. Its efforts to advance judicial system reform and strengthen government accountability were ongoing.

30. **Ms. Didi** (Maldives) said that the rule of law was the foundation of good governance and the stability of a nation; it ensured the equitable settlement of disputes and prevented the abuse of power, and it was the last line of defence in the protection of human dignity. The new Constitution of Maldives, adopted in 2008, provided for separation of powers, a universal bill of rights and free media and set objectives that required strict adherence to the rule of law. As a nascent

democracy, Maldives had an urgent need to strengthen its institutions.

31. Among the pledges submitted by his country in conjunction with the High-level Meeting on the Rule of Law, it had undertaken to ratify a number of important international instruments, including the core conventions of the International Labour Organization, within the following two years. In cases where the domestic legislation implementing other international instruments was still pending, it had pledged to complete the process within specific time frames. It had also announced a series of measures to strengthen the rule of law at the national level, including capacity-building of judicial and law-enforcement services, the development of alternative dispute resolution mechanisms and a comprehensive programme of crime prevention and prison reform. In addition, Maldives had made pledges concerning corporate governance, economic sector regulation, financial accountability and independent anti-corruption machinery.

32. Maldives was also focusing on the empowerment of women through measures designed to implement the newly enacted Domestic Violence Act, strengthen the Family Protection Authority, set up safe houses and legal assistance programmes for victims of sexual and domestic violence, and increase women's representation in public office. It had also pledged to enact legislation on human trafficking and to develop a media campaign against human trafficking and the recruitment of young people by organized crime and terrorist groups. Maldives requested the support of the United Nations and the international community in fulfilling those ambitious pledges.

33. **Ms. Akilu** (Nigeria) said that the international community shared responsibility for strengthening the rule of law, which was an essential condition for cooperation and peaceful coexistence among States. Only an international system based on the rule of law could protect the rights of individuals and the interests of the less powerful in the global arena. Her delegation was pleased to note that the United Nations system was taking an interconnected and broad approach to supporting the rule of law in line with national plans and priorities and promoting transitional justice in conflict and post-conflict societies. The rule of law assistance provided by the United Nations to many Member States, including Nigeria, was much appreciated.

34. There was a close nexus between the rule of law and democracy, good governance and sustainable development. After its return to a constitutional and democratic system in 1999 had paved the way for enhanced protection of individual rights and fundamental freedoms, including equality before the law and access to justice, Nigeria had followed up with resolute action to fulfil its international obligations through the domestication of relevant international instruments and best practices. Her Government had also broadened the mandate and guaranteed the independence of the Human Rights Commission and undertaken reforms to consolidate the democratic process, in particular through free and fair elections, and to make the judiciary more independent, accountable and efficient. Government programmes addressed critical development issues such as poverty reduction, employment generation and sustainable socioeconomic growth. The lawmaking process had become more people-oriented and sensitive to the needs of disadvantaged and vulnerable groups. The role of the judiciary as the final arbiter among the three branches of government in the protection of individual rights and resolution of electoral conflicts had created an enabling environment for peace and stability; reforms were under way to strengthen its independence, accountability, efficiency and effectiveness.

35. The principle of the equality of States was an important element in the promotion of the rule of law, which needed to be strengthened in the name of fairness at both the national and international levels and to be based on the core principles of the United Nations, reaffirmed in the 2005 World Summit Outcome. It should therefore preclude selectivity in the observance and enforcement of international law. The International Court of Justice and other international tribunals had an important role in the peaceful resolution of international disputes, while the International Criminal Court and other international criminal tribunals had contributed to ending impunity; Member States should continue to give them all necessary support.

36. She wished to take the opportunity to reaffirm that Nigeria would abide by the judgment of the International Court in *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria; Equatorial Guinea intervening)*, which had ceded the Bakassi Peninsula to Cameroon. Nigeria remained concerned, however, about the plight of Nigerians

living in that area and called on the United Nations to continue to provide assistance to the affected population.

37. **Mr. Gharibi** (Islamic Republic of Iran) said that only through respect for the rule of law could a secure, peaceful and prosperous world be envisioned. His delegation had been actively involved in the consultations on the outcome document of the High-level Meeting on the Rule of Law. However, the Declaration did not meet expectations in some areas relating to the strengthening of the rule of law at the international level. Issues requiring further examination in the Sixth Committee included sanctions, extraterritorial application of domestic laws and the reform of the Security Council; the terms used in paragraph 28 of the Declaration of the High-level Meeting concerning the Security Council were misleading.

