United Nations A/C.6/75/SR.7

General Assembly
Seventy-fifth session

Official Records

Distr.: General
10 November 2020

Original: English

Sixth Committee

Summary record of the 7th meeting
Held at Headquarters, New York, on Monday, 19 October 2020, at 10 a.m.

Chair: Ms. Pelkiö (Vice-Chair) . . . . . (Czech Republic)

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20-13781 (E)

In the absence of Mr. Skoknic (Chile), Ms. Pelkiö (Czech Republic), (Vice-Chair), took the Chair.

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

Agenda item 90: Strengthening and promoting the international treaty framework (*continued*) (A/75/136)

1. **Mr. Elgharib** (Egypt) said that the geographical imbalance in treaty registration exposed in the Secretary-General's report (A/75/136) was primarily attributable to a lack of capacity in many developing and least developed countries. It was therefore important for the Secretariat to organize more national and regional workshops and training programmes to help those countries strengthen their capacities.

2. It was unfortunate that the Secretariat had registered a memorandum of understanding during the reporting cycle despite numerous notifications that the memorandum did not meet the relevant registration requirements. The head of the legislative body in the country concerned that was legally responsible for endorsing international agreements and enabling their entry into force, had sent a letter to the Secretariat indicating that the memorandum had not been endorsed. The Secretariat should fully abide by the regulations to give effect to Article 102 of the Charter of the United Nations.

3. **Mr. García López** (Spain) said that promoting multilingualism as a value of the United Nations meant taking advantage of the possibilities offered by the six official languages of the Organization, not just English and French, as well as technological advances in order to make available online the electronic versions of treaties submitted for registration. The traditional recommendation that texts submitted for registration be accompanied by courtesy translations into English and French had real added value in cases where the treaty was concluded in a language other than any of the six official languages. For such treaties, it might be worthwhile to consider a requirement that States provide either authentic texts or translations in at least one of the six official languages. Establishing such a requirement would eliminate the costs incurred by the Secretariat in translating such treaties, which often required the use of external contractors.

4. It was questionable whether translations into both English and French were necessary for treaties concluded in at least one of the other official languages (Arabic, Chinese, Spanish or Russian). Spain recognized the positive impact of the Secretariat's practice of making both the authentic versions and the English and French translations available online immediately as soon as they became available, and hoped that said practice could be reflected in the regulations governing registration and publication.

5. **Ms. Langerholc** (Slovenia) said that the current agenda item should be used to consider not only treaty registration regulations but also more general treaty-related issues, including reservations, withdrawals and the increasing use of non-treaty instruments. A discussion on the role and practices of depositaries, for example, would be of particular interest to Slovenia, a depositary of a limited number of treaties. Given the geographical imbalance in treaty registrations seen over the past decade, with Eastern European countries accounting for a mere 8 per cent of all registrations, the treaty registration process should be simplified further. The development of a customized online tool would thus be welcome and would be particularly useful to small States with limited resources for treaty registration.

6. Slovenia welcomed the request made by Mexico that the Secretariat provide information on the status of the practice of registration of provisionally applied treaties. Although in practice provisionally applied treaties were registered based on the internal interpretation of the regulations, the current text did not provide sufficiently clear and transparent guidance to States on the registration of such treaties. In the interests of clarity and transparency, paragraph 2 of article 1 could be further clarified with explicit wording about the registration of provisionally applied treaties.

7. While the requirement to translate treaties into English and French for publication represented a burden for the Secretariat, shifting that burden entirely to States could discourage them, in particular small States with limited resources, from registering treaties. On the other hand, eliminating the requirement would impair the transparency of international law. Nonetheless, her delegation was open to discussing possible ways forward, including on the basis of suggestions by Member States outlined in the report of the Secretary-General (A/75/136).

8. **Mr. Cuellar Torres** (Colombia) said that although delegations had agreed at the seventy-third session of the General Assembly to amend the regulations so as to update the treaty registration practices and ensure consistency in the practice of the international community in the development of treaties, questions remained concerning the substantive conditions for registration, the role of depositaries other than the United Nations, electronic submissions and further uses of electronic means, the translation of treaties, the format of publication of the United Nations *Treaty*

Series, and technical assistance and capacity-building. Those issues must be examined in order to have a truly updated version of the regulations.

9. One of the most efficient ways of encouraging treaty registration was to resolve the issue of translation. While the Secretariat was required under the regulations to publish all treaties in their original language, followed by a translation in English and French, many countries, including Colombia, were being requested to submit courtesy translations into English or French. However, States were rarely able to provide such courtesy translations, thus putting a burden on the Treaty Section.

10. For many States that did not have English or French as their official language, translation was an expensive activity, especially when neither of those languages was the official language of any of the signatories and when an agreement contained a number of annexes. Colombia therefore believed that for a treaty to be published, it should be translated into English or French, not both. In that case, it would suffice to provide a brief overview of the content of the treaty in the language into which the text was not translated. That would have the added advantage of freeing up resources which the Treaty Section might use to address other issues.

11. **Ms. Melikbekyan** (Russian Federation) said that her delegation was generally satisfied with the current treaty registration and publication practice. An online registration tool would simplify the submission of treaties for registration, but the alternative means of registration (CD-ROM or USB key) should be retained. Since treaties were still signed on paper, not electronically, any change to the current process must include a way to check the authenticity of documents submitted for registration.

12. Her delegation appreciated the convenience of automated updates relating to depositary notifications by the Secretary-General, and monthly updates on treaties received for registration would be similarly useful. In view of the differing opinions regarding the languages in which registered treaties should be published, States should allocate additional resources to the Secretariat so that it could ensure parity between the official languages of the Organization.

13. The Committee should not use the current agenda item to consider general issues of treaty law, such as reservations, declarations and withdrawal, which fell within the purview of the International Law Commission. Instead, it should focus on practical issues relating to the registration and publication of treaties and the Secretariat's role in the drafting of final clauses of treaties at diplomatic conferences held under the auspices of the United Nations.

14. **Mr. Hernandez Chavez** (Chile) said that his delegation had taken note of the changes to the regulations to give effect to Article 102 and supported their continued revision in order to improve the treaty registration and publication process. Chile was open to considering proposals from other States that would help to promote compliance with the regulations, in particular proposals for streamlining the processes for the translation and publication of treaties. It would support such proposals if they did not affect the raison d'être of the registration and publication processes. Such processes made treaties more relevant in international relations in that they fostered the fulfilment of obligations and knowledge of the duties binding States to one another, and strengthened the trust that States had in international law. Chile also acknowledged the important role that depositaries played in the treaty registration process.

15. Given the significant geographical differences in the registration of treaties by regional groups, his delegation called upon States comprising each regional group to reflect on the causes of those differences, with the help of the Office of Legal Affairs, where appropriate.

16. **Mr. Mulalap** (Federated States of Micronesia) said that some of the issues pertaining to the regulations to give effect to Article 102 of the Charter cited in the report of the Secretary-General (A/75/136), such as the development of an online treaty registration tool, warranted further discussion. His delegation agreed with the Secretary-General that such a tool would help to reduce the geographical imbalance in the registration of treaties, with the Asia-Pacific region being a particular laggard. Nonetheless, it was important to remain sensitive to the information and communications technology challenges that small island developing States like Micronesia continued to face.

