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- Chair:* Mr. Kohona (Sri Lanka)
- later:* Mr. Salem (Vice-Chair) (Egypt)
- later:* Mr. Kohona (Chair) (Sri Lanka)

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The meeting was called to order at 10.05 a.m.

Agenda item 85: The rule of law at the national and international levels (*continued*) (A/68/213)

1. **Mr. Salem** (Egypt), speaking on behalf of the Group of African States, said that the high-level meeting of the General Assembly on the rule of law at the national and international levels held during the previous session had contributed to the development of a common understanding of the meaning of the rule of law. The African Group welcomed the theme of the current session's debate, the rule of law and the peaceful settlement of international disputes, and strongly encouraged all States to settle their disputes peacefully by means of the relevant international law mechanisms, including international judicial bodies, international arbitration or regional mechanisms such as those established under the auspices of the African Union. The African States, in the Constitutive Act of the African Union, had reiterated their respect for the rule of law as one of the fundamental guiding principles for their conduct. Over the years, they had adopted instruments that reaffirmed their determination to observe, promote and protect human rights and uphold the rule of law, which was vital for the promotion of stability, peace and security, as well as conducive to good governance and closer integration on the African continent.

2. It could not be overemphasized that the international legal order needed to infuse fairness and equity into areas such as international human rights and humanitarian law, international economic law, environmental law and the rules relating to the maintenance of international peace and security. The fundamental principle of equality before the law must be strictly respected, with no double standards. In that regard, international institutions such as the Security Council, international financial institutions and other United Nations bodies required urgent reform.

3. The African Group supported a balanced approach to the rule of law at the national and international levels, with implementation of international obligations at the national level. It called on States to ensure that the provisions of the international instruments they adopted were effectively implemented in domestic law. Capacity-building, including enhanced technical assistance, was the key to promoting the rule of law at the national level. In determining capacity-building needs and priorities, the

concepts of effectiveness and local or national ownership should be prime considerations. Partnership and mutual respect between providers and recipients were essential, and the customs and national, political and socioeconomic realities of the recipient States must be taken into account. In that regard, the Rule of Law Unit should be encouraged to explore initiatives that would enable donors, recipients and other entities involved in financing rule of law activities to work in a more coordinated manner.

4. **Mr. Estreme** (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. A critical aspect of capacity-building was the dissemination of public international law. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which for decades had trained officials all over the world, ran the risk of being discontinued for lack of funding, and his delegation called on Member States to ensure the necessary financial resources to enable the Programme to continue its important work.

5. Combating impunity for gross violations of human rights was also crucial to strengthening the rule of law. Fortunately, the international community had moved away from the "justice versus peace" paradigm, and justice and peace were now viewed as not only compatible but also complementary objectives. The Rome Statute of the International Criminal Court, one of the most significant achievements of the international community, played a central role in combating impunity. However, in order to fight impunity effectively, it was necessary to strengthen domestic prosecutorial and judicial systems since, under the principle of complementarity, the Court did not take the place of domestic courts but played a subsidiary role. The international community had also made noteworthy progress in the development of norms and standards relating to the right to truth, justice and reparation and guarantees of non-recurrence in cases of gross violations of international human rights law and serious violations of international humanitarian law. His delegation welcomed the Human

Rights Council's appointment in 2011 of a Special Rapporteur on the matter.

6. A third requirement for promoting the rule of law was the strengthening of democratic institutions. In that regard, his delegation wished to highlight the role that regional integration mechanisms had played in promoting the rule of law in Latin America, in particular by incorporating democratic clauses in their important instruments. Argentina reaffirmed its strong commitment to the rule of law, constitutional order, the preservation of democratic institutions, social peace and full respect for human rights.

7. With regard to the peaceful settlement of international disputes, the International Court of Justice played a central role. It was essential for parties to a dispute to comply in good faith with the decisions of the Court and to refrain from taking unilateral action that could exacerbate the dispute. In addition to the Court, there were various specialized courts, such as the International Tribunal for the Law of the Sea, whose jurisdiction Argentina had accepted. Other methods of international dispute settlement were also provided for in the Charter and mentioned in the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels (resolution 67/1). The Secretary-General might also be entrusted with exercising his good offices. However, in order for a good offices mission or any other means of peaceful solution to succeed, the parties concerned must fulfil the obligations incumbent upon them in such procedures. When called upon by United Nations organs, including the General Assembly, to negotiate, they should do so in good faith, and third parties should refrain from conduct that might hinder a peaceful solution.

8. **Mr. Gharibi** (Islamic Republic of Iran) said that only through respect for the rule of law and justice by all States could a secure, peaceful and prosperous world be envisioned. Seventy years after the adoption of the Charter of the United Nations, it was to be expected that all Member States would respect its basic principles without any hesitation. That was not the case, however, as the recent heated debates regarding the threat or use of force had shown. It was ironic that those debates had taken place at a time when Member States were supposed to be focusing on the theme of the rule of law and the peaceful settlement of international disputes. Clearly, more attention should be paid in the Committee's debates to Article 4,

paragraph 2, of the Charter. Member States must strive collectively to promote the founding principles on which the United Nations had been built and to uphold the rule of law in international relations. In that regard, his delegation welcomed the September 2013 ministerial meeting of the Movement of Non-Aligned Countries, at which delegates had reiterated their commitment to uphold the fundamental principles of the Charter.

9. The Declaration that had emerged from the high-level meeting of the General Assembly addressed many aspects of the rule of law in a sensible manner, but it failed to meet expectations in respect of some matters that were important for strengthening the rule of law at the international level, nor did it denounce conduct that undermined it. Deliberations within the Sixth Committee should therefore continue with a view to achieving a common understanding of issues such as reform of the Security Council, sanctions and extraterritorial application of domestic laws.

10. States should do their utmost to promote the rule at the national level. It should be recognized, however, that each State had a sovereign right to establish its own model of the rule of law and administration of justice and to develop efficient and fair legal and judicial systems based on its own cultural, historical and political traditions. In its rule of law assistance activities, the United Nations should adhere to the principle of national ownership and provide support for capacity-building at the request of States and on the basis of the needs and priorities they identified.

11. In numerous instances powerful States had disregarded their obligations under the Charter and international law and had utilized their influence, including through the main organs of the Organization, to further their political aims and to impose their unlawful will on other nations. The Security Council was the United Nations organ with primary responsibility for maintaining international peace and security. Its mandate was not unlimited, however, nor was it above the law: it was bound by international law and the relevant provisions of the Charter and required to exercise its powers in accordance with the purposes and principles of the Charter. All Security Council decisions, including on sanctions, should be based on authentic information and examination, free from politically motivated analysis. The Council's use as a political tool in the hands of a very few members would undermine its credibility and reputation and

damage the legitimacy of its decisions. An important opportunity to address those concerns had been missed during the consultations on the Declaration on the rule of law, paragraph 28 of which was misleading and pointless.

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

13. **Mr. Thornberry** (Peru) said that the topic of the rule of law and the peaceful settlement of international disputes was of particular importance to his country, which throughout its history had been committed to international peace and security, multilateralism, international law, the Charter of the United Nations, justice and development. The peaceful settlement of disputes was the key to eradicating the scourge of war, which was the main objective of the United Nations and its Charter. The commitment to refrain from the threat or use of force was the cornerstone of peace and international security.

