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Chair: Mr. Kravik (Vice-Chair) (Norway)
later: Mr. Charles (Chair) (Trinidad and Tobago)

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In the absence of Mr. Charles (Trinidad and Tobago), Mr. Kravik (Norway) took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 85: The rule of law at the national and international levels (*continued*) (A/70/206)

1. **Mr. Medina Mejías** (Bolivarian Republic of Venezuela) said that his delegation unreservedly supported the sovereign equality of States, including sovereign immunity from jurisdiction; the inalienable right to self-determination; territorial integrity; States' right to use, exploit and administer their natural resources and to choose their own political and economic system; the peaceful settlement of disputes; abstention from the use of force; and non-interference in the internal affairs of States. Those were the fundamental principles on which a fair and equitable international order was based, in which the rule of law, peace and solidarity among peoples prevailed.

2. His delegation attached special importance to international law as one of the sources of its domestic law. The National Constitution provided that human rights treaties, agreements and conventions signed and ratified by Venezuela had constitutional rank and prevailed in domestic law, to the extent that they established more favourable rules than those contained in the Constitution concerning the enjoyment and exercise of human rights.

3. He drew attention to the 2005 World Summit Outcome adopted by the General Assembly by its resolution 60/1, in which Member States reaffirmed their commitment to an international order based on the rule of law and international law, which was essential for peaceful coexistence and cooperation among States, while also acknowledging that the rule of law was essential for sustained economic growth, sustainable development and the eradication of poverty and hunger.

4. Bearing in mind that multilateral and bilateral treaties were the prime source of international law, his delegation paid special tribute to the work of the Sixth Committee in promoting international law, that of the International Law Commission in codifying legal norms, and that of the Treaty Section of the Office of Legal Affairs in updating and promoting multilateral treaties.

5. However, the current functioning of the Organization often prevented its work from being truly reflected in the rule of law in the international community. Without the existence of a democratic system within the Organization, the achievement of an international framework under the rule of law would be hindered by a double standard, whereby a handful of Member States enjoyed the veto power over international peace and security, in flagrant violation of the principle of sovereign equality of all States.

6. The Security Council had contributed to the violation of the rule of law on many occasions, without any accountability whatsoever. The misuse of the so-called "responsibility to protect", through resolution 1973 (2011) on the Libyan Arab Jamahiriya, and the treatment — or lack thereof — of the question of Palestine were cases in point. That situation had led the Bolivarian Republic of Venezuela to make a reservation to paragraph 28 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted on 24 September 2012.

7. Only the democratization and strengthening of the Organization would enable international law to be applied fairly and in full compliance with international norms. Moreover, it was important to conduct an exhaustive analysis of the regulatory framework of the sanctions committees of the Security Council, bearing in mind that they should serve solely as an accompaniment to political processes aimed at settling conflicts. His delegation proposed that the remit of the Ombudsperson should be extended to all the sanctions committees in order to ensure respect for the rule of law and strengthen due process in the implementation of sanctions regimes.

8. **Mr. Lasri** (Morocco) said that the consideration of the subtopic "The role of multilateral treaty processes in promoting and advancing the rule of law" was of particular interest. In that connection, he recalled that Morocco was a party to most of the multilateral conventions concluded under the auspices of the United Nations, including those relating to human rights, humanitarian law, protection of the environment and the fight against terrorism. He acknowledged the historic contributions of the United Nations to the development of the rule of law at the international level, particularly those of the General Assembly, the Sixth Committee and the International Law Commission, through the elaboration of

multilateral treaties; the Security Council, through its active efforts to prevent and regulate regional conflicts; and the International Court of Justice, through the settlement of international differences by clarifying the principles and relevant provisions of international law.

9. The United Nations was the ideal framework in which to pursue collective efforts to shape an international society where peace, security, sustainable development and respect for human rights were assured. That objective involved the adoption of a global, multi-pronged approach, based on the rule of law in all aspects of international relations, particularly through respect for the Charter of the United Nations, the peaceful settlement of disputes and other principles of international law.

10. At the national level, Morocco had, for decades, voluntarily engaged in strengthening the rule of law in a participatory and inclusive framework. Through that approach, it had put in place significant reform processes and concomitant national mechanisms in order to consolidate the rule of law, democratic institutions and human rights. The consolidation of the rule of law rested on an independent, impartial judicial system capable of ensuring social peace and security, protecting the rights of the most vulnerable and preventing extremism, intolerance and radicalization. Morocco had therefore launched a thorough reform of its justice sector in order to make judicial institutions more consistent, efficient, transparent, accessible and equitable.

11. **Mr. Heumann** (Israel) said that, at the national level, the rule of law was the essence of any democracy. In its region, which was known for intolerance and suppression, Israel stood out for its commitment to the rule of law, given that pluralism and democracy were the cornerstones of its system of government. For example, while too many nations in the region relegated women to the margins of society, Israeli women were leaders in every field and discipline. Because Israel was committed to the free exchange of ideas, it had become a destination of choice for reporters, academics and human rights activists. Its commitment to freedom meant that the burden of condemnation fell disproportionately on it. Despite continuing to endure terrorist attacks, Israel was determined to ensure that democracy prevailed.

12. The Basic Law of Israel guaranteed judicial autonomy to the courts, including the Supreme Court.

That assurance had enabled the judiciary to become internationally renowned for its ground-breaking judgements on various issues relating to the rule of law. Israel also had strict rules granting broad standing rights before the Supreme Court, which allowed citizens, non-citizens and civil society organizations to petition it directly as a court of first instance.

