



General Assembly

Seventy-sixth session

Official Records

Distr.: General
18 May 2022

Original: English

Sixth Committee

Summary record of the 6th meeting

Held at Headquarters, New York, on Tuesday, 12 October 2021, at 10 a.m.

Chair: Mr. García López (Vice-Chair) (Spain)
later: Ms. Al-Thani (Qatar)

Contents

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

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

21-14636 (E)



Please recycle



In the absence of Ms. Al-Thani (Qatar), Mr. García López (Spain), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 85: The rule of law at the national and international levels (continued) (A/76/235)

1. **Mr. Geng Shuang** (China) said that the subtopic “Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda” was aligned with his country’s philosophy and practice. Since its founding, the Communist Party had laboured to ensure the well-being and happiness of the Chinese people. China would continue to strengthen a people-centred rule of law at the national level and promote law-based governance. It would continue to build a country, Government and society governed by the rule of law and to ensure that the Chinese people felt that they were part of the process and would reap its rewards.

2. At the international level, China had long advocated the democratization of international relations based on the rule of law. It had repeatedly called on all States to abide by the purposes and principles of the Charter of the United Nations. Strengthening the rule of law at the international level was essential for maintaining world peace, promoting common development objectives and improving global governance. A people-centred rule of law at the international level must reflect the strong wishes of the people of all countries for peace, development and human rights and promote multilateralism and the common values of humankind: peace, development, equity, justice, democracy and freedom.

3. For some time, a number of countries had been advancing the concept of a so-called rules-based international order, without clarifying what the exact rules were, who wrote them or how they were related to the international order. The only reason for those countries to refer to a rules-based international order, rather than an international order based on international law or one based on the purposes and principles of the Charter, was to be able to interpret and apply international law as they wished, to impose their will on other countries and supplant the universally accepted rule of international law with their own rules. The so-called rules-based international order ran counter to the spirit of the rule of law and embodied unilateralism and power politics, rather than multilateralism, democracy and justice.

4. As the President of China had stated during the general debate of the seventy-sixth session of the

General Assembly, there was only one international system: the international system with the United Nations at its core. There was only one international order: the international order underpinned by international law. There was also only one set of rules: the basic norms governing international relations underpinned by the purposes and principles of the Charter.

5. The United Nations should hold high the banner of true multilateralism, strengthen the rule of law at the international level, improve global governance and uphold the international order underpinned by international law. To that end, the international community should ensure that international law-making was a democratic process that allowed for the equal participation of all countries, that international rules addressed the concerns of all States in a balanced manner, and that the rules and standards of a few countries were not held up as international standards. The international community should observe international law in good faith and reject double standards. All countries should take an objective and impartial position to ensure the uniform interpretation and application of international law. It was unacceptable that a scant few countries could demand compliance from other countries while invoking international law where it suited them and rejecting it where it did not. Furthermore, no country should be allowed to put its domestic rules above international law, impose unilateral sanctions or employ long-arm jurisdiction. Nor should any country be allowed to flout the principle of State consent or bring frivolous lawsuits against other countries to the detriment of their rights and interests in the name of so-called rule of law.

6. The current year marked the fiftieth anniversary of the restoration of his country’s lawful seat at the United Nations. Since then, China had stood steadfastly against hegemony, unilateralism and protectionism, had consistently acted as a builder of world peace and had contributed to global development and the implementation of the rule of law at the international level. China would continue to work with the rest of the international community to uphold the purposes and principles of the Charter and to practise multilateralism, help improve global governance and build humanity’s shared future.

7. **Mr. Kayinamura** (Rwanda) said that promoting the rule of law was a core value of his Government, which was dedicated to upholding the rights, unity and well-being of its people without distinction and to ensuring national consolidation and security. His delegation noted with appreciation the support for capacity-building provided by the Rule of Law Unit of the Executive Office of the Secretary-General.

8. With regard to the subtopic “Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda”, his Government agreed with the Secretary-General’s vision, which placed systems and institutions that delivered for people at the heart of global efforts to regain public trust. Strengthening public institutions and making them more responsive and accountable to the needs of the people formed the cornerstone of his country’s efforts to ensure accountability. The rule of law was possible only when legal processes, institutions and substantive norms reflected the aspirations of the people and the core principles of equality, accountability and fairness.

9. His delegation strongly condemned foreign interference by some countries in the judicial matters and court processes of developing countries. Such interference undermined the rule of law in those countries and ran counter to the principle of the sovereign equality of States. Democratic institutions in developing countries needed to be safeguarded against such alarming behaviour. Respect for international law was founded on the conviction that international behaviour must be governed not by the whims of powerful States or groups, but rather by a set of universally applicable rules and international law that all Member States had a responsibility to uphold.

10. Rwanda strongly believed that accountability and zero tolerance for impunity were essential to ensuring the rule of law and sustainable development. Its priorities included ensuring speedy and inexpensive access to justice, fostering a culture of accountability and ensuring judicial independence and transparency for all its people.

11. **Mr. Ihnytskyi** (Ukraine) said that upholding the rule of law and ensuring that justice systems were responsive to people’s needs should remain a priority for the Organization. The coronavirus disease (COVID-19) pandemic had exacerbated existing gaps in access to justice, leading to widespread human rights violations, disruptions in the delivery of basic services, serious security concerns and the erosion of public trust. The international community needed to promote and protect the rule of law in order to restore trust in democratic principles and ensure the protection of human rights for all and the timely delivery of justice.

12. The rule of law remained an effective tool at the international level to defend sovereignty and territorial integrity and to advocate the protection of human rights. Ukraine was committed to the peaceful settlement of international disputes, including those resulting from foreign military aggression. Since 2015, it had brought several legal cases against the Russian Federation in

international courts, in particular the case *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, currently before the International Court of Justice, and the *Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen (Ukraine v. the Russian Federation)* and the *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. Russian Federation)* being considered by arbitral tribunals constituted under the United Nations Convention on the Law of the Sea. In his report on the agenda item ([A/76/235](#)), the Secretary-General should not have merely referred to the aforementioned cases but should have also included follow-up information on the implementation of decisions of international courts and tribunals, in order to reflect the commitment of States to the rule of law. In particular, in 2017, the International Court of Justice had found that the Russian Federation must refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language. The failure of the Russian Federation to comply with the Court’s binding order had been reflected in resolutions of the General Assembly, which had also strongly condemned that country’s continuing disregard for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for the occupied Ukrainian territory.

13. In his recent report on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine ([A/75/334](#)), submitted pursuant to General Assembly resolution [75/192](#), the Secretary-General had called upon the Russian Federation to uphold its obligations under international human rights law and international humanitarian law in Crimea. In particular, Russian authorities were required to comply fully with the absolute prohibition of torture and ensure the independent, impartial and effective investigation of all allegations of ill-treatment, torture, arbitrary arrests and detentions, and enforced disappearances in Crimea.

14. In their joint declaration issued on 23 August 2021, the participants of the International Crimea Platform had urged the Russian Federation to comply with its obligations as an occupying Power under international humanitarian law and other applicable international law, to bring an immediate end to all violations of the human rights of the residents of Crimea, to provide unimpeded access to Crimea for established regional and international monitoring

mechanisms, in particular the human rights monitoring mission in Ukraine of the Office of the United Nations High Commissioner for Human Rights and the special monitoring mission to Ukraine of the Organization for Security and Cooperation in Europe.