14. The International Court of Justice played a crucial role in the peaceful settlement of disputes, and that role was fortunately growing, especially among Latin American States. Peru reaffirmed its deep respect for the work of the Court and called on other States to avail themselves of its services to resolve their differences and then to comply with its judgments. Recourse to the Court, far from being an unfriendly act, was evidence of the international community's commitment to diplomacy and the peaceful settlement of disputes and its rejection of war. The constructive and cooperative approach that his Government had taken to Peru's dispute with Chile concerning maritime delimitation was a source of legitimate pride for Peru. The Governments of the two countries had affirmed their commitment to comply with the judgment of the International Court of Justice, and the process would

undoubtedly strengthen relations between the two countries in a manner favourable to integration and the development of both peoples. The Declaration on the rule of law recognized the positive contribution of the Court in adjudicating disputes among States and the value of its work for the promotion of the rule of law, reaffirmed the obligation of all States to comply with its decisions in cases to which they were parties, and called upon States that had not yet done so to consider accepting the Court's jurisdiction. His delegation fully concurred with those statements and welcomed the Secretary-General's campaign to broaden the jurisdiction of the Court.

15. **Mr. Hoxha** (Albania) said that, more than two decades earlier, his country had embraced the rule of law as the backbone of its political transition from a totalitarian regime. Albanian society had thus perhaps felt more acutely than others in the recent past the benefits of democratic governance, which had led to the development of a market economy and the establishment of a political regime based on fundamental freedoms and respect for individual rights. Albania was now irreversibly committed to the rule of law. It was also committed to bringing its legislation into line with the *acquis communautaire* of the European Union and to fully implementing that repertoire of laws. To that end the Government was working to strengthen and modernize the country's civil service administration, enhance awareness of the laws governing particular areas and of the associated rights and obligations of individuals and society as a whole, increase public participation in the lawmaking process and strengthen law enforcement agencies, while also ensuring respect for human rights. Having seen first-hand that corruption could not coexist with the rule of law, it was also waging a realistic and effective anti-corruption campaign. It was not easy to create conditions in which the law prevailed over injustice, but it was the Government's duty to build a just and equal society based on the rule of law. It would persist in that endeavour, calling on partners, including the United Nations, for assistance if needed.

16. In the Balkan region and indeed all over South-Eastern Europe, as new democracies had emerged, cooperation among them had become easier and more fruitful thanks to a shared understanding that only through full respect for the rule of law could they enjoy lasting peace, security, tolerance, cooperation and understanding and achieve solutions and continued

dialogue. As a result, in a region where scarcely two decades earlier conflict and war had been the principal means of interaction among nations, relations had been normalized and strengthened through agreements and treaties, the most recent being the agreement signed on 19 April 2013 between Kosovo and Serbia on the principles for normalizing their relations. His delegation applauded that initiative and called on the two countries to continue on that path.

17. International criminal justice mechanisms, including the ad hoc tribunals, served as guardians of the international rule of law where national justice systems were unable or unwilling to pursue justice. They had been powerful tools for ensuring accountability, ending impunity, re-establishing trust in legal systems, healing wounds, restoring peace and paving the way towards reconciliation. Albania highly valued their judicial and moral legacy. His Government remained committed to the Rome Statute of the International Criminal Court and was analysing the domestic legal steps needed for ratification of the amendments adopted during the special meeting of States parties to the Rome Statute, held in Kampala, Uganda, in June 2010.

18. **Mr. Wang Min** (China), welcoming the theme of the debate, said that his Government actively pursued the peaceful settlement of disputes through negotiation, dialogue and consultation. In that regard, his delegation wished to stress several points. First, the rule of law was a common goal pursued by States. At the national level, there was no one model applicable to all countries; each State was entitled to pursue the path most suitable to its own national conditions. States could, however, learn from each other and benefit mutually from the sharing of best practices, thus advancing the joint development of the rule of law.

19. Second, the Charter was the starting point and the touchstone for building the rule of law at the international level. Its established rules of international law were at the core of the contemporary international legal order. In order to strengthen the rule of law at the international level and ensure the maintenance of world peace and security, all States should bear in mind the purposes and principles of the Charter, uphold the basic principles of international law such as the sovereign equality of States and fulfil their obligations under the Charter in good faith. States should also work to improve the international legal framework and advance the democratization of international relations.

20. Third, the peaceful settlement of international disputes was inherent to the principle of the rule of law, as was emphasized in the Charter and numerous General Assembly resolutions, including the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations (resolution 42/22), which had affirmed that the principle of peaceful settlement of disputes was inseparable from the principle of refraining from the threat or use of force in international relations. The principles of peaceful settlement of international disputes and non-use of force were thus integral components of the rule of law at the international level.

21. Fourth, the freedom of the States concerned to choose the means of settling an international dispute peacefully must be respected. International law and the Charter provided for a variety of means, both political and legal, for the peaceful settlement of international disputes, including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)) stated that international disputes should be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Accordingly, the means of settling an international dispute should not be imposed upon any State. Thus, any action to refer a dispute to arbitration or judicial settlement against the will of the States concerned or contrary to the provisions of international treaties would constitute a violation of the principles of international law and was unacceptable to his Government.

22. China firmly maintained and promoted the rule of law at the international level and the principle of peaceful settlement of international disputes. His Government pursued an independent foreign policy of peace and rejected the use of force, except with Security Council authorization and in cases of self-defence. Bilaterally, China had persisted in resolving differences through peaceful negotiations and consultations. In the 1950s, it had joined its neighbours in espousing the Five Principles of Peaceful Coexistence, which had advocated the peaceful settlement of international disputes. In the 1980s, China had resolved the questions of Hong Kong and

Macau through peaceful negotiations, thus providing examples of how major historical problems could be resolved peacefully. Agreement on land borders had also been reached through consultations on an equal footing with 12 neighbouring countries. In territorial and maritime disputes with its neighbours, China had demonstrated a constructive spirit with a view to overcoming differences and fostering their common development. His Government sincerely hoped to seek appropriate solutions through negotiations and consultations with any States directly concerned. For the moment, matters that could not be resolved immediately could be put aside for later. At the same time, China would always firmly defend its sovereignty, territorial integrity and legitimate rights and interests.

23. As a permanent member of the Security Council, China was committed to the peaceful settlement of international and regional disputes and opposed to the wanton threat or use of force, the unilateral use of force outside the context of the Security Council, arbitrary expansion of the interpretation of the right to self-defence and power politics. In dealing with international crises, China adhered to the principles of the Charter and of international law and pushed for peaceful negotiations among the parties concerned with a view to reaching political solutions.

24. **Mr. Zack** (United States of America) said that the high-level meeting on the rule of law had been a landmark that had placed the rule of law at the centre of the agenda of the United Nations. Exciting progress had recently been made with regard to the rule of law since then, including important Secretariat initiatives such as the designation of the joint global focal point for the police, justice and corrections in the rule of law in post-conflict and other crisis situations. Another significant accomplishment was the adoption of the Arms Trade Treaty, which the United States had been proud to sign.

25. The pledge document that his delegation had submitted in connection with the high-level meeting was a good example of its strong support for rule of law initiatives abroad and at home. Its pledges had included support for ongoing United Nations initiatives, such as the provision of civilian advisors to missions for police, justice and corrections reform, along with bilateral programmes and national-level initiatives aimed at enhancing legal aid and women's access to justice. Progress in implementing those

pledges had included a significant domestic initiative aimed at increasing access to justice, launched on the occasion of the fiftieth anniversary of a landmark decision by the Supreme Court in the case of *Gideon v. Wainwright*, which had held that every defendant in a criminal case had the right to an attorney, regardless of ability to pay. That recognition of the significance of legal assistance in safeguarding due process had been a critical step forward in tackling the many challenges the country encountered in the pursuit of equal justice for all.

