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Chair:	Mr. Charles	(Trinidad and Tobago)
later:	Mr. Holovka (Vice-Chair)	(Serbia)
later:	Mr. Charles (Chair)	(Trinidad and Tobago)

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15-17963 (E)

The meeting was called to order at 10 a.m.

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

1. **Mr. Rhee** Zha-hyoung (Republic of Korea) said that a fair, stable, predictable and widely accepted legal framework was an indispensable foundation for a more peaceful, prosperous and just world. There were close and mutually reinforcing links between the rule of law and the three pillars of the United Nations, as the Republic of Korea had learned from its own experience, having achieved both democracy and economic development in less than half a century. His delegation therefore welcomed the launch of the 2030 Agenda for Sustainable Development, which included various elements relating to the rule of law.

2. With regard to the subtopic "The role of multilateral treaty processes in promoting and advancing the rule of law", a multilateral treaty regime was increasingly required as the international community sought to address various global and regional challenges. In order for multilateral treaty processes to be successful, it was necessary to ensure both the political will and the capabilities of Member States. The collective wisdom of participating States must be tapped to ensure broader support to and acceptance of the new regime; it was also vital to build the capacity of States that lacked resources and expertise, in order to ensure wider participation in, and more effective implementation of, existing or new multilateral treaties. Against that backdrop, it was encouraging that the United Nations and its Member States were engaged in numerous activities aimed at mobilizing the political will of multiple stakeholders and filling capability gaps. The recent panel discussion entitled "Multilateral treaty-making: perspectives on small states and the rule of law", organized by the delegations of Singapore, Cyprus and Trinidad and Tobago, in cooperation with the Rule of Law Unit, had provided a particularly useful opportunity to better understand various facets of multilateral treaty processes.

3. His Government would continue to take part in joint efforts to strengthen the rule of law at the international level through various programmes and activities. It had, for example, been providing education and training for officials and academics from developing countries in the implementation of international instruments on oceans, including the United Nations Convention on the Law of the Sea, and had also been contributing US$ 500,000 per year to the Extraordinary Chambers in the Courts of Cambodia.

4. **Mr. Li** Yongsheng (China) said that China had always been a firm defender of the rule of law at the international level and had steadfastly contributed to its development. In April 2015, his Government had hosted the fifty-fourth annual session of the Asian-African Legal Consultative Organization (AALCO), which was the only transcontinental platform for exchanges and cooperation between Asian and African countries in the field of international law. At the session, the participants had reached consensus on strengthening solidarity and cooperation between Asia and Africa with a view to jointly promoting the rule of law at the international level, and had adopted 11 important resolutions on such topics as international cyberspace law, counter-terrorism law, the law of the sea and environmental law. The Premier of the State Council of China, delivering the inaugural address, had announced that China would provide funds to set up a China-AALCO research and exchange programme on international law to facilitate the growth of AALCO and deepen exchanges and cooperation with regard to the rule of law at the international level. The first project under that programme had already been initiated.

5. The subtopic for the Committee's debate was of great importance, since multilateral treaty processes played an irreplaceable role in enhancing the international rule of law. The process of negotiating, concluding and implementing multilateral treaties was in itself a process of realizing democracy and the rule of law in international relations and facilitating interaction between the rule of law at the national and international levels; in that regard, China had played a constructive and proactive role in elaborating multilateral treaties and was committed to promoting compliance with universally applicable rules of international law by all countries. It had acceded to more than 450 multilateral treaties in various fields of international affairs and had consistently implemented those treaties in good faith in accordance with the *pacta sunt servanda* principle. As the depositary of various multilateral treaties, including the Articles of Agreement of the Asian Infrastructure Investment Bank, China had fulfilled its obligations and helped to ensure the successful conclusion and effective implementation of the multilateral treaties concerned.

6. In elaborating and implementing multilateral treaties, Member States should adhere to the principles of justice, democracy and transparency, aim to achieve consensus, and reflect the interests and concerns of all sides in a balanced manner. In particular, efforts should be made to increase the representation and participation of developing countries, ensuring that they had the same opportunities as developed countries to voice their opinions and take part in decision-making, and thereby making international rules more fair, reasonable and inclusive. It was also important to enhance the universality of multilateral treaty provisions and strengthen their unified application, since all countries were equal under international law. Double standards and pragmatist approaches must be rejected in order to safeguard the authority of multilateral treaties and other international legal norms. In addition, the effectiveness of implementation monitoring mechanisms must be improved; such mechanisms must respect the principle of ownership by States parties and avoid confrontation, selectivity and politicization. While they should ensure equal application to all States parties, particular attention should be given to building the capacity of developing countries in treaty implementation and preventing the use of monitoring mechanisms as a tool to interfere in the internal affairs of States.

7. Lastly, multilateral rules should be developed to govern such areas as cyberspace and outer space. In that regard, it was important to explore how the Charter of the United Nations and other international legal principles could be applied to cyberspace and promote the role of the United Nations as a platform for multilateral treaty processes to formulate rules on such issues as the need to combat cybercrime and create an international code of conduct in cyberspace.

8. **Mr. Jaime Calderón** (El Salvador) said that his delegation welcomed the method of work adopted for consideration of the agenda item, as it enabled Member States to examine each aspect of the rule of law individually and in greater depth. The subtopic for the Committee's debate at the current session was particular important, since treaties not only remained an essential source of international law but also contributed to the legal certainty and effectiveness of obligations at the international level. Significant progress had been made in recent decades in establishing a solid framework of international treaties governing matters of importance for the rule of law, such as democratization, the sovereign equality of States, respect for human rights and the peaceful settlement of disputes. It should be recognized that the United Nations had played a vital role in the drafting, negotiation and adoption of the key multilateral treaties constituting that legal framework.

9. It was important for the rule of law that all States should participate actively in the Committee's consideration of the topics examined by the International Law Commission each year and make contributions in line with the norms and principles of international law, especially those considered to be *jus cogens*. The harmonization function of the United Nations Commission on International Trade Law was also significant, since, as indicated in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (General Assembly resolution 67/1), fair, stable and predictable legal frameworks were essential for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship.

10. His delegation reiterated the need to consider the requirements of the rule of law in a comprehensive manner, bearing in mind that the challenges faced by all States in relation to the rule of law were not limited to the drafting of and compliance with multilateral treaties.

11. **Mr. Nonomura** (Japan) said that the United Nations had been playing a crucial role in the promotion of the rule of law both through its work in the development of international law and through its cooperation with judicial organs for the fair and impartial application of international law. Member States should reflect on the role that the United Nations should play in promoting the rule of law in the future and should do their utmost to support its work in that area. With regard to the development of international law, his delegation looked forward to a further exchange of views on the issue of the conservation and sustainable use of marine biological biodiversity beyond areas of national jurisdiction in the context of the preparatory committee due to start work in 2016. As for cooperation with judicial organs, the Organization should promote appropriate recourse to international judicial organs. In that regard, his Government had not only provided financial support to such organs as the International Court of Justice, the International Tribunal for the Law of the Sea, the

International Criminal Court and the Permanent Court of Arbitration, but had also sent competent judges to all of them.