15. Strengthening the anti-corruption architecture and judicial reform were unconditional priorities for Ukraine, as was strengthening the rule of law. It had made significant progress in that regard despite being subjected to ongoing aggression by the Russian Federation. The protection of human rights, health and dignity, constitutional rights and freedoms, and safe living conditions were among the core priorities of his Government's legislative initiatives, which included a draft law on the principles of the State policy on transitional justice aimed at the deoccupation and reintegration of the temporarily occupied territories and their inhabitants.

16. **Mr. Nyanid** (Cameroon) said that the rule of law was the basis of the social contract in any society and prevented abuse of power and impunity. At the international level, the rule of law was the foundation for a peaceful, prosperous and fair world, as envisaged by the Charter of the United Nations. In Cameroon, all persons were equal before the law, and all had a constitutional right of access to justice. A legal aid mechanism had been developed to ensure that all citizens, including the poorest, had access to the legal system. The Constitutional Council was responsible for overseeing the balance among the branches of government, the integrity of the electoral process and the alignment of the Constitution with international law.

17. His Government was in the process of reforming and modernizing its institutions, including through the implementation of the Act of 24 December 2019 establishing the General Code for Decentralized Local Authorities, which was aimed at increasing participation in regional elections and ensuring that the management of local resources took the specificities of each region into account. Having undertaken to restore the authority of the State in certain areas, it had faith in the judicial systems of those countries that hosted Cameroonian nationals and others whose daily actions contributed to the chaos in its territory; it hoped that those who were responsible for atrocities would be brought to justice. Cameroon called on its partners to condemn the actions of criminals who were hiding behind certain demands to create disorder in some regions of the country, thus preventing some citizens from enjoying the freedoms guaranteed under national and international law.

18. The measures taken by his Government to combat the scourge of corruption were bearing fruit. However,

corruption must be addressed from a global and systemic perspective, in order to ensure the equal treatment of all those engaging in corruption at both the national and international levels. The pursuit of the rule of law remained an ongoing quest for all societies that sought to ensure that their legal order remained in step with the changing times. Therefore, the promotion of the rule of law could not serve as a measuring stick to assign countries good or bad marks at will.

19. Cameroon welcomed the Organization's commitment to support collective action to promote the rule of law at the national and international levels, as reflected in General Assembly resolutions [63/128](#) and [75/141](#). The rule of law was a prerequisite for peace, justice and economic development. Although the world was changing, its stability and security would be ensured if States continued to work within the legal framework established by the Charter of the United Nations and other relevant instruments. The international community should strive to create a more equitable international legal order, free from interference and cronyism, in which the interests of all States were taken into account, the principle of sovereign equality was respected, and rich and poor States were treated alike by international institutions.

20. **Mr. Dang Dinh Quy** (Viet Nam) said that the rule of law at the national and international levels was critical to the development of every nation and the international community at large, the maintenance of international peace and security, the achievement of sustainable development and the promotion and protection of human rights. Building back better following the COVID-19 pandemic included protecting the most vulnerable, eliminating inequalities and inequities within and among States and upholding international law.

21. The United Nations and regional and subregional organizations played an instrumental role in strengthening the rule of law at the international level and assisting States in their national efforts. International law must be the foundation of the international system. All States must fully respect the Charter of the United Nations, including its purposes and principles, and resolve all disputes by peaceful means in accordance with international law and the Charter. The International Court of Justice and other international judicial institutions played a fundamental role in that regard.

22. In January 2020, when Viet Nam held the presidency of the Security Council, the Council had convened an open debate on upholding the Charter of the United Nations to maintain international peace and

security. It had also adopted a presidential statement on that occasion reaffirming its commitment to the Charter and an international order based on international law, which was the indispensable foundation of a more peaceful, prosperous and just world.

23. Together with other members of the Association of Southeast Asian Nations, Viet Nam was striving to make South-East Asia a region of peace, stability and prosperity. The East Sea, also known as the South China Sea, was the main maritime navigation and trade connection between the Pacific and Indian Oceans. Viet Nam was therefore concerned by recent complicated developments in the East Sea that had eroded trust and confidence, increased tensions and could undermine peace, security and stability in the region. It called on all parties to fully respect international law, especially the United Nations Convention on the Law of the Sea. It also called on all parties concerned to enhance mutual trust and confidence, exercise restraint, refrain from unilateral acts that might complicate or escalate tensions at sea, settle disputes by peaceful means in accordance with international law, including the Convention, fully respect diplomatic and legal processes and fully comply with the Convention in determining maritime claims. Viet Nam was working to promote the full implementation of the Declaration on the Conduct of Parties in the South China Sea and was making progress towards the early conclusion of an effective and substantive code of conduct that would be in line with international law, including the United Nations Convention on the Law of the Sea.

24. Viet Nam supported the Secretary-General's proposal that the Committee consider the subtopic "Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda".

25. **Ms. Ali** (Maldives) said that her Government was committed to consolidating democratic processes, advancing the rule of law, and protecting and promoting human rights and fundamental freedoms. It had also intensified its efforts to end systemic corruption at all levels by adopting a policy of zero tolerance for corruption, establishing a whistle-blower portal and enacting the Whistle-Blower Protection Act.

26. In 2019, in an effort to foster judicial independence in Maldives, the Judicial Service Commission had adopted more transparent policies aimed at giving new candidates equal opportunity when competing for judicial vacancies. The Judges' Act had been amended with an enhanced set of rules of conduct and a rule requiring judges to declare their assets. The Commission had also conducted an appraisal of all

judges in Maldives with a view to raising judicial quality.

27. Her Government was making good progress in carrying out its legislative agenda. It had submitted a new bill on evidence, which would replace the outdated Evidence Act, and the country's first comprehensive bill on civil procedure. New ethics and independence guidelines and asset declaration rules had been set for members of independent institutions, including the Elections Commission.

28. Promoting gender equality and combating discrimination and violence against women was a central pillar of the national strategic action plan. Under the recently amended Decentralization Act, at least one third of local council seats were allocated to women. Maldives would continue to work diligently to expand the role of women to further strengthen the rule of law.

29. Maldives was committed to fulfilling its international obligations. It had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and had declared under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that it recognized the competence of the Committee against Torture to examine individual complaints, thereby increasing access to justice for its citizens and demonstrating its ongoing commitment to be held accountable for violations.

30. Maldives had also further aligned its domestic laws with its international human rights obligations by amending the Anti-Human Trafficking Act and enacting the Child Rights Protection Act and the Juvenile Justice Act, which enhanced the legal framework pertaining to child rights, the provision of child protection services and the protection afforded to children in conflict with the law.

31. While great progress had been made, much remained to be done. The COVID-19 pandemic would continue to test the country's institutions, while the deleterious effects of climate change would strain its systems of governance long after the pandemic was over. At a time when the rule of law had never been more important, her Government would continue to promote the rule of law both nationally and internationally, in collaboration with its international partners.

32. **Mr. Mainero** (Argentina) said that a vision of a fair, equitable, tolerant, open and inclusive world that would meet the needs of the most vulnerable was the basis for the 2030 Agenda for Sustainable Development.

