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## Sixth Committee

### Summary record of the 5th meeting

Held at Headquarters, New York, on Wednesday, 5 October 2016, at 3 p.m.

*Chair:* Mr. Danon..... (Israel)  
*later:* Mr. Katota (Vice-Chair) ..... (Zambia)

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Agenda item 84: The rule of law at the national and international levels (*continued*)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 84: The rule of law at the national and international levels (continued) (A/71/169)**

1. **Mr. Eliasson** (Deputy Secretary-General) said that in the 10 years since the Committee had started to discuss the rule of law at the national and international levels, Member States had made great strides in developing a common and broader understanding of the rule of law. The previous year's report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/70/206) had pointed to the progress made in the promotion of the rule of law at the international level, peaceful settlement of disputes and transitional justice. Progress had also been evident in the practices of Member States in implementing international law at the national level and in improved access to justice. The current report of the Secretary-General (A/71/169) furnished examples of the work of the United Nations on enhancing access to justice for the poorest and most vulnerable and the implementation of multilateral treaties at the national level. He was certain that the Sixth Committee's deliberations would be of great interest to those working within the United Nations on development, human rights and organized crime and would in turn be enriched by such efforts, as well as by the recommendations made by the Secretary-General, in his report to the Third Committee, on human rights in the administration of justice.

2. The rule of law underpinned everything the United Nations did. It was an area where cross-cutting across sectors and functions could be of especially great value. The United Nations would greatly gain from adopting a horizontal approach, as contrasted to a vertical or silo approach. Now that the rule of law had its rightful, prominent place in the sustainable development agenda, everything must be done to ensure that Member States received support in realizing their aspirations related to those goals. He himself had been privileged to serve as head of the Rule of Law Coordination and Resource Group. The Global Focal Point for police, justice and corrections in post-conflict and other situations had greatly improved the response by the United Nations to requests for assistance in ensuring respect for the rule of law.

3. In closing, he wished to mention three initiatives that were closely connected to the rule of law and incited a rethinking of the way the United Nations worked. The Rights up Front initiative aimed to strengthen efforts to prevent human rights violations through early and effective action. The rule of law and human rights were both central to the Plan of Action to Prevent Violent Extremism. Lastly, there had been three Security Council and General Assembly resolutions on sustaining peace, an aspiration to which the rule of law was critical. He thanked the Sixth Committee for its contributions in advancing the rule of law and said he counted on its continued support in such efforts.

4. **Ms. Beckles** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that its member States had been founded on the principles of democracy, liberty, good governance, the rule of law and respect for human rights and dignity. The fundamental rights and freedoms of the individual were entrenched in their constitutions, and their domestic legislation was buttressed by relevant international treaties and conventions. CARICOM member States strongly adhered to the principle that everyone was accountable to laws that were publicly promulgated, equally enforced and independently adjudicated. They were strongly opposed to impunity. Hence the importance of the International Criminal Court and its primary objective of helping to end impunity for the perpetrators of the most serious crimes of concern to the international community. CARICOM urged all States that had not yet done so to ratify the Kampala amendments to the Rome Statute of the International Criminal Court.

5. The promotion of the rule of law on the international scene must lay the foundation for sustainable development and the protection and sustainable management of the common heritage of present and future generations. Since the Caribbean region was highly vulnerable to the loss of marine biodiversity and the impact of unsustainable practices on the marine environment beyond national jurisdictions, CARICOM saw the conclusion of a legally binding instrument to address those matters as being inextricably linked to the pursuit of justice and fairness. It therefore welcomed the progress made during the first two sessions of the preparatory committee on the development of an internationally

binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

6. CARICOM welcomed the efforts being made by the United Nations to support the development of national legislation, including through constitution making and law reform, the strengthening of institutions to achieve peace, security and justice and the protection of human rights. The efforts of the Office for the High Commissioner for Human Rights to strengthen national capacity for the investigation and prosecution of serious human rights violations in various countries were laudable.

7. CARICOM also endorsed the view set out in the Secretary-General's report (A/71/169) that ensuring equal access to justice for all was essential for translating the principles of the rule of law into effective mechanisms to provide protection, redress and accountability for serious crimes and human rights violations. Its member States therefore remained very concerned that many remote and poverty-stricken regions lacked access to fair and equitable justice. There was a need for increased efforts to ensure that justice was available to all without exception. The efforts of the United Nations Development Programme (UNDP) to deliver legal aid services and legal awareness to populations in remote areas were accordingly commendable.

8. In closing, she said that CARICOM reaffirmed its commitment to promoting the rule of law at the national and international levels and to upholding the principles of international law and justice.

9. **Mr. Yaung Chan** (Cambodia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the rule of law was the basis for international cooperation and development and was of the utmost importance in achieving globally sustained economic growth, promoting international peace, justice and security and protecting human rights. ASEAN members considered that the rule of law at the national and international levels was so important that it could be described as the glue that bound countries together.