26. With regard to access to justice at the international level, his delegation had supported the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187). The United States continued to fund programmes that assisted post-conflict and transitional countries in establishing effective public defender systems and ensuring that the most vulnerable had access to quality legal representation. His delegation noted with appreciation the robust pledges of other Member States and looked forward to hearing about the progress made in their implementation. It stood ready to discuss how best to follow up on the high-level meeting in ways that would take into account the cross-cutting nature of the rule of law and be inclusive of the broad range of legitimate stakeholders, including civil society entities such as national bar associations, businesses, non-governmental organizations and academics.

27. The linkage between the rule of law and human rights was clear and undeniable. So, too, were the links between the rule of law and the development of robust, transparent and durable democratic institutions. Such institutions would be reinforced by strong protections for freedom of expression, freedom of assembly and participation in political processes. Strong legal systems would ensure that elections were conducted in a free and fair manner, which was a prerequisite for political stability in both developed and developing countries.

28. The essential role of good governance, including the rule of law, in ensuring inclusive and sustainable development was well known, and his delegation welcomed acknowledgement of that relationship in the discussions on the post-2015 development agenda. Full access to justice systems would allow people in both developed and developing countries to live without fear of arbitrary deprivation, displacement or

dispossession. Yet impoverished persons and other vulnerable groups, including women, children, persons with disabilities, and lesbian, gay, bisexual and transgender individuals, remained susceptible to infringement of their rights. For that reason issues related to governance, including the rule of law, should be infused throughout the discourse on development and poverty eradication. As legal professionals, it was important for members of the Committee not only to advocate for the rule of law but to fight for just law. In the words of Martin Luther King, injustice anywhere was a threat to justice everywhere.

29. **Mr. Barriga** (Liechtenstein) said that his delegation looked forward to the Secretary General's report on the linkages between the rule of law and the three main pillars of the United Nations and strongly supported the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit. It also welcomed the current discussion on the rule of law and the peaceful settlement of international disputes. The most prominent tool in that regard was the International Court of Justice, which had an impressive record in the peaceful settlement of disputes, but was far from reaching its full potential, as only 69 States had accepted its compulsory jurisdiction. Any Member State that truly subscribed to the principles of the rule of law at the international level should be able to accept the Court's jurisdiction. Doing so did not infringe on national sovereignty. Quite the opposite: it meant accepting sovereign equality and recognizing that in a dispute among equals recourse to an independent court could be the best way of safeguarding the rule of law. His delegation therefore strongly supported the Secretary-General's efforts aimed at broadening the Court's jurisdiction.

30. The fight against impunity for heinous crimes was a core element of the rule of law, but was also one of the most daunting tasks that the international community had ever taken on. The system established under the Rome Statute of the International Criminal Court recognized that criminal justice was first and foremost the responsibility of individual States, but it also recognized that domestic systems might break down during armed conflict or for other reasons be unable to deliver justice, in which case the Court would investigate and prosecute those bearing the greatest responsibility. It was currently doing so in eight situations, most of them in countries that had consented to the Court's jurisdiction and indeed

requested it to open an investigation. Nevertheless, some politicians had accused the Court of political bias. His delegation could find no evidence to support such an accusation. The Court could only investigate situations having to do with the territory or nationals of States parties to the Rome Statute or situations referred to it by the Security Council. Consequently, some situations worthy of judicial scrutiny were outside the Court's reach, Syria being the most relevant current example. But those limitations were rooted in the core principles of the international legal order established in the wake of the Second World War and could not be blamed on the Court. The fact that justice might not reach some parts of the world was no reason to deny justice to victims of atrocities in others. His delegation would continue to support the Court's work, as well as efforts to strengthen domestic criminal justice systems.

31. Liechtenstein had been the first State to ratify the Kampala amendments to the Rome Statute on the crime of aggression and had since been joined by 10 other States. The amendments established a new mechanism for enforcing Article 2, paragraph 4, of the Charter of the United Nations and would empower the Court to prosecute leaders who were responsible for the most serious forms of the illegal use of force against other States. His delegation invited States to visit its dedicated website on that topic and stood ready to provide assistance, if requested.

32. The United Nations rule of law agenda went far beyond the topics ordinarily dealt with by the Sixth Committee, and the issue should be tackled in an integrated manner. The rule of law was too broad a concept to be left in the hands of legal advisers alone. It would, for example, be a very important dimension of the General Assembly's discussion on the post-2015 development agenda. His delegation welcomed the proposal by the President of the General Assembly to hold a high-level event on that topic and favoured a follow-up to the high-level meeting on the rule of law that would take full account of the cross-cutting nature of the rule of law and involve all stakeholders, including civil society.

33. **Mr. Eden Charles** (Trinidad and Tobago), recalling that during the high-level meeting on the rule of law his delegation had reaffirmed its commitment to an international order based on the rule of law and pledged to work with other Member States in addressing deficits in the practice of the rule of law at the global level, said that progress had been made in

the development of international rules that were essential for the maintenance of the rule of law. An example was the adoption of the Arms Trade Treaty, which provided a body of law to regulate trade in conventional arms. Its entry into force would assist in preventing the diversion of small arms and light weapons and ammunition to the illicit market, a phenomenon which had contributed to armed conflict and violence and had adverse effects on the rule of law in many regions. Trinidad and Tobago was one of the seven States that had ratified the Treaty and requested other States to consider signing and ratifying it in order to enable its early entry into force.

34. The United Nations Convention on the Law of the Sea had proved to be the primary instrument enabling States to observe the rule of law in their international relations in respect of the world's oceans and seas, as many of its provisions had been accepted as customary international law. Trinidad and Tobago had relied on the Convention in many areas, including delimitation of its maritime boundaries and arrangements for the use of transboundary hydrocarbon resources. There was now a need for the negotiation of an agreement on a common set of rules to govern the conservation and sustainable use of marine biodiversity in areas beyond national jurisdictions so that the rule of law would be in place to ensure that economic and other benefits derived from the exploration and exploitation of such biodiversity did not accrue to only a few States with advanced technology. His delegation therefore welcomed efforts aimed at establishing a process for the conclusion of an international agreement on the matter under the Convention on the Law of the Sea.

35. His delegation also supported the efforts of the President of the General Assembly to commence dialogue during the current session on the post-2015 development agenda and wished to underscore the importance of respect for the rule of law for the achievement of sustainable development for the benefit of all peoples. It looked forward to participating in the high-level event to be convened on the impact of human rights and the rule of law on development.

36. All Member States were obligated to adhere to the provisions of the Charter of the United Nations, which called for respect of the rule of law in the conduct of their international relations. Correspondingly, States were also obligated to put in place mechanisms of justice so that persons who had

committed crimes did not go unpunished. That was even more important when the crimes in question were very grave in nature and were an affront to the international community. His delegation remained very concerned by the failure to bring to justice persons accused of committing crimes falling within the jurisdiction of the International Criminal Court and called for action to rectify that situation.

37. International law established norms and provided the foundation upon which domestic law was built. In the light of the interrelationship between domestic and international law, the United Nations had established the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which had enabled legal professionals from developing and developed countries to benefit from workshops and seminars on the implementation of various areas of international law at the national level. His delegation lamented that the activities of Programme and the services provided by the United Nations Audiovisual Library of International Law were in jeopardy because of inadequate funding. Over the years, Trinidad and Tobago and other States had made voluntary contributions for the maintenance of the Programme and the Library; however, it had never been intended that they should be funded solely through voluntary contributions. It was therefore a matter of great concern that despite the clear mandate in paragraph 7 of General Assembly resolution [67/91](#) regular budget funding for the Programme had not been provided. If that situation was not rectified, training in international law for lawyers, especially from developing countries, could be seriously undermined. The resolution to be adopted on the item should include clear and unambiguous language on the need for funding from the regular budget for the Programme and the Audiovisual Library.