38. Each nation had a sovereign right to establish its own model of the rule of law and to develop a legal system based on its own cultural, historical and legal traditions. That right flowed from the principles of the sovereign equality of States and non-interference in their internal affairs, principles which, in addition to the right of self-determination, were enshrined in international law and the Charter. The United Nations should therefore adhere firmly to the principle of national ownership in its technical assistance to promote the rule of law.

39. International law must be respected equally by all States. It required them, in particular, to refrain from the unlawful threat or use of force. There were many instances in which powerful States disregarded their obligations under the Charter and used their influence in the Organization to impose their will on other nations.

40. Although the Security Council had primary responsibility for maintaining international peace and security, its mandate was not unlimited; it was bound to exercise its powers in accordance with the purposes and principles of the Charter. Taking decisions, including imposing sanctions, based on false information or politically motivated analysis or under political pressure from a few of its permanent members would undermine its credibility and reputation. As had long been desired by many Member States, the Council should be reformed to become accountable, transparent and rule-based.

41. Unilateral and extraterritorial application of domestic legislation to other countries clearly contravened the rule of law at the international level. Such misuse of an instrument of law could be characterized as an internationally wrongful act in many cases. Moreover, selectivity and double standards in the application of international treaties undermined the very nature and objective of the rule of law.

42. **Mr. Mitsialis** (Greece) said that the common aims of maintaining international peace and security, ensuring universal enjoyment of human rights and promoting sustainable development could be achieved only through the establishment and consolidation of rule of law institutions. At a time of severe financial and economic crisis, such institutions were essential for inclusive and sustained economic growth; the fair distribution of the costs and benefits of economic policies was critical for social cohesion.

43. At the domestic level, Greece guaranteed the rule of law through accountability mechanisms, comprehensive judicial remedies and a wide range of independent authorities and human rights institutions; it would continue to take measures to improve the justice system and public services, fight corruption, combat organized crime, including trafficking in human beings, and achieve substantial gender equality.

44. In conjunction with the High-level Meeting on the Rule of Law, Greece had registered a voluntary pledge to prepare and implement a national anti-corruption action plan. Under that plan, it would bring national legislation into line with international recommendations on the fight against corruption and would develop appropriate political and judicial initiatives. Together with some other States, it had also pledged to contribute to efforts made at the national, regional and international levels to promote truth, justice, reparation and guarantees of non-recurrence and in particular to lend support to the work of the Special Rapporteur appointed by the Human Rights Council to deal with those questions.

45. **Mr. Tanin** (Afghanistan) said that the rule of law was the basis for a stable and harmonious world order in which mankind as a whole could benefit from peace, security, development, social progress and prosperity. Strengthening the rule of law both nationally and internationally was thus a collective responsibility, and the United Nations was playing a key role in that effort. His country, long engulfed in conflict, was

keenly aware of the challenges involved. In 11 years of State-building, it had, with the support of the international community, placed the rule of law at the heart of its strategy to restore lasting peace and stability. Afghanistan had adopted a Constitution that protected the rights of all citizens and had engaged in a comprehensive overhaul of the national legal framework and developed action plans to build capacity. In particular, it had successfully implemented security sector reform, leading to the formation of a national army and police. Afghan national security forces were taking charge of combat operations throughout the country, with the support of partner countries and the United Nations. Currently, fighting corruption and achieving transparency in administration were among the high-priority challenges.

46. His delegation fully supported the outcome of the historic High-level Meeting on the Rule of Law; the onus was on all States to translate political commitments into reality. The Declaration underscored the importance of national ownership in rule of law activities, which meant that international support should be aligned with the assistance needs and priorities of States. More could be done to increase United Nations operational capability in the rule of law area. In particular, the Rule of Law Coordination and Resource Group needed increased resources in order to discharge its mandate effectively. His delegation supported continued consideration of the rule of law agenda item and considered it imperative to integrate a rule of law dimension into United Nations activities relating to peace and security, development, human rights and poverty alleviation.