10. The ASEAN Charter and other basic documents embodied the fundamental principles of the rule of law,

including respect for the peaceful settlement of disputes, democracy, good governance and the promotion and protection of human rights. Respect for the rule of law was further reflected in the landmark ASEAN Human Rights Declaration, which emphasized that the rule of law and human rights were inextricably linked and mutually reinforcing. Since its inception in 1967, ASEAN had continuously striven to build an inclusive, rules-based community governed by the rule of law. It had set a milestone in regional economic integration by forming the ASEAN Economic Community, offering access to an immense regional market for a population of over 620 million and promoting political cohesion, cultural harmony and social responsibility for the 10 member States of ASEAN.

11. ASEAN noted the increasing interest of countries in acceding to the Treaty of Amity and Cooperation in Southeast Asia (1976) and the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (1995). ASEAN promoted stability and mutual trust in the region through the commitments defined in the Declaration on the Conduct of Parties in the South China Sea (2002) and the Declaration of the East Asia Summit on the Principles for Mutually Beneficial Relations (2011). In addition, ASEAN member States were working with China towards the early conclusion of a code of conduct in the South China Sea.

12. National capacities must be strengthened in order to ensure respect for the rule of law. Hence the importance of providing technical assistance, knowledge and skills-based training and development support to Member States for the national implementation of multilateral treaties. ASEAN welcomed the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in that regard and emphasized the importance of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. It called for the continuous provision of financial support for the Programme in order to ensure that its reach was as broad as possible.

13. Efforts to strengthen the rule of law required consistency, predictability and foresight; it was important to avoid selectivity and double standards in the application of international law. The monitoring mechanisms for multilateral treaties should be

supported in order to promote accountability and transparency in the implementation of international obligations. ASEAN would continue working with the United Nations and its agencies and with member States and other partners in strengthening the rule of law.

14. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, Turkey and the former Yugoslav Republic of Macedonia; the stabilization and association process country and potential candidate Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that multilateral treaties played a key role in laying down common rules for all nations and in promoting international relations in which justice and peace prevailed. The European Union commended the role played by the United Nations in supporting the implementation of multilateral treaties at the national level. It praised the work undertaken by the United Nations, through various entities, to support constitution making, the reform of legislative and justice systems, the efforts of police and correctional institutions, disarmament, demobilization and reintegration, security sector reform, the fight against impunity and transitional justice.

15. Utilizing a number of different funding mechanisms and aid modalities, such as the European Instrument for Democracy and Human Rights (EIDHR), the European Union had been working for decades to support the ratification and implementation of multilateral treaties at the national level. Support for an independent, efficient and accountable justice sector was one of the principal avenues for promoting democratic governance, the rule of law, citizens' security, gender equality and fulfilment of human rights. Access to justice enabled people to claim their rights to effective remedies to address injustices and discrimination. There were strong links between securing access to justice and reducing poverty. The European Union commended the role played by the United Nations in delivering legal aid services and strengthening awareness of options for legal redress, notably to facilitate access to justice for women and groups in marginalized or vulnerable situations, including migrants, refugees and internally displaced persons.

16. The European Union was committed to continuing action to ensure access to justice for all, including the poorest and most vulnerable. Its member States had sound legislation in place that provided procedural safeguards and support and protection for victims of crime. A directive on procedural safeguards for children who were suspects or accused persons in criminal proceedings had recently been adopted. The European Union's member States were among the largest financial contributors to transitional justice initiatives worldwide, providing financing for justice, truth-seeking initiatives, institutional reform and reparations programmes and supporting civil society and victims' groups.

17. Women faced many difficulties in gaining access to justice as a result of direct and indirect discrimination. The European Union would continue to make a strong contribution to preventing and responding to all forms of violence against women and girls, including through access to justice. It was committed to enhancing women's access to justice, including transitional justice mechanisms, and to building capacity for the prosecution of crimes against women and girls and for the protection of witnesses. It also supported measures to protect children, enable them to access justice and involve them in the work of transitional justice mechanisms in a way that contributed to their recovery and long-term reintegration into society.

18. The European Union also actively promoted measures to guarantee access to justice for persons belonging to minorities, including by ensuring that the right to interpretation and translation was respected for suspected or accused persons who were unable to speak or understand the language of the proceedings. Its member States were committed to ensuring access to justice for persons with disabilities in all stages of legal proceedings and to protecting and promoting their rights in accordance with the United Nations Convention on the Rights of Persons with Disabilities.

19. Over the years, Europe had been confronted with unprecedented flows of refugees, asylum seekers and irregular migrants. In the face of that great challenge, the European Union had sought to facilitate access to justice, legal assistance, witness protection, health and psychological support for refugees, migrants and asylum seekers. Under its external migration policy,

the European Union supported projects in partner countries to improve access to justice for migrants. Through EIDHR, the European Union supported a project on improving indigenous peoples' access to justice and development through a community-based monitoring mechanism.

20. The European Union commended the efficient work of the Office of Legal Affairs in discharging the functions of depositary of multilateral treaties and, in particular, in the use of new technologies for the Treaty Section database, which was a particularly useful tool for legal practitioners around the world, making information accessible and transparent. It also commended the work of the Office in the area of capacity-building related to the law of treaties and treaty practice. The annual treaty event convened by the Secretary-General had generated an increased number of signatures and ratifications of international treaties. The European Union welcomed that trend, particularly in respect of treaties on the environment, the law of the sea, human rights, transnational crime and international commercial law and development.