38. With regard to the theme of the current session's debate on the rule of law, Trinidad and Tobago was firm in its position that international disputes must be settled by peaceful means, as enunciated in the Charter. His delegation recognized the important contributions made in that regard by international courts and tribunals such as the International Court of Justice and the International Tribunal for the Law of the Sea. Trinidad and Tobago had accepted the competence of the latter to settle disputes concerning the interpretation and application of the provisions of the Convention on the Law of the Sea. At the regional

level, it adhered to the provisions of the revised Treaty of Chaguaramas and accepted the jurisdiction of the Caribbean Court of Justice to settle disputes arising in respect of that Treaty, which had established the Caribbean Community (CARICOM) Single Market and Economy. Trinidad and Tobago reiterated its commitment to promote and defend the rule of law in its relations with all members of the international community.

39. **Ms. Cabello de Daboin** (Bolivarian Republic of Venezuela) said that her delegation reaffirmed its full support for the principles of the equality of sovereign States, self-determination of peoples, territorial integrity of States, the right of States to the use, exploitation and management of their own resources, peaceful settlement of disputes, refraining from the threat or use of force and non-interference in the internal affairs of States — principles that were fundamental to the achievement of a just and equitable international order in which the rule of law prevailed. To preserve the rule of law at the national and international levels, it was necessary to respect and strengthen the political and legal structures of the sovereign States. In that regard, her delegation was grateful to the Government of the Islamic Republic of Iran for organizing the recent ministerial meeting of the Movement of Non-Aligned Countries on the theme of the rule of law at the national and international levels.

40. The Bolivarian Republic of Venezuela attached special importance to international law as a source of domestic law. Its Constitution provided that ratified treaties and conventions on human rights had constitutional force of law and prevailed over domestic law if their provisions concerning the enjoyment and exercise of human rights were more favourable than those of the Constitution. Respect for fundamental human rights was one of the pillars of the rule of law. Universal enjoyment of those rights as a reality of daily life had been achieved under the leadership of Hugo Chávez Frías. The Bolivarian Republic of Venezuela was a participatory democracy, based on internationally recognized principles. Referendums were held, for example, on international agreements that might transfer sovereign powers to supranational bodies.

41. The de facto concentration of decision-making power for matters of international peace and security in the hands of the five permanent members of the

Security Council was a relic of the Second World War. Far from making a positive contribution to the maintenance of international peace and security, the Council had collaborated in violations of the principles of international law. For that reason, her delegation had expressed a reservation with regard to paragraph 28 of the Declaration on the rule of law. While her delegation could not accept any definition of the rule of law that was not the product of an open debate by Member States, it found it contradictory that the concept as defined by the Secretary-General should not apply to the Security Council.

42. It was necessary to democratize the United Nations and strengthen the central role of the General Assembly, since the way in which the Organization currently worked often prevented the rule of law from prevailing in a true sense. Her delegation had often had occasion to deplore illegal unilateral coercive measures taken by the imperial powers to suppress the right of peoples to define their own political, social and economic systems. A peace founded on privileges of the imperial powers was a fragile and discriminatory peace and one that was contrary to the rule of law that should prevail within multilateral institutions. Reform of the Security Council was urgently needed, in particular with regard to its composition and decision-making procedures, and her delegation would continue to work to ensure balanced regional representation in the Council's membership.

43. It was the duty of Member States under Article 2, paragraph 3, of the Charter to resolve international disputes by peaceful means. Accordingly, the Constitution of the Bolivarian Republic of Venezuela established the obligation to include in any international agreements to which it became a party a clause requiring the parties to resolve any disputes by peaceful means recognized under international law or previously agreed between them. Her Government attached great importance to the principle of free choice of the means of dispute settlement set out in Article 33 of the Charter and to strengthening the Organization's capacity with regard to conflict prevention through mechanisms such as the good offices of the Secretary-General and those set out in the Manila Declaration on the Peaceful Settlement of International Disputes (General Assembly resolution 37/10).

44. **Mr. Momen** (Bangladesh) said that the establishment of the rule of law at both the national

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

45. A just world order based on the rule of law required all nations to respect international legal systems and multilateral treaties and to support fair and just application of customary international law in the multilateral decision-making process. Greater representation of developing countries in the multilateral system remained crucial to ensuring equity, transparency and democracy at the international level and would become even more critical as the international community worked to reach consensus on the form and substance of the post-2015 development agenda. States must demonstrate an unwavering faith in the rule of law in order to bring about meaningful reform of the global financial architecture and put in place a rules-based, development-centred multilateral trading system, an equitable and responsible legal regime to address climate change and a balanced, rights-based approach to the emerging challenges of population dynamics as a key driver of sustainable development.

46. Bangladesh was convinced that the rule of law was a necessary condition for sustainable peace and development in any society. In recent years the Government had undertaken much-needed administrative, judicial and electoral reforms, including separation of the judiciary from the executive. It had also strengthened the anti-corruption commission, an independent constitutional body, and established a human rights commission to safeguard the rights of all citizens and ensure that international standards regarding human rights and personal freedoms were respected in the country. Measures had also been taken to ensure that law enforcement institutions operated with accountability and within the framework of international legal norms and principles.

47. Bangladesh staunchly supported the resolution of conflicts through peaceful, non-military means in accordance with the rule of law. Peace was currently threatened by civil wars, uprisings, religious intolerance, transnational crimes, terrorism, piracy, the effects of climate change, financial and energy crises and partisan application of laws, which had made more apparent than ever the need for just and equitable application of international law, adherence to the Charter and reliance on the International Court of Justice for the peaceful settlement of disputes. His delegation supported efforts to uphold the sovereign equality, territorial integrity and political independence of all States and to ensure that States refrained from the threat or use of force and settled disputes peacefully. Given the strong interrelationship between the rule of law and development, advancing the rule of law at the national and international levels was essential for sustained and inclusive economic growth. That interrelationship should be enshrined in the post-2015 international development agenda.

48. **Mr. Sarkowicz** (Poland) said that, in the context of the supranational challenges and threats facing the modern world, it was necessary to develop far-reaching and permanent cooperation between States, make use of the legal and institutional mechanisms of international organizations, coordinate efforts and promote effective partnership with civil society and private entities. The Declaration that emerged from the high-level meeting on the rule of law highlighted the major issues requiring joint comprehensive action by the international community and indicated the main directions for pursuing such action.

49. Poland was gradually implementing the many pledges it had made during the high-level meeting and those made by the European Union through the introduction of new international agreements into its domestic legal order, drafting of new legislation and implementation of action plans. The rule of law was an important reference point, both for Polish public institutions when preparing new legal and institutional mechanisms for its full implementation and for civil society organizations, which participated actively in public consultations.

50. At the international level, his delegation stood ready to play an active role in consultations concerning further work on the concept of rule of law, including setting priorities for joint activities by the international community and determining the principles that would

govern coordination and cooperation among the bodies involved in the process. In his delegation's view, work was needed in six areas: developing and consolidating rule of law institutions, including ensuring the independence and impartiality of justice and control of the armed forces by civil authorities; promoting the development of extrajudicial mechanisms such as ombudsmen for the protection of human rights; increasing the efficiency of legal and institutional mechanisms to monitor compliance with commitments within the area of human rights and international humanitarian law; increasing international support and assistance for democratic election processes in Member States; implementing the principle of sustainable development, which constituted the basis for internal and international security; and ensuring greater synergy in the rule of law activities of international organizations.