12. The increasing role of multilateral treaties and the jurisprudence of judicial organs called for the International Law Commission to play an enhanced role in ensuring consistency in the development of international law. Furthermore, the rule of law could not be achieved without nurturing the human resources required for its realization. His Government had been providing support for human resource development in that area, especially within the Asia-Pacific region, and remained committed to doing so.

13. **Mr. Alsumait** (Kuwait) said that legal systems that guaranteed equality, justice and human rights were conducive to peace and security. His country's 1962 Constitution provided for the separation of powers and enshrined the principles of democracy, civil rights and fundamental freedoms. The Kuwaiti legal system was based on the rule of law; the country's law on the rights of the child, which had been enacted in 2015, was a case in point. Any natural or legal person with a direct interest in the matter was entitled to challenge any given law before the Constitutional Court.

14. At the international level, the principle of the rule of law should be based on a common understanding among Member States and should be implemented through adherence to international instruments and treaties. International disputes should be resolved by peaceful means, including recourse to international institutions such as the International Court of Justice.

15. Kuwait reaffirmed its adherence to the principles of the Charter of the United Nations and its support for the Organization's efforts to enhance the dissemination of international law and promote the rule of law, which reinforced international, regional and national efforts to ensure adherence to international humanitarian law and achieve stability and security in the world.

16. **Mr. AlJomae** (Saudi Arabia) said that his Government was committed to the rule of law, which was the essential basis for human rights, peace and security and should be implemented in a manner consistent with the Charter of the United Nations. The laws of Saudi Arabia were based on the tenets of the Islamic sharia and the principles of justice and equality. Islamic legal thinking, both in letter and spirit, was entirely consistent with the principle of the rule of law. Saudi Arabia had adopted legislation to ensure compliance with the resolutions of the General Assembly and Security Council, and it made every effort to foster justice at the international level. The deliberations of the Committee underscored the need for all Member States to comply with international law, which was the fundamental basis of peaceful coexistence and cooperation among States.

17. In order to ensure national ownership, multilateral treaties should be negotiated through an open and comprehensive process. They should not be overly prescriptive or take a one-size-fits-all approach, but rather should respect the circumstances of each country. National politico-legal systems were a matter of domestic competence. The international community should therefore not seek to take the place of the domestic authorities; instead, it should limit itself to providing support as requested. The national and international rule of law were integrally linked and should be upheld in a balanced manner.

18. His delegation strongly condemned the illegal use of information and communication technologies, including social media, to undermine the stability of States and societies. Such conduct contravened the rule of law and, in particular, the political rights of States.

19. **Ms. Fofana** (Burkina Faso) said that the norms and principles of the rule of law, based on the Charter of the United Nations, should be shared by all peace-, freedom- and justice-loving States, despite the diversity of their political systems and cultural differences. The promotion of the rule of law at the international level would succeed only if it was reflected at the national level in the construction of democratic States and solid institutions that complied with the law and met the aspirations of their citizens. Since 1991, when Burkina Faso had returned to normal constitutional life, it had sought to entrench democracy and the rule of law by holding regular presidential, legislative and municipal elections and establishing State institutions, including a constitutional council, an ombudsman's office, a regulatory authority for electronic and postal communications and an independent national electoral commission, within a legal framework characterized by the protection of human rights and fundamental freedoms.

20. To support the activities of those institutions, justice open days, prisoners' days and mobile hearings were regularly held and the Government had established a communication plan to provide briefings

on sensitive legal cases. Information on justice and legal matters had been made available to the population of Burkina Faso, a law centre had been established and a legal assistance fund had been set up for those who could not otherwise afford to seek justice. Burkina Faso also had a free press, and a very active civil society, with some civil society organizations providing legal assistance to the public through clinics and advice centres.

21. Despite the progress achieved in Burkina Faso, much remained to be done. Corruption and a culture of impunity had tarnished its image and reduced the confidence of its people in their institutions. Moreover, Burkina Faso had not succeeded in creating conditions favourable to democratic changes of government. An attempt to modify article 37 of the Constitution on limits to the presidential term of office had been perceived by the people as an attack on democracy and had led to a popular uprising on 30 and 31 October 2014. The interim government subsequently established had adopted a transitional charter, which had been drafted in a participative and inclusive manner and reflected the people's aspirations to live in an environment that upheld the rule of law and democratic values.

22. Since assuming office, the interim government had worked to bring the country's judicial system into line with the principles of integrity and independence. A National Conference on Justice and Human Rights held from 24 to 28 March 2015 had led to the signature of the National Pact for Renewal of Justice, and an Anti-Corruption Act had also been adopted. Furthermore, the interim government had produced a report on the status of a number of major cases relating to economic crimes and violent crimes, which indicated that proceedings were under way to ensure their prompt resolution. A further attempted coup d'état had been defeated on 16 September 2015, as a result of popular resistance.

23. The people and Government of Burkina Faso were deeply grateful to the international community for its support in their legitimate efforts to restore a legally constituted government. The establishment of the rule of law was a long-term process that required continuous and sustained efforts. Her Government was seeking to implement the provisions of the transitional charter and the Constitution of Burkina Faso, in addition to the international conventions that Burkina Faso had duly signed and ratified. However, its determination to build a State under the rule of law would be in vain if its people continued to suffer from hunger, disease and poverty. It therefore counted on international solidarity in order to be able to entrench more deeply the rule of law in Burkina Faso, for the benefit of its people.

24. **Mr. Luna** (Brazil), recalling that the Organization had been established in order to build an international order based on justice and cooperation, said that the only responsible course of action for the international community was to uphold international law, with the Charter of the United Nations at its centre. Regrettably, however, there were signs of systemic stress that risked eroding the existing order and undermining respect for the Charter, especially in relation to the rules governing the use of force. Expressions of disregard for international law not only had tragic consequences in terms of human casualties, humanitarian crises and destabilization but also encouraged other actors to behave likewise. As the Organization celebrated its seventieth anniversary, all Member States should therefore renew their commitment to both the letter and the spirit of the Charter. Respect for 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. As the world transitioned to a multipolar world order, fraught with new challenges in the field of peace and security, either the Charter of the United Nations would remain at the centre of the international order or there would be no order.

25. It was important to reflect on the contradictions, asymmetries, gaps and weaknesses of the Organization and to propose solutions that helped to enhance multilateralism through ensuring respect for international law and fostering its progressive development and codification. Among a number of initiatives for strengthening the rule of law, his Government had introduced a proposal to establish certain agreed parameters for protecting civilians when the use of force was contemplated, known as "responsibility while protecting". It had also been working with the German delegation on measures to safeguard the right to privacy in the digital age and ensure that human rights were equally protected offline and online.

26. The forthcoming broad review of peace operations, the peacebuilding architecture and women and peace and security would provide the General Assembly with an opportunity to update policy tools on the basis of a contemporary vision for applying the Charter in the area of peace and security. That said, questions related to governance in that area should be addressed with a sense of urgency during the current session of the General Assembly. It should be recalled that a majority of Member States had already expressed the need to amend the Charter in order to enlarge the Security Council in both the permanent and non-permanent categories.

27. His delegation supported the work of the United Nations in the progressive development and codification of international law and recognized the pivotal role played by the International Law Commission in that regard. The tendency over recent decades for the international community to create multilateral legal frameworks without necessarily resorting to the prior work of the Commission and the Sixth Committee did not mean there was a decreasing role for the Committee. On the contrary, it should serve as a platform to exchange views on recent developments regarding the law of treaties achieved through other processes, thereby helping to update Member States' understanding of current practice and bring more unity to the complex web of multilateral treaties.

