



General Assembly

Seventy-fifth session

Official Records

Distr.: General
8 December 2020

Original: English

Sixth Committee

Summary record of the 8th meeting

Held at Headquarters, New York, on Tuesday, 20 October 2020, at 3 p.m.

Chair: Mr. Skoknic Tapia (Chile)

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The meeting was called to order at 3 p.m.

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

1. **Mr. Türk** (Assistant Secretary-General for Strategic Coordination, Executive Office of the Secretary-General), introducing the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/75/284), said that the world had changed dramatically over the past year as a result of the coronavirus disease (COVID-19) pandemic. The international community was currently dealing with some of the most serious peace, security, development, humanitarian and human rights challenges it had had to face since the establishment of the United Nations. More than a million lives had been lost; the livelihoods of hundreds of millions had been affected; more than 100 million people were at risk of falling back into poverty; and millions of women were at greater risk of gender-based violence.

2. The Organization's response to the pandemic had been focused on global collaboration in relation to diagnostics, treatment and vaccines; emergency measures and humanitarian action to protect lives and livelihoods; attempts to bring about a global ceasefire; and the promotion of a collaborative, transformative recovery process. Recalling that the General Assembly had, in its declaration on the commemoration of the seventy-fifth anniversary of the United Nations, asked the Secretary-General to recommend ways to address current and future challenges, he said that the Secretary-General planned to make recommendations to reinvigorate not only the mechanisms for international cooperation but also the underlying spirit of solidarity and resolve, which would be needed in order to address existential threats such as climate change.

3. The current context highlighted the centrality of the rule of law. When States could not fulfil their essential functions of providing a safe and secure environment, efficient institutions, basic services and a capable administration, the social compact was ruptured. Efforts and tools must be combined effectively in order to address the current challenges. In particular, the international community should take advantage of the near-total convergence between the Sustainable Development Goals and the international human rights instruments in force. Human rights underpinned the rule of law and must be considered in all efforts to address and recover from the COVID-19 pandemic.

4. Rule of law principles had been maintained and adapted through times of significant change in the past. However, their implementation was dependent on

societies being tolerant, open and compassionate and valuing the fundamental worth, inherent dignity and rights of every individual. Even before the pandemic, the rule of law had been challenged in some countries by deep divisions and political polarization and by dysfunctional and underfunded institutions. Some States continued to struggle with a lack of accountability and high levels of corruption. Such trends eroded trust between States and populations. Restoring that trust, and the underlying social contract, must be a priority for States as they emerged from the pandemic. The Secretary-General had issued a series of policy briefs related to the pandemic, in which he set out ideas for renewing the social contract and considering the needs of current and future generations.

5. In his report, the Secretary-General described how the United Nations had strengthened the rule of law in all continents during the reporting period and underscored the importance of the Organization's support for the codification and development of an international legal framework, international instruments and standards. The pandemic had prompted a reimagining of the way in which rule of law and justice systems could function during global crises. More resilient governance models were needed in order to achieve the Sustainable Development Goals, in particular the targets concerning climate change. During the twentieth century, events such as the increase in nuclear arsenals had made it clear that States needed to develop a sense of responsibility for the impact that their actions would have at the global level and on future generations. There was currently a pressing need for States to accept such responsibility in relation to climate change and to determine what types of international, regional and national governance and rule of law structures would be best suited to meet the challenges in that regard.

6. **Mr. Fifield** (Australia), speaking also on behalf of Canada and New Zealand, said that those countries were founding Members of the United Nations and continued to believe that the Charter of the United Nations was essential to an international rule of law system anchored in the principles of sovereign equality, the peaceful settlement of disputes and respect for human rights. Those principles had guided the three countries' handling of the COVID-19 pandemic. However, some actors were taking advantage of the pandemic to undermine those principles, either by blatantly violating international law or by exploiting grey areas where matters concerning the application of the law were perceived to be undecided. Malicious actions targeted at the health-care sector and corruption associated with

emergency procurement or support programmes gave particular cause of concern.

7. States had a critical role to play, individually and collectively, in articulating how international law applied to new and emerging phenomena and must work together to ensure that international law could be effectively applied and enforced in the future, regardless of technical developments that might occur. In order to safeguard principles that were well-established in international law or enshrined in the Charter, Member States should consider and share their perspectives on how existing treaties and legal principles could be applied in relation to lethal autonomous weapons, artificial intelligence and other emerging technologies.

8. Australia, Canada and New Zealand supported the role of international courts and tribunals in facilitating the peaceful resolution of disputes and ensuring that the perpetrators of the most serious international crimes were held to account. They called on all Member States to recognize the compulsory jurisdiction of the International Court of Justice and to ratify the Rome Statute of the International Criminal Court. States should also call out violations of international law and support efforts to deter future violations.