51. **Mr. Hassan Ali** (Sudan) said that the rule of law at the national and international levels was an integral part of the legislative, executive and strategic initiatives that his Government was pursuing, including the development of domestic laws reflecting the Sudan's international commitments. Despite limited resources, the Government was endeavouring to build judicial and legal capacity, not only at the national level, but also at the regional level through bilateral cooperation with its Arab and African neighbours. In dealing with the national problems inherited from colonialism, the Sudan had always relied on dialogue and peaceful means of dispute settlement, which had yielded the Comprehensive Peace Agreement of 2005 with what was then Southern Sudan. Even before the declaration of the independence of South Sudan, the Government had referred the Abyei dispute to the Permanent Court of Arbitration, which was additional evidence of its genuine wish to settle disputes peacefully. His delegation therefore welcomed the Committee's current focus on the rule of law and the peaceful settlement of disputes. It also welcomed the final declaration of the recent ministerial meeting of the Movement of Non-Aligned Countries, particularly its expressions of support for the unity and sovereignty of the Sudan and rejection of external-interference in its internal affairs.

52. His delegation renewed its affirmation of the importance of the role of the United Nations in capacity-building at the national level, particularly in States in which the Organization had peacekeeping

missions, with due regard for their cultural diversity and sovereign rights. Coordinating the roles of the various United Nations organs and mechanisms involved in rule of law activities was also important. The Sudan reiterated its support for the work of the International Court of Justice and international and regional mechanisms for arbitration in settling international disputes peacefully. Reconciliation had also proved a valuable mechanism for the peaceful settlement of disputes, and activities in that regard should be strengthened.

53. The topic of the rule of law at the national and international levels could not be considered outside the context of the purposes and principles of the Charter of the United Nations, especially respect for the sovereignty of States and non-interference in their internal affairs and the obligation to refrain from the threat or use of force and to settle disputes by peaceful means. Those purposes and principles must be upheld in order to achieve a world governed by law in which real justice would prevail. In the current reality, however, the world was governed by political interests, and the efforts of those who possessed resources and wealth to impose a certain culture on those who did not had led to a distortion of international justice. It was a world in which the will of the strong prevailed over the will of those who were powerless, and the weak were held accountable while a thousand pretexts were found to justify the acts of the strong.

54. His delegation recalled its reservations with regard to the content of the Declaration on the rule of law — reservations shared by other delegations — and encouraged the leaders of the world and the General Assembly to hold a clear and frank dialogue regarding current practices in the enforcement of justice, particularly at the international level. In that context, it had welcomed the initiative of the President of the sixty-seventh session of the General Assembly in holding a thematic debate on the role of international criminal justice in reconciliation in April 2013. That event had revealed a wide diversity of views regarding the current practices of the international justice mechanisms and shown the grave concern of most States regarding the dominance of international politics over justice at the international level.

55. While affirming the importance of achieving justice and combating impunity, his delegation shared the view of other African delegations that the African continent was being targeted in the name of

international justice. Such targeting was unacceptable; it merely exacerbated tensions in international relations and did not serve the cause of justice. Rather, it added to the list of injustices and widened the gap between peoples and cultures, disrupted social peace, undermined the stability of entire regions and jeopardized international peace and security. Those grave problems were the unacceptable results of the current practices of the International Criminal Court, which were not in consonance with the aims of the Rome Statute and indeed could only be described as a new approach to colonialism. It therefore welcomed the upcoming meeting of African leaders in Addis Ababa to hold a frank and clear dialogue on the future of the continent and the challenges it faced in that regard.

56. Lastly, his delegation rejected all forms of unilateral action, whether military, political or economic, taken by some States in dealing with issues of international peace and security. Such action led to increased suffering of peoples and heightened tension in international relations. Furthermore, unilateral action totally disregarded the role of the United Nations, which was the best hope in the current international reality, although it urgently needed reform. His delegation also called for the utmost importance to be accorded to the rule of law in protecting peoples chafing under occupation.

57. **Mr. Ja'afari** (Syrian Arab Republic) said that the Committee's discussion of the rule of law was very timely. The rule of law was something to which all Member States aspired and towards which they had worked for decades. The Committee was not endeavouring to "reinvent the wheel" or start a new debate on the foundations of international relations but rather to evaluate accomplishments and identify shortcomings with a view to strengthening the rule of law in accordance with the provisions of the Charter. The rule of law was an integral whole. It was impossible and unacceptable to focus on the rule of law at the national level and disregard the rule of law at the international level. The cornerstones of the rule of law were the principles of State sovereignty, non-interference in the internal affairs of States and peaceful settlement of international disputes. Also essential were efforts to put an end to occupation and to combat terrorism.

58. Experience had shown that the challenges hindering the establishment of the rule of law at the

international level were not the result of a lack of suitable mechanisms or international instruments, but rather were attributable to the selectivity and double standards applied by certain influential States in dealing with international law and the attempt by those States to impose their hegemony and unilateral decisions on other States through the threat or use of force. The current crisis in the Syrian Arab Republic provided clear evidence of blatant interference in the internal affairs of States and of actions aimed at undermining their security, stability, unity and territorial integrity. Regrettably, certain Arab States, regional States and Western States had taken it upon themselves to support, finance and arm extreme terrorist elements and foreign mercenaries, which had carried out a rampage of destruction and devastation under truly shameful pretexts in the service of those who sought to sully the reputation of Arabs and Muslims. Surely such actions did not flow from the commitment of those States to the rule of law.

59. Nor was respect for the rule of law evident in the coercive measures imposed unilaterally by some States on his country, which had had an adverse effect on the livelihood of Syrians and prevented them from acquiring basic necessities, including food, medicine, medical equipment and fuel, or in the continued Israeli occupation of the Syrian Golan and the other occupied Arab territories, and Israel's exercise of State terrorism. No respect for the rule of law was shown by disregarding the war crimes and the crimes against humanity perpetrated by the Israeli occupation authorities against the Palestinian owners of the land. Such acts were flagrant violations of the most basic principles of international law, the Charter of the United Nations, friendly relations among States and international instruments, especially those relevant to combating terrorism, including Security Council resolutions 1267 (1999), 1373 (2001), 1540 (2004), 1624 (2005), 1989 (2011); various General Assembly resolutions; and the United Nations Global Counter-Terrorism Strategy.

60. On behalf of his Government he had addressed hundreds of official letters to the competent organs of the United Nations since the inception of the crisis in Syria, in which he had explained the aggressions, violations and serious infringements of international law, the provisions of the Charter and the principles of good neighbourliness to which Syria was being subjected, and had highlighted the destructive role

played by certain well-known States with a view to destabilizing its security and stability. Yet, regrettably, he had not seen any response on the part of the United Nations that demonstrated seriousness and effectiveness in ensuring adherence to the principles of international law and suppressing illegal acts and terrorism.

61. The choice of peaceful settlement of disputes as the theme for the Committee's deliberations was a laudable initiative aimed at affirming the importance of pursuing peaceful means, such as negotiation, good offices, mediation, conciliation and arbitration, in order to resolve disputes and of refraining from the threat or use of force in contravention of the provisions of the Charter and the principles of international law. The international community was perhaps more than ever in need of being reminded of those principles, to which his Government subscribed. It had consistently affirmed that the Syrian-led comprehensive national dialogue was the only means of overcoming the crisis. Through its cooperation with all peaceful initiatives aimed at solving the crisis, including those launched by the United Nations, the Syrian Government had demonstrated its seriousness and its genuine wish to find a political solution to the crisis. It had also repeatedly called upon the States that supported, financed and armed terrorist groups to immediately cease doing so, and it called upon States with influence on armed groups to urge them to renounce violence and engage in the comprehensive national dialogue, which would allow Syrians to chart their own future. It went without saying, of course, that mercenaries and terrorists from outside the country were not invited to take part in the national dialogue. His Government had expressed its commitment to cooperate with the United Nations Special Envoy, Lakhdar Brahimi, and its readiness to participate in the Geneva initiative, too, without any preconditions. The Syrian authorities fully assumed their judicial and legal responsibilities to restore security and stability to the country, while continuing to apply the law and hold people accountable.