28. His delegation also commended the work of the Office of Legal Affairs in registering and publishing treaties, as well as in discharging the Secretary-General's depositary functions under multilateral treaties, and encouraged the Secretariat to continue updating its practices in the light of new communications technologies, while remembering that access to technology remained unequal. A comprehensive review of the existing practices and regulations should be conducted in order to identify, in consultation with Member States, whether any further improvements were needed in that regard.

29. At the national level, promoting access to justice for all was crucial in order to address the root causes of poverty and exclusion, since such access enabled the full enjoyment of human rights and of public services. As Member States moved towards the implementation of the 2030 Agenda for Sustainable Development, it was increasingly important to provide free legal aid to vulnerable populations, advance towards universal birth registration and foster extrajudicial dispute resolution methods, such as mediation and conciliation. Efforts to promote access to justice would further strengthen the rule of law at the national level and lead to more inclusive societies.

30. **Ms. Riley** (Barbados) said that her Government attached great importance to a rules-based international system and to the role of multilateral treaty processes in developing predictable rules and norms. Multilateral treaties ensured that the rules benefited and applied to all parties, regardless of their size and resources. Barbados had incorporated many provisions of the Universal Declaration of Human Rights in its Constitution and had become a party to many regional and international conventions, including six of the nine core human rights conventions and the Optional Protocol to the International Covenant on Civil and Political Rights. It had recently ratified the Arms Trade Treaty, the Convention on the Rights of Persons with Disabilities, and the United Nations Convention against Transnational Organized Crime and its three Protocols, and had taken the requisite steps to become a member of the International Atomic Energy Agency.

31. Given the importance of climate change to small island developing States, her delegation looked forward to the conclusion of an ambitious, legally binding agreement with universal participation as a key outcome of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change to be held in Paris in December 2015. It also looked forward to participating in the work of the preparatory committee established pursuant to General Assembly resolution 69/292 to make substantive recommendations on the development of a legally binding agreement aimed at formal recognition of the importance of the conservation and sustainable use of oceans, seas and marine resources for the sustainable development of small island developing States.

32. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law remained a crucial tool in the promotion of the rule of law at the international and national levels. Her delegation was especially grateful for the work of the Office of Legal Affairs and the members of the Advisory Committee on the Programme of Assistance for their work in ensuring that the Programme continued to provide

critical capacity-building to Member States, including developing countries and in particular dualist States.

33. Lastly, her delegation shared the view that the rule of law, peace and security, human rights and sustainable development were strongly interrelated and mutually reinforcing. In that regard, she recalled that the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development, although not treaties, were the result of a multilateral process which, when fully implemented, would address key factors that could otherwise undermine the rule of law.

34. **Mr. Nkoloi** (Botswana) said that Member States should cooperate with existing international mechanisms established to maintain the rule of law. The rule of law required that representatives of the people should be accountable to the people. The law should clearly define such accountability and provide remedies in cases of breach. Respect for the rule of law was therefore an essential condition for peace, security, conflict prevention, conflict resolution and post-conflict reconstruction. The rule of law placed obligations on both a State and its citizens, including civil society, to respect and take ownership of the legal order. At the international level too, relations between States should be based on a clearly defined framework, as set out in the Charter of the United Nations, and on respect for international law. Alignment between national and international law was therefore critical.

35. Socioeconomic growth and sustainable development were closely linked to, and interdependent with, the rule of law and human rights, as reflected in Goal 16 of the Sustainable Development Goals. In order to achieve sustainable development, nations must build effective, accountable and inclusive institutions, based on the rule of law. Economic development should not be seen only as a goal of governments but as a right to which citizens were entitled. It was also the responsibility of all States to respect, protect and promote human rights for all.

36. The rule of law must uphold the interests and welfare of citizens without distinction as to race, colour, sex, language, religion or political opinion. Furthermore, those who governed and those who were governed must be subject to the same laws in the same manner. For that reason, Botswana had become a party to various international instruments aimed at strengthening the international justice architecture. His Government reaffirmed its commitment to supporting the International Criminal Court and other tribunals to close the impunity gap and ensure that States were held responsible for protecting their citizens' rights.

37. **Ms. Kanchaveli** (Georgia) said that greater efforts were needed to achieve the full and effective implementation of the post-2015 development agenda; peace and good governance must be promoted and the rule of law must be recognized as an essential pillar for achieving equitable economic growth, inclusive social development and environmental sustainability. In that connection, her delegation attached great importance to the outcome document of the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, which set a global agenda for strengthening the commitment to implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels.

38. Over the past two decades, a wide range of reforms had been implemented to bolster the rule of law, transparency and government accountability in Georgia, which had thus earned a reputation as a State with modern, innovative approaches to good governance and participatory democracy. Her Government continued to improve the country's legal system to bring it into full compliance with high international standards. Georgia had acceded to the whole range of international instruments, including the Council of Europe Convention on preventing and combating violence against women and domestic violence and the amendments to the Rome Statute of the International Criminal Court adopted at the Review Conference of the Rome Statute, held in Kampala. Reforms had been implemented to ensure the independence of the judiciary from all external interference and thus build public confidence in the national courts; in that connection, a stand-alone Juvenile Justice Code had been adopted in June 2015.

39. Significant measures had also been undertaken to depoliticize and strengthen the institutional independence of the Chief Prosecutor's Office. Progress had been made in combating torture, identifying ill-treatment in places of confinement and ensuring the timely, independent and effective investigation of every reported case. Moreover, the National Human Rights Strategy and Anti-Discrimination Act, drafted in close cooperation with international organizations and civil society, had further contributed to consolidating institutional

democracy and promoting equal enjoyment of rights by all. Lastly, a two-year project undertaken with the support of the Council of Europe and the European Union, to liberalize and modernize the Georgian Criminal Code and ensure its full compliance with relevant international standards, would soon be finalized.

40. Her delegation reaffirmed its conviction that the rule of law at both the national and international levels could be achieved only if Member States firmly upheld the principles enshrined in the Charter of the United Nations and other multilateral instruments for world peace and stability. Regrettably, 70 years after the establishment of the United Nations, one of its co-founders continued to disregard its international obligations by annexing the territories of its neighbours, occupying 20 per cent of Georgia and conducting open aggression against the sovereign State of Ukraine. Her delegation called for a unified international stance in support of the principles of the Charter, which was the only mechanism available to ensure international order and prevent aggressor States from undermining peace and security in the world.

41. **Ms. Randrianarivony** (Madagascar), recalling that both the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (General Assembly resolution 66/288, annex) and the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels highlighted the linkages between the rule of law and sustainable development, said that her Government had given priority in its national development programme to good governance, anti-corruption measures, and the establishment of the rule of law. A number of national institutions, such as the Independent Anti-Corruption Bureau and the Anti-Money-Laundering Unit, which had been in place before the 2009 crisis, were being strengthened and revitalized, in order to ensure respect for the rule of law. Local government officials, such as mayors, had been elected and senatorial elections would be held in December 2015.