47. **Mr. Ajawin** (South Sudan) said that his country, the newest member of the United Nations family, had achieved its independence through a peaceful, democratic and internationally monitored national referendum. As South Sudan embarked on the enormous task of State- and nation-building, the rule of law was the bedrock on which the country's legal institutions would rest. South Sudan was committed to promoting justice, freedom, human dignity and the rule of law at the national and international levels. It had adopted a Transitional Constitution that recognized the principles of the rule of law and vested sovereignty in the people, with the State exercising that sovereignty only through its democratic and representative institutions. The Transitional Constitution proclaimed that South Sudan was founded on the principles of

justice, equality and respect for human dignity; it contained a Bill of Rights consistent with international human rights law guaranteeing fundamental rights and freedoms and restricting the death penalty. The National Constitutional Review Commission, which was at work collecting views from all stakeholders on the content of the future constitution, had been formed with due regard to gender, political, social and regional diversity.

48. His Government had begun identifying multilateral and regional treaties and agreements that it should ratify or accede to and incorporate in domestic law. South Sudan had so far acceded to the four Geneva Conventions of 1949 and their Additional Protocols and had become a member of the International Monetary Fund and the World Bank Group; it expected to accede soon to all the international human rights conventions. The Government was working with the United Nations Mission in South Sudan and other multilateral bodies on the challenging task of developing strong and effective rule of law institutions by providing training to members of the judiciary, the Ministry of Justice, the prison service and the police force.

49. Recognizing the importance of international dispute resolution mechanisms, his Government would endeavour to settle its international disputes by peaceful means through the International Court of Justice and other international adjudicative bodies. It had approved the settlement made by the Permanent Court of Arbitration on the Abyei area boundary dispute with the Sudan; had fully accepted Security Council resolution 2046 (2012); and had agreed to peaceful negotiations under the auspices of the African Union High-level Implementation Panel on post-independence issues.

50. His Government recognized that customary law and traditional justice had a role to play alongside formal judicial institutions, but would modify or abolish any customary rules or practices that violated the Constitution. In that connection, it had begun identifying areas where traditional mechanisms conflicted with the formal system in order to strengthen links across the justice system, and had set up a customary law research centre to ensure effectiveness and efficiency in policy development and implementation in that regard. The Government would combat all customs and traditions that undermined the dignity and status of women and would continue to

reform the traditional justice system while preserving the positive social norms of traditional societies.

51. South Sudan was committed to strengthening the nexus between the rule of law at the national level, regional and international levels and to ensuring that perpetrators of international crimes and other gross human rights violations were held accountable.

52. **Ms. Al Marikhi** (Qatar) said that promoting the rule of law at the national and international levels would help to maintain peace, encourage development, increase opportunities for cooperation and support the building of a harmonious world. At the national level, security and peace prevailed in societies that had an independent judiciary; applied international norms and standards for the protection of human rights; adhered to the principles of the rule of law; provided legal remedies for seeking reparation; and held those who violated the law, including the State, accountable.

53. At the international level, relations among States should be governed by the principles of international law, including the principle of sovereign equality. International disputes should be settled by peaceful means, and effective deterrent mechanisms should be in place to prevent the threat or use of force by some countries. It was in everyone's interest for States to comply with agreements concluded and decisions mutually adopted. The active participation of States in the High-level Meeting on the Rule of Law had demonstrated the international community's recognition of the increasing centrality of the rule of law at the national and international levels and had given States an opportunity to expand their consensus on strengthening the principle of the rule of law at the institutional, procedural and substantive levels.

54. The Government of Qatar had taken action to promote good governance and to strengthen the rule of law as a governing principle of political, economic and social life, always seeking to ensure equality under the law, accountability before the law and justice in its application. In that regard, it should be noted that Qatar had become a party to many human rights conventions. To promote the culture of the rule of law at the national level, the Government was striving to enhance universal awareness of the law; ensure universal access to justice and due process; apply the law to all without distinction; ensure the independence of the judiciary; ensure that the executive power was subject to the law; prevent any treatment contrary to human dignity; and

ensure that the State complied with its obligations under international agreements and customary international law.

55. The Government had established an administrative control and transparency authority endowed with the powers and resources necessary to fulfil its mandate. In addition, the third session of the Conference of the States Parties to the United Nations Convention against Corruption had been held in Doha, where a centre for the rule of law and the fight against corruption had been inaugurated. Qatar had established a number of national institutions for human rights and democracy and had promoted a culture of respect to national and international law through conferences and workshops.