13. At the international level, maintaining the rule of law required an effective multilateral system founded on international law. His delegation therefore supported the work of the International Law Commission and the United Nations Commission on International Trade Law. It took note of the Secretary-General's report on the topic (A/70/206), which stressed the importance of multilateral treaties in promoting the rule of law. Each year, Israel signed and acceded to dozens of bilateral and multilateral agreements on issues ranging from space to transportation and from science to the environment.

14. With respect to the contribution of international tribunals to the rule of law at the international level, his delegation joined others in emphasizing the importance of the principle of complementarity; it was the primary responsibility of States to investigate and prosecute violations of international law. The real contribution of international tribunals, however, was not their existence per se, but the quality of their legal decisions, their capability to strengthen the rule of law and their ability to reject attempts to politicize legal issues.

15. His delegation supported the ongoing United Nations activities and initiatives for capacity-building and technical assistance. Israel had been intensively engaged in providing technical assistance in many regions of the world and had organized seminars and training sessions for judges, prosecutors and investigators in the fields of public defence and counter-terrorism, among others. Such activities would contribute to the further development of the rule of law.

16. *Mr. Charles (Trinidad and Tobago) took the Chair.*

17. **Mr. Waheed** (Maldives) said that although his country was a small, it had been able to demonstrate its significance and relevance to the community of nations by adopting a system of governance based on equality, justice and respect for the rule of law. Its 2008 Constitution provided for the application of the

principle of separation of powers and the establishment of independent institutions, to ensure accountability and guarantee fundamental rights and freedoms and the delivery of basic services. However, implementing those measures placed an immense burden on the country's limited financial resources.

18. Economic empowerment was a key contributor to national stability and promotion of the rule of law. In that connection, the Government had established an economic diversification programme that sought to dramatically enhance the country's fragile economic base, improve investor confidence, create jobs and empower young people. The only way for Maldives to progress in its development was through an uncompromising adherence to the rule of law and the consolidation of its democratic values. It was also working with United Nations entities and programmes to enhance its judicial system, legislative transparency, institutional capacity-building and democratic reform.

19. Although his Government would continue to welcome United Nations support to strengthen the country's democratic institutions, it believed that the Organization must also observe the principle of non-interference in the internal affairs of States.

20. **Mr. Habib** (Indonesia) said that the rule of law was indispensable for peace, security and stability, and the promotion and protection of human rights at the national and international levels. It was critical for spurring development and served as a foundation for global order and friendly relations among international actors, while guaranteeing predictability and legitimacy of actions.

21. The multilateral treaty process played a key role in strengthening the rule of law at the international level. It was an inclusive process based on the principle of sovereign equality of States which facilitated consultation and debate on issues of common concern and the establishment of a clear set of rules that were agreeable to all parties involved. The multilateral treaty process remained the most desirable instrument for international law-making; it demanded that all parties should implement agreed outcomes in good faith, as set forth also in the Charter of the United Nations, which remained one of the most fundamental multilateral treaties ever concluded.

22. It was important for all States to strengthen their compliance with the Charter and to incorporate its principles into their international relations, and for the

United Nations to fulfil its Charter responsibilities, particularly with regard to the maintenance of international peace and security. All principal organs of the Organization must be mindful of their Charter roles and should maintain a harmonious and balanced relationship with one another. It was also imperative for the Security Council to discharge its duties fairly and objectively and to enforce its own resolutions in an impartial manner. The United Nations would be in a better position to address global challenges if the General Assembly, as the representative of all Member States, performed its role under the Charter to set standards and deliberate on issues of peace and security.

23. In keeping with the principle of sovereign equality of States, the principles contained in the Charter must apply to all States equally, regardless of size, level of development or economic or military capacity. In that connection, all States should be held accountable in case of non-compliance with the Charter or other relevant international instruments. The importance of the principle of peaceful settlement of international disputes and the role of the International Court of Justice and other international tribunals on strengthening the rule of law should also be emphasized.

24. The capacity of States to implement the rule of law at the international level depended in part on their ability to respect the rule of law at the national level. His delegation therefore encouraged the United Nations to focus more on assisting States to strengthen the rule of law and good governance at the national level, including by incorporating the responsibilities arising from international instruments into their national mechanisms, based on the principle of national ownership.

25. His Government continued to adhere to the principle that the rule of law applied to all States equally, and to international organizations, including the United Nations and its principal organs, as set out in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels.

26. **Mr. Remaoun** (Algeria) said that the rule of law at the national level and the rule of law at the international level were complementary and interdependent. The rule of law at the international level applied equally to all States and international

organizations, including the United Nations and its principal organs. In that connection, his Government supported the initiative to hold United Nations officials on mission accountable for their actions.

27. The primary role of the General Assembly in the promotion of the rule of law in all its aspects was paramount and should be strengthened. Accordingly, the revitalization of the work of the General Assembly and the whole process of United Nations reform should focus on promoting the rule of law at the international level, with a primary aim being to establish a harmonious and more balanced relationship between the principal organs of United Nations, particularly the General Assembly and the Security Council.

28. His delegation reiterated its call for a comprehensive reform of the Security Council, including its expansion in both categories of membership, consideration of the veto issue, and correction of the historical injustice suffered by the African continent. It was critical to ensure that all States complied with all their obligations under treaties and international law. In that context, violations of international law must be addressed by peaceful means, in accordance with the Charter.