42. Bearing in mind that good governance was crucial for peacebuilding, her delegation welcomed the high-level seminar on good governance recently held in Madagascar under the auspices of the Secretary-General of the United Nations Conference on Trade and Development. The topic of the seminar had very much reflected the situation in Madagascar, which required capacity-building support from its international partners, particularly with regard to the training of national negotiators for various bilateral, regional or multilateral trade and investment agreements, as well as the integration of its informal sector into the formal economy. In conflict and post-conflict situations, it was necessary to restore the rule of law gradually, particularly by re-establishing security institutions. In that regard, her Government was grateful for the sum of US$ 40 million provided by the Peacebuilding Fund to assist Madagascar with national reconciliation, good governance, including security sector reform, and job creation. Thanks to that funding, a national dialogue on security sector reform had now been launched, with the aim of achieving genuine rule of law, establishing an independent justice system and eliminating corruption.

43. The fellowships granted by the Division for Ocean Affairs and the Law of the Sea to provide opportunities for advanced education and training in the field of ocean affairs and the law of the sea, as well as the support provided by the International Seabed Authority, significantly contributed to strengthening the capacity of Member State officials. Furthermore, the impact of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was not limited to the recipients of fellowships but benefited the entire international legal system. Her delegation therefore called for contributions to increase the Programme's financial resources.

44. **Mr. Arrocha Olabuenaga** (Mexico) said that the rule of law was essential for the development of justice and good governance in all countries; it also played an important role in promoting sustainable development and in preventing conflicts and violence. An aspect of justice that was often forgotten was day-to-day justice, namely the institutions, processes and instruments established to resolve the conflicts arising from daily coexistence in a democratic society. Justice was not limited to the penal system; it also existed in the civil, commercial and employment spheres, where it tended to be slow, complex and costly. Judicial reforms to expedite such day-to-day justice and make it more efficient held huge potential for improving the protection of property rights, upholding workers' rights and, in general, ensuring compliance with contractual obligations, all of which were vital for economic growth and development, and, as such, indispensable

in strengthening the rule of law. While courts and tribunals certainly played a central role, it was also important to develop alternative means of conflict resolution that would serve as regulatory mechanisms and filter many potential lawsuits.

45. The rule of law would be achieved through ongoing efforts by all countries to build confidence in the institutions and processes that allowed for the delivery of justice, the eradication of poverty and hunger, and the protection of human rights. The cross-cutting importance of the rule of law for development was confirmed by the inclusion of Goal 16 in the recently adopted 2030 Agenda.

46. With regard to the subtopic for the current debate, it was important to highlight the valuable work undertaken by the Treaty Section of the Office of Legal Affairs, which ensured the effective conduct of contractual relations between States. His delegation had deposited its instruments of ratification of the Minamata Convention on Mercury and the United Nations Convention on Jurisdictional Immunities of States and Their Property at the 2015 treaty event organized by the Treaty Section; it urged the Section to continue to hold such events in the future.

47. A clear example of the political will of the international community to uphold the rule of law and establish an international order governed by global standards was the entry into force of the Arms Trade Treaty just over a year after its adoption by the General Assembly. At the First Conference of States Parties to the Treaty, held in Cancún, Mexico, the necessary agreements had been reached to begin effective implementation of the instrument. It was to be hoped that the work under way to develop an internationally legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction would be similarly successful.

48. In order to strengthen the rule of law, the role of international courts and tribunals, especially the International Court of Justice, should be reinforced, both through additional declarations by Member States accepting the compulsory jurisdiction of the Court and through the inclusion of jurisdiction clauses in multilateral treaties. Further impetus should also be given to the work of the International Law Commission in the codification and progressive development of international law. Moreover, such initiatives as the proposal by his delegation and the Permanent Mission of France to restrict the use of the veto by permanent members of the Security Council in the event of mass atrocities should be promoted.

49. While his Government considered that rule of law processes should be led by Member States, it had nonetheless been active in promoting the participation of the private sector in activities related to the strengthening of the rule of law, through initiatives such as the Business for Rule of Law Framework of the United Nations Global Compact. His delegation supported the work of the United Nations Rule of Law Unit and, together with the delegations of Liechtenstein and Austria, would continue to provide a forum for Member States to interact with that Unit, by convening a series of information meetings on its activities and coordination with other relevant actors.

50. **Ms. Yparraguirre** (Philippines) said that the Philippines had steadfastly advocated the primacy of the rule of law, placing its faith in the rules and institutions established by the United Nations as guideposts for the responsible behaviour of Member States. International law was the great equalizer among States, giving voice to all nations regardless of their political, economic or military nature. When Member States entered into treaties, they renewed their faith in the rule of law to govern their conduct with each other.

The United Nations Convention on the Law of the Sea, to which the Philippines was a party, was a key instrument for ensuring global and regional peace in the just and sustainable use of the world's oceans and their resources, representing a careful compromise between the rights and obligations of all States parties.

51. The Philippines was fully committed to a peaceful and rules-based approach to the resolution of disputes under that Convention. However, it feared that the international community might allow another State party to disregard the rules, to exercise indisputable sovereignty over almost an entire sea, to subject the high seas to its jurisdiction and to claim large areas of the exclusive economic zones of other coastal States. Territorial or maritime claims should never be asserted through intimidation, coercion or force, including through ocean reclamation or the illegal creation of artificial islands in the high seas and the exclusive economic zone of another coastal State. Those illegal actions did not confer entitlements and should not be recognized as a fait accompli. Moreover, the acts in question had destroyed coral reefs and their priceless

marine ecosystem, in violation of the mandate to protect the marine environment under articles 192 and 194 of the Convention. Such developments concerned the international community as a whole.

52. If any dispute existed on the extent of maritime entitlements, and if bilateral consultations and negotiations over more than two decades had proven futile and one-sided because of a lack of good faith, the solution was the dispute settlement mechanism provided under the Convention and the Charter of the United Nations. It was to be hoped that declarations made by a claimant State in favour of lowering tensions would soon be matched by actions consistent with those declarations.

53. The Philippines had resorted to arbitration, a means of peaceful settlement of disputes recognized by the Convention and by the Charter of the United Nations, as it believed that only a neutral panel of outstanding experts on the law of the sea would be successful in guiding all parties towards the correct interpretation of the principles of international law that should govern any maritime dispute. Her delegation was grateful for the growing support of the international community for the peaceful settlement of maritime disputes through the recognized principles of international law, and believed that the final outcome of the arbitral tribunal process would pave the way for a settlement of those disputes. If the United Nations Convention on the Law of the Sea did not apply to the maritime disputes in question, the whole future of the multilateral treaty process must be called into question.

54. **Reverend Monsignor Grech** (Observer for the Holy See) said that ensuring respect for human rights required States to respect the autonomy of social, cultural, civic and religious institutions operating within their own spheres of authority. Furthermore, in order to pursue justice through the rule of law, those who made, enforced and interpreted the law must possess a genuine, unwavering commitment to human dignity and the common good. Such a commitment was a matter of moral judgement, not institutional structure; therefore, the cultivation of human values was at least as important to creating a rule of law culture as to creating legal codes and systems. Without a strong moral culture, legal structures could be easy manipulated for ideological ends.