56. **Mr. Desta** (Eritrea) said that upholding the rule of law was the cornerstone of peaceful coexistence and a prerequisite for relations among States. The international and national dimensions of the rule of law should be developed in a balanced manner, and the Committee should continue to discuss them in order to arrive at a common view on the issue. His Government was deeply committed to upholding and developing an international order based on the rule of law, with the United Nations at its core. Clear rules and an effective multilateral system to prevent violations were preconditions for lasting international peace and security. An effective multilateral system could only be realized if it was based on unambiguous and transparent rules that applied to all players without selectivity and double standards. The non-uniform application of the rule of law at the international level had left many critical issues and conflicts unaddressed or unresolved and had reduced confidence in the multilateral system.

57. The settlement of disputes by peaceful means was one of the main purposes of the United Nations and a fundamental principle of the international legal system. States should therefore refrain from taking unilateral measures that were inconsistent with international law and the Charter and might be detrimental to the peace, security and development of other States. Strengthening the rule of law at the international level must include urgent reforms of international institutions such as the Security Council and other United Nations institutions and international financial institutions.

58. **Mr. Karin** (Israel) said that his Government was committed to the rule of law at the national and international levels. Pluralism and democracy were the cornerstones of the system of government in his country. The rule of law was the bedrock of any democracy, and good governance and a robust, independent and impartial judiciary were indispensable for its implementation. The principle of judicial independence was enshrined in the Israel's Basic Law, and Israeli courts were known internationally for their groundbreaking decisions on various matters relating to the rule of law.

59. The Israeli Supreme Court's rulings had reinforced and expanded the rights of suspects and defendants and enhanced due process guarantees. Notable decisions in recent years had disqualified evidence obtained in an unlawful search; declared confessions made under duress as inadmissible; and abolished provisions restricting the right of persons suspected of security-related offences to meet with legal counsel. In that regard, the importance of legal aid, provided by the Public Defender's Office, could not be overstated. The Court also had a major impact on the protection and promotion of civil liberties and constitutional rights, including freedom of the press.

60. Nonetheless, upholding the rule of law in a democracy was challenging, particularly in cases involving terrorism and national security, which the Supreme Court adjudicated on a regular basis. As a former President of the Supreme Court had said in a famous judgement proscribing certain interrogation methods of suspected terrorists, not all means were acceptable to a democracy preserving the rule of law, and recognition of individual liberties constituted an important component of its understanding of security. The Court also exercised a careful and rigorous scrutiny of parliamentary legislation, executive policy and administrative action. Applying broad rules of locus standi, the Court agreed to hear petitions from citizens and non-citizens alike as well as from civil society. Clearly, a culture of pluralism, a vibrant civil society and civic education were critical for promoting the rule of law.

61. Corruption presented another serious challenge to the rule of law. In recent years corruption charges brought prominent public figures in Israel to stand trial, and some had been convicted. The cases exemplified the principle that all were equal before the law and served as a reminder that ensuring the integrity

of law enforcement and the independence of the prosecutor's office were also essential elements of the rule of law.

62. Upholding the rule of law at the international level required an effective multilateral system founded on international law. In that connection, his Government supported the work of the International Law Commission and the United Nations Commission on International Trade Law in the development of international law. Israel was party to the core human rights treaties and had recently ratified the Convention on the Rights of Persons with Disabilities. It valued the work of the United Nations treaty bodies and had established a joint interministerial team to consider means of implementing the relevant recommendations of the treaty bodies at the national level.

63. With respect to the valuable contribution of international tribunals to the rule of law, his delegation joined others in emphasizing the importance of complementarity and stressing that States were primarily responsible for investigating and prosecuting violations of international law. Israel supported ongoing United Nations capacity-building and technical assistance activities and had contributed to such efforts in Africa and elsewhere.

64. The High-level Meeting on the Rule of Law had been an important development in the recognition of the rule of law. However, it was regrettable that during the informal consultations on the outcome document Member States had been unable to reach a consensus on the paragraphs containing the building blocks of the rule of law, or on a common understanding of what constituted the rule of law, a notion which could not be reduced to mere formalistic and institutional features, to the detriment of its critical substantive and normative content.

65. **Mr. Chipaziwa** (Zimbabwe) said that the outcome Declaration of the High-level Meeting on the Rule of Law represented a delicate balance between what had at one point appeared to be irreconcilable views. The rule of law at the international level could only thrive if it was based on multilateralism, which eschewed coercive actions. Zimbabwe reaffirmed its commitment to the Charter of the United Nations, which outlined the principles guiding inter-State relations and the rule of law at the international level, including the sovereign equality of States; non-interference in the internal affairs of States;

respect for their territorial integrity; and the right of peoples to self-determination. All States should settle their disputes by peaceful means and refrain from the threat or use of force. Regrettably, some States often resorted to unilateral action, which was contrary to the rule of law and due process. Double standards and selective application of international law undermined the rule of law at the international level.