62. His delegation supported the strengthening of the rule of law at the international and national levels, but wished to underscore that the provision of technical assistance for that purpose should not be used as a pretext for interfering in the affairs of States or compromising their sovereignty.

63. *Mr. Salem (Egypt), Vice-Chair, took the Chair.*

64. **Mr. Louis** (Haiti) said that the successful high-level meeting on the rule of law had marked a turning point for progress on the matter. The rule of law was a prerequisite for the establishment of social, economic and political systems and, as such, was closely related to the three main objectives of the United Nations: peace and security, human rights and development. It was incumbent on all States Members of the Organization, pursuant to the commitments made in the outcome Declaration, to take steps to strengthen the rule of law.

65. Haiti was endeavouring to do so through institution-building, particularly in the area of justice, which was the foundation of the rule of law, and also through promotion of and respect for the fundamental rights of the people. Among other steps, it was strengthening of the Court of Cassation through the appointment of its president and the filling of vacant judgeships and the establishment of the Superior Council of the Judiciary, a new body responsible for ensuring the effective independence of the judiciary, which was essential for upholding the right to access to justice. His delegation welcomed the technical assistance provided to the Superior Council by the United Nations Stabilization Mission in Haiti and the United Nations Development Programme. Access to justice was an essential condition for strengthening the rule of law. To promote local access to justice, his Government had put in place numerous community justice centres to enable people to access affordable legal services without travelling long distances.

66. Establishing the rule of law also required an overhaul of the existing legal framework. Accordingly, in an effort to modernize the criminal law, the Ministry of Justice and Public Security, with technical support from the United Nations Stabilization Mission in Haiti, had drafted a criminal code and a code of criminal procedure, both of which envisaged alternative means of dispute resolution. In addition, laws against money-laundering and terrorism had been enacted. The rule of law also required the establishment of a secure environment. In order to ensure public safety, his Government had implemented a plan aimed at professionalizing and modernizing the national police force, strengthening its operational capacity and improving its relations with other State entities and institutions and with civil society.

67. His delegation welcomed the activities of the United Nations Children's Fund for the prevention of

violence against children. One step in that direction in Haiti had been the alignment of the domestic legal framework relating to the adoption of children with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. In addition, measures had been taken to protect children from gender-based violence. There could be no rule of law without consideration of gender issues. Haitian authorities had taken vigorous action to ensure punishment of individuals who had committed sexual assaults in the camps set up after the earthquake of 2010. The Government had also endeavoured to relocate those affected by the disaster from almost all the camps, which had helped to reduce the incidence of rape. The process of relocation was accompanied by other measures, such as support and social assistance programmes.

68. His Government was also carrying out public administration reforms necessary for the rule of law, including a programme aimed at enhancing the efficiency of public services and modernizing public administration and equipping it to better serve the population. An additional requirement for the rule of law was the creation of a ministerial post with responsibility for protecting human rights and combating extreme poverty in order to address all aspects of human rights, including not only civil and political rights, but also economic and social rights.

69. In addition to the measures aimed at strengthening the country's democratic institutions and guaranteeing the individual freedoms of all Haitians, in July 2013 Haiti had become a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, thereby demonstrating the Government's political will and strong resolve to set the country on the path to modernization, democracy and respect for human rights and to make the rule of law a concrete, visible reality for the Haitian people.

70. **Mr. Laasri** (Morocco) said that his Government remained strongly committed to the rule of law, democracy and human rights and to working towards their consolidation at both the national and the international levels. The rule of law was now a universal aspiration and the indispensable foundation for a more peaceful, prosperous and just world. His delegation recognized the historic contributions of the United Nations, through the work of the General Assembly and the Sixth Committee, the International Law Commission, the Security Council and the

International Court of Justice, to the development of the rule of law at the international level and reaffirmed its commitment to a multilateralism that was respectful of the rules and principles of international law.

71. Morocco remained committed to the United Nations, which, as a legitimate and representative organization, was the most suitable framework for the pursuit of collective efforts aimed at building an international society enjoying peace, security, sustainable development and respect for human rights. Achieving that aspiration would require a comprehensive and multifaceted approach, based on adherence to the rule of law in all aspects of international relations, including compliance with the Charter, peaceful settlement of disputes and other principles of international law, in particular respect for State sovereignty, national unity and territorial integrity and non-interference in the internal affairs of States.

72. Strengthening the rule of law at the international level was an essential foundation for United Nations efforts to prevent armed conflict and maintain international peace and security. Morocco was contributing to those efforts through its continued participation in peacekeeping operations in various places around the world. Through its membership in the Peacebuilding Commission and through bilateral cooperation mechanisms, it was also supporting national reconstruction and capacity-building efforts in post-conflict countries. In 2012, in collaboration with the United Nations and with Norway and Qatar, it had hosted an international workshop on civilian capacity-building, which had provided a valuable opportunity to highlight the importance of strengthening national capacities in post-conflict situations, while also laying the groundwork for the exchange of expertise and greater cooperation between the League of Arab States and the United Nations.

73. In a difficult international context in the political, economic and environmental spheres, the international community must redouble its efforts to address, with the necessary firmness, new transnational threats that could undermine efforts to strengthen the rule of law. Terrorist and separatist movements and organized crime networks were major challenges in many parts of the world, but especially in Africa, where such threats had grown exponentially in recent years, threatening the stability and territorial integrity of States. His Government was firmly convinced that strengthening

the rule of law would help to maintain peace, promote development and strengthen international cooperation, including at the regional and subregional levels. Indeed, Morocco's commitment to cooperation and integration in the Maghreb region was enshrined in its Constitution.

74. At a time when the region was witnessing an unprecedented democratic renewal, his Government was more determined than ever to ensure that its political actions were in conformity with the rules and laws that gave it legitimacy. Accordingly, under the leadership of His Majesty King Mohammed VI, it had voluntarily embarked upon a process of strengthening the rule of law and national institutions through a participatory and inclusive approach. That creative approach, launched decades earlier, had given rise to major reform initiatives, enabling the consolidation of the rule of law, democratic institutions and human rights in the Kingdom. Examples included the reform of the family code, a historic step that had enhanced the status of women in society, and a national human development initiative which had enabled the country to successfully turn the page on violations of human rights through the Equity and Reconciliation Commission.

75. Consolidation of the rule of law was dependent on the existence of an independent and impartial judiciary that could ensure social peace and security, protect the rights of the most vulnerable and prevent extremism, intolerance and radicalization. His Government had therefore embarked upon a thorough reform of the justice sector, which aimed to make the country's judicial institutions more coherent, efficient and transparent, as well as fairer and more accessible. Those structural reforms had culminated in July 2011 in the adoption by popular referendum of a new Constitution, which established an irrevocable commitment to the rule of law and to the principles of separation and balance of powers, independence of the judiciary, respect for universally recognized human rights and strengthening of economic and political governance at the local, regional and national levels.