29. Double standards and selective application of international law must be rejected, because they were the reasons why, despite considerable effort, some international conflicts, including the cases of Palestine and Western Sahara, remained unresolved. In the case of Western Sahara, although the International Court of Justice had recognized its people's right to self-determination, a referendum on its future had still not been held. His delegation hoped that a date for the referendum would be set promptly, in accordance with relevant resolutions of the General Assembly and the Security Council.

30. Self-determination was a core principle of international law, arising from customary international law, but also recognized as a general principle of law and enshrined in a number of international treaties, including the Charter of the United Nations. His Government therefore reaffirmed its support for people's right to self-determination and to decide their own destiny in the international order, as expressed in General Assembly resolution 60/1, entitled "2005 World Summit Outcome", in which Member States had expressed their determination to uphold the right to

self-determination of peoples which remained under colonial domination and foreign occupation.

31. Algeria was a party to all the major international treaties and conventions and its Government had made considerable effort to strengthen the rule of law within the country and to incorporate the provisions of those treaties and conventions into its legal system. The last such instrument was the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, which he urged all Member States to ratify by the end of 2015, in view of the twenty-first session of the Conference of the Parties to the Framework Convention, to be held from 30 November to 11 December 2015 in Paris.

32. His delegation hoped that the legally binding outcome of the climate negotiations process would be ambitious and in accordance with the principles and provisions of the Framework Convention, covering mitigation, adaptation, finance, development and transfer of technology, and capacity-building. Moreover, the legal form of the future agreement, whether it was a protocol, another legal instrument or an agreed outcome with legal force, would be at odds with the rule of law at the international level if it attempted to rewrite or reinterpret the Framework Convention.

33. Algeria continued to play a decisive role in the stabilization of its region by assisting and cooperating with its neighbours in combating terrorism, restoring peace and security within their borders, preserving their national unity and territorial integrity and creating the necessary conditions for development in the region. It was important to accompany national authorities in re-establishing or strengthening justice institutions in post-conflict situations, in order to avoid a relapse into violent conflict and to promote the peaceful resolution of disputes.

34. **Mr. Gumende** (Mozambique) said that an international order based on the rule of law was an essential foundation for peaceful coexistence, cooperation among States, political dialogue, respect of human rights and democracy, sustained growth, development and the eradication of poverty and hunger throughout the world. Activities designed to strengthen the rule of law were being recognized more and more for their importance to the three pillars of the United Nations: peace and security, development and human rights. The rule of law, development, human rights and

democracy were intrinsically interrelated and mutually reinforcing and should be promoted in keeping with the universal and indivisible core values and principles of the United Nations.

35. The rule of law was of paramount importance in addressing corruption, one of the challenges to maintaining public confidence and promoting government accountability, legitimacy and transparency. At the national level, the Government of Mozambique had adopted a public probity law to combat corrupt practices among civil servants and a new penal code that criminalized corrupt practices, cybercrime, domestic violence and other inappropriate behaviours and actions. A new appeal court had also been established, sandwiched between the provincial courts and the Supreme Court, to enable many cases that were still pending appeal to the highest court to be processed in a reasonable amount of time.

36. At the international level, the rule of law must be based on compliance with the principles of the Charter and of international law. The United Nations must therefore promote universal adherence to those principles by conducting activities aimed inter alia at the promotion, dissemination and teaching of international law, the participation of all States in the codification and progressive development of international law, and the building of national capacities to implement international legal instruments.

37. In Africa, the African Peer Review Mechanism had been developed to enable the countries of the region to strengthen their democratic rule and governance structures by sharing and disseminating good practices and subjecting themselves to scrutiny by their peers. Mozambique had subjected itself voluntarily to the review process with encouraging results and its Government had already started addressing some of the concerns identified.

38. **Mr. Gharibi** (Islamic Republic of Iran) said that establishing an inclusive and effective multinational treaty framework could be instrumental for promoting and advancing the rule of law at the international level, creating a rules-based system in which might was not right, and promoting the establishment of a fair international order that promoted accountability, justice and peace. It was indispensable to establish new common norms and regulations to tackle the new multidimensional challenges facing the international community. However, better coordination and inclusive

and timely responses were needed to ensure that the law-making process did not lag behind new developments. The United Nations and its multilateral framework should be at the centre of that exercise. Any norm-setting initiative or process lacking transparency and inclusiveness could result in the fragmentation of international law, thereby undermining multilateral legal frameworks and weakening international rule of law.

39. Strengthening rule-making activities on development-related issues was of utmost importance to ensure that the development pillar of the United Nations was not neglected. Rules governing international affairs should be based on legal principles, including the sovereign equality of States and the right of all States to participate equally in such a process and in the conclusion of international binding instruments. The United Nations had always contributed significantly to the international negotiating process, from initial deliberations to actual negotiations and to the functions of the Secretary-General as the depositary of a large number of international treaties. His delegation believed that the process at the United Nations could be improved to ensure adherence to basic principles in multilateral law-making, and stood ready to engage with the Member States and the Secretariat to that end.

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

41. The extraterritorial application of domestic laws unilaterally by one country against another clearly contravened the rule of law at the international level. Such actions were an obvious manifestation of the rule of power through misuse of an instrument of law and in many cases could be qualified as internationally wrongful acts entailing the international responsibility of the States concerned, including the responsibility to make full reparation for damages to targeted States.

Member States should never allow other States to dictate to them through the extraterritorial application of their domestic legislation. International law must be respected equally by all States, and selectivity and double standards in the application and enforcement of international treaties must be rejected.