21. The European Union firmly supported and financially assisted the International Criminal Court in view of its critical role in promoting the rule of law, fighting impunity and ensuring accountability for the most serious crimes of concern to the international community. The newly established Kosovo Specialist Chambers and Specialist Prosecutor's Office had been financed largely based on European Union funds. The European Union's ambitious new Action Plan on Human Rights and Democracy (2015-2020) foresaw a number of actions aimed at boosting the ownership of local actors in delivering support to public institutions and justice systems, including monitoring and promoting compliance by partner countries with their international obligations.

22. With its member States, the European Union was committed to comprehensive action against terrorism, in full compliance with international law and international human rights standards. More emphasis needed to be placed on preventing terrorism, in particular on countering radicalization and the recruitment, equipment and financing of terrorists, and on addressing underlying factors such as the conflicts, poverty, arms proliferation and State fragility that provided opportunities for terrorist groups to flourish.

23. The European Union and its member States were committed to building transparent, effective and accountable institutions; they advocated a comprehensive approach across the three pillars of the United Nations to the further strengthening of the rule of law and called on all States to contribute their fair share to that effort.

24. **Mr. Petersen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that in places where the rule of law was respected and an independent judiciary was able to ensure justice and accountability, societies were better equipped to protect their people and to provide services for all. Economic development was given a much better chance in places where clear legal frameworks were enforced to boost entrepreneurship, innovation and public and private sector investment. Confidence-building generated by the properly functioning rule of law could serve as a direct enabler for outside investment flows and bring clarity in commercial and civil disputes.

25. The Nordic countries placed particular emphasis on the interlinkages between the rule of law and the promotion and protection of human rights. As was often said, there could be no peace without development, no development without peace, and neither without respect for human rights. All persons were equal before the law and everyone, including disadvantaged, marginalized and vulnerable groups, was entitled to equal protection by the law without any discrimination.

26. Enhancing the rights of women and girls — a top priority for the Nordic countries — could be facilitated by ensuring their equal and unhindered access to justice services and legal aid. The Nordic countries paid close attention to having a gender-sensitive approach to the development of legislation and of the justice sector. Ensuring access to justice for all meant that there was a need to focus on those who risked marginalization and discrimination. Special attention should be given to finding ways to ensure that the disabled, ethnic minorities, children, victims of sex-related offences and people on the move, including refugees and internally displaced persons, could find legal remedy in case of violation of their rights.

27. The Nordic countries had been strong supporters of the International Criminal Court from its establishment and attached great importance to

strengthening the international criminal justice system. Fighting impunity and ensuring accountability for the most serious crimes of concern to the international community was a pillar of the rule of law. It was also vital to a lasting peace that justice was brought to victims of such crimes. The International Criminal Court had a key role in ensuring accountability when violations were not addressed at the national level.

28. The Nordic countries also recognized the importance of the International Court of Justice in the peaceful settlement of disputes and called on Member States that had not yet done so to consider accepting the Court's compulsory jurisdiction.

29. The Nordic countries encouraged the new Secretary-General who would soon come into office to continue to give high priority to the rule of law in the work of the United Nations. The Rule of Law Unit and the Rule of Law Coordination and Resource Group must be able to continue their important work in exchanging best practices and enabling experience sharing between Member States as well as through the legal, political, peace and security and development activities of the United Nations system.

30. **Ms. Neilson** (New Zealand), speaking also on behalf of Australia and Canada, said that they strongly emphasized the interrelated nature of the rule of law at the national and international levels. At the international level, multilateral treaties provided a structure for norms and standards to be codified, but that structure must then be translated into effective and transparent action at the national level to put the norms into practice for domestic constituencies. Canada, Australia and New Zealand each had specific rules for the implementation of multilateral treaties in domestic law. Parliamentary treaty examination processes ensured that domestic policies and legislation were developed with the benefit of public scrutiny and raised awareness among the general public about international treaty obligations. If the implementation of a treaty required amendments to domestic law, Canada, Australia and New Zealand would not ratify or accede to it until the domestic implementing legislation was in place.

31. The three countries recognized the importance of working to improve access to justice for all, including for the poorest and most vulnerable. Too often, vulnerable groups fell through the cracks and lacked

the protection that the rule of law provided. The marginalization of individuals and communities also had wider negative implications for the establishment and maintenance of stable societies. However, a number of practical measures could have a positive impact in improving access to justice for all, including persons with disabilities, low-income communities and children. They included simplifying the rules of procedure for judicial hearings, encouraging legal advocates to do pro bono work for vulnerable groups, training advocates on an inclusive approach to engagement with different groups and providing financial or other support for vulnerable groups to obtain legal advice. Strong civil society involvement in carrying out and supporting that work was of great importance.