17. Micronesia would welcome a discussion on the Secretary-General's suggestion that the General Assembly consider the option of adapting the *Treaty Series* into a digital format, including a searchable online database, in part to address the high costs shouldered by countries that attempted to maintain complete print collections of the *Treaty Series*. Micronesia also supported the suggestion made by Austria in its written comments that the current agenda item be used to discuss further issues that fell outside the ambit of treaty registration but were still related to treaty law.

18. Strengthening the international treaty framework meant considering the changing circumstances that could affect the integrity of treaties registered with the Secretariat. Micronesia believed, as grounded in international law and practice, that a maritime boundary treaty registered with the Secretariat in accordance with Article 102 of the Charter was immutable, absent formal amendment by the parties to the treaty, even if such a treaty was premised on the identification of maritime baselines and other maritime features that changed due to sea-level rise and other adverse impacts of climate change caused by anthropogenic greenhouse gas emissions.

19. The parties to the treaty should be free to invoke the treaty before an organ of the United Nations, regardless of changes in the underlying maritime features. If the parties needed to correct any errors that they discovered after the authentication of the text, they could make the correction in accordance with article 79 of the Vienna Convention on the Law of Treaties and then register with the Secretariat a certified statement under article 2 of the regulations indicating such a correction. However, changes in the underlying maritime features due to sea-level rise and other adverse impacts of climate change caused by anthropogenic greenhouse gas emissions could not be deemed to be errors under article 79 of the Vienna Convention.

20. **Ms. Kim** Moon Young (Republic of Korea) said that updating the regulations to give effect to Article 102 of the Charter had helped to enhance the efficiency and coherence of the treaty registration and publication process. In particular, the changes concerning the use of electronic submissions had made the registration process more transparent and more accessible to Member States. It would be useful to explore ways of streamlining the process even further, although any additional amendments must be based on careful and thorough consultations with States.

21. Her delegation was concerned about the growing backlog in the publication of the United Nations *Treaty Series*, due in part to the limited resources and capacity of States and the Secretariat to provide translations in English and French in a timely manner. States should actively engage in finding an effective solution to ensure the swift publication of treaties, although that effort should not result in the creation of new obligations for States and international organizations.

22. The Treaty Section should be commended for the technical and capacity-building assistance it provided to Member States to help them meet their obligations under Article 102. That assistance was crucial in addressing the geographical imbalance in treaty registration.

23. **Ms. Freudenreich** (France) said that the amendment of the regulations to give effect to Article 102 had helped to simplify the treaty registration and publication process. Despite the importance of expeditious processing, registration and publication of treaties and treaty-related actions, as set out in the preamble to General Assembly resolution 73/210, the shortening of publication deadlines should not be achieved at the expense of the objectives and principles of transparency, accessibility and multilingualism; multilingualism was a fundamental value of the Organization and constituted the very reason for the registration and publication of treaties by the Secretariat.

24. Any amendment to the regulations should not create new obligations for States and international organizations, such as the obligation to provide translations to the Secretariat, which could constrain the ability of certain States and international organizations, particularly those with the most limited financial and administrative resources, to comply with their obligation under Article 102 of the Charter. That could result in a decrease in the number of treaties submitted to the Secretariat for registration and the establishment of a two-tier registration and publication system, which would undermine the objectives of transparency and accessibility.

25. On the other hand, full compliance with the principles of transparency, accessibility and multilingualism should lead to a rejection of any suggestion to remove the requirement to translate treaties into English and French under article 12, paragraph 1, of the regulations. Removing such a requirement would be incompatible with the need for the Secretariat and the International Court of Justice to have access to treaties registered and published in their working languages, which were English and French. The suggestion to remove the requirement of translation into English and French could not be accepted; at the very least, emphasis should be placed on the contribution made by such a requirement to the objectives of transparency, accessibility and multilingualism.

26. Other measures to reduce the time taken to translate and publish treaties registered with the Secretariat were worth considering, including broadening the limited publication policy to include new categories of treaties and reducing the constraints associated with the publication of the *Treaty Series*. The publication of monthly collections, for example, which were no longer referred to in the regulations, could be discontinued and replaced by the publication, by electronic means only, of each registered treaty, with its

English and French language versions, together with relevant information, as soon as all those elements became available.

27. Lastly, it was preferable not to modify the obligations of depositaries as currently provided under article 1, paragraph 3, of the regulations. The registration of treaties by the depositary should continue to be encouraged and not obligatory, in accordance with the Vienna Convention on the Law of Treaties, which reserved the right of the parties to a treaty to agree to entrust the registration function any entity other than the depositary.

28. **Mr. Arrocha Olabuenaga** (Mexico) said that, at the seventy-third session of the General Assembly, Mexico had proposed amendments to bring the practice of registering treaties with the United Nations into line with international law, in particular with regard to the registration of provisionally applied treaties in accordance with article 25 of the Vienna Convention on the Law of Treaties and the recent work of the International Law Commission on that topic. As the discussions had been deferred owing to a lack of time, the proposed amendments remained in effect.

29. In his report (A/75/136), the Secretary-General indicated that the practice of registration of provisionally applied treaties was widespread: more than 1,700 treaties that had provisionally entered into force and about 1,500 treaty actions relating to provisional application had been registered. However, that was based on archaic categories that should be revised. For example, the regulations governing Article 102 continued to refer to "any treaty or international agreement", thus perpetuating a legal criterion that had been adopted back in 1946. The regulations should be brought into line with current norms of international law.

30. It was necessary to consider the proposals to make the treaty registration process more efficient in costs and time, such as the proposal submitted by Spain to allow for a translation into any of the six official languages of the United Nations, which would make the treaty registration and publication process more efficient for treaties concluded in any language.

31. **Ms. Ruhama** (Malaysia) said that the registration and publication of treaties and international agreements helped to promote transparency in international relations. The Secretary-General and the Secretariat also played valuable roles in that process, in their respective capacities as depositary of multilateral treaties and a comprehensive source of treaties and international agreements for practical and research purposes.

32. Her delegation welcomed the timely review of the regulations to give effect to Article 102 of the Charter, along with the amendments to articles 5, 7, 9 and 13 thereof to facilitate electronic submissions. It also believed that the obligations of depositaries, as set out in article 1, paragraph 1, should be maintained. The registration of treaties or international agreements by the depositary, as per article 1, paragraph 3, should be encouraged and not obligatory, in accordance with article 77 of the Vienna Convention on the Law of Treaties.

33. **Mr. Nasimfar** (Islamic Republic of Iran) said that the United Nations had played a critical role in strengthening the treaty framework. In addition to facilitating the negotiation of treaties, it helped to ensure transparency with regard to treaties concluded by its Member States.