42. **Mr. Aldahhak** (Syrian Arab Republic) said that the rule of law had, for almost seven decades, formed the framework within which States Members of the United Nations had sought to strengthen respect for international law and develop norms governing international relations. The rule of law was an indivisible whole; it was neither possible nor acceptable to insist on the rule of law solely at the national level or only in certain countries while ignoring the rule of law in other countries or at the international level. The rule of law at both the international and national levels was founded on respect for the principles of international law and adherence to the Charter of the United Nations, specifically the provisions concerning sovereignty and sovereign equality, non-interference in the domestic affairs of States and the peaceful settlement of disputes, and ending situations of occupation and combating terrorism.

43. Implementing the rule of law at the international level was challenging not owing to a lack of mechanisms or international instruments but rather owing to selective application of international law and double standards by influential States, attempts by those States to impose their hegemony and unilateral decisions on other countries, and the use or threat of use of force without a clear Security Council mandate and under pretexts that distorted the provisions of the Charter.

44. There could be no rule of law if certain States went about inventing lustrous concepts that only served their own interests and politicizing other well-established concepts, perverting the noble purposes of those concepts and offering expansive interpretations that did not enjoy consensus within the international community. The rule of law should not mean ignoring the civilization or the social and cultural specificities of any country or region, nor should it mean imposing the norms of certain countries or disregarding the fundamental rights of peoples to choose their own model for managing their political, economic, social and other affairs.

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

46. Unfortunately, for years, the competent organs of the United Nations had ignored the documented facts presented by his Government and failed to heed its requests to exhort those States that supported terrorism to desist from doing so and to stop violating international law and the Charter. Turning a blind eye to the practices of those States and failing to hold accountable their authorities who were supporting terrorism was completely at odds with certain States' professed attachment to international law and the implementation of international anti-terrorism instruments.

47. The rule of law was incompatible with the imposition of unilateral coercive measures by certain States on other Member States, including the Syrian Arab Republic. Such coercive measures, which had been deemed unlawful many times by the United Nations, were negatively affecting the lives of Syrians and limiting their ability to meet their daily needs regarding food, medicine, medical services and fuel. Obviously, the rule of law could not prevail while the Syrian Golan and other Arab territories remained occupied, nor while the occupying authorities continued to commit war crimes and crimes against humanity against the Syrian and Palestinian peoples, nor while the international community remained silent about the support being provided by Israel to terrorist organizations operating in the area of separation, which

had repeatedly attacked personnel of the United Nations Disengagement Observer Force.

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

49. **Mr. Plasai** (Thailand) said that multilateral treaty processes within the United Nations had significantly advanced the rule of law at the international level. Multilateral treaties helped to clarify the structure of international relations and provide legal clarity and certainty, resulting in a fairer and more predictable global order. The broader the range of topics covered by multilateral treaties, the more likely it was that the international community could achieve truly universal rule of law. His delegation therefore welcomed the adoption of General Assembly resolution 69/292 on the development of an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, a significant step towards bringing an unregulated area under the rule of law. In order to ensure wide acceptance of multilateral treaties, however, treaty-making processes must be inclusive and transparent and take account of the views of all States and relevant stakeholders.

50. Having introduced three resolutions calling for the inclusion of the rule of law and human rights in the post-2015 development agenda, his delegation welcomed Sustainable Development Goal 16 and pledged its full support for its achievement. It was of utmost importance to ensure access of all individuals, including the most vulnerable, to justice and equal opportunities in fundamental areas such as education and medical care. No one should be marginalized when it came to the rule of law. His delegation continued to advocate implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules), adopted in 2010 at the initiative of Thailand, and supported adherence to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) as a means of improving the treatment of prisoners around the world and protecting their human rights.

51. In an increasingly borderless world, the complementary and interdependent relationship between the rule of law at the national level and the rule of law at the international level had become more evident. The 1969 Vienna Convention on the Law of Treaties, in particular the *pacta sunt servanda* principle embodied in it and the stipulation in its article 27 that a party might not invoke its internal law as justification for the failure to perform a treaty, ensured that the rule of law at the international level, once accepted by a State, would translate into the rule of law at the national level. Accordingly, parties must ensure that, through their domestic laws, they could fulfil all the treaty obligations incumbent upon them. The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children — to which Thailand was a party — were examples of recent treaties that had contributed significantly to the rule of law at the international level.

52. The General Assembly, and in particular the Sixth Committee, had played an important role in encouraging the progressive development and codification of international law, which in turn had helped to advance and promote the rule of law. His delegation would continue to support the Committee's work to that end.

53. **Mr. Alemu** (Ethiopia) said that the rule of law at the international level was essential for promoting international peace and security. Failure to comply with principles of international law was the root cause of misunderstandings between States and widespread conflict around the world. It was not enough to express commitment to the rule of law and to legal obligations; it was also essential to implement them. Not many States could claim that they had no shortcomings in that regard, and it was useless to pretend that double standards did not exist. Multilateral treaties played a vital role in promoting and advancing the rule of law. However, again, the focus should not be on achieving the formal conclusion of treaties but on ensuring that the rules formulated and the commitments made were fully implemented.