32. New Zealand worked with both government and non-government stakeholders to support the development of legislation and judicial systems in the Pacific region. That included supporting the professional development of Pacific judicial officers; strengthening the capacity of Pacific Island courts to provide more accessible, just and efficient services; working with the police to build up knowledge and skills in human rights and gender-based violence issues; and improving the practical advocacy and litigation skills of Pacific Island lawyers.

33. Australia was helping partners across the India-Pacific region to strengthen law and justice systems as a means of promoting economic prosperity and political stability. Its support included promoting public access to legal information; assisting people with disabilities to understand their rights; developing stronger police force leadership; helping countries to ratify and implement the United Nations Convention against Corruption; providing technical assistance to modernize crime and policing laws; and improving the capacity of law and justice officials to respond to priority issues such as violence against women and cybercrime.

34. As for Canada, the promotion and support of the rule of law was one of its international priorities, along with accountable governance, pluralism, respect for diversity and human rights. Canada supported the development of rule of law capacity in fragile and conflict-affected areas such as Ukraine, Haiti, Colombia, the Democratic Republic of the Congo, the

West Bank and Afghanistan. Through its international development efforts, Canada also contributed to strengthening the rule of law and supporting access to justice initiatives for the poor, vulnerable and most marginalized, including women and children. The Government was working very hard to foster an inclusive society in Canada itself. Access to justice there translated on a practical level into measures such as supporting victims of crime; combating elder abuse; providing financial resources to provincial and territorial partners to support legal aid; and ensuring ready access to laws in both of the country's official languages.

35. **Ms. Diéguez La O** (Cuba) said that the true rule of law began with a reformed United Nations that set a standard for transparency, democracy and the participation of the entire international community in the solution of critical global problems. Cuba was committed to bringing about a far-reaching reform of the Security Council in order to make it into an inclusive, transparent and democratic forum that reflected the true interests of the international community. At present, some of the members of that body openly violated international law and the decisions of the Council itself, with a view to imposing their political agenda and to achieving military domination over the developing countries.

36. Sovereign equality, the peaceful settlement of disputes, the non-use or threat of use of force against the territorial integrity or political independence of any State and non-interference in the internal affairs of other States must be the basic principles governing the actions of all States. The international community should work towards the actual implementation of those principles. Cuba condemned any attempt to overturn or replace national authorities or to foment internal conflict in sovereign States in order to impose external agendas.

37. Promotion of the rule of law started with due respect for the legal institutions of all States and recognition of the sovereign right of peoples to create the legal and democratic institutions that best corresponded to their political and cultural interests. Cuba accordingly viewed with concern attempts to impose certain conceptions of the rule of law and to politicize the discussion of the subject.

38. Apart from formal legislation, the true rule of law called for the unequivocal rejection of any unilateral acts or measures such as the promulgation of extraterritorial legislation and the politically motivated exercise of jurisdiction by national or international tribunals. Cuba called for the revocation of the extraterritorial legislative acts instituting the economic embargo that had been in place against it for over 50 years.

39. **Ms. Carnal** (Switzerland) said that the United Nations had significant expertise and a large footprint when it came to the rule of law. With so many actors, such as UNDP, present in the field and working closely with governments on a wide array of issues, the need for more coherence in rule of law interventions was arguably more visible than in any other sector. That was why, in 2012, the Secretary-General had appointed a Global Focal Point for police, justice and corrections, leading to several joint rule of law programmes, including in Somalia, the Central African Republic and recently in Mali. They were excellent examples of how the United Nations could break down institutional silos without creating more bureaucracy.

40. Switzerland was pleased to note that the Secretary-General's report (A/71/169) addressed the issue of transitional justice in an inclusive way and identified four principles: the rights to truth, to justice and to reparation and guarantees of non-recurrence. Switzerland welcomed the application of those principles by the Office of the United Nations High Commissioner for Human Rights in its numerous activities, including in strengthening national investigation and prosecution capacities, contributing to the development of strategies on transitional justice and providing advice on mechanisms for dealing with the past.

41. By enabling a constructive approach to addressing past atrocities, transitional justice helped in preventing the recurrence of such acts. During the most recent session of the Human Rights Council, Switzerland and other countries had called for a report on the connections between human rights, transitional justice and the prevention of criminal atrocities. Generally speaking, the development of links between dealing with the past and the prevention of atrocities should be encouraged.

42. It was important to enable everyone, especially victims of conflict-related sexual violence, to have equal access to justice. As the Secretary-General's report emphasized, well adapted measures were needed to combat gender-based crimes effectively. To that end, Switzerland had been supporting the international non-governmental organization (NGO) Women's Initiatives for Gender Justice and its local partners in providing legal representation for survivors in local mobile courts. The NGO documented sexual and gender-based violent crimes so as to support national and international prosecutions of such crimes and provide access to psychosocial support and medical assistance for victims in remote areas, such as surgeries for rape-related injuries. The complexity of the problem and the number of actors involved required considerable coordination. His Government urged the Secretary-General to pursue his work in that direction.