34. His delegation took note of the acknowledgment in the Secretary-General's report (A/75/136) that the treaty registration trends and patterns appeared to be geographically imbalanced, since the number of treaties submitted for registration by States from different regional groups varied significantly. That imbalance could be attributed to the limited awareness of the obligation to register as well as a lack of resources for the submission of treaties for registration. It was therefore vitally important to modify and update the existing regulations in order to make registration easier, efficient, less bureaucratic, less costly and more accessible to Member States. It was also important to consider additional measures, such as capacity-building and the provision of technical assistance, in particular the organization of workshops on treaty law and practice at the national and regional levels.

35. His Government welcomed the efforts made to facilitate the electronic submission of treaties and to improve the electronic treaty database. It therefore supported the idea of developing an online registration tool, which would facilitate the submission of treaties for registration, as compared with submissions in hard copy and existing means of electronic submission (email, CD-ROM or USB key). Such a tool would indeed increase accessibility by allowing for electronic submissions to be made directly by the relevant authorities of Member States on the basis of standardized registration requirements.

36. Any suggestion to remove the requirement to translate treaties into English and French under article 2, paragraph 1, of the regulations should be avoided. The International Court of Justice, in particular, needed access to treaties registered and published in its working languages, namely English and French. Lastly, there was

no need to change the existing regulations with respect to the registration of provisionally applied treaties.

37. **Ms. Theofili** (Greece) said that her Government appreciated the efforts of the Treaty Section to make promptly available online the authentic texts of registered treaties, and considered that the regulations to give effect to Article 102 of the Charter, as amended in 2018, provided an effective means of adapting to changes in information technology and facilitating, to the extent allowed by available resources, their timely publication in the *Treaty Series*. The electronic submission of requests for treaty registration had been beneficial to both Member States and the Secretariat, and had already become the usual practice compared to hard-copy submissions. The proposal to develop an online registration tool should therefore be actively supported.

38. As delays in the translation of treaties were considered the principal reason for the backlog in the publication of the *Treaty Series*, States should be strongly encouraged to provide courtesy translations in English or French of treaties concluded in other languages, provided the accuracy of those translations was duly reviewed. Removing the requirement of translation into English and French of treaties published in the *Treaty Series* should not be an option, given that those were the working languages of both the Secretariat and the International Court of Justice.

39. Greece had strong concerns about the recent registration of a memorandum of understanding that did not meet the necessary criteria for registration. The proper functioning of and compliance with the registration procedure would undoubtedly enhance the credibility of international law and promote the rule of law in inter-State relations.

40. **Ms. Egmond** (Netherlands) said that as a depositary of over 100 treaties, the Netherlands welcomed the explicit recognition of the role of depositaries in article 1 of the regulations to give effect to Article 102 of the Charter, as well as the Secretary-General's recommendation to further gather and exchange views on the practice of depositaries of multilateral treaties. Given the constraints imposed by the current global health crisis, a practical approach should be adopted concerning the use of digital and electronic resources. The Netherlands would also welcome the development of an online registration tool to facilitate the submission of treaties for registration.

41. **Mr. L'Heureux** (Belgium) said that his Government fully supported the objectives set out in General Assembly resolution 73/210, in particular the expeditious processing, registration and publication of treaties and treaty-related actions. Nonetheless, the shortening of publication deadlines should not be achieved at the expense of the objectives and principles of transparency, accessibility and multilingualism. Any amendment to the regulations to give effect to Article 102 should not create new obligations for States and international organizations, which could reduce the capacity of States to comply with their obligation under Article 102, resulting in a decrease in the number of treaties submitted for registration and an increase in the time required for registration.

42. Any suggestion to remove the requirement to translate treaties into English and French should be avoided. The Secretariat and the International Court of Justice needed access to treaties registered and published in their working languages, which were English and French. Belgium remained, however, open to the consideration of any option that might help to reduce the backlog in the publication of registered treaties.

43. The obligations of depositaries as currently provided should not be modified. The registration of treaties by the depositary should therefore just be encouraged and not obligatory, in accordance with article 77 of the Vienna Convention on the Law of Treaties.

44. **Ms. Wickremansinghe** (United Kingdom) said that the expeditious processing, registration and publication of treaties and treaty-related actions were critical to the maintenance of the international treaty framework and the advancement of international law. In general, the United Kingdom entered into both binding treaties and other arrangements under international law, such as understandings and non-binding charters. Binding treaties entered into force upon signature or ratification, or upon completion of domestic procedures. Binding treaties were ratified by Parliament, although not all treaties required domestic legislation.

45. Her Government's practice was to register treaties with the Secretariat after they had entered into force and after they had been published in the country's own treaty series. Treaty registration was an important step in the treaty process that ensured the transparency of treaty obligations. The United Kingdom therefore supported the review and reconsideration of the existing practices of the United Nations in order to strengthen the treaty framework.

46. **Ms. Guardia González** (Cuba) said that treaties were an important tool in maintaining peace and security and strengthening the rule of law at the international level. The United Nations was instrumental in ensuring the transparency of treaties and

promoting the international treaty framework. Cuba welcomed the support that the Treaty Section provided to Member States, in particular through its technical assistance and its capacity-building seminars.

47. The use of electronic resources might help to overcome the current deficiencies in the treaty publication system. Treaty publication practices could be modernized, while balancing calls for the reduction of the backlog in the publication of the *Treaty Series* with the need to promote multilingualism. It was important to continue updating the regulations on treaty registration to incorporate the most recent advances in technology. Since promoting multilingualism required the active participation and commitment of all stakeholders, it was important to ensure parity between the six official languages in the treaty registration and publications process. The registration and publication of treaties in any of the official languages, with translations into any of those languages, would help to promote multilingualism while generating savings in resources for the United Nations and the Member States.

48. **Mr. Chrysostomou** (Cyprus) said that the orderly registration and publication treaties by the Secretariat ensured transparency and legal certainty in the international commitments of States. Cyprus complied with the duty to submit its bilateral treaties for registration by electronic means and believed that the development of an online tool for the registration of treaties was worth considering. It also complied with the obligation to provide courtesy translations of submitted treaties in English or French.

49. Like other Member States, Cyprus was seriously concerned about the registration of instruments that failed to satisfy the criteria for registration under Article 102. A case in point was the recent registration of a bilateral memorandum of understanding that did not meet even the rudimentary prima facie criteria for registration and clearly contravened both international legality and well-established rules of international law, including the law of the sea. Such regrettable and undesirable developments only helped to create tensions and foster regional instability. The incompatibility of that instrument with peremptory norms of international law was also a cause for concern.

50. It was therefore incumbent on all Member States to facilitate the work of the Secretariat and to better clarify the framework and the criteria for the registration of instruments under Article 102.

51. **Mr. Xu** (China) said that the treaty registration system had played a positive role in eliminating clandestine diplomacy and promoting treaty compliance. China was pleased that the regulations to give effect to Article 102, as amended in 2018, explicitly recognized the role of depositaries other than the United Nations in the registration of treaties, since its Ministry of Foreign Affairs was the depositary of several multilateral treaties.

52. China would continue to perform its depositary functions and cooperate further with the Secretariat in promoting the registration and publication of treaties. It welcomed the progress made by the Treaty Section in the use of cloud technology to facilitate the electronic submission of treaties for registration and to improve the treaty database. It also recommended that the Secretariat take the necessary measures to ensure the security of e-submissions and online treaty databases.