The Sustainable Development Goals represented a promise to leave no one behind. Regrettably, an estimated 1.5 billion people had unmet criminal, civil or administrative justice needs, according to the report of the Secretary-General entitled “Our Common Agenda” (A/75/982). Unresolved legal problems could negatively affect the health, income and productivity of both individuals and communities. In order to achieve Sustainable Development Goal 16, aimed at ensuring equal access to justice, the focus of judicial systems must be on people and their justice needs; people must be empowered to understand and employ the law; mediation and other dispute settlement methods must be promoted as a means to keeping conflicts from escalating; and administrative and financial barriers must be eliminated to facilitate access to justice.

33. The COVID-19 pandemic had impeded the efficient functioning of justice systems. Innovative solutions were needed to ensure the continued operation of justice systems during global crises, including through the use of digital technology, while respecting due process.

34. At the international level, respect for and promotion of the rule of law was vital for the peaceful coexistence of States. One of the pillars of the rule of law was the peaceful settlement of disputes, in which the International Court of Justice played a central role. In addition to the Court, various specialized tribunals, such as the International Tribunal for the Law of the Sea, facilitated dispute settlement. Other methods of international dispute settlement were also provided for in the Charter of the United Nations. For example, the Secretary-General might be requested to exercise his good offices for the peaceful settlement of disputes. However, in order for any means of peaceful settlement to succeed, the parties concerned must act in good faith and negotiate when called upon to do so by United Nations organs, including the General Assembly.

35. Strengthening the rule of law at the national and international levels was an obligation for all States; the rule of law was essential for sustainable and inclusive economic growth, sustainable development, the eradication of poverty and the full enjoyment of human rights and fundamental freedoms.

36. **Mr. Bouchedoub** (Algeria) said that the rule of law was vital at the national level to maintain security, stability, human rights and the effective functioning of the legal system, as well as to support the national health authorities in their response to the COVID-19 pandemic. Adherence to the rule of law was essential to upholding the principles enshrined in the Charter of the United Nations, including the sovereign equality of States,

good faith, non-interference in the internal affairs of States, the right to self-determination and the peaceful settlement of disputes. His delegation was pleased that, despite the impact of the pandemic, it had been possible to convene the seventy-second session of the International Law Commission and the fourth session of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. It had, however, become clear that States needed to cooperate more inclusively and effectively to remedy gaps in the international legal system, particularly with regard to responses to cross-border pandemics. Algeria remained committed to strengthening the rule of law at the national and international levels, as the rule of law was the cornerstone of sustainable development.

37. **Ms. Lito** (United Kingdom) said that the COVID-19 pandemic had challenged all countries to find new ways to ensure access to justice and dispute resolution under unprecedented circumstances. Recognizing that technology was revolutionizing access to justice and dispute resolution, her Government had made critical investments in innovative solutions provided by pioneering technology companies and the legal sector. Remote hearing and online services had been vital to ensuring access to justice during the pandemic, while reducing physical attendance at courts, tribunals and offices. Sadly, many countries had used pandemic control measures and new technology to undermine the rule of law and persecute lawyers and human rights defenders. There had been a worrying decline in global freedom, together with increased attacks on judicial independence and abuses of emergency powers. Measures that undermined judicial independence and the rule of law ultimately left societies weaker and more divided.

38. In response to the increase in domestic violence against women and girls observed during the pandemic in 2020, her Government had set aside additional funding to provide victims with safe accommodation and support. It was also following up on the highly successful What Works to Prevent Violence Against Women and Girls Programme by building the evidence base and scaling up effective approaches. The pandemic had also exacerbated conflict-related sexual violence. The United Kingdom continued to support access to justice that met the needs and wishes of survivors and held perpetrators accountable, including by providing funding for the development of the Murad Code, which would help to ensure that minimum standards were upheld when documenting evidence of conflict-related

sexual violence, protecting survivors' rights and bolstering prosecutions.

39. The rule of law was essential to the enjoyment of universal human rights and the prosperity and security of all States and societies. It was a necessary condition for the emergence and flourishing of open societies with democratic institutions and human rights protections. The rule of law was also critical to achieving the Sustainable Development Goals, in particular Goal 16, on peace, justice and strong institutions, which her country was proud to champion.

40. Lastly, her delegation welcomed the Secretary-General's efforts to develop a new vision for the implementation of the rule of law in a manner that was inclusive and took into account the most marginalized members of society.

41. **Mr. Proskuryakov** (Russian Federation) said that the Secretariat had failed to fulfil the request contained in General Assembly resolution 73/207 that the national and international dimensions of the rule of law be addressed in a balanced manner in the Secretary-General's next report on the agenda item. In addition to giving higher priority to the section on the promotion of the rule of law at the national level, the authors of the report before the Committee (A/76/235) had promoted certain standards of behaviour and internal organization that had not been approved by anyone and seemed to come out of nowhere. The Rule of Law Unit and other relevant entities within the Secretariat were expected to comply strictly with the mandate given to them by Member States and not produce compilations of unsolicited and questionable advice. For example, it was unclear on what basis the Secretariat had concluded that large-scale prisoner release increased the effectiveness of justice institutions. No data on the effect of such measures on criminal activity had been provided. Taking such a simple-minded approach, consisting of cookie-cutter, politically correct solutions to complex problems, was a recipe for disaster. For example, the attempt to remake Afghanistan and its society based on the Western model had resulted, unsurprisingly, in complete failure. His delegation had warned repeatedly that foreign values could not be imposed through political pressure, unilateral sanctions or firepower and that doing so would inflict suffering on the local population.

42. The excessive attention paid in the report to the topic of sexual minorities was another outrage. The Secretariat was well aware that States that subscribed to traditional family values did not support the active promotion of that topic. Yet, it had decided that the views of some States mattered more than others. In

future, the Secretariat should be more conscientious in observing the principle of impartiality. The excessive attention given in the report to gender and human rights left the impression that acts of gender-based and sexual violence were the only serious crimes that existed in the world. The attention given to that topic should not be at the expense of more substantive topics, including counter-terrorism and criminal justice.

43. Reference was made in the report to a so-called Sustainable Development Goals monitoring framework, giving the impression that States had agreed on a supranational oversight mechanism, although there was no mention of it in General Assembly resolution 70/1. In that connection, he asked the Secretariat to provide exhaustive information regarding the Goal 16 survey initiative. Attempts to impose indicators and rankings of States in connection with their progress towards the achievement of the Sustainable Development Goals stood in sharp contrast to the spirit and letter of those Goals, turning a tool meant for assisting countries into a mechanism for control and punishment.

44. The section of the report on the promotion of the rule of law at the international level – an aspect that was more deserving of the Organization's efforts – made more sense, though it had its flaws. It was unclear why environmental treaties had been listed ahead of other international instruments that had entered into force during the period under review. The information provided about the International Court of Justice was limited and superficial, even though the Court had reportedly maintained a high level of judicial activity during the COVID-19 pandemic. Information about the work of the International Tribunal for the Law of the Sea was limited to selective references to specific cases before the Tribunal, while the International Criminal Court received extensive coverage. His delegation was mystified by the expansive coverage given to the achievements of the International Residual Mechanism for Criminal Tribunals, as that body's ability to administer justice effectively was highly doubtful. The report also contained a reference to the 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, which had been established in contravention of the Charter of the United Nations, and to an analogous structure for Myanmar. In future reports, the Secretariat should provide detailed information only on the activity of international courts and tribunals that had universal support.