54. His Government realized that the rule of law was also a means of advancing socioeconomic development and ensuring the protection of human rights at the national level and had been striving to ensure that it was implemented and promoted as effectively as possible. In two decades, Ethiopia had made great

progress in establishing the rule of law as the basis of governance and ensuring that citizens could count on the State to carry out its obligations, but much remained to be done. It would therefore welcome assistance from the United Nations and from other Member States, with the understanding that such assistance would take account of its national priorities and strategies. He wished to highlight the important role of the United Nations Programme of Assistance in the Teaching, Dissemination, Study and Wider Appreciation of International Law in advancing the rule of law at the national and international levels. Ethiopia was honoured to host the Programme's regional course for Africa and remained firmly committed to enhancing its effectiveness.

55. **Ms. Zarrouk Boumiza** (Tunisia) said that it was important to support the rule of law at the international level, because it provided the foundation for the establishment of a just and stable world where equal opportunities existed for all without any discrimination. In that connection, her delegation was pleased that "the role of multilateral treaty processes in promoting and advancing the rule of law" had been chosen as the subtopic for consideration at the current session. Those instruments were an essential component of the collective effort to foster mutual understanding and to establish stronger relations between Member States based on respect for the rule of law. They also reflected the determination of the peoples of the world, as expressed in the Charter of the United Nations, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained.

56. The multilateral treaty processes convened by the General Assembly were intended to respond to the transformations of the international community and the needs of an ever more globalized world, as set out in the Secretary-General's report (A/70/206). In that connection, her delegation welcomed General Assembly resolution 69/292 on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

57. Her delegation stressed the importance of openness, transparency and inclusiveness in the negotiating process and closer coordination on legal

matters between the institutions created by multilateral instruments. It also stressed the important role that the Secretariat played in that regard, especially in the drafting of final clauses or in the field of depositary practice, and the importance of its efforts to promote the participation of developing countries in the multilateral treaty negotiating processes, including in the teaching, dissemination and wider appreciation of international law.

58. The rule of law at the national level and the rule of law at the international level were interconnected and mutually reinforcing; international rules and norms played an important role in strengthening the rule of law at the national level. In that connection, Tunisia honoured its obligations under the international legal instruments to which it was a party and was committed to ensuring that its laws were in harmony with international norms and standards relating to the rule of law.

59. At the national level, the Government did its utmost to strengthen the foundations of the rule of law and reinforce human rights, with the participation of all citizens and civil society. It had adopted a new Constitution based on democratic principles, respect for human rights, separation of powers, freedom, tolerance, non-violence, respect for women's rights, and independence of the judiciary. It had also organized free elections that had been recognized by all observers for their transparency. Tunisia would also amend its laws to ensure that all fundamental rights were upheld, and reform its justice and prison systems as part of an ambitious national programme for the period 2015-2019 that had been developed with the participation of all relevant stakeholders. It had also adopted a new law on combating terrorism and money-laundering in 2015.

60. Her Government would continue to cooperate with United Nations agencies in relation to the rule of law on a basis of transparency and constructive dialogue.

61. **Ms. Nguyen Phuong Nga** (Viet Nam) said that the rule of law was an important foundation for ensuring universal respect for the principles of justice enshrined in the Charter and was relevant to all of the three pillars of the United Nations, namely, peace and security, human rights and development. Full implementation of the rule of law at the national and international levels was crucial for the maintenance of

lasting peace, effective protection of human rights and implementation of the 2030 Agenda for Sustainable Development. The rule of law must be implemented on the basis of the principles of sovereign equality, respect for the sovereignty and territorial integrity of States, non-interference, non-use of force or the threat of force, and peaceful settlement of disputes.

62. As a member of the Association of Southeast Asian Nations, a rules-based organization, Viet Nam was working tirelessly with other countries of the region to build a politically cohesive, economically integrated and socially responsible regional community as an important step towards peace, stability and prosperity for all. It was therefore deeply concerned about the territorial and sovereignty disputes in the region and, especially, about unilateral attempts to change the rules and alter the status quo in disputed areas in the South China Sea. Those actions were in defiance of international law and posed a threat to peace, security and stability in the region. Her delegation called upon all parties concerned to refrain from the threat or use of force and to settle all disputes by peaceful means in accordance with international law, including the United Nations Convention on the Law of the Sea. It also wished to emphasize the importance of full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea and of the early conclusion of a code of conduct for the South China Sea.

63. The United Nations played a central role in advancing the implementation of the rule of law, especially through the multilateral treaty-making process. Multilateral treaties represented not only the codification of international customary norms, but also the progressive development of international law and the rule of law. Viet Nam had recently revised its Constitution and other fundamental laws with a view to building a law-governed State and was now revising its legislation on the conclusion, accession to and implementation of treaties. It remained committed to working with the international community to promote greater adherence to the rule of law at the international and national levels.

64. **Mr. Shava** (Zimbabwe) said that the rule of law at the national and international levels was essential for development, peace and security and respect for human rights. Relations between States should be conducted on the basis of the principles enshrined in the Charter, including the sovereign equality of States, settlement

of disputes by peaceful means, refraining from the threat or use of force and non-interference in the internal affairs of States. His delegation remained concerned about the application of unilateral measures that were contrary to those principles and to international law. Zimbabwe and other developing countries had been victims of such measures, which undermined their socioeconomic development and hindered harmonious relations between States. Multilateralism should be the foundation for addressing global challenges and problems, and his delegation called upon those who had imposed unilateral measures to lift them and ensure that no country was left behind in the global effort to transform the world through the 2030 Agenda for Sustainable Development.