53. China believed that multilingualism was a core value of the United Nations and that its six official languages must remain equal. His delegation hoped that feasible measures would be found to speed up the publication of the *Treaty Series*. The Secretariat and Member States should increase their efforts to provide technical assistance to developing countries in support of their capacity-building efforts, in order to address the geographical imbalance in the registration of treaties which the Secretary-General acknowledged in his report (A/75/136).

54. The current agenda item should remain on the Committee's programme of work.

55. **Ms. Ponce** (Philippines) said that her delegation had supported the inclusion of the current agenda item upon its introduction at the seventy-third session out of conviction that a robust treaty framework was an essential precondition for an effective rule of law system. It welcomed the amendments to the regulations to give effect to Article 102, particularly the acceptance of electronic submissions for treaty registration and the recognition of the role of depositaries other than the United Nations.

56. Her delegation was concerned at the geographical imbalance in the number of treaties submitted for registration, with treaties from the Asia-Pacific region constituting only 9 per cent of registered treaties for the period 2009–2019. The regulations should therefore be revised further to correct that imbalance by building capacity, promoting registration, simplifying the process, enhancing transparency and accessibility, and encouraging greater use of digital and electronic means.

57. The Philippines agreed with Mexico about the need to address the registration of treaties provisionally applied in accordance with article 25 of the Vienna Convention on the Law of Treaties, although that should be part of a broader discussion on treaty practice and

treaty-related actions, such as reservations, declarations and withdrawals. Any amendments to the regulations should not modify the responsibilities of other entities that also performed depositary functions.

58. Greece supported the development of an online registration tool and the improvement of the treaty database. States should continue to be encouraged – but not required – to include courtesy English and French translations of treaties submitted for registration. To require States to provide such translations would be an additional burden that might further discourage registration. Although resolving issues related to translation would help to reduce the backlog in the publication of the *Treaty Series*, other measures not related to translation could be considered, including expanding the limited publication policy and adapting the *Treaty Series* to a digital format.

59. The COVID-19 pandemic had inadvertently shown that online training sessions could be very effective and more cost-beneficial. The Secretariat might wish to develop an online training module that could be adjusted to specific national and regional needs. It could also organize side events on treaty practice and other issues, which could serve as a starting point for the development of a compendium of treaty practice, not just registration and publication.

60. Lastly, any amendments to the regulations should be comprehensive, to ensure stability and predictability and enable States to comply with the regulations.

61. **Ms. Ozgul Bilman** (Turkey) said that her delegation was pleased that the Secretary-General had prepared his report (A/75/136) following broad consultations with Member States, taking into account the outstanding issues they had identified, as was requested by the General Assembly in 2018. It was also pleased to see that the changes to the regulations to give effect to Article 102 of the Charter that had been adopted in 2018 had already yielded positive results.

62. The Secretary-General made clear in the report that treaty registration trends and patterns appeared to be geographically imbalanced, with treaties submitted by only two of the five geographical groups constituting almost 80 per cent of the entire set of treaties that had been submitted to date. Turkey was open to considering appropriate ways of addressing that challenge, including awareness-raising, capacity-building and the provision of technical assistance.

63. Her delegation appreciated the seminars and workshops on treaty law and practice organized by the Office of Legal Affairs and hoped that they could be further enhanced. The backlog in the publication of the *Treaty Series* might be reduced by, inter alia, requesting States to provide courtesy translations in English or French of treaties submitted for registration, and adapting the *Treaty Series* to a digital format. Turkey agreed with the Secretariat's established practice as regards the registration of treaties, including memorandums of understanding that constitute treaties, bearing in mind that the registration of treaties was an obligation of Member States under the Charter.

Agenda item 86: The rule of law at the national and international levels (A/75/284)

64. **Mr. Nasimfar** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that respect for the rule of law at the national and international levels was essential to international peace and security and socioeconomic development. It was vital to maintain a balance between the national and international dimensions of the rule of law. The Movement remained of the view that the latter dimension needed greater attention on the part of the United Nations.

65. Efforts to foster international relations based on the rule of law should be guided by the principle of sovereign equality of States, which meant that all States should be able to participate equally in law-making processes at the international level, and should comply with their obligations under treaties and customary international law. Selective application of international law must be avoided and the legitimate and legal rights of States under it must be respected. The prohibition of the threat or use of force in international relations and the peaceful settlement of disputes were the cornerstones of the rule of law at the international level. It was therefore essential for States to remain committed to a rule-based regime in the conduct of their respective relations with other States.

66. Turning to the subtopic "Measures to prevent and combat corruption", he said that absence of sound international corporate governance, bribery, money-laundering and transfer abroad of illegally acquired funds and assets undermined the economic and political stability and security of societies, as well as social justice, and severely weakened the efforts of developing countries towards sustainable development.

67. The United Nations Convention against Corruption provided universally accepted norms to prevent and combat corrupt practices, and established the principle of asset recovery and transfer of assets of illicit origin and a mechanism for international cooperation in that regard. The Non-Aligned Movement recognized the importance of improving governance

frameworks and strengthening actions to enhance and expand the prevention, detection and sanctioning of corruption, and noted in particular the implementation of the provisions on asset recovery contained in chapter V of the Convention, which required States parties to return assets obtained through corruption.

68. The Movement therefore urged all States parties and relevant international organizations to strengthen their cooperation at all levels, in order to facilitate the quick return of such assets, and to assist requesting States in building the human, legal and institutional capacity to facilitate the tracing, confiscation and recovery of such assets. It welcomed the ongoing second review cycle covering chapters II and V of the Convention, which should produce tangible and useful results to support the efforts of all States parties to implement the Convention effectively and fully.

69. The Non-Aligned Movement looked forward to the special session of the General Assembly against corruption, to be held in 2021, which would be an opportunity to strengthen the fight against corruption on a global scale and to explore and discuss the creation of innovative tools for combating corruption. The political declaration from the session should be action-oriented and reflect an effective and articulated international response to corruption.

70. It was also important to continue working with all stakeholders on domestic and international financial markets to deny safe haven to assets illicitly acquired by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupted them, and to enhance international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of the proceeds of corruption.

71. The principles and rules of international law were indispensable in preserving and strengthening the rule of law at the international level. Members States should therefore renew their pledge to uphold, preserve and promote the purposes and principles of the Charter and international law. The Movement recognized the serious danger and threats posed by actions and measures that sought to undermine international law and international legal instruments, and strongly encouraged Member States to identify and pursue measures that would contribute to peace and prosperity in the world and to a just and equitable world order based on the Charter and international law.

72. The Movement also encouraged States to settle disputes peacefully, using the mechanisms and tools established under international law. It called upon the General Assembly and the Security Council to make use, whenever appropriate, of their right under Article 96 of the Charter to request advisory opinions on legal questions from the International Court of Justice. Human rights, the rule of law and democracy were interdependent and mutually reinforcing, and all States should fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all.