66. At the national level, his Government was making significant progress in strengthening the rule of law, respect for human rights and democracy, having established three independent commissions on human rights, the media and elections. Zimbabwe was well advanced in the process of adopting a people-driven Constitution that reflected its own national aspirations. Progress in those areas would augur well for success in addressing the core challenges of economic development and poverty eradication.

67. **Mr. Eden Charles** (Trinidad and Tobago) said that adherence to the rule of law was the cornerstone of international relations among States, a fundamental component of good governance at the national level, and a vital tool for addressing such challenges as sustainable development, economic growth, human rights and climate change. Respect for the rule of law was enshrined in the Charter of the United Nations and was necessary in order to uphold such fundamental principles as the sovereign equality of States. Moreover, his delegation was of the view that States should address whatever deficit might exist in fulfilling their domestic and international legal obligations. It therefore welcomed the Declaration adopted at the High-level Meeting on the Rule of Law.

68. The Constitution of Trinidad and Tobago recognized the rule of law as the foundation upon which the relationship between the State and its citizens was built. The Constitution protected the fundamental rights and freedoms of all citizens without discrimination based on race, origin, colour, religion or sex and contained provisions safeguarding equality before the law and protection of the law. Separation of powers between the various branches of government and an independent judiciary were also indispensable to the rule of law. Recognizing the interdependent and mutually reinforcing relationship between the rule of law at the national and international levels, his Government had become a party to many international treaties and conventions and had given them the force of law domestically.

69. His delegation recognized that the United Nations had an important role to play in helping States promote the rule of law and applauded the efforts of the Rule of Law Unit, the Treaty Section and the Codification Division of the Office of Legal Affairs, and the United Nations Institute for Training and Research in that regard. His Government supported the efforts of the International Criminal Court to investigate and, where there was sufficient admissible evidence, to prosecute crimes that fell under its jurisdiction. Trinidad and Tobago was also committed to working with the United Nations and its regional and hemispheric partners to ensure greater adherence to the rule of law.

70. **Mr. da Silva Pinto** (Timor-Leste) said that promoting the rule of law at the national and the international levels was vital to the achievement of development goals and to the enjoyment of all fundamental human rights. Its own experience as a young, post-conflict country had made Timor-Leste keenly aware of the importance of settling disputes by peaceful means while strengthening the rule of law. Justice in the broader sense encompassed social, economic, political and legal sectors and could only be achieved in an environment of peace. Among the many new laws and institutions being put in place, his Government had prioritized the building of strong judicial institutions to complement its law enforcement and security sector reforms. To bring justice to people outside of the capital, it had launched a programme to decentralize the justice system and provide technical assistance to district courts, district prosecutors and public defenders.

71. Timor-Leste had co-chaired a high-level side event of the sixty-seventh session of the General Assembly entitled “The New Deal: G7+ Perspectives and Experiences”, which had shown the value of sharing best practices with the international community and ensuring national ownership and leadership in capacity-building projects supported by the international community. It welcomed the support it had received from the Government of Australia to help it improve access to and delivery of justice by strengthening the interface between the police, judicial and correctional systems.

72. The cross-cutting nature of the rule of law had been reflected in the high-level debate, in which the links between the rule of law and economic growth, human rights, poverty eradication and sustainable development had been highlighted by many of the

participants. The principles of the rule of law, human rights and democracy were enshrined in the country’s Constitution, which required the Government to protect the fundamental rights and freedoms of citizens while respecting the principles of a democratic State based on the rule of law. Timor-Leste had also ratified all the core human rights instruments, although it continued to face challenges in reporting to the various treaty bodies, owing to its capacity constraints. The election of a Timor-Leste national as an expert on the Committee on the Elimination of All Forms of Discrimination against Women was helping his country improve its domestic policy and strengthen its reporting capacities.

73. Timor-Leste supported the role of international courts and tribunals in strengthening the rule of law at the international level. In that connection, it had initiated the process of accepting the compulsory jurisdiction of the International Court of Justice and supported the work of the International Criminal Court and global efforts to combat impunity.