45. The information provided on the Global Focal Point for the Rule of Law suggested that there might be

a duplication of effort within the Organization with regard to that topic and left it unclear whether Member States had mandated its establishment. His delegation would appreciate more information on the sources of funding for the entity and the decisions that had led to its establishment.

46. As for the allegations made against the Russian Federation by the delegation of Ukraine, such rhetoric only served to undermine the Committee and its standing.

47. **Ms. Minale** (Ethiopia) said that a legal system comprising competent and legitimate legislative organs and an independent judiciary formed the cornerstone of national governance, especially in socially and politically pluralistic countries. Her Government's earlier investment in its institutions and constitutional mechanisms had allowed it to hold a free, fair, credible and democratic national election despite the unprecedented level of disruption caused by the COVID-19 pandemic. Ethiopian voters had turned out in record numbers, demonstrating their sense of ownership of the electoral process. The lessons learned by Ethiopia could be scaled up for use in other developing countries as part of the Organization's efforts to help Member States attenuate the impact of the pandemic on their justice systems.

48. Over the previous year, Ethiopia had been subject to an unprecedented attack on its federal institutions, including its defence forces, by a lawless criminal group. The situation had been reversed by an extensive national effort, and the nation had been saved thanks to the rule of law and the competent and independent national institutions built during peacetime. That experience had reaffirmed that equality before the law, equal representation and diverse administration were necessary for a sustainable and durable rule of law apparatus.

49. The rule of law at the international level suffered from the widespread use of unilateral coercive measures, the privatization of politics and foreign policy, agenda-driven interpretation and application of international norms and treaties, and the tendency to favour might over justice. In the light of those shortcomings, Ethiopia, together with other countries, had called for the international community to preserve the Charter of the United Nations and to model its rules-based order upon it. The Secretary-General should also give sufficient coverage to the state of the rule of law at the international level in future reports on the item. Ethiopia would continue to uphold the rule of law at the national level and would participate in international

institutions to ensure the consistent implementation of the rules and laws by which it had agreed to be bound.

50. **Mr. Cho Hyun** (Republic of Korea) said that his country was committed to promoting the rule of law, which was a prerequisite for a thriving democracy and the protection of human rights, as well as indispensable for stability and order. Its absence was a cause of conflict and was also felt acutely in post-conflict settings. The Republic of Korea had supported rule of law assistance at the national and international levels and appreciated the Organization's activities in that regard, as described in the Secretary-General's report (A/76/235), which could serve as a reference guide when building the capacity of both judicial and non-judicial mechanisms. Given that rule of law assistance, especially for institutional reform, required long-term investment, it was important to ensure monitoring and measurement. Data collection, disaggregation and analysis also played a critical role in evidence-based policymaking.

51. Human rights and the rule of law were interlinked and mutual reinforcing, as had been reaffirmed in the 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels. In its pandemic response, his Government had compared any restrictive measures under consideration with less invasive alternatives and had adopted any restrictive measures in accordance with the law and through legal process. As a result of civic participation, some measures had been modified or even lifted in view of human rights considerations. In the process, his Government had learned that public-private partnerships could be forged only on the basis of trust, which could be gained only through the rule of law underpinned by human rights. The same could be said of counter-terrorism measures.

52. His Government welcomed the new vision of a people-centred rule of law, as set out in the Secretary-General's report entitled "Our Common Agenda" (A/75/982). The vision would meet the people's legitimate expectations, especially in the context of the COVID-19 pandemic. As the contemporary notion of the rule of law was already inherently linked to human rights, the new vision should give more weight to human rights and the achievement of practical outcomes than to a redefinition of the concept of the rule of law.

53. Greater attention needed to be given to the decline of formal codification efforts in the form of multilateral conventions and the increased use of so-called non-binding norms. The applicability of international law to cybersecurity and outer space had been reaffirmed, but the question remained whether any loopholes existed

and whether any adaptations were needed in the way the rules of international law were applied in those areas. A combination of agreed voluntary norms and international law would enhance the rules-based order and the rule of law in those areas. All States had a duty to settle international disputes by peaceful means under the Charter of the United Nations, a duty that was also applicable to any new and emerging forms of inter-State disputes such as those involving cybersecurity. More diverse, alternative, ways of resolving disputes, as exemplified by the *Timor Sea Conciliation (Timor-Leste v. Australia)*, had also proved to be useful.

54. His Government appreciated the Secretary-General's efforts to revitalize the global legal framework and looked forward to a global road map for the development of international law. For international law to be truly operational at the domestic level, however, each State needed to internalize its obligations under international law.

55. **Ms. Aondona** (Nigeria) said that the rule of law was linked to every aspect of human development and should therefore be given priority by Member States. The nexus between the rule of law and other issues on the Organization's agenda was most evident in Sustainable Development Goal 16. Adherence to the rule of law at the international level was necessary in order to guide the actions of States and to hold them accountable for their actions or inaction. Respect for the rule of law also promoted respect for the principles of sovereignty, integrity, the right of States to self-determination and the right to development. The rule of law at the national level must be consistent with international law. Nigeria had advanced its own development by adhering to the guiding principles set out in relevant regional and subregional instruments, in particular the Constitutive Act of the African Union and the protocols of the Economic Community of West African States.

56. The rule of law was a prerequisite for justice and a foundation for peaceful coexistence and respect for human rights, all of which were enshrined in her country's Constitution. The promotion of the rule of law at all levels was vital for strengthening cooperation and achieving enduring peace and security at home and abroad. Even during times of conflict and after serious attacks from terrorists, Nigerian officials gave priority to protecting the rights of all. The seriousness with which her Government took the implementation of the rule of law at the national level was evidenced by its policies on human rights and gender equality, the latter being focused on the empowerment of women and girls, their equal representation and the elimination of discriminatory practices.

57. The promotion and protection of peoples' rights also strengthened democratic institutions and ensured an efficient and inclusive Government. The Economic and Financial Crimes Commission, the Independent Corrupt Practices and Related Offences Commission, the Nigeria Financial Intelligence Unit, the Nigeria Police Force and the Code of Conduct Bureau and Tribunal sought to ensure that due process was respected and implemented in accordance with established laws.

58. At the international level, Nigeria had consistently pursued a foreign policy anchored in the promotion of global security and the protection of the dignity of all persons. It recognized the important role of the International Court of Justice, the International Criminal Court and other international tribunals in the peaceful resolution of international disputes. Her country's support for peacekeeping since its independence in 1960 demonstrated its commitment to international peace and security and the rule of law.

59. Judicial independence was important for the administration of justice, as it ensured that the judiciary was free from interference and manipulation and could adjudicate impartially, in accordance with established laws, without fear or favour, control or improper influence from other parties. The rule of law also enabled international cooperation between judicial and prosecutorial bodies of sovereign States.

60. Nigeria appreciated the Organization's initiatives to promote the rule of law and transitional justice in conflict and post-conflict societies. Unless Member States strengthened the rule of law at the national level, there would be no platform upon which the rule of law, accountability and social justice could be implemented unconditionally. For its part, Nigeria had consistently demonstrated strong political will to fulfil its international obligations by aligning its domestic laws with relevant international instruments and was unwavering in its commitment to its international obligations.