73. The Movement remained concerned about the application of unilateral measures, which had a negative impact on the rule of international law as well as on international relations. No State or group of States had the authority to deprive other States of their legal rights for political reasons. The Movement condemned any attempt to destabilize the democratic and constitutional order in any of its members. Close cooperation and coordination among all the principal organs of the United Nations were essential if the Organization were to remain relevant and capable of dealing with threats and challenges. The Movement remained concerned about the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council. The Assembly should play a leading role in promoting and coordinating efforts to strengthen the rule of law.

74. The international community should not supplant national authorities in their task of establishing or strengthening the rule of law at the national level, other than to provide them with the necessary support at their request. National ownership of rule of law activities was important, as was strengthening the ability of States to fulfil their international obligations, including through enhanced technical assistance and capacity-building. United Nations funds and programmes should provide such assistance, however, solely at the request of Governments and strictly within their respective mandates. Account should be taken of the customs and the political and socioeconomic features of each country, and the imposition of pre-established models should be avoided.

75. The lack of an agreed definition of the rule of law should be taken into account in the preparation of reports and in the collection, classification and evaluation of data on issues directly or indirectly related to the rule of law. The data-gathering activities of United Nations bodies must not lead to a unilateral formulation of rule of law indicators or ranking of countries. All indicators should be agreed upon by Member States in open and transparent discussions and consultations.

76. The Non-Aligned Movement reiterated its position welcoming the adoption of General Assembly resolution 67/19, which accorded to Palestine the status of non-member observer State in the United Nations and

reflected the international community's long-standing, principled support for the inalienable rights of the Palestinian people, including self-determination, independence and a two-State solution based on the pre-1967 borders. The Movement reaffirmed the significance of that political and legal achievement for the Palestinian people and the Government of the State of Palestine, and its support for the State of Palestine to assume its rightful place in the community of nations, including by being admitted as a State Member of the United Nations.

77. While freedom of opinion and expression was important, morality, public order and the rights and freedoms of others must be recognized and respected in the exercise of that freedom. As freedom of expression was not absolute, it should be exercised with responsibility and in accordance with the relevant international human rights law and instruments.

78. **Mr. Molefe** (South Africa), speaking on behalf of the Group of African States, said that the Group remained committed to the rule of law at the national and international levels and commended the United Nations for continuing to provide support to rule of law and security institutions in very diverse settings, in particular in conflict and post-conflict contexts, and for its efforts to ensure accountability and adopt a preventive approach to peacebuilding and sustaining peace. The dissemination of international law was one of the best means of strengthening the rule of law at the international level. Bilateral and multilateral cooperation could provide a vehicle for such dissemination, and technology could also be useful in that regard.

79. The Group was committed to fighting corruption and strengthening good governance. Corruption undermined the rule of law by weakening State institutions, exacerbating inequalities, eroding public trust and undercutting development efforts. States should be assisted in their efforts to strengthen their capacity to prevent and combat corruption. Preventive policies and practices in that regard might include the establishment of anti-corruption bodies and the development of codes of conduct and transparency and accountability policies.

80. The Group appreciated the establishment of the high-level panel on financial accountability, transparency and integrity, which sought to address gaps in the international financial system, especially in the current international context where illicit financial flows undermined the ability of developing countries to mobilize resources for their development, severely affected domestic revenues, thus impeding the financing of the 2030 Agenda for Sustainable Development, and reduced the availability of vital resources for the response to and recovery from COVID-19. Effective measures for preventing and fighting corruption could include strengthening international cooperation, developing good practices and complying fully with obligations under the United Nations Convention against Corruption.

81. The Group looked forward to the Conference of States Parties to the United Nations Convention against Corruption, to be held in Egypt in 2021, and to the special session of the General Assembly against corruption, also to be held in 2021. Both events would provide a renewed opportunity for States to share their experiences and good practices and to identify new and innovative approaches to fighting corruption. The outcome document of the special session should be concise, focused and action-oriented and should reflect the renewed commitment of Member States and an articulated and collective response to corruption.

82. **Mr. Ke** (Cambodia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that while the Association welcomed the Secretary-General's report (A/75/284), it hoped that future reports would be more objective, neutral and non-partisan in all respects. ASEAN had always promoted the rule of law in all its aspects and would continue to do so. It had incorporated the fundamental principles and purposes of the rule of law into its Charter and advocated peace and security, good governance and respect for the promotion and protection of human rights.

83. ASEAN had long exhibited its commitment to stability and security in its region and had adopted a number of treaties, declarations and instruments to that end, including the Treaty of Amity and Cooperation in Southeast Asia (1976), the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (1995), the Declaration on the Conduct of Parties in the South China Sea (2002) and the Declaration of the East Asia Summit on the Principles for Mutually Beneficial Relations (2011). In addition, the States members of the Association continued to work with China towards the early conclusion of a code of conduct in the South China Sea consistent with international law, including the United Nations Convention on the Law of the Seas, within a mutually agreed timeline.

84. With regard to the subtopic of measures to prevent and combat corruption, ASEAN took note of the expanded focus on good governance, along with the commitment to upholding the culture of integrity and anti-corruption at all levels. Transparent and accountable civil service was the backbone of good

governance and open engagement with the private sector and community-based organizations could further promote respect for the rule of law. Corruption undermined social and economic development, reduced the effectiveness of democratic institutions and hampered progress for future generations. Corruption affected all countries around the world, and thus must not be associated with any particular culture or people.

85. All States members of ASEAN had ratified the United Nations Convention against Corruption and had been actively engaged in anti-corruption efforts with partners in the region. Experience had shown that fighting corruption required stronger cooperation and the sharing of information among partners, particularly in the area of law enforcement. To that end, States should comply fully with their obligations under the Convention, including with regard to extradition, mutual legal assistance and the recovery of assets and proceeds of corruption.

86. ASEAN urged States to work more cooperatively in promoting the rule of law through existing bilateral and multilateral mechanisms, while complying with the Charter of the United Nations, including with the principles of sovereign equality of States and non-interference in the internal affairs of States. ASEAN strongly supported the work of the United Nations Office on Drugs and Crime in that regard and would engage actively in the process leading up to the special session of the General Assembly against corruption, to be held in 2021.

87. The ASEAN Political-Security Community Blueprint 2025 sought to promote the rule of law at the national and international levels by nurturing the culture of integrity and anti-corruption among the people of Southeast Asia. By incorporating those principles into its policies and practices, ASEAN sought to promote those ideals through the implementation of relevant instruments, including the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16, on peace, justice, and strong institutions.

88. **Ms. Gauci** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia, Serbia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that promoting the rule of law at the national and international levels was one of the Sustainable Development Goals and was essential for good governance, sustainable development, economic growth and the eradication of poverty and hunger. That goal was all the more important at the current time, given the extraordinary challenges arising from the COVID-19 pandemic. The rule of law must be upheld at all times, including in times of crisis, when decision-making should be more efficient and transparent, and when institutions and public officials should use their prerogatives and powers more judiciously, with restraint and forbearance.

89. The subtopic “Measures to prevent and combat corruption” could not be more relevant. Corruption was a major obstacle to sustainable development and development cooperation. It exacerbated poverty and inequality, disproportionally affected the most disadvantaged, and hampered the enjoyment of human rights and gender equality, especially in countries where the rule of law was not respected. Corruption might take many forms, such as bribery, influence peddling, abuse of power, nepotism and conflict of interest. Corruption affected security, both internally and externally, slowed down economic growth, discouraged investment and created uncertainty and additional costs for businesses.