74. **Mr. Khan** (Indonesia) said that his delegation welcomed the outcome document of the High-level Meeting on the Rule of Law, which reflected the strong commitment of Member States to uphold the rule of law at the national and international levels. It shared the Secretary-General’s assessment that the rule of law accorded predictability and legitimacy to the actions of States and was central to the exercise of justice, human rights and fundamental freedoms.

75. Strengthening the rule of law was just as important at the international level as at the national level. The strong commitment of all States to an international order based on the Charter of the United Nations and other internationally agreed legal instruments was indispensable for sustainable peace and prosperity. The work of the principal organs and specialized agencies of the United Nations, including revitalization of the General Assembly and reform of the Security Council, must reflect the broad sense of justice of the international community. His Government supported the vital role played by the International Court of Justice in the peaceful settlement of international disputes.

76. However, the gap between commitments at the international level and implementation at the national level must be closed. Although Member States were primarily responsible for implementing the rule of law

in their territories, all countries were not at the same stage of development. A genuine global partnership must be forged to enhance the capacity of Member States, particularly developing countries, to fulfil their treaty obligations.

77. While the right to hold opinions was one of the non-derogable rights under article 19 of the International Covenant on Civil and Political Rights, freedom of expression was not absolute, as it carried with it special duties and responsibilities. The right must be exercised responsibly in accordance with the relevant international human rights law and instruments, and, as stipulated in the Universal Declaration of Human Rights, with respect for the rights and freedoms of others and the requirements of morality and public order.

78. At the national level, the rule of law, human rights and democracy were interlinked and mutually reinforcing and were the foundation for sound political, economic and social institutions. Civil society and media also played an important role in complementing the efforts of governments to ensure accountability and transparency. Since 1998 many positive changes had been made in Indonesia. The Constitution had gone through several amendments and the Constitutional Court, the Judicial Committee and the Corruption Eradication Commission had been established, in an effort to create a transparent, accountable and legitimate administration. Indonesia therefore called on all Member States, the United Nations, other international and regional organizations, civil society and the media to help it in that endeavour.

79. Indonesia supported the application of the State of Palestine to be admitted as a State Member of the United Nations; those efforts were consistent with the right to self-determination and independence and in keeping with the international community's commitment to uphold the rule of law at the international level.

80. **Mr. Jafarov** (Azerbaijan) said that the High-level Meeting on the Rule of Law would draw more international attention to the issue. Azerbaijan was committed to an international order based on international law. His Government was continuing to institute reforms aimed at strengthening the rule of law — a principle that was enshrined in the country's Constitution — and protecting human rights. Azerbaijan was a party to all major universal and

regional human rights treaties, and all the rights and fundamental freedoms set forth therein were incorporated in its Constitution.

81. Multilateral cooperation based on the rule of law and the Charter of the United Nations was essential for addressing current and future global challenges and for ensuring sustainable development and peaceful coexistence among States. His delegation agreed with the Secretary-General's assessment that, while international law-making was at times necessary, the challenge lay in ensuring implementation of and compliance with the existing legal framework. In that regard, more effort was needed to ensure a unified approach to the rule of law and to address the major threats and challenges that continued to affect the international legal order; undermine the national unity, territorial integrity and stability of States; and foster disregard for human rights. Resolute measures to ensure that parties to armed conflicts complied fully with their obligations under international humanitarian and human rights law were crucial and must be a priority.

82. The lack of agreement on political issues in situations of armed conflict and military occupation could not be used as a pretext to violate international humanitarian law and human rights law. The persistence of illegal situations owing to political circumstances did not make them legal. It was important to reaffirm the need for continued application of all relevant international legal norms; for cessation of activities designed to consolidate foreign occupation; for urgent measures to counter the adverse effects of such activities; and for an end to any other similar practices.

83. His delegation supported the measures and policies undertaken by the United Nations to strengthen the rule of law at the national and international levels as well as within the Organization. The United Nations should continue to play a leading role in supporting and coordinating efforts to that end. In order to achieve the goals of the rule of law, Member States should uphold the fundamental principles and ensure the uniform application of international law and promote the democratization of international relations.

84. **Mr. Aldahhak** (Syrian Arab Republic) said that the rule of law was an indivisible concept that must be applied at both the national and the international levels.

Respect for the principles of international law and the Charter of the United Nations was the cornerstone of the rule of law. In that connection, attempts by some States to impose their unilateral policies and decisions; to use force or to threaten to do so; to create new concepts or mechanisms designed to serve their narrow interests; to politicize values; or to adopt a highly selective attitude towards the rule of law deserved closer scrutiny.