55. Development and the rule of law were clearly interdependent, as recently affirmed at the United Nations Sustainable Development Summit 2015 and during the general debate of the General Assembly's current session. Poverty eradication and sustainable development could not be achieved without tackling conflict and insecurity. Indeed, as borne out in the assessment of the Millennium Development Goals process, there was a direct relation between development and peaceful societies. However, violence and insecurity undermined people's well-being in all nations, not just those affected by conflict. In both developing and developed countries, those most affected by violence were very often living in the most marginalized sectors of society, thus further reducing opportunities for their economic emancipation. Moreover, the rule of law, peaceful societies and inclusive institutions should be seen not only as development enablers, but also as fruits of development itself.

56. *Pacta sunt servanda* was one of the bedrock principles of natural justice, offering protection against the temptation to appeal to the law of force rather than to the force of law. However, illegitimate force was used not only in periods of conflict; it was also observed in aggressive practices of applying and interpreting international agreements to serve a political agenda never ratified by the parties, an issue raised by the Secretary-General in his report (A/70/206). Such a development was a potential cause for concern, not only in the interpretation and application of treaties, but also in the instrumental use of certain resolutions and decisions to advance specific agendas through the action of implementing agencies and institutions. The proliferation of legal bodies and institutional structures did not always contribute to advancing the rule of law.

57. **Ms. Mansour** (Observer for the State of Palestine) said that justice, peace and development could be promoted only through the respect of legal obligations at the national and international levels within a recognized legal framework. In that regard, multilateral treaties played a critical role in the rule of law. Such treaties were also important for the social and economic advancement of States and had proven to be a tool in the peaceful settlement of disputes. Following its historic resolution 67/19, by which the General Assembly had accorded Palestine non-member observer State status, the State of Palestine had acceded to the core human rights and international humanitarian law treaties, among others, without a

single reservation. That action was a manifestation of Palestine's legal sovereignty and an expression of its unwavering commitment to the principles of international law and to the advancement of fundamental freedoms and rights.

58. At the national level, her Government had established a committee to ensure Palestine's compliance with its legal obligations. The committee worked with the Independent Commission for Human Rights and with Palestinian civil society and government institutions in an inclusive effort to advance the rule of law. Currently, the State of Palestine was preparing reports for submission to various human rights treaty bodies. Even prior to acceding to international conventions, the State of Palestine had pledged to respect international law: its 1988 Declaration of Independence remained one of the most powerful texts in support of universal values, reflecting many international principles. Her Government continued to strive to reform laws governing the fundamental rights of Palestinians in Palestine and would seek to join additional international instruments.

59. Regrettably, Israel, the occupying Power, continued to impose a brutal foreign military occupation on Palestine, denying the Palestinian people their rights to freedom, dignity and, too often, to life itself, despite the protections provided for in international law. For decades, Israel had committed grave breaches of international law, exacerbating the conditions faced by the Palestinian people and further destabilizing the situation on the ground. It had persisted with its colonization and occupation of the State of Palestine with total impunity.

60. For the rule of law to exist, States must comply with laws and be accountable for breaches of those laws; without accountability, impunity would fuel injustice. The State of Palestine had been at the forefront of efforts to secure accountability and end impunity through active engagement with the United Nations and now through its accession to international legal instruments, most notably the Rome Statute of the International Criminal Court. It was impunity that had allowed Israel's occupation and many crimes against the Palestinian people to continue for decades.

61. The State of Palestine therefore reiterated its demand for an end to the illegal Israeli occupation. Justly resolving the question of Palestine was a test of the international community's will to uphold the values upon which the Organization had been founded. The State of Palestine would continue to uphold its legal obligations and take every legal, peaceful step necessary, both internationally and nationally, to ensure justice and the rule of law. Only thus would the aspirations and inalienable rights of the Palestinian people be fulfilled and their long struggle to achieve, freedom and dignity in their independent State of Palestine, with East Jerusalem as its capital, come to a satisfactory end.

62. **Mr. Spoerri** (Observer for the International Committee of the Red Cross) said that in armed conflict, a clear framework of rules at the international level, accompanied by corresponding rules at the national level, helped to save lives and reduce suffering. In particular, the framework of international humanitarian law was derived substantially from multilateral treaties, in addition to customary international law. States had the primary responsibility to respect and ensure respect for international humanitarian law.

63. The multilateral treaty-making process shaped the rule of law by bringing to the attention of States issues of concern that might require regulation through the creation of legally binding norms. The International Committee of the Red Cross (ICRC) urged States to accede to and implement the instruments that resulted from those multilateral treaty processes, such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; the Convention on Cluster Munitions; and the Arms Trade Treaty. In that connection, ICRC played an important advisory role in the development of multilateral treaties pertaining to international humanitarian law. Another major aspect of the multilateral treaty-making process was its ability to codify customary international humanitarian law into treaties.

64. The International Conference of the Red Cross and Red Crescent was another important platform for promoting the rule of law, as it brought together all components of the International Red Cross and Red Crescent Movement, and States parties to the Geneva Conventions, to discuss major humanitarian issues and challenges. At the upcoming thirty-second Conference, one issue under consideration would be an action plan for the implementation of international humanitarian law, including enhanced repression of serious

violations of such law, which would serve to strengthen rule of law mechanisms.

65. The responsibility of States to respect and ensure respect for international humanitarian law included preventing and punishing serious violations of the law, which required States to develop clear normative frameworks, strong judicial mechanisms and effective measures to enforce accountability. ICRC supported States in that effort by providing technical expertise, at States' request, and by helping the relevant national authorities to implement their international obligations. One recent example of such support was the coordination by ICRC of expert consultations on international humanitarian law, held in May 2015, with judicial officers from around the world. The consultations, which focused on the important role of the judiciary in the interpretation of treaties and domestic legislation, served to enhance national capacity within rule of law structures and mechanisms.

66. **Mr. Civili** (International Development Law Organization), referring to the 2030 Agenda for Sustainable Development, said that without access to justice and the rule of law, development could not be sustained; sound laws and regulations, fairly administered by transparent, accountable institutions, were needed to produce fair outcomes for all. It was incumbent on all intergovernmental bodies and concerned institutions to focus on supporting countries, and on the international community to gear policies and regulatory frameworks to effectively advance the values, and act on the commitments, that had been agreed on at the United Nations summit that had resulted in the adoption of the 2030 Agenda for Sustainable Development. The Sixth Committee was well-placed to assess, on an ongoing basis, the contribution of different branches of the law to sustaining progress towards the 2030 Agenda; the International Development Law Organization (IDLO) stood ready to lend its full support to that endeavour.

67. In 2016, IDLO would enter the final year of its current four-year strategic plan. At that time, it planned to undertake extensive consultations with governments, academia and civil society to ensure that the next four-year plan responded to the needs and to the evolution of the political and institutional environment in which it operated. The ability of IDLO to maximize, within its mandate, its contribution to furthering the implementation of the 2030 Agenda would be at the very centre of those consultations. His delegation looked forward to the active participation of the United Nations in the consultations, at both the intergovernmental and Secretariat levels, and across the peacebuilding, economic, social and legal areas in which IDLO worked with the Organization.