61. **Mr. Marschik** (Austria) said that, as the coordinator of the Group of Friends of the Rule of Law, Austria was pleased that the Secretary-General continued to place a high priority on the rule of law. In the face of a crisis of trust, the rule of law helped to build and reinforce trust internationally and nationally by ensuring predictable and accountable public decision-making. In his report ([A/76/235](#)), the Secretary-General had reaffirmed the pivotal role that United Nations rule of law assistance would play in rebuilding trust in institutions. Austria was pleased to note the legal support provided by the Global Focal Point for the Rule of Law in the context of the COVID-19 pandemic,

especially in view of the continuing justice gap for women and girls.

62. The Secretary-General's vision of a revitalized social contract between the individual, the community and the State foresaw a central role for a people-centred rule of law. Building resilient, strong and efficient institutions trusted and supported by citizens was key to fighting corruption, and Austria therefore welcomed the political declaration adopted at the special session of the General Assembly against corruption, including its focus on prevention through enhanced anti-corruption training and education. It also welcomed the recent appointment of a Permanent Observer for the International Anti-Corruption Academy to the United Nations in New York.

63. Austria strongly believed that a rules-based international system with clear and predictable norms was an essential condition for lasting peace, security, economic development and social progress. It supported an international order based on the rule of law and international law, with the United Nations at its core. Regarding the questions raised about the notion of a "rules-based order", it was very clear to Austria that the term referred to a system based on international law, treaties, customary law and general principles of law as outlined in the Statute of the International Court of Justice. A rules-based order required the ratification and implementation of international agreements, including international human rights treaties, and the settlement of disputes by peaceful means, including through the International Court of Justice. Austria urged all States to accept the compulsory jurisdiction of that Court without reservations.

64. Justice for all was an essential element of the rule of law, and it could not be achieved as long as impunity for the most serious crimes persisted. Moreover, accountability for atrocity crimes was central to ensuring reconciliation and lasting peace. Austria therefore strongly supported the work of the International Criminal Court and other international accountability mechanisms such as the 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 would continue to promote the universality of the Rome Statute and to underline the need to apply it impartially and fairly. His delegation also echoed the Secretary-General's call for more effective efforts to realize justice for victims and survivors.

65. Draft articles prepared by the International Law Commission provided an excellent basis for the

negotiation of multilateral treaties, and States should continue to ensure appropriate follow-up on its work, including the recently adopted draft articles on prevention and punishment of crimes against humanity. The work of the Commission was also often used by national and international courts even before it reached the status of a binding multilateral treaty, especially when it reflected customary international law. Thus, the Commission helped to ensure legal certainty, which was indispensable for the rule of law. In view of the importance which it attached to the Commission's work, Austria had nominated the current Austrian member for re-election to the Commission for the 2023–2027 quinquennium.

66. **Mr. Prongthura** (Thailand) said that the international community must continue to strengthen the effective implementation of the rule of law at both the international and national levels. International cooperation guided by international law was vital in that regard, as emphasized by the Secretary-General in his report entitled "Our Common Agenda" (A/75/982). Thailand appreciated the continuing efforts of the United Nations to promote the rule of law through capacity-building, technical assistance and the dissemination of legal knowledge and would co-host the next United Nations regional course in international law for Asia-Pacific in December 2021.

67. While there was now greater awareness of how multilateralism and international law were critical to the collective response to the COVID-19 pandemic, it was also important for people to realize the relevance of the rule of law in their daily lives. Inclusivity and a sense of ownership were key to enhancing compliance with the rule of law. Thailand therefore welcomed the Secretary-General's suggestion of a subtopic entitled "Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda". At the national level, the rule of law lay at the heart of the Thai legal system and Constitution. His Government was committed to harmonizing its domestic laws with relevant international norms and standards. It had recently approved a draft Act establishing procedures for public participation in the conclusion of a treaty as part of its ongoing efforts to implement a people-centred rule of law.

68. **Mr. Mohammed** (Sudan) said that his delegation commended the way in which, as detailed in the report of the Secretary-General (A/76/235), the United Nations family had come together to support and assist Member States, at their request, to promote the rule of law and ensure respect for the human rights of all, including as part of the response to COVID-19. It was essential to maintain and strengthen multilateral partnerships and

build on the commitment made by Member States and their partners to live up to the expectations of their populations concerning the rule of law and the attainment of the Sustainable Development Goals.

69. His Government had been working to overhaul domestic legislation and align it with international standards and agreements. Since the revolution of 2018, the Sudan had acceded to several important international instruments. Positive steps had been taken to repeal repressive laws, strengthen the role of women in society, ensure accountability and guarantee freedom of opinion, expression and peaceful assembly.

70. The rule of law at the national and international levels depended on the peaceful settlement of disputes. A clear and transparent mechanism enabling all Member States to engage with the activities of the Secretariat should therefore be put in place. Strengthening the rule of law should be a joint endeavour; it was important to seek consensus, avoid imposing any specific model, and strike a balance between the national and international dimensions of the rule of law. There was a pressing need for a programme to build national capacities, provide technical assistance and allow for the exchange of experiences in that area.

71. *Ms. Al-Thani (Qatar) took the Chair.*

72. **Ms. Chan Valverde** (Costa Rica) said that defence of the rule of law was at the heart of Sustainable Development Goal 16 and integral to the 2030 Agenda. The COVID-19 pandemic had erased progress towards implementation of the 2030 Agenda, but it did not give Member States an excuse to abandon their human rights obligations, allow democratic norms to weaken, cease to strive for gender equality and access to justice for all or give up on enabling civil society participation in the United Nations. Neither did it give them an excuse to encourage hate speech or nationalistic fervour or to weaken the rule of law, particularly at the domestic level. The rule of law must continue to guide their actions.

73. The administration of justice in countries with already weak justice systems had been particularly badly hit by the health measures imposed to stop the spread of COVID-19; prison systems had also been badly affected, which had direct implications for human rights. When institutions were undermined, people lost trust. As the Secretary-General had indicated in his report (A/76/235), United Nations rule of law assistance was critically needed to rebuild trust in institutions; such trust was also fundamental to reimagining the social contract, which established the foundational relationship between the individual, the community and the State. Ensuring rule of law and justice systems that

were responsive to people's needs must remain a priority of the United Nations.

74. **Ms. Egmond** (Netherlands) said that United Nations rule of law assistance was critical to realizing the Sustainable Development Goals, because progress towards Goal 16 on peace, justice and strong institutions would accelerate progress across the entire 2030 Agenda. Building peaceful and inclusive societies required a people-centred rule of law and access to justice for all. Providing equal access to justice was now particularly urgent, given that the COVID-19 pandemic had exacerbated inequalities.

75. In view of the fact that the Secretary-General's vision for a more inclusive, effective and networked multilateral world, as presented in his report entitled "Our Common Agenda" (A/75/982), placed systems and institutions that delivered for people at the heart of global efforts to regain public trust, ensuring rule of law and justice systems that were responsive to people's needs should remain an important priority for the United Nations. The Netherlands encouraged the Secretary-General to develop a vision for the rule of law that recognized that development, peace and stability depended on people-centred justice systems. Such systems would help to resolve justice problems by working with a broad range of formal and informal justice actors and by making better use of data and innovation. They would also use access to justice as a tool for reconciliation and prevention.