90. The European Union was a community of values and rights, with human rights, democracy and the rule of law at its heart. It had redoubled its commitment to upholding the rule of law by establishing a comprehensive rule of law mechanism in 2019 with a Union-wide scope and annual reporting by the European Commission. In 2017, it had adopted a directive on the fight against fraud premised on the understanding that corruption was a serious threat to its financial interests.

91. The States members of the European Union had harmonized their definitions, sanctions and statutes of limitation for offences affecting the financial interests of the Union. The Union had also adopted legislation covering various aspects of the fight against corruption, including money-laundering, public procurement, corporate tax transparency and whistleblowing. It was also setting up an independent and decentralized prosecution office that would have the authority to investigate and prosecute the perpetrators of crimes affecting its budget, such as fraud and corruption. The European Anti-Fraud Office also investigated corruption and serious misconduct within European Union institutions, as well as fraud against the budget of the Union and helped to develop its anti-fraud policy.

92. The European Union also supported the fight against corruption at the international level since it saw corruption as an enabler of cross-border crime and international terrorism and a serious threat to democratic societies. The Union and the Council of Europe worked together on capacity-building and the implementation of standards intended to strengthen the rule of law and the fight against corruption. The Council

had also adopted a number of legal instruments on the fight against corruption, accompanied by recommendations on codes of conduct for public officials or on common rules against corruption in the funding of political parties.

93. The European Union and its member States had entered into international instruments, including agreements containing standing provisions on cooperation on the fight against corruption and the promotion of the implementation of the United Nations Convention against Corruption. They continued to support all international mechanisms to combat impunity, including the International Criminal Court and other international tribunals, and commended civil society organizations for their contribution to the fight against corruption.

94. **Mr. Rasmus** Jarak Nexø **Jensen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that strengthening the rule of law was an integral part of the 2030 Agenda for Sustainable Development. Promoting the Sustainable Development Goal regarding peace, justice and strong institutions was a priority for the Nordic countries. Ensuring transparent procedures, efficient decision-making and judicious institutions was essential to promoting the rule of law.

95. The rule of law was currently being weakened in many parts of the world and the COVID-19 pandemic was not helping. As corruption and a lack of transparency tended to thrive in such situations, the subtopic “Measures to prevent and combat corruption” could not be more relevant. Corruption might exist at all levels and might take many forms. It exacerbated poverty and inequality and disproportionately affected the most vulnerable. Corruption obstructed technological breakthroughs and affected economic growth and development nationally as well as globally. In short, corruption promoted uncertainty, which was the exact opposite of the rule of law. It was a threat to democracy, human rights and sustainable development.

96. The Nordic countries were committed to the United Nations Convention against Corruption, to promoting the rule of law and to fighting corruption; they commended civil society organizations for their work in combating corruption.

97. **Mr. Hermida Castillo** (Nicaragua) said that his country based its international relations on friendship, solidarity and reciprocity among peoples. It not only recognized the principle of the peaceful settlement of international disputes through the means offered by international law, but had used such means on several occasions and would continue to do so. Nicaragua was firmly committed to the rule of law and acknowledged that States had the responsibility to consolidate democracy, sovereignty and fairness in all areas.

98. The rule of law at the national level and the rule of law at the international level were complementary. At the national level, the rule of law was rooted in compliance with the Constitution and domestic laws. At the international level, it was rooted in respect for the principles of sovereign equality and non-interference in the internal affairs of States and the obligation to settle disputes by peaceful means and to refrain from the threat or use of force against the territorial integrity or political independence of any State. It was vital to respect the legal institutions of all States and to recognize the sovereign right of all peoples to establish their own legal and democratic institutions.

99. Nicaragua had every confidence in the International Court of Justice, whose work contributed to the promotion, consolidation and dissemination of the rule of law and was essential to the fulfilment of commitments to ensure the sovereign equality of all States. Since its adoption over 70 years ago, the Charter of the United Nations had contributed to maintaining international peace and security. However, some of the major powers were acting in a manner that was incompatible with the principles of the Charter, in an attempt to control developing countries and undermine their right to self-determination and political independence.

100. In the midst of the COVID-19 crisis, it was urgent to eliminate unilateral coercive measures, which violated the right to development and human rights, deepened poverty and inequality, violated the principles of international law and, in times of pandemics, amounted to crimes against humanity. Respect for the rule of law and multilateralism was vital for peaceful coexistence and the building of a better world.

101. **Ms. Katholnig** (Austria) said that, as the coordinator of the Group of Friends of the Rule of Law, Austria was pleased that the Secretary-General had continued to place a high priority on the rule of law, in particular during the COVID-19 pandemic. It his report (A/75/284), the Secretary-General revealed that implementing measures to contain the pandemic in compliance with the rule of law while protecting people’s human rights and access to justice had become a critical challenge. The effectiveness of government measures to contain the pandemic depended on the capacity of public institutions and their leadership to take transparent, effective and accountable actions, in compliance with the rule of law.

102. Building resilient, strong and efficient institutions trusted and supported by citizens was key to fighting corruption, which had detrimental effects on societies, the enjoyment of human rights, the economic development of entire countries and the rule of law. Efforts to prevent and combat corruption should therefore be intensified.

103. Austria welcomed the convening of a special session of the General Assembly against corruption in 2021 as an important opportunity to reinforce the full and effective implementation of the United Nations Convention against Corruption. The Convention framework included a country-by-country review mechanism, whose recommendations regularly triggered improvements in national anti-corruption policies and practices. The mechanism should be strengthened and continued beyond the current review cycle, in order to accelerate efforts to achieve the main anti-corruption goals of the Sustainable Development Goals, most notably Goal 16.

104. Austria welcomed the support it received for its anti-corruption efforts from the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy, both based in Austria. The Office provided technical assistance and capacity-building support in the fields of prevention, education, asset recovery, integrity and criminal justice, while the Academy offered holistic anti-corruption education and training for academics, civil servants and practitioners.

105. **Mr. Alavi** (Liechtenstein) said that his Government welcomed the engagement of the United Nations in collective efforts to promote the rule of law. While the inclusion of the rule of law in the Sustainable Development Goals was encouraging, much remained to be done to strengthen the rule of law at the national and international levels. With regard to measures to prevent and combat corruption, his delegation had taken note of the warning issued by the Global Task Force on Corruption, in a paper entitled "The United Nations common position to address global corruption", that corruption and the looting of staggering amounts of assets undermined the achievement of the Sustainable Development Goals and had a negative impact on peace, stability, security, the rule of law, gender equality, the environment and human rights.

