



# General Assembly

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## Seventy-second session

Agenda item 84

### The rule of law at the national and international levels

#### Report of the Sixth Committee

*Rapporteur:* Mr. Peter Nagy (Slovakia)

#### I. Introduction

1. The item entitled “The rule of law at the national and international levels” was included in the provisional agenda of the seventy-second session of the General Assembly pursuant to Assembly resolution [71/148](#) of 13 December 2016.
2. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 5th to 8th and 30th meetings, from 4 to 6 October and on 10 November 2017. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.<sup>1</sup>
4. For its consideration of the item, the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities ([A/72/268](#)).

#### II. Consideration of draft resolution [A/C.6/72/L.17](#)

5. At the 30th meeting, on 10 November, the representative of Liechtenstein, on behalf of the Bureau, introduced a draft resolution entitled “The rule of law at the national and international levels” ([A/C.6/72/L.17](#)).
6. At the same meeting, the Committee adopted draft resolution [A/C.6/72/L.17](#) without a vote (see para. 9).
7. Before the adoption of the draft resolution, the representative of the Syrian Arab Republic made a statement in explanation of position.

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<sup>1</sup> [A/C.6/72/SR.5](#), [A/C.6/72/SR.6](#), [A/C.6/72/SR.7](#), [A/C.6/72/SR.8](#) and [A/C.6/72/SR.30](#).



8. After the adoption of the draft resolution, the representatives of Australia, the European Union (on behalf of its Member States), Austria (also on behalf of Argentina, the Bahamas, Belgium, Colombia, Costa Rica, France, Guatemala, Italy, Latvia, Liechtenstein, the Netherlands, Peru, the Philippines, Romania, Slovenia, Sri Lanka and Switzerland), Canada, New Zealand, Finland (also on behalf of Iceland, Denmark, Norway and Sweden), the Russian Federation, Uruguay, Cuba, the Islamic Republic of Iran, the Netherlands, Guatemala, the Sudan and Morocco made statements in explanation of their position.

### III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

#### **The rule of law at the national and international levels**

*The General Assembly,*

*Recalling* its resolution [71/148](#) of 13 December 2016,

*Reaffirming its commitment* to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

*Reaffirming* that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

*Reaffirming also* the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

*Bearing in mind* that the activities of the United Nations carried out in support of efforts of Governments to promote and consolidate the rule of law are undertaken in accordance with the Charter, and stressing the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building,

*Convinced* that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

*Reaffirming* the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

*Convinced* that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and its Member States,

*Recalling* paragraph 134 (e) of the 2005 World Summit Outcome,<sup>1</sup>

1. *Recalls* the high-level meeting of the General Assembly on the rule of law at the national and international levels, held during the high-level segment of its

<sup>1</sup> Resolution [60/1](#).

sixty-seventh session, and the declaration adopted at that meeting,<sup>2</sup> takes note of the report of the Secretary-General submitted pursuant to paragraph 41 of the declaration,<sup>3</sup> and requests the Sixth Committee to continue its consideration of ways and means of further developing the linkages between the rule of law and the three pillars of the United Nations;

2. *Acknowledges* the efforts to strengthen the rule of law through voluntary pledges, encourages all States to consider making pledges, individually or jointly, based on their national priorities, and also encourages those States that have made pledges to continue to exchange information, knowledge and best practices in this regard;

3. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;<sup>4</sup>

4. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

5. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and further reaffirms that States shall abide by all of their obligations under international law;

6. *Also reaffirms* the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter of the United Nations;

7. *Further reaffirms* its commitment to working tirelessly for the full implementation of the 2030 Agenda for Sustainable Development,<sup>5</sup> and recalls that the goals and targets are integrated and indivisible and balance the three dimensions of sustainable development;

8. *Recalls* the constructive debate held on the subtopic “Ways and means to further disseminate international law to strengthen the rule of law” in the Sixth Committee during the seventy-second session of the General Assembly;

9. *Recognizes* the role of multilateral treaty processes in advancing the rule of law, and in this regard reaffirms its support for the annual treaty event organized by the Secretary-General, welcomes the organization of workshops on treaty practice by the Treaty Section of the Office of Legal Affairs of the Secretariat, both at the regional level and at United Nations Headquarters, as an important capacity-building initiative, and invites States to continue to support this activity;