65. The use of force to achieve the political objectives of some countries had led to situations in which the rule of law, peace, stability and respect for human rights had been undermined almost irretrievably. The use of force and the measures envisaged under Chapter VII of the Charter should be a tool of last resort. No State should stand in judgment of others, and States should therefore eschew the practice of applying double standards in the conduct of international relations.

66. The Constitutive Act of the African Union, together with the African Charter on Democracy, Elections and Governance and the African Charter on Human and Peoples' Rights, provided a solid framework for the rule of law in Africa and for ensuring respect for democratic principles, human rights, the rule of law and good governance. A number of multilateral instruments adopted at the regional level had enhanced cooperation in strengthening the rule of law and fighting crime, corruption, terrorism and drug trafficking. He believed that the region had positive experiences to share with other regions with regard to entrenching the rule of law.

67. At the national level, Zimbabwe was taking measures to strengthen the rule of law, including the adoption of a new Constitution by national referendum in 2013. The document was the result of consultations at all levels. All domestic laws were now being aligned with the new Constitution, which strengthened the principle of separation of powers and established independent commissions that oversaw issues pertaining to the rights of citizens. An electoral commission would ensure that elections were

conducted in a free, fair and transparent manner and that the outcomes were respected, while a human rights commission would monitor respect for the rights of citizens and a media commission would protect the rights of journalists to report freely and without fear of persecution or prosecution. Zimbabwe stood ready to cooperate in multilateral processes, including treaty-based processes, to promote and advance the rule of law.

68. **Ms. Guillén-Grillo** (Costa Rica), recalling that, under Article 13 of the Charter, the General Assembly was called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification, said that her delegation welcomed the adoption of resolution 69/292, in which Member States had agreed to develop an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. It was hopeful that soon an international convention on the rights of older persons and a comprehensive convention on international terrorism could be adopted.

69. Her delegation firmly believed that promotion of and respect for the rule of law at both the international and the national levels were crucial to progress towards peace, stability, democracy, respect for human rights and sustainable development. In that connection, it welcomed the inclusion of Goal 16 in the 2030 Agenda for Sustainable Development. Sustainable development could only be achieved, however, where there were strong, legitimate institutions. Her country's experience and international evidence had shown that countries in which the rule of law prevailed were able to ensure better living conditions for their citizens. For Costa Rica, a peaceful democracy without an army, it would not be possible to live in peace without the trust fostered by the rule of law and the protection afforded by the international instruments to which it was a party.

70. At the international level, respect for the rule of law meant full compliance with the international legal framework. Her Government noted with satisfaction that the International Criminal Court was gradually bringing to justice those responsible for the worst violations of international law and crimes against humanity. Nevertheless, in order to protect the Court's credibility, the Security Council should ensure that it referred matters to the Court only on the basis of

objective and transparent criteria, never political criteria. For their part, States, bearing in mind their responsibility to the victims of mass atrocities, should cooperate with the Court.

71. The International Court of Justice played a crucial role in the peaceful settlement of disputes between States and in the development of international law and strengthening of the rule of law. A basic requirement for strengthening the rule of law and bolstering the role of the Court, however, was that States should respect and abide by its decisions in good faith.

72. **Mr. Fernández Valoni** (Argentina) said that it was appropriate, on the seventieth anniversary of the United Nations, to recall the Organization's notable contribution to the development of international law. In Latin America and the Caribbean, significant headway had been made in developing international law, including treaty-based law, even before the founding of the United Nations. The legal activism of the countries of the region had begun shortly after their wars of independence. A Latin American congress for the codification of private international law convened in 1875 had been followed by the adoption of various treaties and other multilateral instruments establishing principles such as non-intervention. Further legal development had taken place within the Organization of American States.

73. On numerous occasions, the Americas had been in the vanguard in the development of binding norms that had eventually led to the adoption of universal treaties, including on arms trafficking, corruption and human rights. The processes that had led to the United Nations Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, for example, had been preceded by the adoption of binding inter-American instruments. His delegation was hopeful that the recent adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons would also lead to the adoption of a similar instrument at the global level.

74. Since the founding of the United Nations, the International Law Commission, to which his delegation wished to pay tribute, had continued to play a leading role in codifying customary international law. The Sixth Committee, too, had played a role in multilateral negotiations, for example on the Convention on the

Prevention and Punishment of the Crime of Genocide. The various conferences on the law of the sea had marked the first time that Member States had undertaken negotiations on a multilateral treaty of such complexity and scope. The resulting agreement had demonstrated that nine years of negotiation on the basis of consensus and a “package deal” approach had paid off. The United Nations Convention on the Law of the Sea had thus become one of the most universally accepted international instruments, including by States that were not parties thereto, because the Convention itself had given rise to customary international law. That experience and the negotiating philosophy underlying the Convention were of great relevance as the international community prepared to enter into negotiations on a future multilateral instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

75. The Organization’s contribution to the development of international law during its first seventy years, in particular through the development of universal multilateral rules, had strengthened the rule of law. That development could not have taken place, however, without the efficient work of the Office of Legal Affairs, particularly its Treaty Section.

76. As his delegation had noted on previous occasions, the International Court of Justice played a central role in the peaceful settlement of international disputes, as did various specialized courts, such as the International Tribunal for the Law of the Sea, whose jurisdiction Argentina had accepted. The Charter also provided for other methods of international dispute settlement, including requesting the Secretary-General to exercise his good offices to that end. However, in order for any means of peaceful settlement to succeed, the parties concerned must fulfil the obligations incumbent upon them in such procedures, including compliance with the decisions of international courts, and must demonstrate a willingness to negotiate in good faith when called upon to do so by United Nations organs, including the General Assembly. At the same time, third parties should refrain from conduct that might hinder a peaceful solution.