106. There was growing evidence that corruption was both an underlying root cause and a facilitator of modern slavery and human trafficking. Liechtenstein, together with Australia and the Netherlands, and with support from the United Nations University, had therefore launched a public-private partnership to implement the 2030 Agenda at the international level, focusing on ending modern slavery and human trafficking. Under the partnership, financial actors were offered a practical blueprint for the eradication of modern slavery and human trafficking by promoting sustainable and innovative financing, responsible lending and investment, and compliance and regulation. The fight against corruption and the fight against impunity were intertwined, as corruption and other forms of organized crime could contribute to the commission of atrocity crimes. Liechtenstein reiterated its unwavering support and commitment to continued cooperation with all international criminal courts and mechanisms fighting impunity.

107. Upholding international law in cyberspace was critical, as cyberattacks could cause massive civilian casualties. Liechtenstein, together with other States parties to the Rome Statute of the International Criminal Court, had therefore convened a group of legal experts to consider the extent of the applicability of the Rome Statute to cyber operations.

108. **Ms. Tang** (Singapore) said that her country firmly ascribed to the universal principle of the rule of law. While welcoming the Secretary-General's report (A/75/284), her delegation was extremely disappointed with paragraph 74 of the report, where the death penalty had once again been presented in an inaccurate, misleading and biased manner. First, the assertion in the paragraph that it was "in accordance with human rights standards" to "oppos[e] the application of the death penalty in all circumstances" was unacceptable and wholly inappropriate. There was no international consensus on the use of the death penalty. Indeed, article 6 of the International Covenant on Civil and Political Rights provided for the use of the death penalty for the most serious crimes. For the Secretary-General to have taken such a one-sided and biased stance was a misuse of his mandate.

109. Secondly, her delegation rejected the Secretary-General's contention that it would "advance Sustainable Development Goal 16" to "oppos[e] the application of the death penalty in all circumstances", since that implied that all countries that applied the death penalty were not contributing to the rule of law. Applying the death penalty in accordance with due process of law and judicial safeguards was entirely compatible with the Goal.

110. Thirdly, the Secretary-General stated that the United Nations accountability mechanisms would not share evidence in their possession for proceedings where the death penalty might be imposed. As he did not draw any distinction between inculpatory and exculpatory evidence, the Secretary-General seemed to

suggest that even exculpatory evidence would not be shared. Such a suggestion would not advance the rule of law and might obstruct the course of justice and efforts to arrive at a fair and just outcome.

111. At both the seventy-third and the seventy-fourth sessions, Singapore and other Member States had raised concern about the manner in which the Secretary-General had reported on the death penalty. Yet, in the current report, there was still an attempt to unilaterally impose a specific understanding of the death penalty on the entire United Nations membership, despite the lack of international consensus on the topic and the fact that its use was not prohibited under international law. In doing so, the Secretary-General had chosen to ignore the fact that all countries had the sovereign right to develop their own legal systems, including determining the legal penalties most suitable for their respective circumstances, in accordance with their international law obligations, as reaffirmed by the General Assembly in its resolutions 71/187 and 73/175.

112. The Secretary-General had also unilaterally decided to disregard the explicit request, reflected in General Assembly resolution 74/191 and other previous resolutions, to address the national and international dimensions of the rule of law in "a balanced manner". In the future, the Secretary-General should report on the death penalty in an objective, neutral and non-partisan manner.

113. Singapore had a robust, comprehensive anti-corruption framework comprising laws, enforcement mechanisms, public service and public outreach. It also actively supported international efforts against transnational corruption. It was a party not only to the United Nations Convention against Corruption, but also to a number of international anti-corruption instruments, and contributed to capacity-building for law enforcement counterparts in its region and beyond.

114. Singapore welcomed the entry into force of the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention), which filled a gap in the enforcement framework for cross-border commercial disputes. Singapore was also pleased with the adoption of a model agreement between itself and the International Tribunal for the Law of the Sea that would allow the country to be a venue for proceedings in cases before the Tribunal.

115. **Ms. Squeff** (Argentina) said that the political, economic and social impacts of corruption were indisputable. Corruption reduced efficiency and increased inequality, undermined good governance, eroded trust in public institutions, corroded decision-making and facilitated organized crime. It had a deeply negative impact on people's rights and on economic relations. The fight against corruption required multiple and synchronized approaches that addressed not only prevention and the punishment of perpetrators, but also the recovery of proceeds of crime. The political declaration currently being negotiated under the auspices of the Conference of the States Parties to the United Nations Convention against Corruption was the best platform for proposing concrete measures for each of the thematic areas identified in General Assembly resolution 73/191.

116. At the national level, the Government had set up a special anti-corruption agency, which served as the reference point for the implementation of transparency policies across the country. It had established policies on integrity to promote the adoption of transparency-related public policies at the provincial and municipal levels, and offered training tools and technical assistance to that end, with support from the United Nations Development Programme. The Government had also made recommendations to strengthen integrity and transparency in public contracts awarded during the COVID-19 pandemic and published guides for fostering integrity and transparency in national, provincial and municipal courts.

117. All States had an obligation to strengthen the rule of law at the national and international levels, which was essential for sustained and inclusive economic growth, poverty eradication and the full enjoyment of human rights and fundamental freedoms.

118. **Mr. Altarsha** (Syrian Arab Republic) said that, in order to uphold the rule of law at the international level, it was essential to build confidence in international relations and at the United Nations. As was stated in paragraph 34 of the report of the Secretary-General (A/75/284), the Special Envoy of the Secretary-General for Syria had facilitated the launch of the Syrian Constitutional Committee in October 2019. The Government had supported the Special Envoy in every way and continued to hope that all international stakeholders would adopt a balanced approach allowing the Constitutional Committee to be Syrian-led and Syrian-owned. The process should be insulated from the economic, political and military pressure exerted by certain Governments whose forces continued to occupy parts of Syrian territory, and which continued to impose unilateral coercive economic measures, to plunder the country's oil and natural resources, and to interfere in the work of the Constitutional Committee.

119. In paragraph 65 of the report, reference was made to the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and

Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. It was regrettable that such an illegal body had been established against the wishes and interests of the State concerned. The adoption of General Assembly resolution 71/248 without a consensus clearly contravened Article 12 of the Charter, which stated that, while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requested. The Security Council was, in fact, still fully performing its functions with regard to the situation in the Syrian Arab Republic.

120. The so-called International, Impartial and Independent Mechanism, an anomalous entity, was now collecting purported evidence outside the borders of the country, without the slightest guarantee of a credible chain of custody. Like any other Member State, the Syrian Arab Republic had a right, indeed a duty, to object to such a process. If the United Nations were willing and able to provide technical support to Syrian national judicial institutions, it could do so by following the proper legal procedures in coordination with the Syrian Government. The outcomes of any political process in Syria would be based on justice, accountability, reparation and reconciliation in the context of the country's legal and judicial institutions.

121. **Ms. Langerholc** (Slovenia) said that the rule of law helped to advance stronger institutions and more effective government action, and to reduce inequalities in the prevention and mitigation of the outbreak of diseases such as COVID-19. Slovenia appreciated the support that the United Nations provided to States to promote the rule of law and to help them build or improve their judicial systems.

122. The role of the implementation and recognition of multilateral and bilateral treaties and treaty processes in advancing the rule of law was adequately reflected in the report of the Secretary-General (A/75/284). Enforcing the rule of law at the international level could have a positive impact on democratic processes at the national level. Slovenia therefore strongly advocated consistent efforts to ensure that the rule of law was strengthened at the international level, especially through the peaceful settlement of disputes and the respect and implementation of decisions of international courts and arbitration tribunals. States should refrain from using force, coercion or intimidation, and instead always ground their claims in applicable international norms.