10. *Reaffirms* the importance of the registration and publication of treaties under Article 102 of the Charter, takes note of the report of the Secretary-General entitled “Review of the regulations to give effect to Article 102 of the Charter of the United Nations”,<sup>6</sup> submitted pursuant to its resolution 71/148, and stresses that the regulations should be useful and relevant to Member States;

11. *Recalls* the obligation of Member States, under Article 102 of the Charter, to register with the Secretariat every treaty and every international agreement they enter into, and expresses appreciation for the efforts by the Secretariat and by Member States to support activities aimed at ensuring the implementation of this obligation, including capacity-building, publications or technical assistance;

<sup>2</sup> Resolution 67/1.

<sup>3</sup> A/68/213/Add.1.

<sup>4</sup> A/72/268.

<sup>5</sup> Resolution 70/1.

<sup>6</sup> A/72/86.

12. *Welcomes* the efforts made to develop and enhance the United Nations electronic treaty database, providing online access to comprehensive information on the depositary functions of the Secretary-General and the registration and publication of treaties under Article 102 of the Charter, and encourages the continuation of such efforts in the future, while bearing in mind that many developing countries lack affordable access to information and communications technologies;

13. *Recognizes* the importance of the legal publications prepared by the Treaty Section, and stresses the need to update the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* in the light of these new developments and practices;

14. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General with Member States on the topic “Promoting the rule of law at the international level”, and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

15. *Recognizes* the importance of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to the furtherance of United Nations rule of law programmes and activities, emphasizes that further technical assistance and capacity-building initiatives, focused on increasing and improving the participation of Member States in the multilateral treaty process, should be examined, and invites States to support these activities;

16. *Stresses* the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building in order to develop, reinforce and maintain domestic institutions active in the promotion of rule of law at the national and international levels, subject to national ownership, strategies and priorities;

17. *Reiterates its request* to the Secretary-General to ensure greater coordination and coherence among the United Nations entities and with donors and recipients, and reiterates its call for greater evaluation of the effectiveness of such activities, including possible measures to improve the effectiveness of those capacity-building activities;

18. *Calls*, in this context, for dialogue to be enhanced among all stakeholders, with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership, while recognizing that rule of law activities must be anchored in a national context and that States have different national experiences in the development of their systems of the rule of law, taking into account their legal, political, socioeconomic, cultural, religious and other local specificities, while also recognizing that there are common features founded on international norms and standards;

19. *Calls upon* the Secretary-General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

20. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations

system, within existing mandates, supported by the Rule of Law Unit and under the leadership of the Deputy Secretary-General;

21. *Requests* the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution [63/128](#) of 11 December 2008, addressing, in a balanced manner, the national and international dimensions of the rule of law;

22. *Recognizes* the importance of restoring confidence in the rule of law as a key element of transitional justice;

23. *Recalls* the commitment of Member States to take all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid, encourages further dialogue and the sharing of national practices and expertise in strengthening the rule of law through access to justice, including with regard to the provision of birth registration for all, appropriate registration and documentation of refugees, migrants, asylum seekers and stateless persons, and legal aid, where appropriate, in both criminal and civil proceedings, and in this regard recognizes the role of knowledge and technology, including in judicial systems, and stresses the need to intensify the assistance extended to Governments upon their request;

24. *Stresses* the importance of promoting the sharing of national practices and of inclusive dialogue, welcomes the proposals made by the Secretary-General, inviting Member States to voluntarily exchange national best practices on the rule of law in informal meetings and on an electronic depository of best practices on the United Nations rule of law website, and invites Member States to do so;

25. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

26. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue their dialogue with all Member States by interacting with them in a regular, transparent and inclusive manner, in particular in informal briefings;

27. *Stresses* the need for the Rule of Law Unit to carry out its tasks in an effective and sustainable manner and the need to provide it with reasonable means required to that effect;

28. *Decides* to include in the provisional agenda of its seventy-third session the item entitled “The rule of law at the national and international levels”;

29. *Invites* Member States and the Secretary-General to suggest possible subtopics for future Sixth Committee debates, for inclusion in the forthcoming annual report, with a view to assisting the Sixth Committee in choosing future subtopics.

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