43. **Mr. Leonidchenko** (Russian Federation) said that the principles of equity, State sovereignty and non-interference in internal affairs were integral to an international and national order based on the rule of law. While not downplaying the value of United Nations assistance to States in making their constitutions and improving their legislation, his delegation recalled that such assistance should be provided solely at the request of the countries concerned and with due regard for their national strategies and priorities.

44. Each State had its own unique model, suited to its cultural, historical, legal, religious and other particularities, for instituting the rule of law. Taking such models into account must be an integral part of United Nations actions in strengthening the rule of law at the national level. History was replete with examples of the inefficacy of attempts, in the guise of assistance, to bind States to governmental and societal models that were at odds with their own. At best, such "implants" simply did not survive, and at worst, they destroyed existing structures, throwing governments into chaos and instability. He expressed solidarity with the views expressed by the representative of the Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement, who had emphasized that the Secretariat's work in the sphere of the rule of law should not entail the development of any indicators or ratings of States. The Russian Federation did not endorse the use of

instruments and models that were not duly agreed upon by States. Presenting a Global Focal Point as an individual element within a three-layer structure for rule of law coordination arrangements did nothing to clarify its nature, and the references to "co-location" in briefings by the Secretariat were decidedly unhelpful. The Russian Federation would like to see greater clarity on that point in future reports.

45. In conclusion, he recalled that the Russian Federation was prepared to work with all interested parties in promoting the rule of law at the international and national levels.

46. **Ms. Özkan** (Turkey) said that her country was firmly committed to the rule of law at both the national and international levels and had been actively contributing to the work done by the Rule of Law Unit. On 1 March 2016, together with Argentina and Rwanda, it had hosted an event on sharing national practices on prison reform. On 1 June 2016, another such event, hosted by Turkey, Italy and Mexico, had focused on e-justice, highlighting the crucial role that information and communication technologies could play in facilitating the speedy, cost-effective and transparent administration of justice and thus ensuring access to justice for all.

47. Turkey attached importance to cooperation with relevant international actors in order to help in the sharing of good practices among experts and raising awareness. A project underway in collaboration with UNDP was aimed at developing coordinated efforts to enhance the quality of legal aid services and the capacity of attorneys in Turkey, with particular attention to the needs of disadvantaged groups.

48. By setting standards and harmonizing rules, multilateral treaties enhanced predictability in international relations and paved the way for greater international cooperation in many fields. They also played an essential role in the promotion and protection of human rights. The sustainability of the human rights regime lay with the universal ratification and effective implementation of the key human rights treaties.

49. **Ms. Al-Sulaiti** (Qatar) said that strengthening peace and security at the international level depended on the success of States in applying the rule of law. The promotion of the rule of law was not limited to the



availability of resources for justice. Rather, it involved providing economic opportunity and good living conditions for all and combating poverty. International relations must be subject to the rule of law on the basis of equality, mutual respect and cooperation between States, whose behaviour must, in turn, be in line with the provisions of international law. Hence the importance of implementing the mechanisms adopted by the international community so as to follow up the application by States of their various commitments in terms of the rule of law.

50. Qatar espoused the principle of the rule of law as a key part of achieving equality and justice among its citizens and bolstering good governance. The rule of law was a precondition for international peace and security but also for development. That was why Qatar had created partnerships with various international groups. In 2012, it had established a centre for promoting the rule of law and combating corruption that offered training seminars and courses for countries in the region. It had also stepped up the work of national institutions in implementing the rule of law, including through administrative accountability and transparency. The authorities in Qatar were revising domestic legislation to ensure that it was in line with the international conventions to which Qatar was a party and with the Constitution's provisions on the separation of powers and respect for fundamental rights and freedoms.

51. As part of the promotion of the rule of law, the mechanisms agreed on by the international community in order to end flagrant violations of human rights and to combat terrorism had to be respected, and United Nations action to ensure the peaceful settlement of all conflicts must be supported. Qatar had actively participated in the efforts of the international community to settle various conflicts peacefully, and its efforts had borne fruit, especially in the conflicts in the Middle East and Africa. His country would continue to work with the international community to strengthen the rule of law and supported all actions to achieve that end.

52. **Mr. Essa** (Libya) said that the rule of law played an important role in preventing conflicts and promoting peace and security in post-conflict situations. The promotion of the rule of law required respect for the commitments arising from international instruments,

including the Charter of the United Nations. The courts, mechanisms and conditions created under the Charter guaranteed non-selectivity, non-interference in internal affairs, avoidance of double standards, respect for the rights of people to self-determination, freedom from outside interference, access to international remedies and opposition to impunity and terrorism. Hence the importance of abiding by the provisions of the Charter and other international instruments. His delegation reiterated the right of the Palestinian people to self-determination — a natural right upheld by international law. It supported Palestine's application for fully fledged membership in the United Nations and called on the international community to ensure the rule of law in that respect.

53. Equality in access to justice was one of the essential principles of human rights and international humanitarian law. Legal assistance was also a human right: it was the best way of guaranteeing the right to justice based on equality of everyone regardless of their financial means, social position or other considerations. It was vital that the weak position of the individual should not be an obstacle to having his or her right to justice respected. Providing vulnerable groups with access to justice was not limited to proceedings alone but also involved promoting a legal culture through training, the use of various media and international and regional cooperation to uphold the capacity of States to take national ownership of rule of law activities domestically and to ensure that justice and equality were enforced before their courts.