68. IDLO had experienced rapid and significant programmatic growth over the past few years. Its strategy in 2016 would be to consolidate established institution-building and legal reform operations, while expanding programmes on access to justice for women and children, legal aid, and legal empowerment of poor and vulnerable groups. In 2015, it had begun consultations on a new initiative to promote high-level engagement and expert discussions on the development of strategies and good practice in Africa on legal reforms, institutional capacity-building and citizen empowerment, in line with the priorities set by African stakeholders and in ways that would contribute to the effective implementation of the 2030 Agenda for Sustainable Development in Africa. A key component of the initiative was a conference, to be held in 2016, aimed at building effective partnerships among a variety of national, regional and international actors involved in strengthening the rule of law in Africa.

69. Financially, IDLO had tripled its overall revenue since 2011, thanks to generous support from Italy, the Netherlands, the United States of America and, most recently, Sweden, with which IDLO had signed a multi-year agreement in June 2015. The agreement had been preceded by a full organizational assessment which it was hoped would generate interest from other like-minded partners. As the work, credibility and visibility of IDLO expanded globally, countries had shown increased interest in becoming members of the organization.

70. As had been stated during the United Nations Sustainable Development Summit 2015, strong institutions based on the rule of law and not on rule by law were essential for building peaceful societies, where people lived free from fear and want. A culture of justice needed to be created and upheld to empower all people, including the most marginalized. Building partnerships across sectors was a precondition for the implementation of the Sustainable Development Goals, particularly Goal 16. Such an approach would continue to guide the work of IDLO. Furthermore, progress towards the rule of law was an ongoing process and so would require the support of the international community over the long term. The more donor

governments were willing to invest in long-term programmes, the better prepared they would be to deal with catastrophes, such as famines or migration crises. Building resilient societies took vision, time and money.

Statements made in exercise of the right of reply

71. **Mr. Atlassi** (Morocco), speaking in exercise of the right of reply, said that the representative of Algeria, in an attempt to interfere in the affairs of other, sovereign States, in flagrant violation of the Charter of the United Nations, had referred to the question of the Moroccan Sahara. That item did not belong on the agenda of the Sixth Committee, which dealt with purely legal matters; such actions therefore only delayed the work of the Committee.

72. Moreover, the representative of Algeria had made a number of errors in his statement. The call for a referendum of self-determination, which exposed Algeria's hegemonic intentions in the region, did not take into consideration recent developments on the issue. Moreover, the Charter of the United Nations made no reference to the mechanism of a referendum and did not in any way liken the principle of self-determination to that of independence. Referendums were not common practice and did not serve to resolve disputes. The inapplicability of the settlement plan, including the holding of a referendum, as a result of difficulties in establishing the electorate, had been recognized in 2000 by the Secretary-General in his report on the situation concerning Western Sahara (S/2000/131). Since 2004, the Security Council had not referred to settlement plans, but had instead promoted a negotiated, mutually acceptable political solution to end the dispute. In its resolution 1541 (2004), the Council had reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution. The same was true for the Secretary-General's reports on the same subject. Fifteen years had passed since the last mention of a referendum in a Security Council resolution.

73. On 11 April 2007, Morocco had submitted to the Secretary-General a proposal entitled "Moroccan initiative for negotiating an autonomy statute for the Sahara region". The proposal had been described by the Security Council in its resolutions as "serious" and "credible", thereby establishing it as the most appropriate solution to the dispute. Morocco had undertaken efforts to resolve the dispute under the sole auspices of the Security Council, within the framework of Chapter VI of the Charter of the United Nations. His delegation supported the efforts of the Personal Envoy of the Secretary-General for Western Sahara to achieve a mutually acceptable political solution and considered that the autonomy proposal was the only basis on which negotiations could take place.

74. **Mr. Remaoun** (Algeria), speaking in exercise of the right of reply, said that the item currently under consideration by the Committee was the rule of law at the national and international levels. The Secretary-General's report on the subject (A/70/206), which focused on the promotion and coordination of the activities of the Organization's activities relating to the rule of law, made reference to the role of the International Court of Justice in the peaceful settlement of international disputes. His delegation's statement had been made in the context of the Secretary-General's efforts to broaden acceptance of the compulsory jurisdiction of the Court, also referred to in the report. Consequently, his delegation's statement did fall within the agenda of the Sixth Committee.

75. Moreover, the right to self-determination was indeed related to the rule of law. It had been referred to, together with the just cause of Palestine, in the statement made on behalf of the Movement of Non-Aligned Countries, a statement that had been supported by the delegation of Morocco. As for the accusation that Algeria sought to impose hegemony at the regional level, he recalled that Algeria had earned its right to self-determination after a long and violent war against colonialism; his delegation was well aware of the importance of that right, which was enshrined in the Algerian Constitution. Lastly, the Charter of the United Nations, in Article 1, paragraph 2, did in fact refer to people's right to self-determination, contrary to the statement made by the representative of Morocco.

76. **Mr. Atlassi** (Morocco), speaking in exercise of the right of reply, said that regarding the remarks by the representative of Algeria on the International Court of Justice, there were official documents establishing grounds for Morocco to reclaim its desert, in accordance with the Convention for the Settlement of the Right of Protection in Morocco. Furthermore, the representative of Algeria had confused referendums and self-determination: whereas self-determination could be achieved in various ways, a referendum was merely one process to enable self-determination. The delegation of Algeria had also been wrong to raise the

question of Palestine in order to serve its own political interests.

77. It was indeed clear that Algeria wished to impose regional hegemony: as proof, on 2 November 2001, the representative of Algeria in Houston, Texas, had submitted a proposal to James Baker — the Secretary-General's Personal Envoy for Western Sahara at the time — for the partition of the territory of the Sahara, but Morocco had rejected such political manoeuvring, which involved using the right of self-determination to threaten the territorial integrity of Morocco. As for the reference by the representative of Algeria to that country's struggle against colonization, Morocco had supported Algeria in seeking independence and throwing off the yoke of colonialism, providing financial and material assistance in that process. The current position of Algeria ran counter to the goals of the historical leaders of Morocco, Algeria and Tunisia in seeking to create North African unity, and instead hindered the development of the region.

78. **Mr. Remaoun** (Algeria), speaking in exercise of the right of reply, said that the representative of Morocco had been wrong to raise allegiance as proof of legal ties between his country and Western Sahara. Indeed, in its advisory opinion of 16 October 1975, the International Court of Justice had found that allegiance could not be considered as constituting legal ties between Morocco and the Sahrawi people, and that Western Sahara had not been *terra nullius*.

79. There was clearly a link between self-determination and a referendum, in that the former resulted from the latter. As for the accusation that Algeria was supporting the causes of the Palestinians and of the Sahrawis for political reasons, the history of Algeria would bear out the constant, fundamental principles that had distinguished it since its independence in 1968. He would not accuse another State party of political manoeuvring, as the representative of Morocco had, but would instead invite the international community come to its own decision about which delegation was guilty of manipulation.

80. **Mr. Li** Yongsheng (China), speaking in exercise of the right of reply, said that his delegation, in a spirit of dialogue and cooperation, would like to clarify the situation alluded to by the representative of the Philippines, who had implicated China in her statement. China was a firm defender of the rule of law at the international level. His Government did not accept and therefore would not participate in the arbitration process initiated by the Government of the Philippines. Its position was supported by a wealth of international evidence, which had been set out in a position paper on the same subject, issued in December 2014. The Philippines had repeatedly reneged on their legal commitments to China and the regional countries and had unilaterally pushed forward the arbitration process. That Government sought through arbitration to acquire territory that did not belong to the Philippines and thus to deny China its territorial sovereignty and maritime rights over the South China Sea; such actions ran counter to the spirit of the rule of law.