9. With regard to the subtopic “Measures to prevent and combat corruption”, the three countries considered that the United Nations Convention against Corruption, and the peer review mechanism to monitor its implementation, had a central role to play in combating corruption at the international level. It was also important to ensure that civil society and the media were free to raise awareness of and discuss corruption. The special session of the General Assembly against corruption, to be held in 2021, should be used to encourage Governments to work together more closely within the United Nations framework for combating corruption.

10. **Ms. Hackman** (Ghana) said that the legal and judicial sectors had played a prominent role in many Governments’ responses to the COVID-19 pandemic. Her Government, for example, had introduced a raft of legal measures and applied constitutional provisions concerning emergency powers and the limitation of rights, while taking care to make the constitutional and legislative bases for its actions clear. The police and other relevant agencies were helping enforce World Health Organization guidelines and protocols concerning social distancing and assisting in the implementation of tracking, tracing and quarantine measures. Steps had been taken to ensure that large numbers of inmates could be released at short notice if

the virus was found to have spread to the country’s prisons.

11. Her Government was committed to the rule of law and would embrace every opportunity to further develop its national capacity in that regard. Lessons learned during the COVID-19 pandemic should inform national and international perspectives and aid in the development of best practices for furthering the rule of law in every situation. Measures taken as a result of the pandemic had led to permanent changes in the court management system in Ghana. The successful implementation of strict case management procedures early in the pandemic, in a bid to prevent the spread of the virus, had demonstrated that it was possible to reduce backlogs by making use of alternative dispute resolution mechanisms.

12. Turning to the topic of corruption, she said that her country’s Penal Code was being amended to ensure that public officers found guilty of corruption could face prison sentences of up to 25 years.

13. **Mr. Umasankar** (India) said that the advancement of the rule of law was essential for economic growth and the protection of democracy, human rights and fundamental freedoms, and should therefore be the primary domestic objective of all States. At the international level, the rule of law should be applied in keeping with the principle of the sovereign equality of States, which entailed their protection from aggression, including from terrorism. Without respect for the rule of law, relations between Member States would crumble. It was unacceptable that some States chose to ignore the decisions of international judicial bodies or engaged in aggression or terrorism against other States. India had always engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors. It supported the peaceful settlement of disputes, in accordance with the law.

14. Effective multilateralism and the rule of law at the international level required that global governance structures reflect contemporary realities. The current United Nations structures had been designed by a handful of States for a bygone era. To maintain legitimacy and effectiveness, it was important to undertake fundamental reform of those structures, in particular the Security Council. Unjust or discriminatory laws, and laws designed and implemented by powers that were not representative, only fuelled conflict in the long term. Laws evolved or became redundant as circumstances changed and technology progressed, as evidenced by the more than 100 amendments that had been made to the Indian Constitution in the seven decades since its adoption.

15. India was a party to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, which both required States parties to criminalize corruption and bribery by public officials. In that connection, it had adopted laws on the prevention of corruption and on mutual legal assistance in combating corruption, and had concluded various bilateral agreements on the topic. His Government had also appointed an independent ombudsman to investigate corruption by public officials and ensure that perpetrators were prosecuted.

16. Since there were many dimensions to corruption, a multi-faceted approach would be needed to tackle it. Governments should review their relevant laws, systems and procedures continuously and amend them as necessary; strengthen institutions and enhance their transparency; eliminate legal gaps; and stringently implement laws. Member States should consider ways to improve the effectiveness of international cooperation and strengthen the rule of law at the international level. The special session of the General Assembly in 2021 would provide an opportunity for States to share their experiences and good practices and identify innovative ways to combat corruption.

17. **Mr. Geng Shuang** (China) said that global efforts should be made to address corruption, a public enemy that undermined the fairness, justice and stability of society and impeded socioeconomic development. China had taken strong measures to strengthen the enforcement of its Constitution, which stipulated that China must be governed as a socialist country under rule of law. Its people-centred approach to the rule of law was shaped not just by the understanding that the purpose of the rule of law was to promote social equity and justice, but also by international legal developments and national legal practices that were well suited to its realities and conditions.

18. His Government had made remarkable progress in combating corruption in recent years. At the institutional level, it had established a system where officials could not and dared not be corrupt, along with supervisory commissions at the State, provincial, city and county levels to oversee the exercise of governmental powers. It had also adopted legislative measures, including laws on administrative discipline for public officials and mutual legal assistance in criminal matters, and had stepped up its efforts to track down fugitives and recover stolen assets. Its socialist governance system gave it unique advantages in its efforts to combat corruption.