76. To avoid the scourge of war, all States must agree to settle their differences peacefully. The Netherlands had accepted the compulsory jurisdiction of the International Court of Justice and the International Tribunal for the Law of the Sea, and it called on all States to do the same. The Netherlands also urged all States to continue their political, financial and logistical support for the International Criminal Court and invited those States that had not yet done so to accede to the Rome Statute.

77. The rule of law applied to international organizations, including the United Nations, and it was imperative that the Organization lead by example. His delegation was pleased that the Secretary-General's report included information on strengthening the administration of justice within the Organization. It hoped that his next report would also provide information on the Organization's implementation of judicial decisions and on its implementation of General Assembly resolution 52/247 on third party liability, particularly with respect to its operational activities in areas such as peacekeeping.

78. Lastly, the International Law Commission should be invited to move the topic “The settlement of international disputes to which international organizations are parties” from its long-term programme of work to its current programme of work, since that would help to strengthen the Organization’s own credibility in that area.

79. **Ms. Nze Mansogo** (Equatorial Guinea) said that it was more urgent than ever for States to promote and consolidate the rule of law. Conscious of the grave threat of corruption for the rule of law, Equatorial Guinea had ratified the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption in 2018 and 2019, respectively, and had enacted an anti-corruption law in 2021. The Government had also met with representatives of the United Nations Office on Drugs and Crime to facilitate its field mission on corruption, maritime crime and the criminal justice system. In 2021, in close collaboration with the United States, Equatorial Guinea had investigated and prosecuted possible cases of human trafficking and had implemented formal procedures for identifying victims, along with training for more than 700 public officials and members of civil society. However, despite progress, much more needed to be done to eliminate human trafficking and corruption.

80. Equatorial Guinea welcomed the rule of law assistance that the United Nations had provided to States upon request, as part of efforts to respond to the COVID-19 pandemic. However, it wished to underscore that strengthening the rule of law at the international level entailed, *inter alia*, ensuring respect for the legitimate rights of States under international law, equal opportunities for all States to participate in the making of international laws and peaceful settlement of disputes through the mechanisms established under international law.

81. **Ms. Lbadaoui** (Morocco) said that her Government reiterated its commitment to the rule of law, good governance and human rights, as well as to a renewed and strengthened multilateralism under the auspices of the United Nations. In the light of the weaknesses revealed by the COVID-19 pandemic, renewed efforts by the United Nations to fulfil its role as a centre for harmonizing the actions of nations, by clearly and unambiguously recommitting to the values and responsibilities enshrined in the Charter of the United Nations, were more urgently needed than ever. Such efforts would require the adoption of a global, inclusive, multidimensional approach based on the rule of law, including respect for the sovereignty, national unity and territorial integrity of States and

non-interference in their internal affairs. Under its Constitution, Morocco reaffirmed its commitment to universally recognized human rights and acknowledged the primacy of duly ratified international conventions over domestic law. It was committed to bringing the relevant provisions of its national law into line with such conventions.

82. In the context of the pandemic, Morocco had issued two decree-laws to regulate the health emergency and had established a legal framework to protect fundamental rights, including access to public health. It had also set up coordinated central and regional pandemic governance mechanisms. Prior to the pandemic, her country had launched the digitalization of its justice system with a view to improving access to justice. As a result, it had been able to hold almost 1,500 remote proceedings.

83. **Mr. Hitti** (Lebanon) said that the rule of law protected people when things were going badly. At both the national and international levels, equality before the law, accountability, independent and unhindered justice, and respect for human rights were essential to a strong rules-based system. In Lebanon, the promotion of a people-centred rule of law meant meeting the legitimate aspirations of the Lebanese people for a country free of corruption and for access to social justice. Women and youth as agents of change, together with non-governmental and civil society organizations, were working to implement those ideas. Despite all its ongoing challenges, Lebanon was on track with the implementation of its first national action plan on compliance with Security Council resolution [1325 \(2000\)](#) on women and peace and security. Coordination and implementation efforts were being led by a national steering committee headed by the National Commission for Lebanese Women and supported by United Nations agencies.

84. The implementation of relevant international legal instruments and United Nations resolutions, in particular Security Council resolutions, was vital to the promotion of the rule of law, as was the work of international and hybrid courts and tribunals. The International Court of Justice remained one of the main organs for the peaceful settlement of disputes between States; respect for its judgments and advisory opinions could only reinforce the multilateral rules-based order. The Special Tribunal for Lebanon, established to prosecute the perpetrators of the 2005 terrorist attacks, was nearing the end of its work, set for 2022. Lebanon remained committed to seeing that work to completion, in order to grant long-awaited justice to the victims and their families and end impunity for terrorist acts. International tribunals must be effective and complete

their work in a timely manner; otherwise, they sent the wrong message about international justice.

85. **Mr. Azzam** (United Arab Emirates) said that his country, since its foundation, had striven to incorporate rule of law principles into its Constitution and into its law-making, in order to safeguard basic rights. Action had been taken in such areas as upholding civil, commercial and criminal justice; strengthening the role of the prison system in bringing down crime rates among inmates; and consolidating the legal framework and international cooperation when combating money-laundering, human trafficking and cross-border crime connected with terrorism. An integrated set of laws and executive measures had been introduced for the protection of women, children, older persons, persons with disabilities, labourers and prisoners. Laws were also being formulated or amended with a view to encouraging investment opportunities.

86. The COVID-19 pandemic had tested the effectiveness of State institutions and prompted a reconsideration of the ways in which justice and the rule of law could be safeguarded in times of crisis. His Government had introduced measures to ensure access to justice without interruption or delay during the pandemic. By the end of 2021, some 80 per cent of judicial proceedings were expected to take place remotely. That process had begun as early as 2017, when e-trials had been introduced.

87. Under the Constitution of the United Arab Emirates, all individuals were equal before the law; there could be no discrimination on grounds of origin, nationality, religion or social status. All citizens, residents and visitors had a right to a fair trial, and the judiciary was fully independent. His Government had established an Office on the Culture of Respect for the Law whose function was to improve awareness of the law and maintain positive relations between individuals and the legal system.

88. The United Arab Emirates was a party to some 60 agreements and memorandums of understanding in the areas of legal and judicial cooperation. His Government was fully committed, without selectivity, to all international instruments aimed at ensuring respect for the rule of law, social and economic justice, human rights and equality in the international system.

89. **Mr. Musayev** (Azerbaijan) said that the international legal order, multilateralism and international cooperation needed to be strengthened in order to meet the challenges facing the world. The purposes and principles of the Charter of the United Nations were universally binding and remained as important as ever for the maintenance of international

and regional peace and security and the promotion of sustained economic growth, sustainable development, human rights and justice. Double standards had no place in international relations. All States must comply strictly with their international obligations, in particular those relating to respect for the sovereignty and territorial integrity of States and non-interference in internal affairs.