77. **Ms. Özkan** (Turkey) said that an international order based on the rule of law and international law was essential for peaceful coexistence and cooperation among States, as was the compliance of States with generally accepted rules and principles, particularly those embodied in the Charter, and those arising from

obligations under international law in general, including multilateral treaties. Such treaties set international standards and harmonized rules and had enhanced predictability in international relations and paved the way for greater international cooperation in many fields. They had also contributed to the enhancement of global peace and security; of particular note in that regard were the conventions aimed at combating terrorism and crime, including the United Nations Convention against Transnational Organized Crime, to which Turkey was a party.

78. Treaty processes had evolved to respond to new challenges in an ever more globalized world, as exemplified by treaties relating to the environment and the international human rights regime. Her Government firmly believed that becoming a party to international human rights instruments and taking the necessary measures to fully implement them was essential for the promotion and protection of human rights, which was among its priority policy objectives. Turkey was a party to all the principal human rights conventions of the United Nations and to a large number of Council of Europe conventions. It had been instrumental in the conclusion of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

79. The General Assembly had played a key role in multilateral treaty processes. The role of the Office of Legal Affairs in discharging the Secretary General’s depositary functions was also noteworthy, particularly in light of the growing number of treaties concluded. The Rule of Law Coordination and Resource Group and the Rule of Law Unit also played a key part in coordinating and ensuring the coherence of United Nations activities aimed at advancing the rule of law at both the international and the national levels. The rule of law was not only an indispensable tool for peaceful international relations, it was also the basis for peaceful, stable and prosperous societies. Together with good governance and accountability, it would be a key enabler for the achievement of the Sustainable Development Goals.

80. **Mr. Hitti** (Lebanon), noting that Lebanon had taken part in the negotiation of two landmark treaties, the Charter of the United Nations and the Universal Declaration of Human Rights, said that multilateral legal instruments promoted peace, human rights and international cooperation, all of which formed the

bedrock for the advancement of the rule of law. As multilateral treaties also contributed to the development and codification of international law, they needed to achieve universal acceptance and be fully and faithfully implemented. To that end, it was important to ensure wide and inclusive participation at all stages of the treaty process. The General Assembly played a pivotal role in such process, as it was a unique forum for deliberation by all States. His delegation therefore welcomed General Assembly resolution 69/321, which reaffirmed the Assembly's role in the process of standard-setting and codification of international law.

81. Some States often found it difficult to sustain long-lasting negotiations owing to lack of adequate infrastructure, manpower and financial resources. States with greater resources, on the other hand, could not only enhance their ability to negotiate more favourable treaty terms but also reduce their transaction costs. As the negotiation process influenced the content of a treaty, it was essential to promote an environment that encouraged genuine participation by States with limited capacity. The provision of legal services and expertise in multilateral settings could help in that regard, as could capacity-building activities aimed at addressing the practical challenges faced by such States. His delegation welcomed the training provided by the Organization's Treaty Section and Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and the contribution of its Rule of Law Unit in promoting the rule of law at the national and international levels.

82. **Mr. Sargsyan** (Armenia) drew attention to Sustainable Development Goal 16.3, which specifically referred to the promotion of the rule of law at the national and international levels. His delegation saw the two levels as mutually inclusive, rather than exclusive. The new Goals illustrated the linkages between the rule of law and the three main pillars of the Organization: peace and security, human rights and development. His delegation firmly believed that the rule of law and equal access to justice played important roles in fighting impunity both at home and abroad. As a nation that had experienced the first genocide of the twentieth century, Armenia reaffirmed its strong support for the fight against impunity for the most serious crimes.

83. His delegation had sponsored General Assembly resolution 69/323, in which 9 December was proclaimed as "International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime". That resolution provided an additional platform for Member States and the United Nations system to promote collective efforts to strengthen mechanisms for the prevention of atrocities and the promotion of international peace and security.

84. His delegation welcomed the Secretary-General's report (A/70/206), which illustrated the developments related to the role of multilateral treaty processes in promoting and advancing the rule of law. As a small State and a party to many international treaties, Armenia considered that the best way for the world to find binding solutions and deliver tangible results in the face of growing challenges was through multilateral treaty processes. Such processes were essential in that they provided equal opportunities for promoting and advancing the rule of law and eased the effects of power disparities. Thus, small States could effectively contribute to the establishment of a fair and rules-based international order.

85. The furtherance of the rule of law internationally could be sustained only if it had a strong domestic footing. Since regaining its independence, Armenia had recognized that broad-based reform and institution-building were necessary for the effective functioning of the State in promoting human rights. One of the key building blocks of that reform had been the creation of a more efficient, effective and independent judiciary to provide citizens with better access to the justice system and promote a more predictable rule of law environment. The second phase of reform had begun with a constitutional amendment in 2005, which was intended to reduce the dominant role of the presidency in the court system and to increase the independence of the judiciary.

86. An important goal of the country's strategic plan 2012-2016 for a new generation of legal and judicial reforms was to ensure a fair, effective and publicly accountable judiciary by addressing existing challenges to its independence. The Government was focusing on reforming the roles of judicial administration bodies and of court presidents, on amending the criteria and procedures for evaluating the performance of judges, and on establishing a new justice academy. The population would soon vote on a package of

constitutional reforms for a new and improved governance system aimed at increasing transparency and accountability. Moreover, the vibrant civil society in Armenia was a clear indication of a stable and growing democracy and an important contributor to the effective enforcement of the rule of law. The international community should continue to promote, collectively and forcefully, the adherence of States to the rule of law and the fundamental norms and principles of human rights. Economic, commercial and other interests should not devalue international cooperation to that end.