76. **Mr. Sein** (Myanmar), welcoming the Declaration that had emerged from the high-level meeting on the rule of law and the over 400 voluntary pledges made during and since the meeting, said that his delegation believed that Member States could benefit from United Nations assistance in strengthening the rule of law at the national and international levels. As a country in

transition that was endeavouring to promote the rule of law, Myanmar welcomed the establishment of the United Nations Rule of Law Coordination and Resource Group. His delegation also wished to express appreciation to the Rule of Law Unit for its valuable efforts in strengthening and coordinating rule of law activities.

77. The theme of the current debate was in line with the topic of the 2013 ministerial meeting of the Movement of Non-Aligned Countries, namely, the rule of law at the international level. His delegation was of the view that regional frameworks such as the Association of Southeast Asian Nations (ASEAN) could also play an important role in promoting the rule of law internationally, and it placed a high value on the rule of law provisions included in the ASEAN Charter, which reinforced the measures taken by the Association to strengthen rule of law activities.

78. Myanmar fully subscribed to the fundamental principle of the peaceful settlement of international disputes as enshrined in the Charter of the United Nations. A fruitful and impartial result could be brought about through the use of mechanisms such as international courts and tribunals. The delimitation of maritime boundaries between Myanmar and its friendly neighbour Bangladesh, for example, had been peacefully and fairly settled in 2012 in accordance with international law through the wisdom of the International Tribunal for the Law of the Sea.

79. In its efforts to strengthen the rule of law at the international level, his Government had recently signed or acceded to a number of international instruments, including the Additional Protocol to the Agreement between Myanmar and the International Atomic Energy Agency for the Application of Safeguards, thus evidencing its commitment to nuclear disarmament and non-proliferation. Its commitment to the rule of law had been further demonstrated by its ratification of the United Nations Convention against Corruption and the establishment of a national anti-corruption body. Its accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards would benefit the country's development and ensure the rule of law in matters relating to foreign investors. Myanmar was also cooperating with the international community in the area of human rights. The Government had put in place human rights dialogue mechanisms with a number of countries and organizations with a view to

sharing best practices and took pride in having established a human rights commission.

80. At the national level, ensuring the rule of law and peace and stability was a high priority in the ongoing government reform process. The lower house of Parliament had established the Rule of Law and Stability Committee, and steps had been taken to review existing laws and enact new ones to adjust national laws to bring them into conformity with international law and applicable international legal instruments. United Nations capacity-building and technical assistance had played an essential role in that process. His Government was grateful for the assistance it had received and would welcome additional capacity-building programmes, technical assistance and expert advice.

81. *Mr. Kohona (Sri Lanka) resumed the Chair.*

82. **Mr. Ntonga** (Zimbabwe) said that development, peace and security, and human rights — the three pillars of the United Nations — were inextricably linked with the rule of law. Settlement of disputes by peaceful means was an integral element of that nexus. The Charter provided a sound framework for peaceful relations between States, and the international community should continue to be guided by its principles of sovereign equality of States and non-interference in their internal affairs, support for self-determination, non-aggression, peaceful co-existence and respect for the independence, sovereignty and territorial integrity of States. The Organization should continue to champion the resolution of conflicts by peaceful means and in conformity with international law.

83. Small States such as Zimbabwe depended on the rule of law to protect them against arbitrary actions by the rich and powerful. As agreed in the Declaration on the rule of law, States must refrain from the threat or use of force to settle disputes. Recent experiences had amply demonstrated that heavy-handed interventions did not bring about sustainable solutions; they only cost more lives, destroyed economic and social infrastructure and often left behind a more unstable situation than the one they had been intended to resolve. The Declaration also cautioned States against the use of unilateral measures against other States. Regrettably, such measures were employed by powerful States against weaker ones to achieve narrow political objectives and undermine socioeconomic

development efforts. As the international community worked to formulate the post-2015 development agenda with a focus on eradicating poverty and transforming economies, it was to be hoped that the efforts of developing countries would not continue to be hindered by such unilateral coercive measures.

84. Zimbabwe supported international efforts to end impunity and to hold those responsible for serious crimes accountable. His delegation was concerned, however, that the international criminal justice system had operated in a selective manner, thereby creating the impression that it was focusing only on soft targets in the developing world, mainly in Africa. Such perceptions undermined confidence in the system and did nothing to facilitate peace or reconciliation. For the system to be credible it had to be seen to apply universally and equally to all.

85. At the national level, his Government was committed to enhancing the rule of law by strengthening domestic legal and justice institutions. Zimbabwe's new Constitution had strengthened the separation of powers and enhanced the independence of the judiciary. Independent watchdog bodies had been established, including human rights and anti-corruption commissions, to protect the rights and interests of citizens. The United Nations, as a forum for the sharing of best practices and for capacity-building, could facilitate cooperation in those areas.

86. **Mr. Emvula** (Namibia) said that, as a State founded on the principle of the rule of law, Namibia reiterated its commitment to its promotion and strengthening as a necessary precondition to help maintain peace, promote development and enhance cooperation aimed at building a harmonious world. The consolidation of the rule of law at the international level was of the utmost importance as a manifestation of human civilization and progress, and the United Nations remained at the centre of efforts in that regard. The United Nations system should serve as a banner of transparency and democracy that allowed the entire international community to participate in finding lasting solutions to contemporary global issues. The primary role of the General Assembly as the sole organ of universal membership was pivotal in the promotion and strengthening of the rule of law, and the importance of its exclusive competence in the progressive development and codification of international law could not be overemphasized. His delegation welcomed the Committee's continued

attention to the rule of law and its recognition of the importance of promoting it not only at the international level but also at the regional and national levels.

87. Namibia recognized the importance of the International Court of Justice in settling international disputes and the significance of its decisions and advisory opinions, which had clarified certain provisions of international law. Together with its neighbour Botswana, it had had recourse to the Court in 1996 to settle a territorial dispute regarding Kasikili/Sedudu Island and it had fully complied with the Court's 1999 judgment in favour of Botswana. The Court could exercise jurisdiction only where States had accepted its jurisdiction, however, which could undermine its effectiveness. His delegation called on all States to make use of the judicial means of the Court in settling their disputes.

88. Universal adherence to the rule of law and the promotion of justice were essential for peace and cooperation among States. The Security Council, as the organ with primary responsibility for the maintenance of peace and security, was at the heart of efforts to foster stability. However, it had become clear that the Council's current composition and structure were unrepresentative, undemocratic and not a true reflection of contemporary geopolitical realities. In some of the current international conflicts, action or inaction by the Security Council had been based on self-serving political considerations. His delegation reiterated its call for comprehensive reform of the Security Council with a view to rendering it more democratic and enabling it to better serve humanity.

89. The protection of humanity from the scourge of war, the principle objective of the United Nations, could only be achieved when all Member States refrained from the threat or use of force in any manner inconsistent with the purposes and principles of justice and international law, the right to self-determination, non-interference in the internal affairs of other States, respect for human rights and for the equal rights of all, irrespective of race, language, religion, culture or social status. Those were Member States' obligations under the Charter and should guide their conduct at the international level.

90. It was disappointing to note that international criminal justice was being applied selectively and that institutions such as the International Criminal Court were being used to advance the narrow interests of

some powerful Member States at the expense of the less powerful. The Court's operations should at all times be guided by fairness and an objective assessment of situations.

91. His delegation reaffirmed its commitment to efforts to promote the rule of law, and as part of Namibia's modest contribution, called on fellow Member States to support its candidacy for membership of the Human Rights Council for the period 2014-2015.