19. His Government's contribution to global anti-corruption efforts had been recognized around the world. It was pursuing international cooperation through the frameworks of the United Nations, the Group of 20 and Asia Pacific Economic Cooperation and had signed 169 agreements with 81 countries on matters such as extradition, mutual legal assistance and the return of stolen assets. China recognized the authority of the United Nations in relation to global anti-corruption efforts and considered the United Nations Convention against Corruption to be the primary means of fighting corruption.

20. The global governance system to combat corruption must involve consultation and provide shared benefits. It must also be implemented in strict compliance with the principles of sovereign equality and non-interference in the internal affairs of States. The policies and initiatives developed by States, considering their national conditions, should be respected. His delegation rejected the imposition of double standards and the use of long-arm jurisdiction and other unilateral practices that violated the sovereign interests of States.

21. **Mr. Bhandari** (Nepal) said that corruption and the rule of law were interlinked, as the absence of the rule of law provided fertile ground for corruption, while corruption led to the further erosion of the rule of law. At a time when many Governments were implementing emergency measures and mobilizing large amounts of public funds to combat the COVID-19 pandemic, it was particularly important to be alert to the possibility of increased corruption and fraud. There were also human rights concerns; for instance, access to justice might be restricted if national justice systems were adversely affected by the crisis.

22. His country's commitment to the rule of law was enshrined in its Constitution. Now that political stability had been achieved in Nepal, his Government was focusing on good governance and economic development. Its approach was based on the 2030 Agenda for Sustainable Development and the notion that a democratic system should protect not only the political rights and freedoms of the people but also their economic, social and cultural rights and their well-being. His Government had a policy of zero tolerance concerning corruption and sought to promote transparency and accountability in public affairs. At the international level, Nepal was an advocate for the principle of sovereign equality of States and a democratic, inclusive and fair international order. All States, regardless of their size or level of development, should respect the laws, norms and values of the international community. It would be difficult to defend and sustain democratic Governments while the

global community of nations was dominated by undemocratic mechanisms.

23. The rule of law required that no one be left behind. The values and principles enshrined in Sustainable Development Goal 16, on peace, justice and strong institutions, were extremely relevant to efforts to combat the effects of the COVID-19 pandemic and ensure a just, equitable and sustainable recovery for all. Technical assistance and capacity-building should be provided, as needed, to help Member States take national ownership of rule of law matters. In order to be sustainable, measures to ensure the rule of law must be people-centred and reflect national and local realities. With regard to the subtopic under consideration, his delegation recognized the important role of the Organization, in particular the United Nations Office on Drugs and Crime, in preventing and combating corruption at the international level.

24. **Mr. Lam Padilla** (Guatemala) said that his delegation endorsed the Secretary-General's call for Member States to engage in a frank and open dialogue on the effectiveness of United Nations rule of law assistance and in particular on ways in which the sustainability and coherence of such assistance could be strengthened across the three pillars of the Organization while maintaining the necessary respect for the decisions of sovereign States. The rule of law strengthened institutions and served as a bulwark against arbitrariness. No one was above the law; the rule of law had a clear impact on issues such as the eradication of poverty, the reduction of inequality, support for gender equality, the protection of women, access to public services, environmental protection, the elimination of corruption, and the establishment of fair, inclusive and strong institutions that ensured access to justice.

25. His Government fully respected the country's Constitution, laws and founding principles, including the separation and independence of executive, legislative and judicial powers. Institutional efforts were being made to increase transparency and accountability in order to combat corruption and impunity. To ensure full, timely and non-discriminatory access to justice for all, it had bolstered the human resources of the police and the Office of the Public Prosecutor and ensured that all judicial actors had the necessary expertise, technology and financial resources. The national plan for the period 2020–2024 included measures to ensure the independence of the judiciary.

26. One of the foundations of the rule of law at the international level was the peaceful settlement of disputes. The International Court of Justice, as the

principal judicial organ of the United Nations, played an important role in that regard. Guatemala had demonstrated its faith in the Court by submitting to it the dispute between Guatemala and Belize concerning the territorial, insular and maritime claim of Guatemala.

27. **Ms. de Souza Schmitz** (Brazil) said that all States had a responsibility to uphold the rule of law, including by respecting the Charter of the United Nations. Her delegation welcomed the work of the International Law Commission on several topics related to the foundations of international law, which was enhancing legal certainty and the rule of law at the international level.

28. Corruption undermined democracy and therefore contravened the very nature of the rule of law. Her Government was committed to combating corruption at all levels and had secured a number of high-profile convictions in recent years. At the international level, it had concluded a number of bilateral anti-corruption instruments and was a party to the United Nations Convention against Corruption. Asset recovery should be considered a priority, as it not only helped dispel the perception that corruption often went unpunished but also promoted national development. Her Government used recovered assets to fund the implementation of public policies designed to defend human rights. In 2019 alone, \$25 million in recovered assets had been allocated to programmes to protect the rights of young offenders. International legal cooperation in civil and administrative matters regarding asset recovery was crucial to ensuring that the financial repercussions of corruption were fully addressed.