85. The rule of law could not be guaranteed while the international community overlooked the policy of some countries of interfering in the internal affairs of other States; or threatening their security, stability, unity and territorial integrity; or occupying other people's land in order to oppress them, pillage their property and deprive them of their right to life. The continued occupation by Israel of the Syrian Golan and other Arab territories, as well as its major violations of human rights, fundamental freedoms, international law and the Charter, ran counter to the principles of the rule of law. The financial and military support provided by Arab and regional States to extremist elements carrying out terrorist operations in the Syrian Arab Republic was completely foreign to the principle of the rule of law that those same States claimed to defend.

86. The rule of law could not be guaranteed through sanctions and unilateral measures that lacked international legitimacy, or through a policy of double standards on the issue of human rights. The unilateral sanctions imposed on his country by some States were hurting his people and depriving them of basic necessities such as medicines, heating fuel and gas. Ignoring human rights violations in some States that were under occupation, in States that did not allow freedom of religion or belief, or in States that had never had a Constitution or an election in their history, while focusing on other States in order to serve narrow interests, did not help to promote the rule of law or equality of States before the law. All States must respect the principles and goals of international law and the Charter, including the principle of sovereignty, non-interference in the internal affairs of States, good-neighbourly relations and the peaceful settlement of disputes.

86. The Syrian Arab Republic was going through a difficult period that had started with legitimate requests for reform, which the Government had worked hard to implement through legislative and constitutional amendments and other measures. However, the

situation had degenerated when well-known external parties had used those requests for reform to execute their plan of destabilizing the country. The Syrian Government honoured its legal responsibilities to achieve a return to security and stability and continued to implement laws that held accountable all those who used their position to commit illegal acts. Dialogue was the only means of resolving the crisis in Syria. His Government had supported all United Nations initiatives to stop the violence in his country and had on several occasions called upon all States that offered safe haven to or financed and armed terrorist groups to put an end to that policy. It had called upon all relevant parties to convince those groups to renounce violence and to take part in a national dialogue that would allow the Syrian people to build their own future. The Government was committed to facilitating the task of the Joint Special Representative of the United Nations and the League of Arab States for Syria.

88. While his country supported the strengthening of the rule of law at the national and international levels, it considered that any technical assistance provided in that regard must take into consideration the political, historical and cultural specificities of each State, and should not be used as a means of applying political pressure or as a pretext to interfere in the internal affairs of States or undermine their national sovereignty.

89. **Mr. Dahmane** (Algeria) said that the High-level Meeting on the Rule of Law was an important landmark in the process of strengthening the concept of the rule law at the national and international levels. The international dimension of the rule of law was of utmost importance for the establishment of an international order based on respect for international law, commitment to the goals and principles of the Charter, promotion of the option of multilateral diplomacy on the basis of equity and justice and without double standards and selective application of the law.

90. Since the General Assembly was the principal organ that embodied democracy within the United Nations, revitalizing its work and preventing the Security Council from encroaching on its jurisdiction should be major priorities of the Organization. Further democratization of the Security Council would require a review of its methods of work and expansion of its membership to include developing countries in general and African countries in particular. The role of the

International Court of Justice, the principal judicial organ of the United Nations and the only judicial organ characterized by universality and inclusiveness, should be strengthened.

91. It was regrettable that the principle of self-determination had not been applied fully to all peoples that were under foreign occupation or had not been decolonized, as was the case of the peoples of Palestine and Western Sahara. His Government condemned the scourge of terrorism, the taking of hostages for ransom or political concessions and the release of duly convicted terrorists. Failure to address such issues by legal means not only strengthened terrorism but also weakened the rule of law.

92. His Government had sought to reap the benefits of the policy of national reconciliation by deepening the roots of democracy and supporting good governance in order to achieve political, social and economic progress. It had also enshrined democratic freedoms in the Constitution and reformed the electoral system to increase the representation of women in parliament and in other decision-making positions. The Government had also sought to align its domestic laws with its obligations under international treaties. In that regard, the Constitution recognized that the provisions of international conventions prevailed over domestic law, thereby allowing citizens to invoke them before domestic courts. At the regional level, Algeria had been among the first States to participate in the African Peer Review Mechanism.

93. His Government supported the efforts of the Rule of Law Coordination and Resource Group but emphasized the need to maintain a balance between the rule of law at the national and international levels. The Committee should continue to consider the agenda item.