87. **Mr. Majszyk** (Poland) said that it was indispensable to reinforce the role of international law in international relations. One way to accomplish that was to strengthen the international justice system by urging States that had not yet done so to accept the jurisdiction of the International Court of Justice and by ensuring the universal application of the Rome Statute of the International Criminal Court. His delegation commended the Office of the Prosecutor of that Court for its efforts to prevent impunity for serious breaches of international law.

88. His delegation fully supported the international community's activities in promoting the rule of law according to the guidelines for further common action set out in General Assembly resolution 67/1. It was important to consider ways of strengthening linkages between the rule of law and peace and security, development and human rights; those dimensions should be cross-referenced and further analysed. Technical assistance and capacity-building support should be provided to States, upon their request, in their efforts to incorporate their international obligations into their national systems.

89. Efforts aimed at promoting the development of international law should be focused on encouraging the elaboration and implementation of international treaties, international dispute resolution mechanisms, and training and education in international law. All States should participate in developing international law on an equal footing, while ensuring respect for State sovereignty and consent. States attached utmost importance to their treaty relationships as a prime source of international law. His delegation welcomed the fact that an increasing number of countries had ratified international treaties, in particular in the field of human rights, terrorism, criminal matters, law of the sea and disarmament. It especially appreciated the

recent ratification of the Arms Trade Treaty by a number of countries.

90. Given the lack of coherent, complementary regulation in many fields of international law, it was important to ensure that international treaties sought to achieve the same objectives as Security Council or General Assembly resolutions. Consistent and comprehensive elaboration of treaties and resolutions would significantly contribute to the effective implementation of international standards in States' domestic regulations.

91. His delegation stressed the valuable role of the International Law Commission in the drafting of treaties of fundamental importance to the international community. It supported the Commission's recent tendency to prefer non-binding documents, often taking the form of articles, to draft treaties, an approach that enabled it to focus on the topics lying at the heart of international law. The role of international custom as the universally recognized set of rules that were binding on all States should be analysed further. Lastly, all States should assume full responsibility for the fulfilment in good faith of their international obligations, avoiding the selective application of international law and the arbitrary exercise of power.

92. **Mr. Rao** (India) said that, although there was no agreed definition of the term "rule of law", one of its essential principles was that every executive action must have legal authority to support it. In that regard, a robust treaty-making process could effectively provide a strong foundation for the rule of law at the international level. At the national level, independent, efficient and competent judicial systems were the backbone of the rule of law, provided that they were exclusively within the sovereign domain of the national legislature.

93. As the largest democracy in the world bound by the rule of law, India had a fiercely independent judiciary separate from the executive and legislative branches. India was a party to several multilateral treaties and conventions adopted under the auspices of the United Nations and other bodies. It was committed to settling disputes by peaceful means and accepted the compulsory jurisdiction of the International Court of Justice. His delegation appreciated the efforts by the General Assembly to adopt new treaties to address the evolving challenges facing the global community,

thereby establishing a solid multilateral treaty framework that strengthened the rule of law.

94. The mere codification or enactment of a law at the international or domestic level was not sufficient to promote the cause of the rule of law. All laws must stand the test of fundamental human values, including equal treatment, participation and representation, and should be open to review in order to prevent them from becoming an instrument of oppression. Ensuring access by Member States to the mechanisms for the peaceful settlement of international disputes was a key element in promoting the rule of law at the international level. One of the most pressing needs was to make the Security Council a more representative body by enhancing its membership. Developing countries must be given a real voice in global decision-making. Global institutions must be fully reflective of contemporary realities and rule of law norms to enable them to address global challenges effectively.

95. **Mr. Ahmad** (Pakistan) said that the rule of law was of significance for enhancing peace and security, development and human rights. Equality was the essence of the concept. At the international level, the pursuit of practical equality required ensuring inclusivity in the development of international law, respect and promotion of the laws and principles agreed by States and, most importantly, the just and fair application of those laws and principles.

96. The United Nations provided the necessary inclusiveness for the development of multilateral treaties. Although much still needed to be done, the Organization and its organs and agencies had played a key role in promoting the rule of law. The area that most needed attention, however, was the just and fair application of the rule of law at the international level. Security Council resolutions must be implemented with uniformity; the use of force should be consistent with the principle of collective security; Chapter VII of the Charter should be invoked cautiously and as a last resort; frequent recourse should be made to the peaceful settlement of disputes; the Security Council should make optimum use of the International Court of Justice; and, most importantly, long-standing disputes must be resolved in accordance with the relevant United Nations resolutions.

97. With regard to the role of multilateral treaty processes in promoting the rule of law, he noted with concern that the United Nations Programme of

Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law continued to face serious financial problems, which hindered the realization of its full potential. Indeed, the increasing number and complexity of multilateral treaty bodies had magnified the need for capacity-building and the wider dissemination of knowledge pertaining to international law. Moreover, the fast-paced modern communications that were now a hallmark of multilateral diplomacy had accentuated the need for ensuring inclusivity and transparency, together with system-wide coherence and coordination in order to avoid duplication of work resulting from overlapping mandates.

The meeting rose at 6 p.m.