90. More needed to be done to counter terrorism and its root causes and to combat impunity for violations of international law, which were not always treated with the attention they deserved. In line with the Geneva Conventions of 12 August 1949, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international instruments, States were required to investigate, without undue delay, reports of war crimes and other serious offences committed during armed conflicts, and to prosecute and punish the perpetrators. That obligation had also been repeatedly reaffirmed by the General Assembly and the Security Council. Accountability and redress mechanisms not only protected the rights and interests of the victims but were essential for preventing violations and achieving genuine reconciliation. In that connection, the United Nations must also continue to mobilize the world against racism and to confront hate.

91. The faithful implementation of international treaties was a key prerequisite for the global harmonization of international relations and for individual and collective efforts to address threats to peace, security and stability. As the principal judicial organ of the United Nations, the International Court of Justice played an important role within the international legal system in promoting the rule of law and encouraging the settlement of international disputes by peaceful means.

92. **Mr. Phiri** (Zambia) said that, as the Secretary-General had observed in his report ([A/76/235](#)), Governments responding to the COVID-19 pandemic were having to strike a delicate balance between guaranteeing the individual rights and freedoms of their citizens and ensuring public health and public order. In that regard, it was important to determine which rights were derogable and which ones should never be infringed upon. As stated in the preamble to the Universal Declaration of Human Rights, it was essential that human rights should be protected by the rule of law. Together with independent, efficient, and effective national judicial systems, the rule of law reassured citizens that they were ruled by law, rather than by the whims of fellow humans. Minor deviations from established principles, once accepted, paved the way for the widespread acceptance of additional deviations.

Civil liberties lost were soon forgotten. It was important, therefore, to shield the next generation from all potential forms of tyranny and to ensure that precedents set during the current crisis could not be exploited by any power, authority or movement, as that would only lead to the very barbarism that the international community had sought to eradicate through the adoption of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international codes and covenants.

93. As noted in the Secretary-General's report, public trust in many vital national and international institutions was rapidly waning. Zambia was therefore grateful to the United Nations for providing its rule of law expertise and technical support in the areas of policing, justice and corrections services with a view to ensuring compliance with human rights and the rule of law. The special session of the General Assembly against corruption in June 2021 had been an opportunity to consider further measures to prevent and combat corruption, strengthen international cooperation and promote the rule of law.

94. Corruption flourished in times of disaster and greatly undermined democratic institutions by distorting electoral procedures, eroding the rule of law and erecting bureaucratic obstacles that diminished trust in public agencies. The newly elected President of Zambia, Hakainde Hichilema, was pursuing a policy of zero tolerance for corruption in all its forms. Efforts were under way to realign and strengthen the Anti-Corruption Commission, the Financial Intelligence Centre and related institutions, to ensure that they remained vigilant, professional and objective. His Government was also in the process of establishing specialized, fast-track mechanisms for the recovery of stolen assets, including courts for corruption and economic crimes. Zambia would continue to pursue legal and judicial reform initiatives to ensure the autonomy and accountability of the judicial system and significantly accelerate the resolution of court cases.

95. Maintaining the rule of law at the global level was impossible unless all Member States also worked diligently at the national level to establish strong foundations for the rule of law and thriving judicial systems. Failing that, the tyranny documented in history books would soon come to define the current generation.

96. **Mr. Panier** (Haiti) said that, as highlighted in the Secretary-General's report (A/76/235), the COVID-19 pandemic had had deleterious effects on the rule of law in many countries. The Organization should step up its efforts with regard to capacity-building, the provision of technical assistance and the strategic reform of judicial

institutions. Haiti appreciated the support provided through the United Nations Integrated Office in Haiti for the promotion and strengthening of political stability and good governance. The Office had also provided technical assistance related to promoting national dialogue, organizing elections, professionalizing the national police, reducing community and armed gang violence, reforming the legal system and protecting human rights. The signing by various stakeholders of a political agreement for peaceful and efficient governance during the interim period was an important step towards a resolution of the current crisis in Haiti.

97. A founding member of the United Nations and the world's first black republic, Haiti accorded particular importance to the principle of the rule of law. Over the previous decade, his Government had worked to strengthen the national judicial system, including by adopting a new penal code, introducing the certification of law officers by the Superior Council of the Judiciary, strengthening the operational capacity of the judicial system and advancing the constitutional reform process. All stakeholders in Haitian society agreed that the Constitution was a source of instability and needed to be changed to ensure the rule of law at the national level. Although constitutional reform had been under discussion in Parliament and civil society for a number of years, no agreement had yet been reached regarding the specific nature of the change, as was normal in a democratic society.

98. The rule of law formed the foundation of a new social contract among the peoples of the world and was inseparable from the interdependent and mutually reinforcing notions of human rights and democracy. Those fundamental values formed the backbone of the Organization and must not be undermined by the COVID-19 pandemic.

99. **Mr. Nunes** (Timor-Leste) said that the COVID-19 pandemic had magnified countries' health and socioeconomic vulnerabilities, while domestic violence and inequality of access to essential services and the justice system had increased. The crisis had undermined Governments' efforts to accelerate progress towards implementation of the 2030 Agenda.

100. As reflected in its constitutional mandate to promote the values of freedom, human rights, democracy and the rule of law, Timor-Leste believed in building a society that was based on social justice, with the basic needs of its people met in an equal and equitable manner. Peace, justice and strong institutions would create the conditions for economic growth, decent work, health and education and would support the achievement of the Sustainable Development Goals.

Through its engagement with the Group of Seven Plus, his Government strongly supported Goal 16, in line with its belief that social cohesion and good governance could only be fostered by improving and consolidating democratic institutions, promoting public participation and enhancing accountability. Progress towards the fulfilment of Goal 16 was more urgent than ever. His Government fully supported the implementation of the Secretary-General's recommendations, as contained in his report entitled "Our Common Agenda" (A/75/982), to deliver the 2030 Agenda and promote a new vision for the rule of law, which recognized justice as an essential dimension of the social contract and ensured access to justice for all, especially vulnerable and marginalized groups. Timor-Leste was in the process of reforming its justice system. Mobile courts established in four municipalities in order to reach communities in remote areas outside the capital had reduced the number of pending criminal cases.

101. The role of his country's customary practices in resolving disputes and promoting community cohesion had been recognized in the 2019 report of the Special Rapporteur on the rights of indigenous peoples (A/HRC/42/37). Timor-Leste had supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 and had enshrined the values of customary law and heritage in its Constitution. However, it was still grappling with the challenges of harmonizing its formal and customary law in practice, securing justice and building strong institutions. It would therefore welcome the sharing of best practices and experience to support its justice sector through training and capacity-building and to harmonize formal and customary practices in its justice systems so as to ensure greater access to justice. Timor-Leste would continue to consolidate its democratic institutions and to ensure that national development was inclusive, balanced and met the needs of all its citizens.

102. **Mr. Fox Drummond Cançado Trindade** (Brazil) said that enhancing access to justice contributed to the full enjoyment of public services by all citizens. The COVID-19 pandemic had exposed deep inequalities in the delivery of basic services, as highlighted in the Secretary-General's report (A/76/235). His delegation commended the United Nations on its efforts to adapt its assistance in order to mitigate the impact of COVID-19 on national justice systems, and encouraged further innovation and the use of technological solutions to promote access to justice. His Government's efforts in that regard included minimizing the administrative fees and collateral costs of seeking traditional legal remedies and increasing the judiciary's response capacity. Brazil had also developed innovative tools that used

information technology and improved statistics to accelerate judicial proceedings. Universalizing birth registration, providing legal assistance and strengthening alternative dispute resolution instruments would also improve access to justice.