81. China's sovereignty and rights over the Nansha Islands had long been established and the previous Governments of China had all reaffirmed that sovereignty and those rights. China supported the peaceful resolution of disputes through consultations and negotiations on the basis of the respectful recognition of historical fact. The construction activities undertaken by China around the Nansha Islands, referred to also as the Spratly Islands, and the adjacent maritime space did not affect or target any other country. Further, those activities did not affect the freedom of navigation enjoyed by all countries under international law, nor were they damaging to the ecosystem in the South China Sea. They were lawful, reasonable and justified beyond reproach.

82. The illegal occupation of part of the Nansha Islands by the Philippines was the focus of the dispute between the Philippines and China. In that regard, the representative of the Philippines had spoken erroneously: according to the Treaty of Peace between the United States and Spain, concluded in Paris in 1898; the treaty between Spain and the United States for the cession of outlying islands of the Philippines, concluded in Washington, D.C., in 1900; and the 1930 Convention between the United States and Great Britain defining the territory of the Philippines, the western boundary of the Philippines was delimited by 118° east longitude. The Nansha Islands were clearly to the west of that boundary and therefore could not be considered part of the territory of the Philippines.

83. When the Philippines had gained independence, the domestic law of that country and the relevant treaties it had signed had all accepted the legal force of the three aforementioned treaties and thus confirmed

the scope of the territory of the Philippines to be limited by 118° east longitude. Nonetheless, after the 1970s, the Philippines had staged four military occupations and illegally invaded and occupied eight islands and reefs of China's sovereign territory, resulting in the ongoing dispute between the two countries. China actively defended peace and stability in the South China Sea and was committed to making it a space of peace, friendship and cooperation. His delegation urged the Philippines to abstain from any act that would sow further discord, thus violating the rule of law and creating instability in the region, and to return promptly to negotiations and consultations.

84. **Ms. Nguyen** Ta Ha Mi (Viet Nam), speaking in exercise of the right of reply, said that Viet Nam had presented on a number of occasions sufficient legal basis and historical evidence to reaffirm its sovereignty over the Truong Sa, Spratly and Hoang Sa — also known as the Paracel — Archipelagos, in addition to other legal rights and interests of Viet Nam in the East Sea, or South China Sea. In asserting its sovereign rights and jurisdiction in the East Sea, Viet Nam supported the peaceful resolution of disputes, in conformity with the Charter and international law, in particular, the United Nations Convention on the Law of the Sea.

85. **Ms. Yparraguirre** (Philippines), speaking in exercise of the right of reply, said that the issue at the heart of the South China Sea dispute was China's claim of indisputable sovereignty over virtually that entire Sea on the basis of the so-called nine-dash line, which had no grounds in international law. The world could not allow a country, no matter how powerful, to claim an entire sea, nor should it allow coercion to be used as an acceptable dispute settlement mechanism. The Philippines did not accept China's illegal action on artificial islands as a fait accompli.

86. In defending its nine-dash-line claim, China had persistently invoked historic rights. However, the United Nations Convention on the Law of the Sea gave coastal States sovereign rights to the economic exploitation of their respective exclusive economic zones, thereby abolishing the historic rights and claims by other States in that zone. Further, in article 77 of the Convention, if the coastal State did not explore the continental shelf or exploit its natural resources, no one could undertake such activities without the express consent of the coastal State. Even assuming that China could invoke historic rights or title to the South China Sea, the historical evidence, including official and unofficial Chinese maps dating from 1136 to 1896, showed that China's southernmost territory had always been Hainan Island. That fact had also been confirmed by the Chinese Constitutions of 1912, 1914, 1924, 1937 and 1946. In addition, official and unofficial maps of the Philippines from 1636 to 1933 had consistently shown Scarborough Shoal to be part of its territory.

87. There was no overlapping territorial sea or economic zone between the Philippines and China. The arbitration case did not deal with territorial jurisdiction or maritime delimitation; rather, it was a maritime dispute involving the interpretation and application of the United Nations Convention on the Law of the Sea, namely, whether the waters enclosed by China's nine-dash line in the South China Sea encroached on the 200-nautical-mile exclusive economic zone of the Philippines.

88. In the two years since the Philippines had initiated the arbitration proceedings, China had undertaken ocean filling or reclamation on seven maritime features that were over 600 nautical miles south of its southernmost territory of Hainan Island. Three of those features lay within the exclusive economic zone of the Philippines and the other four lay outside that zone, but within the continental shelf of the Philippines. China's activities, extending over more than 800 hectares, violated the Convention on the Law of the Sea and the 2002 Declaration on the Conduct of Parties in the South China Sea; in so doing, they conformed to China's pattern of forcing changes in the maritime status quo in order to advance its nine-dash-line claim.

89. The dispute over the South China Sea was not a bilateral one, but involved several other parties. Even if the dispute had been limited to the Philippines and China, the former, before initiating arbitration under annex VII of the United Nations Convention on the Law of the Sea, had bilaterally engaged with China in over 50 instances over the past two decades. That was also before China had seized Subi Reef and Mischief Reef in 1988 and 1995, respectively, from the Philippines. Regrettably, the negotiations undertaken, which presupposed the willingness of the parties to compromise, had failed to produce mutually satisfactory results.

90. At their 48th meeting, held in Kuala Lumpur in August 2015, the foreign ministers of the Association of Southeast Asian Nations (ASEAN) had, inter alia, reiterated the importance of the expeditious establishment of an effective code of conduct on the South China Sea and emphasized the need for all parties to ensure the full and effective implementation of the 2002 Declaration on the Conduct of Parties in the South China Sea, in its entirety, and for the parties concerned to resolve their differences and disputes through peaceful means, in accordance with universally recognized principles of international law, including the Convention on the Law of the Sea.

91. In the current circumstances, her country was not able to exercise its rights to fish in its traditional fishing grounds and to exploit its natural resources in its exclusive economic zone. Moreover, the Philippines could no longer enforce its laws within that zone, as provided for under the Convention on the Law of the Sea. Her Government reiterated its invitation to the Government of China to participate in the deliberations of the arbitral tribunal and to allow the merits of the case to be decided upon on the basis of international law, including the United Nations Convention on the Law of the Sea.

92. **Mr. Li** Yongsheng (China), speaking in exercise of the right of reply, said that China's sovereignty in the South China Sea, including the Nansha Islands, was long established — a fact that had never before been challenged by the Philippines. The Philippines had violated the rights of China by unilaterally initiating arbitration proceedings; his Government therefore did not accept and would not participate in such arbitration. China's claim of sovereignty was backed by a wealth of legal evidence. Hainan Island was located west of 118° east longitude and was an integral and indisputable part of China's territory.