54. **Mr. Celarie Landaverde** (El Salvador) said that access to justice must be strengthened because it ensured that all other individual rights were fully respected and made it possible to use the mechanisms provided for that purpose in the relevant courts. In practice, the right of access to the courts was well developed in El Salvador. The Constitutional Chamber had acknowledged that it was not limited to the mere institution of legal proceedings but required also free access to the courts, a reasoned decision based on law, trial proceedings in line with due process and, lastly, execution of the decision.

55. Legal systems and public policies related to the administration of justice must take into account the special problems faced by vulnerable or disadvantaged groups in gaining real and equal access to justice.

El Salvador had enacted legislation expressly providing that children must have privileged access to justice free of charge and specialized counselling, while another law categorized as an offence the obstruction of women's access to justice and the blocking of the investigation, prosecution and punishment of violent acts against women.

56. Access to justice at the domestic level required the implementation of international instruments. Since the Inter-American Court of Human Rights had stated that the right of access to justice should be viewed as a peremptory norm of international law, it was incumbent upon States to take steps to outlaw impunity for violations of that right. At the international level, one of the most important principles of international law was the obligation of all States to resolve their disputes by peaceful means. While all States had access to international tribunals for that purpose, their actual ability to do so varied, because the cost of submitting petitions and defending their interests had risen so much of late. The fact that some States with limited financial means or high rates of debt were hindered in their access to international tribunals must be addressed.

57. **Ms. Morris-Sharma** (Singapore), referring to her country's practice with regard to domestic implementation of multilateral treaties, said that before acceding to an international treaty, legislation needed to be enacted to give effect to the rights and obligations in the treaty. Singapore tried to make such processes accessible and transparent. Transparency was aided by the fact that domestic legislation was easily available online and access to it was free of charge.

58. Turning to access to justice, she said that Singapore had buttressed its legal aid services through direct funding by the Government and expanded coverage of offences. Legal aid was provided to persons of limited means to ensure that they had access to justice. Innovations had been instituted through alternative dispute resolution to make justice more accessible to all: for example, formal and informal mediation was provided for resolving disputes among neighbours.

59. Given the close interrelationship between the ways the rule of law was applied at the national and international levels, such actions must be approached with due regard for local actors and practical realities,

in order to achieve good governance and promote the welfare of the people.

60. **Mr. Meza-Cuadra** (Peru) said that while the United Nations already played a major role in the implementation of multilateral treaties at the national level through assistance to a wide variety of States, consideration should be given to supporting countries that, although not parties to certain multilateral treaties, applied their provisions at the domestic level. Referring to access to justice for all, he said that the principles of the rule of law must be translated into effective protection mechanisms for all persons, including those living in poverty or in remote areas. Peru was committed to being a pluralist democracy based on the rule of law and respect for human rights.

61. **Mr. Ahmed** (Sudan) said that in the context of the rule of law at the national and international levels, the Sudan deployed efforts to revise its laws, develop them and ensure that they were in line with international agreements. The rule of law at the national level was a domestic matter, and it could best be promoted through technical assistance to States and exchanges of good practice. Efforts must be made to avoid attempts to impose a one-size-fits-all model: it would be illogical to have just one model for all States, without taking into consideration their different contexts and backgrounds.

62. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law raised awareness on the subject, especially in developing countries. The fact that the Programme was encountering financial difficulties was unacceptable. The Sudan hoped it would be possible to rectify that problem.

63. His delegation called for support to be provided for the work of the International Court of Justice and that of international and regional arbitration mechanisms, which were means for successful and peaceful resolution of conflicts. There was a need for fair and just legal structures to ensure the adoption of equitable decisions, taking into consideration the principles of the United Nations. In order to be respectful of the rule of law, the international community needed to avoid politicizing international justice or using it to achieve political ends. The International Criminal Court, for example, was a politicized judicial mechanism. Practice had clearly

shown that there was selectivity and duplicity in its work. That was a dangerous trend which threatened international justice and deflected it from its noble task and objectives. Political will must be brought to bear on the problem.

64. **Mr. Hitti** (Lebanon) said that although there was no agreed definition of the concept of the rule of law, it was based on intangible values such as equality before the law, accountability and guarantees of fundamental rights. Those principles could be found in numerous legal instruments. Although it was imperative to achieve universal, fair and just implementation of the existing relevant norms, international law tended to be applied selectively. Activities to promote the rule of law at the international level should be bolstered. The rule of law could not be dissociated from justice and could not be achieved without ending foreign occupation, which violated human rights on a daily basis, infringed peace and security and hampered development by depriving occupied populations from fully exploiting their resources.

65. The year 2015 had marked the fiftieth anniversary of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Through its training courses in international law and its Audiovisual Library, the Programme fostered better knowledge of international law and contributed to the objective of strengthening international peace and security.