94. **Mr. Gonzalez** (Chile), speaking in exercise of the right of reply, said that his delegation believed in respect for and compliance with international instruments and conventions and in the peaceful settlement of disputes. Respecting border agreements between neighbouring countries was a key element for the coexistence of States and guaranteed international peace and security. Nonetheless, his delegation disagreed with the distorted rendition of historical events by the representative of the Plurinational State of Bolivia in respect of a conflict that had been

resolved more than 100 years ago through the 1904 Treaty of Peace and Friendship.

95. **Mr. Chekkori** (Morocco), speaking in exercise of the right of reply, said that the representative of Algeria was wrong to have associated the question of Palestine with the bilateral dispute between Morocco and Algeria over the Moroccan Sahara. In so doing, he had used the question of Palestine as a springboard to serve the narrow, political interests of Algeria. The Government of Algeria would therefore have to assume its responsibilities before its own people, the Arab nation, the Muslim community and all supporters of the Palestinian cause.

96. Regrettably, Algeria was the record-holder when it came to double standards, given its wide array of inconsistencies. It claimed to be a flag-bearer for self-determination, yet it raised that topic only in the context of the Moroccan Sahara. While the various delegations had presented their positions, experiences, accomplishments, difficulties, challenges and commitments in a constructive debate, the delegation of Algeria had resorted to its usual tactic of diverting attention from its record with regard to the rule of law and human rights by focusing on its neighbour.

97. The delegation of Morocco had participated in the debate in a constructive manner, avoiding unsubstantiated claims and provocations, and focused on dialogue, sharing, humility, serenity, moderation, tolerance, coexistence and indulgence, values which his country had always adhered to as an independent and responsible State. He hoped that the Government of Algeria would also adhere to those values.

98. **Mr. Dahmane** (Algeria), speaking in exercise of the right of reply, said that the part of his statement that the representative of Morocco was referring to deplored the fact that the principle of self-determination, a sacrosanct principle of international law, had not been applied in certain cases, including but not limited to the questions of Palestine and Western Sahara. The association of those two issues was clearly rooted in international instruments, because all texts relating to the right to self-determination issued by any forum or organization to which both Algeria and Morocco belonged, including the Movement of Non-Aligned Countries and the Organization of Islamic Cooperation, associated in the same sentence the concepts of foreign occupation and decolonization. His delegation had raised the issue

under the current agenda item because failure to apply the principle of self-determination in certain cases, in other words, its selective application, clearly fell within the scope of the topic of the rule of law at the national and international levels.

99. With regard to the characterization of the question of Western Sahara by the representative of Morocco as a bilateral dispute between Morocco and Algeria, he recalled that Western Sahara was 1 of the 16 non-autonomous territories recognized by the United Nations. In its statement, his delegation had merely reiterated the requirement to apply international law. Referring to the issue as an artificial dispute between Algeria and Morocco amounted to a denial of an international reality that was well recognized by the United Nations, namely that Western Sahara was a non-autonomous territory to which the principle of self-determination should apply.

100. With regard to the alleged human rights violations in his country, his Government had spent most of the “Black Decade” combating terrorism under difficult circumstances, but had always done so in full compliance with international law.

101. **Mr. Chekkori** (Morocco), speaking in exercise of the right of reply, said that the truth about the “Black Decade” could be found on the Internet. The arguments raised by the representative of Algeria to defend his association of the question of Palestine with the bilateral dispute between Algeria and Morocco over the Moroccan Sahara was not convincing and would not absolve Algeria of its responsibilities flowing from that association. No delegation other than that of Algeria had raised the issue of the Moroccan Sahara, which had been its obsession for many years. Although the Government of Algeria had been at the origin of the dispute, the Government of Morocco still hoped that the issue would be settled one day and that both countries would be able to leave behind the current painful phase in their bilateral relations and build a more promising future for their people.

102. **Mr. Dahmane** (Algeria), speaking in exercise of the right of reply, said that his Government and those of all countries of the Maghreb also shared the hope expressed by the representative of Morocco, but not to the detriment of international law. His Government had always insisted that the question of human rights should be included in the mandates of all peacekeeping missions. The United Nations Mission for the

Referendum in Western Sahara was indeed the only United Nations peacekeeping mission that did not include such a component, owing to the resistance put up by the Kingdom of Morocco. His Government would continue to call the inclusion of a human rights component in that Mission’s mandate.

The meeting rose at 1.05 p.m.