93. The failure of the Philippines to abide by the rule of law had been demonstrated recently in a separate, but related example: in 1999, that country had deliberately grounded a warship off the Ren'ai Reef. After repeated representations by the Government of China, the Government of the Philippines had claimed that, owing to a lack of spare parts, it was not possible to tow the ship away, but assured the former that it would not become the first party to violate the 2002 Declaration on the Conduct of Parties in the South China Sea. Nonetheless, 15 years later, the gunship had become rusty, and instead of fulfilling its responsibility of towing it away, the Philippines had announced publicly that it had smuggled in cement and other building materials for reinforcement purposes, revealing that its objective had always been to occupy the Reef. The Philippines had thus exposed its own 15-year lie and failed to fulfil its own commitments. He therefore questioned the principles of international law that the Philippines was allegedly following and the international credibility of the conduct of that country.

94. **Ms. Yparraguirre** (Philippines), speaking in exercise of the right of reply, said that Ayungin Shoal, which belonged to the Spratly Islands, was an integral part of the seabed of the West Philippine Sea. The Shoal, which lay 105 nautical miles from the Philippine province of Palawan and some 500 nautical miles from the Chinese coastline on Hainan Island, was also part of her country's continental shelf, as defined in article 76 of the United Nations Convention on the Law of the Sea. Under the Convention, only the Philippines had sovereignty rights and jurisdiction in the area of Ayungin Shoal, where, moreover, it had long maintained a peaceful, continuous and effective presence. Arbitration, as a last resort, manifested her Government's commitment to seek a peaceful, rules-based resolution to the maritime disputes in the South China Sea. From the very start, the Philippines had invited China to be part of that legal process, as only a neutral panel composed of experts on the law of the sea could successfully guide all parties towards the correct interpretation of the principles of international law governing any maritime dispute resolution. She reiterated her Government's invitation to the Government of China to participate in the deliberations of the arbitral tribunal and to let the merits of the case be decided on the basis of international law, including the United Nations Convention on the Law of the Sea.

95. **Mr. Musikhin** (Russian Federation), speaking in exercise of the right of reply, said that it was unfortunate that the delegation of Georgia had once again raised an issue that did not relate to the work of the Sixth Committee. It was necessary to address the several insinuations the representative of Georgia had made in her statement: regarding the supposed occupation of 20 per cent of Georgian territory, it should be recalled that in 2008, Georgia has sent missiles and military vehicles against that very territory. Independent bodies, including the fact-finding mission established by the European Union to

determine the causes of the 2008 conflict, had found that it was the Government of Georgia that had carried out armed attacks on those territories, thereby violating international law. As a result, South Ossetia and Abkhazia had had no choice but to declare their right to self-determination and independence. If the delegation of Georgia continued to have questions in that regard, the issue should be taken up directly with representatives of those two independent States, in line with international law and on the basis of the rule of law.

96. **Ms. Kanchaveli** (Georgia), speaking in exercise of the right of reply, said that although her statement had not referred in name to the aggressor State — the Russian Federation — it was helpful for the purposes of the official record that the representative of that country had recognized his Government's illegal activities in the territory of Georgia and in the neighbouring States. The Russian Federation was indeed illegally occupying two integral parts of the sovereign territory of Georgia, namely, Abkhazia and the Tskhinvali region/South Ossetia, and the sovereign territories of its neighbours. Illegal occupation, as defined under a number of international treaties, including the Hague conventions of 1907, the Geneva Conventions of 1949 and the 1977 Protocol additional to those Conventions, clearly applied in the case of the Russian Federation's occupation of Abkhazia and the Tskhinvali region/South Ossetia. All the actions undertaken by the Russian Federation in those territories — establishing its own regimes, expelling hundreds of thousands of people on the basis of their ethnicity, building up its military bases, blocking access to all United Nations mandated mechanisms, and installing barbed wire and other fencing — violated the fundamental principles of international law, including the Charter of the United Nations.

97. Recalling that in 2009 the Russian Federation had unilaterally blocked the extension of the mandates of both the United Nations Observer Mission in Georgia and of the mission of the Organization for Security and Co-operation in Europe to Georgia, she said that even currently the Russian Federation did not allow any international monitoring agencies access to the areas in question. No grey zones should be tolerated. Her delegation would not hesitate to raise the issue of Abkhazia and the Tskhinvali region/South Ossetia until the sovereignty and territorial integrity of Georgia was respected in full.

98. **Mr. Musikhin** (Russian Federation), speaking in exercise of the right of reply, said that the Committee should not dwell on discussions based on theory and not on fact. His delegation would therefore welcome it if Georgia would refrain from raising the issue again in the Committee.

99. **Ms. Bouganim-Shaag** (Israel), speaking in exercise of the right of reply, said that his delegation objected to the baseless comments made by the representative of Palestine. It was incredible to hear the delegation of Palestine speak about the rule of law and once again fail to mention a single word about the 24 recent attacks by Palestinian terrorists, which had claimed the lives of 8 Israelis and injured 70. The tide of terror had washed over the entire nation and it spared no one, targeting young and old on a daily basis; as a result, Israelis feared for their lives and those of their children every time they walked out of their homes. It was absurd to hear the delegation of Palestine refer to the rule of law, when clearly those people who killed in cold blood abided by no rule and had abandoned even the most basic morality. Israel was taking all necessary means to defend its citizens and was responding proportionately to those attacks.

100. Hearing the representative of Palestine refer to the accession of international treaties as a means of promoting the rule of law was even more absurd; unsurprisingly, that accession had not marked a change in their policies. She highly doubted that the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict encouraged children to carry out stabbing attacks against innocent civilians.

101. Israel was the only democracy in the Middle East. Since its founding, it had built a robust judicial system that provided equal rights to all; even the most heinous terrorists, who had utter contempt for the law and were praised by the official educational system of the Palestinian Authority, were entitled to due process.

102. *Mr. Holovka (Serbia), Vice-Chair, took the Chair*.

103. **Ms. Mansour** (Observer for the State of Palestine), speaking in exercise of the right of reply, said that the delegation of Israel distorted the truth in an attempt to distract Member States from Israel's unending oppressive, illegal and belligerent occupation of the State of Palestine, where countless deplorable crimes and human rights violations were being perpetrated against the entire Palestinian population.

Indeed, the people endured constant subjugation, dispossession and dehumanization at the hands of Israel, the occupying Power, in flagrant violation of international law and scores of United Nations resolutions, further entrenching its brutal occupation. All those crimes and violations, many of them war crimes, were the direct result of the Israeli military occupation, an illegal occupation that the international community had the power to end.

104. Referring to Israel's recent claims of a so-called "wave of terror" resulting from Palestinian incitement, she said that the Palestinian leadership rejected that accusation and continued to pursue all peaceful and legal means to end the misery of the Palestinian people inflicted on them by Israel's belligerent military occupation. Conversely, the Israeli occupying Power continued to actively incite violence. A single incident had not caused the current situation. For years, the Israeli occupying Power had supported a culture of hate and pursued State terrorism against the Palestinian people with total impunity.

105. Regarding Palestine's accessions to international treaties, she wished to remind the representative of Israel that her Government had sent communications rejecting Palestine's accessions, which seemed to indicate that Israel did not wish for Palestine to be bound by international law. Such actions were ironic and contradictory in light of the statement just made by the representative of Israel.

106. *Mr. Charles (Trinidad and Tobago) resumed the Chair.*

The meeting rose at 1.15 p.m.