66. Turning to practical measures to ensure access to justice for all, he said that Lebanese domestic legislation guaranteed the opportunity to receive free legal assistance to the poor and to children in particular. The role of NGOs was critical in that context. Lebanon had long had a dynamic and vibrant civil society, providing a platform for NGOs to carry out their activities on a wide range of political, social, humanitarian and developmental issues. Some NGOs also helped migrant domestic workers in courts, for example by providing them with interpreters.

67. In 2014, a law on domestic violence that sought to improve women and children's rights and safety had been adopted. It had resulted in the assignment of a member of the public prosecutor's office in each governorate to receive complaints and investigate

domestic violence. The internal security forces had also established a special unit to process complaints.

68. **Ms. Masrinuan** (Thailand) said that multilateral treaties and instruments created a more predictable and fairer global order. A wide range of issues of international concern — for example, climate change — had been addressed through international instruments and frameworks.

69. The rule of law must be strengthened at the national level, especially by translating international commitments into practice at home. Article 26 of the 1969 Vienna Convention on the Law of Treaties, regarding *pacta sunt servanda*, and article 27, which stipulated that a party could not invoke its internal law as justification for its failure to perform a treaty, formed a fundamental legal safeguard to ensure the effective domestic implementation of the rule of law. Thailand implemented its treaty obligations through a dualist system under which the relevant law had to be enacted or amended in order to give effect to international obligations.

70. With regard to access to justice for all, she said that Thailand had recently enacted legislation to facilitate the general public's access to the judicial system by providing financial support for legal services. In recognition of the particular needs of vulnerable groups, including prisoners, Thailand had initiated the development of the Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules), which provided guidance to the competent authorities on meeting the specific needs of women prisoners as well as on non-custodial measures in the prosecution process. Thailand was also using the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) for the review of its legislation on correctional institutions.

71. The rule of law should not remain only a principle or aspiration to which States pledged to adhere; it should be translated into an effective mechanism that was beneficial to people, especially the most vulnerable. She commended the efforts of the United Nations and its relevant agencies in providing assistance to States for the implementation of multilateral treaties and for the programmes and initiatives to promote a better knowledge of

international law, which had greatly contributed to strengthening the rule of law.

72. **Mr. Millogo** (Burkina Faso) said that his country's Constitution of 11 June 1991 had undergone a number of modifications imposed by the need to adapt to frequently changing circumstances. The popular uprising of 30 and 31 October 2014 and the attempted coup d'état of 16 September 2015 had not shaken the country's will to strengthen the rule of law: on the contrary, they had reinforced the conviction that constant vigilance was required and had renewed the people's commitment to the values of integrity, equity and justice. Following the presidential and legislative elections of 29 November 2015 and the municipal elections of 22 May 2016, organized in a post-insurrectional climate, enormous efforts had been deployed to strengthen the rule of law in Burkina Faso. In 2015, national consultations on justice were organized, resulting in the adoption of legislation that guaranteed the independence of the judiciary and enshrined the definitive separation of the executive and judicial powers.

73. Respect for the rule of law was intimately linked to the access of all citizens to justice. Thus, because much of the population was living in poverty, his Government had set up a legal aid fund to ensure access to justice for such persons. It had also set about building new courts and recruiting judges, as well as regularly organizing training on respect for human rights and the rules of international law for members of the security and defence forces.

74. **Mr. Luna** (Brazil) said that abiding by the rule of law at the international level meant that no single country, no matter how powerful, was exempt from rigorous compliance with its legal obligations or beyond reproach for circumventing international law. Claims of exceptions were intrinsically incompatible with a law-based multilateral system.

75. From his country's vantage point, the rule of law signified not only the establishment of enforceable standards of behaviour; it also meant promoting social inclusion through the legal empowerment of populations. Enhancing access to justice was crucial for tackling the root causes of poverty, exclusion and vulnerability, given that it facilitated the full enjoyment of rights and public services. Brazil had developed a national index of access to justice comprising both

judicial and non-judicial indicators such as income, geography and inequality. Access to justice was more than access to courts. It also involved universal birth registration, provision of free legal aid and alternative dispute resolution. Brazil also strove to provide a legal identity for migrants, refugees and asylum seekers. Once an asylum seeker had been granted refugee status, he or she received an identity card, had access to public medical assistance and was eligible to study and to work. Brazil's efforts in relation to access to courts ranged from minimizing the administrative fees and collateral costs of seeking judicial remedies to increasing the judiciary's capacity of response. Innovative tools had been developed to accelerate judicial proceedings, a task in which information technology and improved statistics had a clear role.

76. Regarding the implementation of multilateral treaties, he said that the current trend of creating multilateral legal frameworks without necessarily resorting to prior work by the International Law Commission or the Sixth Committee did not necessarily translate into a diminished role for the Sixth Committee, which could and should serve as a platform to exchange views on recent developments regarding the law of treaties. As a locus for cross-fertilization, the Committee could contribute both to updating an understanding of current practice and to bringing more cohesion to the dense web of multilateral treaties.