123. One of the foundations of international law was the fight against impunity. States should cooperate more in proceedings against the perpetrators of the most serious crimes before national courts. Slovenia was promoting the adoption of a convention that would facilitate effective cooperation at the global level by championing the mutual legal assistance initiative on international cooperation and extradition. It advocated the principle of universality, which allowed for the assertion of jurisdiction in cases where such atrocities might be prosecuted by all States. As a long-standing supporter of the International Criminal Court, Slovenia supported action by the Court and other international mechanisms if countries were unable to prosecute the perpetrators of such crimes.

124. It was important to adopt measures to prevent and combat corruption, because corruption disproportionately affected the poor and most vulnerable, increased costs and reduced access to services, including health, education and justice. Corruption eroded trust in government and undermined the social contract. It was a global problem requiring global solutions, and the United Nations played an important role in that regard. Slovenia had an autonomous and independent anti-corruption commission, which cooperated with other comparable bodies and oversaw the prevention of corruption in the country. Its mission was to curb corruption, strengthen the rule of law and promote integrity and transparency, in keeping with the principles of constitutionality, impartiality and ethics.

125. The successful application of the rule at the international level, including with respect to measures to prevent and combat corruption, hinged on States being aware of their responsibility in that regard and on their ability to implement it at the national level and in their relations with other States. Slovenia was a member of various international organizations and bodies tasked with fighting corruption and played an active role in those endeavours.

126. **Ms. Cerrato** (Honduras) said that the rule of law and development were mutually reinforcing. The challenges involved in ensuring legal equality for the most vulnerable and the poor could not be underestimated. Strengthening the rule of law played an important role in providing solutions to that situation. In that regard, the coordination of legal and social justice cooperation programmes, as the United Nations Development Programme did in her country through its work in the areas of international security and justice, was important to ensure access to justice for all. Honduras was currently working on policies to legally empower women so that they had an equal opportunity to participate in political, legislative and local decision-

making processes, and had the right to property and access to financing.

127. Her Government had demonstrated its firm determination to combat corruption and impunity, drawing both on its national laws and on the support of the international community to maintain and protect the rule of law. Honduras was a State party to the Inter-American Convention against Corruption, and as such, subscribed to the collective commitment to efficiently and effectively address that global and transnational challenge which undermined the legitimacy of public institutions, struck at society, moral order and justice, as well as at the comprehensive development of peoples.

128. The prevention and combating of corruption were high national priorities for Honduras, which was why it reaffirmed the United Nations Convention against Corruption as the universal, legally binding instrument that not only expressed the country's firm decision to fight corruption, but also constituted the ideal tool for doing so. Honduras was therefore participating actively in the preparations for the special session of the General Assembly against corruption, to be held in 2021.

129. For the rule of law to prevail, having effective laws, policies, lawyers and judges was insufficient; the fostering of well-informed and cohesive societies that protected development opportunities and the well-being of their people was also required. For that reason, Honduras had established its National Commission for Sustainable Development, comprising government institutions, the private sector and civil society, in order to monitor the implementation of the 2030 Agenda and to apply the rule of law elements for achieving Sustainable Development Goal 16.

130. **Ms. Abu-ali** (Saudi Arabia) said that her country's foreign policy was based on moderation, diplomacy, transparency, compliance with its obligations under international law and international instruments, and ongoing and constructive interaction with the international community. Her delegation commended the efforts of the United Nations to support States in upholding the rule of law and human rights for all, notably in addressing the effect of the coronavirus disease (COVID-19) pandemic and in combating terrorism, including in the areas of law enforcement and border control.

131. Her delegation was convinced about the importance of international cooperation based on shared responsibility, as well as the need for a stronger commitment to a world governed by international law, to deal with emerging challenges for national and international rule of law structures, including cross-border terrorism and cybercrime. In order to tackle those challenges, the principle of the rule of law should be reflected in tangible measures to consolidate security and protect humanity in accordance with the purposes and principles of the Charter of the United Nations. Her Government was committed to enacting robust measures to fight corruption and uphold governance and accountability.

132. **Mr. Simcock** (United States of America) said that, in his report (A/75/284), the Secretary-General identified a number of concerning trends, particularly in relation to corruption. Corruption was a corrosive force; it eroded trust in institutions, increased the imbalance between those with power and those without, and went hand in hand with the defiance of international norms. In post-conflict scenarios, the United Nations and other international actors faced the daunting challenge of providing assistance without inadvertently supporting the networks of corruption that might have contributed to the conflict in the first place. The General Assembly had drawn a direct connection between corruption and the erosion of the rule of law in the first preambular paragraph of the United Nations Convention against Corruption, highlighting "the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law."

133. Whenever the Sixth Committee met, it did so on the basis of the implicit understanding that, at its best, legal discourse was a substitute for more dangerous ways to approach problems. The same understanding was fundamental to preserving the rule of law. If the rule of law was protected, then the rules-based international legal order was also protected, and States would be better able to collectively address the pressing global challenges before them. His delegation hoped that the Committee would be able to reach a consensus on a subtopic for the debate on the agenda of the seventy-sixth session.

134. **Ms. Flores Soto** (El Salvador) said that strengthening the rule of law was an essential element of the fight against corruption. Her delegation therefore welcomed the subtopic of measures to prevent and combat corruption chosen for the current debate. Corruption weakened the stability and security of societies by eroding the most basic values of democracy, trust in public institutions, ethics and justice. It further deepened gaps in the achievement of sustainable development and undermined human rights, particularly for the most vulnerable groups.

135. Under the Constitution of El Salvador, the human person was the origin and purpose of government action, which was meant to achieve justice, legal certainty, the common good and representative democracy. Her Government recognized the importance of adopting the necessary measures to ensure that human rights could be exercised despite the vulnerabilities and restrictions arising from corruption. It had made the commitment to use all legal measures and mechanisms available, at both the national and the international levels, to prevent, detect, punish and eradicate corruption.

136. El Salvador was a party to various international legal instruments to combat corruption under the auspices of both the United Nations and the Organization of American States, as well as other bilateral and subregional instruments. It commended the United Nations Office on Drugs and Crime for the support it provided in the fight against corruption, which had enabled El Salvador to strengthen its strategies in that regard, particularly in the judicial sector. El Salvador was both a reviewing and a reviewed State under the mechanism for the review of the implementation of the United Nations Convention against Corruption, and as such participated actively in various working groups of the Conference of the States Parties to the Convention. To implement the recommendations formulated following its national review, it was currently examining proposals to reform its Criminal Code, its Code of Criminal Procedure and its law on the criminal responsibility of legal persons.

137. El Salvador was making every effort to achieve lasting peace, placing a high priority on strengthening its institutions, to ensure transparency in governance. It would continue to make every effort to study the rule of law, particularly with regard to the adoption of effective measures to prevent and combat corruption.

The meeting rose at 12.55 p.m.