92. **Mr. Tshibangu** (Democratic Republic of the Congo) said that the Committee's current debate afforded an opportunity to recall the purposes and principles of the United Nations and the intrinsic values set out in its Charter, in particular Article 33, which dealt with the peaceful settlement of disputes. The rule of law at the international level was predicated on non-interference in the internal affairs of other States and respect for the sovereign equality of States. His delegation called for strict adherence by every State Member of the Organization to the provisions of the Charter, in particular the recognition of the role of the International Court of Justice in the peaceful settlement of international disputes.

93. The Democratic Republic of Congo, since its independence, had maintained excellent cooperative relations with the United Nations in the promotion of and respect for international law, as illustrated by the signing of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region and the adoption by the Security Council of resolution [2098 \(2013\)](#). His delegation wished to thank the United Nations and its Secretary-General and the Southern African Development Community, the International Conference on the Great Lakes Region, the African Union and the European Union for their valuable contribution towards maintaining peace in the Great Lakes region. In fulfilment of its obligations under the Framework, his Government was working to put in place a national mechanism to monitor the implementation of its commitments and had organized national consultations with a view to strengthening national unity in order to better address the challenges facing the country.

94. **Mr. Al-Harbi** (Kuwait) said that his delegation supported all measures taken to strengthen coordination of United Nations rule of law activities and agreed with the emphasis on the relationship of the

rule of law to the three main pillars of the United Nations, namely, peace and security, human rights and development.

95. At the national level, societies that enjoyed peace and security were societies that had a constitution and laws that guaranteed their citizens equality and justice and respect for their human rights. Kuwait's Constitution, adopted in 1962, had clarified the system of governance, safeguarded public freedoms and civil rights and established separation of powers, thereby placing Kuwait in the ranks of countries that had embraced democratic transformation.

96. International relations must be based on the rule of law principles of peaceful settlement of disputes and the right of peoples to self-determination. The Arab-Israeli conflict was one of the most important challenges with regard to the rule of law at the international level. The United Nations had failed to resolve the situation, which had persisted for more than 60 years. Israel was continuing its illegitimate settlements in the occupied Palestinian territories, forcing the people of Palestine to live in a state of siege. The imprisonment of thousands of Palestinians in Israeli jails constituted a violation of human rights law. Kuwait appreciated the efforts of the United States of America to restart the deadlocked peace process and hoped for continuing efforts to put pressure on Israel to compel it to comply with United Nations resolutions and acknowledge the right of the Palestinian people to an independent Palestinian State with Jerusalem as its capital.

97. The Syrian crisis had persisted for more than two and a half years and had claimed tens of thousands of victims, including persons displaced both internally and externally. The violence was a serious obstacle to regional and international efforts to resolve the crisis. The Security Council should take immediate steps to put a stop to the bloodshed and enable Syrians to realize their legitimate aspirations for economic and political reform. In response to the suffering of the Syrian people, Kuwait had hosted an international donor conference in January 2013, at which donors had pledged more than US\$ 1.5 billion for humanitarian aid. His Government had pledged US\$ 300 million of that total, all of which had already been disbursed to United Nations agencies.

98. **Mr. Gumende** (Mozambique), expressing his delegation's sympathy and solidarity with the

Government and people of Kenya in the wake of the recent heinous terrorist attack at the Westgate Mall in Nairobi, said that the current debate represented an expression of renewed political will to materialize the commitments made during the 2005 World Summit. The convening of the high-level meeting of the rule of law the previous year had in itself been a milestone and an important step in the international community's determination to adhere to the rule of law. A national and international order based on the rule of law was an essential foundation for stability, peaceful coexistence, cooperation among States, respect for human rights and democracy, as well as for sustained growth and development and the eradication of poverty and hunger. Mozambique would therefore continue to support the inclusion of the topic in the agenda of the General Assembly.

99. Adherence to the principle of supremacy of the law was cardinal in ensuring respect for the institutions vested with the power to enforce it and was also a guarantee of accountability before the law. The rule of law and development were intrinsically interrelated and mutually reinforcing, as were the rule of law, human rights and democracy, which were part of the core values and principles of the United Nations. The Secretary-General's report (A/68/213) showed that the United Nations was deeply committed to the implementation of the General Assembly's historic resolution 61/39 addressing the imperative need of the whole international community to observe and apply the rule of law in all aspects of life.

100. As evidence of Mozambique's determination to promote adherence to the rule of law at the national level, its Constitution provided that all persons were equal before the law, and several oversight institutions had been established to ensure that equality, including the Constitutional Court, the Attorney General's Office, the Anti-Corruption Office, the Parliament Complaints Commission and, most recently, the Human Rights Commission. The Constitution was currently being reviewed to ensure that it enshrined a true democratic rule of law founded on freedom of expression, freedom of political affiliation and respect for fundamental rights and freedoms. In order to strengthen individual guarantees and make the Government and the public administration more accountable, the Office of the Ombudsman had been established.

101. The rule of law was an essential element in addressing and preventing corruption, which hindered development and undermined public confidence and accountability, legitimacy and transparency. In order to complement and strengthen existing anti-corruption laws, Mozambique had enacted a public probity law with the aim of preventing civil servants and public office holders, including politicians, from misappropriating public funds or profiting from their positions. The law also aimed to encourage appropriate ethical behaviour and consolidate best practices within the public administration. The constitutional, judicial and democratic reforms undertaken had been preceded by a process of public consultation, which had provided an opportunity for citizens, politicians and civil society organizations to take part in the search for solutions and in the decision-making process.

102. At the international level, the rule of law was the foundation for cooperation and peaceful coexistence among States based on full respect for the principles of the Charter and of international law. The rule of law activities of the United Nations should therefore promote universal adherence to those principles. The Organization's activities should include wider promotion, dissemination and teaching of international law, wider participation of all States in the codification and progressive development of international law and building of national capacities to enable States to implement international legal instruments.

103. **Mr. Heumann** (Israel), speaking in exercise of the right of reply, said that, unfortunately, two delegations had chosen to level condemnations and accusations against his country. Such cynical attacks undermined the professional nature of the forum, and it was unfortunate that certain delegations insisted on politicizing the Committee's debate. It was hardly believable to hear criticisms from the Syrian representative, whose remarks had had no constructive purpose and represented yet another attempt to cynically divert attention away from the real issues. Although the focus of the Committee's debate was the rule of law, the Syrian representative had apparently forgotten to mention the appalling violations of the rule of law in his own country. He would remind the representative that the Assad regime had massacred tens of thousands of men, women and children, and many more were being killed even as the Committee met. Out of respect for the Committee's valuable time he would not elaborate on the heinous crimes

committed by the Assad regime or respond further to the baseless accusations made against Israel.

104. **Mr. Aldahhak** (Syrian Arab Republic), speaking in exercise of the right of reply, said that, as usual, the representative of Israel was trying to use the deliberations of the United Nations to distort facts and spread lies. When his delegation spoke about Israeli violations of international law or about the State terrorism practised by Israel, it was not speaking in a vacuum or making baseless accusations. Israel's record was well known to Member States, and the records of the Organization bore witness to the magnitude of its crimes. Since the inception of Israel's occupation of the occupied Arab territories, the United Nations, and the world, had documented more than 60 years of war crimes, crimes against humanity, proved crimes of aggression, crimes of genocide, apartheid, ethnic cleansing, displacement, illegal settlement, extrajudicial killings, arbitrary detentions and other crimes too numerous to mention. It was inconceivable that a State based on occupation and usurpation of the territories of others should speak of the rule of law. There was more to say on the subject, but he would respect the time constraints. However, he reserved the right to reply at a future meeting to statements made by other delegations under the item.

The meeting rose at 1.10 p.m.