77. *Mr. Katota (Zambia), Vice-Chair, took the Chair.*

78. **Ms. Kalb** (Austria) said that Austria strongly believed that an international system with clear and predictable rules was an essential precondition for lasting peace, security, economic development and social progress. Accountability and the fight against impunity for violations of international human rights and humanitarian law were crucial, as was compliance with international human rights and humanitarian law. Prevention efforts must be stepped up, mass atrocities halted and the perpetrators brought to justice, including through international criminal justice mechanisms. Austria was a strong supporter of the International Criminal Court and had ratified the Kampala amendments to the Rome Statute. All the crimes under the Rome Statute, including the crime of aggression, had been incorporated into the national criminal code and Austria supported the activation of the Court's

jurisdiction over that crime in 2017. All States must abide by their obligations to cooperate under the relevant Security Council resolutions and fully implement the International Criminal Court's arrest warrants.

79. Where the implementation of multilateral treaties was concerned, Austria attached great importance to the work of the United Nations in offering technical assistance and capacity-building to States at their request, particularly assistance to States in aligning their national legislation with multilateral instruments in such fields as counter-terrorism, organized crime and corruption. Her delegation encouraged States and other partners to cooperate with the International Anti-Corruption Academy, an international organization based in Austria with nearly 70 members, which offered training and workshops for national officials and other stakeholders in fighting corruption.

80. Austria strongly supported the work of the human rights treaty bodies, including their practice of elaborating general comments. The Commissions of Inquiry enabled States to ensure full implementation and compliance with multilateral treaties, and it was essential for all States to cooperate with the universal periodic review under the Human Rights Council. Austria attached great importance to fully implementing its obligations under multilateral treaties and fully supported the work of international courts and tribunals, as well as regional courts such as the European Court of Human Rights.

81. Austria's engagement in the framework of the United Nations and its bilateral development cooperation included a focus on strengthening the rule of law, including access to justice. Austria had participated in training of justice and police professionals in various regions.

82. Good governance and the rule of law at the national and international levels were essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger. Austria's efforts to promote the rule of law did not pursue an abstract goal, but the protection of the rights and interests of individuals. As coordinator of the Group of Friends of the Rule of Law, Austria would continue to give utmost priority to that subject.

83. **Mr. Yaremenko** (Ukraine) said that his Government remained committed to the peaceful settlement of international disputes, despite the fact that the Russian Federation continued to concentrate its weaponry, armaments and military forces on the temporarily occupied territories of Crimea and the Donbas region. Over the past two years, Ukraine had constantly urged the aggressor State to accept its international legal responsibility and demanded the termination of its wrongful acts. In that context, his delegation drew the Russian Federation's attention to the numerous acts of aggression and proposed that any existing disputes should be resolved at the International Court of Justice or by ad hoc arbitration. During bilateral consultations, Ukraine had heard unsubstantiated denials of the facts and refusals to recognize the existence of a dispute and of responsibility. Ukraine had also brought to the Russian Federation's attention numerous cases of violations of international humanitarian law and breaches of its obligations as an occupying Power.

84. In September 2016, Ukraine had officially served the Russian Federation with a notification of arbitration and statement of claim instituting ad hoc arbitral proceedings under the 1982 United Nations Convention on the Law of the Sea to vindicate its rights as the coastal state in maritime zones adjacent to Crimea in the Black Sea, the Sea of Azov and the Kerch Strait.

85. In the light of the current challenging situation in Ukraine, his Government fully recognized the need to ensure the global jurisdiction of and support for the International Criminal Court. Ukraine strictly adhered to the principles of democracy, good governance, justice and the rule of law and therefore strongly backed the Court's activities in an effort to ensure a universal commitment to fight impunity. Ukraine had a history of accepting the jurisdiction of the International Criminal Court over crimes against humanity committed against the civilian population during the 2014 revolution and over crimes against humanity and war crimes perpetrated since the beginning of the military aggression against Ukraine.

86. In June 2016, the Parliament of Ukraine had adopted amendments on justice to the Constitution which had received a positive opinion from the European Commission for Democracy through Law

(Venice Commission) and met the recommendations of the Council of Europe regarding the independence and accountability of judges and on the principles of operation of the prosecutor's office. The constitutional amendments also provided for the possibility that Ukraine might ratify the Rome Statute of the International Criminal Court. Membership in the International Criminal Court would be one of the best ways to ensure that perpetrators of international crimes were brought to justice, that mass human rights violations were recognized as such and that victims received redress for their suffering.

87. That example clearly proved Ukraine's commitment to continue strengthening the rule of law at the national level. Besides its historic constitutional reform, it had also managed to implement anti-corruption, decentralization, public procurement and justice reforms that had produced tangible results in many areas of life.

88. To conclude, he said that his Government was convinced that respect for the rule of law created an enabling environment for achieving the purposes of the Charter of the United Nations; unless the Charter and other international treaties were respected, there would be neither peace nor security in the world.

89. **Mr. Leonidchenko** (Russian Federation), speaking in exercise of the right of reply, said that the statement by the representative of Ukraine was not relevant to the item currently under consideration and that the Russian Federation reserved the right to make additional comments at a later stage.

*The meeting rose at 6 p.m.*