103. The Organization should do more to promote the rule of law at the international level. While his delegation appreciated the efforts made to advance the Committee's work despite restrictions on holding in-person meetings and negotiations during the COVID-19 pandemic, it expected to see more progress across all topics at the seventy-sixth session; the Committee should not generally settle for technical roll-overs when international law was continuously evolving. Furthermore, no progress had been made in reforming the United Nations, including the Security Council, the importance of which had been stressed in the 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels. The importance of reforming the Organization had been acknowledged in both the Secretary-General's report entitled "Our Common Agenda" (A/75/982) and the declaration on the commemoration of the seventy-fifth anniversary of the United Nations (General Assembly resolution 75/1). Brazil was strongly committed to an early and comprehensive reform of the Security Council with a view to making it more legitimate and efficient.

104. Brazil was committed to upholding the rule of international law, in accordance with the principles enshrined in its own Constitution and in the Charter of the United Nations. It appreciated the work of the International Law Commission on such topics as responsibility of States for internationally wrongful acts and sea-level rise in relation to international law. The Commission was also to be commended for its work on the codification of customary rules, which contributed to legal certainty and to the rule of international law.

105. The practice of agreeing on a particular subtopic each year focused the work of the Committee and should be reinstated during the current session. Brazil took note of the broad subtopic proposed by the Secretary-General but would prefer a more focused subtopic, discussion of which would benefit from the unique characteristics and expertise of the Committee. The Committee should also avoid expanding the notion of the rule of law too far. Attempts to address issues that fell beyond the scope of the agenda item could be counterproductive and result in a duplication of effort.

106. **Mr. Zenati** (Tunisia) said that his delegation welcomed the efforts of the United Nations to strengthen the rule of law through capacity-building, particularly in

situations of conflict, transition and fragility. All national and international endeavours to address those challenges must be grounded in the rule of law and eschew discrimination or marginalization. His delegation supported efforts to promote the codification and progressive development of international law, particularly through the work of the International Law Commission and of international and special courts.

107. Because States were responsible for protecting their citizens and institutions, they should take ownership of capacity-building efforts in line with their own priorities and needs. Accordingly, on 25 July 2021, the President of Tunisia had adopted a set of emergency decisions and measures in response to the threat posed by the political crisis and the COVID-19 pandemic. Those actions were intended to return the country to its democratic path, strengthen good governance and meet the aspirations of the Tunisian people for democracy, development, stability, social justice and an end to corruption. Following the formation of a new government on 11 October 2021, the President was endeavouring to launch a genuine national dialogue among all Tunisians, including youth, within a specified time frame. The purpose of the reform process was to formulate economic, social and political responses to the current situation while preserving democratic gains. The country's democratic choice was irreversible, and all collective and individual freedoms would be safeguarded by institutions based on the rule of law and good governance principles, and backed by a stable State in which all citizens were equal. The rule of law required regulations for the fair, equitable and effective creation and distribution of wealth; economic actors could not be allowed to benefit from vague laws or lack of accountability. The focus would therefore be on combating corruption, restoring public confidence and building resilient governmental and judicial institutions.

108. **Archbishop Caccia** (Observer for the Holy See), recalling a recent address delivered by Pope Francis, said that law was an indispensable prerequisite for the exercise of all power and must be guaranteed by the responsible governing bodies, regardless of dominant political interests. The international community needed to be reminded of the centrality of international agreements, which, when implemented in accordance with the *pacta sunt servanda* principle, fostered mutual trust, peace and development on the basis of the strength of the law, rather than the law of the strongest. Although proposals and opinions by conference secretariats, expert bodies and commissions were helpful, they were not legally binding until explicitly approved by States. In that connection, his delegation welcomed the entry into force of the Doha Amendment to the Kyoto Protocol

to the United Nations Framework Convention on Climate Change, on 31 December 2020, and the Treaty on the Prohibition of Nuclear Weapons, on 22 January 2021.

109. The rule of law at the national level should include effective crime prevention initiatives, stronger measures to combat terrorism and greater access to justice for all, especially those who faced the scourges of poverty, discrimination and displacement. The rule of law must also be safeguarded at every stage in the criminal justice process, including at the moment of arrest and during detention, trial and sentencing. More needed to be done to guarantee humane prison conditions and to combat overcrowding. The Holy See applauded recent initiatives to address the effects of the COVID-19 pandemic on the world's prison populations.

110. It was regrettable that, in his report ([A/76/235](#)), including in paragraph 27 thereof, the Secretary-General had ventured into controversial issues that continued to impede consensus-based progress in other United Nations bodies. Being drawn into such discussions did not serve the Committee or its vital work of discussing and codifying international law. While the importance of respecting universal human rights and human dignity in the advancement of the rule of law could not be overstated, specific considerations on human rights and fundamental freedoms were outside the ambit of the Committee.

111. **Ms. Papineau** (Observer for the International Development Law Organization) said that the COVID-19 pandemic had exacerbated inequalities within and among countries and had reversed five years of hard-won progress towards the achievement of the Sustainable Development Goals. Her organization welcomed the new vision for a more inclusive world in which shared challenges could be addressed, as set out by the Secretary-General in his report entitled "Our Common Agenda" ([A/75/982](#)).

112. People and their needs needed to be placed at the centre of justice systems, in order to renew the social contract. By addressing corruption, the lack of access to justice and services, impunity and the unequal distribution of wealth; protecting and empowering the vulnerable; and ensuring fair, equitable and transparent decision-making, the rule of law could help rebuild public trust in government. The multiple and intersecting layers of discrimination faced by women and girls, and others experiencing exclusion, could be addressed through effective laws and institutions. Her organization used both formal and informal channels, including digital platforms, to promote such a people-centred approach to justice. Examples of its work

included supporting the judiciary in automating its operations in Kenya and establishing alternative dispute resolution centres in Somalia.

113. The COVID-19 pandemic had demonstrated that, to address global challenges, national efforts must be complemented by cooperation at the international level. In order to address complex and transnational challenges that could not be handled using traditional instruments of governance, the international community needed a rules-based mechanism that allowed countries to cooperate equitably on such issues as climate change, vaccine inequity, extreme inequality and the digital divide. A rule of law approach to climate action, in line with Sustainable Development Goals 13 and 16, could help accelerate transformative and sustainable low-carbon development, empower communities to take the lead in climate action, and ensure that those most affected had a voice in setting climate- and biodiversity-related policies to help reduce inequalities and eliminate climate-related drivers of conflict.

114. Under its new strategic plan, her organization was working to promote effective, fair and transparent rules-based policies and institutions, in particular in fragile and developing contexts.

115. **Mr. Proskuryakov** (Russian Federation), speaking in exercise of the right of reply in response to the statement delivered by the representative of Georgia at the previous meeting, said that it was a widely acknowledged fact that Georgia had attacked South Ossetia and the peacekeepers stationed there. Responsibility for the numerous civilian deaths therefore lay squarely with the then-President of Georgia and his inner circle for having irresponsibly engaged in an armed conflict.

The meeting rose at 1.05 p.m.