29. There could be no rule of law without access to justice. National and international courts and tribunals played complementary roles in combating impunity and ensuring that victims received reparation. Brazil was committed to the international criminal justice system, which was currently at a critical juncture. Strengthening the rule of law would require reforms to enhance the legitimacy and effectiveness of the United Nations. In that connection, her delegation was strongly committed to making the Security Council more representative and efficient in the near future.

30. **Mr. Bručić-Matic** (Croatia) said that respect for human rights and fundamental freedoms, democratic standards, international law and the rule of law must not be neglected by States as they sought to protect and alleviate the sufferings of their citizens in the context of the COVID-19 pandemic. Croatia was committed to the peaceful settlement of disputes, in accordance with international law. It also supported international adjudicative mechanisms, in particular the International

Criminal Court, in their efforts to combat impunity and advance the rule of law.

31. The consideration of the topic of corruption was timely, given the current risks of corruption associated with the steps taken to mobilize resources and suspend safeguards in order to respond to the health and economic crises linked to the pandemic. His Government had developed a legal and policy framework to promote integrity and prevent corruption in the public sector and had a specialized police department and a dedicated prosecutor's office to handle corruption and organized crime cases. It was implementing a national anti-corruption strategy for the period 2015–2020 and had established an anti-corruption council in 2017 to monitor the implementation and assess the effectiveness of anti-corruption measures. It had also adopted a law to protect whistle-blowers in 2019.

32. Croatia was a party to all the relevant international instruments and mechanisms on combating corruption. Successful cooperation among States, in particular within the framework of the United Nations, and meaningful contributions from the General Assembly and the Security Council were needed to strengthen the rule of law. The upcoming special session of the General Assembly on corruption should pave the way for strengthened global efforts to combat corruption. His Government would continue to give the highest priority to overcoming challenges related to the implementation of Sustainable Development Goal 16.

33. **Mr. Kabba** (Sierra Leone) said that his Government had made combating corruption a top priority in 2018. Since then, it had launched an anti-corruption strategy for the period 2019–2023, amended its anti-corruption legislation and established a corruption division with five specialist judges within the High Court. An asset declaration regime for public officials, which included an online asset declaration portal, had also been developed. Thanks to such measures, the number of convictions and the conviction rate had increased dramatically, and more than 19.7 billion leones previously thought lost through corruption had been recovered. As a result, public perception of corruption and the rankings of Sierra Leone in global corruption indexes had vastly improved. In 2018, three commissions of inquiry, headed by a Nigerian, a Ghanaian and a non-resident Sierra Leonean, had been established to examine the unexplained wealth of certain individuals who had held high-ranking government positions between 2007 and 2018. To ensure transparency, the proceedings had been public and broadcast live. The commissions of inquiry had completed their work in March 2020.

34. A genuine commitment and effective action at the international level was needed to address the transnational aspects of corruption. Unconstrained and less burdensome cooperation mechanisms should be put in place to enhance mutual legal assistance in corruption-related investigations and prosecutions and the tracing, confiscation and recovery of assets obtained through corruption. His Government highly valued its relationships with the United Nations, other international and intergovernmental organizations and bilateral partners in efforts to promote the rule of law and combat corruption.

35. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that his delegation commended the way in which, as detailed in the report of the Secretary-General ([A/75/284](#)), 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 the coronavirus disease (COVID-19) pandemic. 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.

36. His delegation welcomed the support provided by the United Nations to help Member States, including the Sudan, on all continents, to develop their capacities to strengthen the rule of law, in alignment with their needs and priorities and with United Nations policy to promote gender equality and human rights and build peaceful and inclusive societies. His delegation, however, had a reservation regarding the unfair discussion of the death penalty in paragraph 74 of the report. Although some countries were against the death penalty, many more countries were in favour of it. The issue was one of democracy, religion, culture and the right of peoples to choose their own laws.

37. Since its glorious revolution of December 2018, the Sudan had joined forces with the peoples of the world to promote freedom, peace and justice. It had made significant changes to its laws in order to grant greater freedoms and protection to women and children; repealed laws criminalizing apostasy and enshrining crimes of conscience; adopted provisions making it an offence to declare others to be apostates; and introduced an approach based on restorative justice and alternative courts in the juvenile judicial system. For the first time in Sudanese history, community service had been introduced as a penalty, especially for pregnant women and mothers. Laws had been adopted to prevent, combat and uncover corruption and related offences and to prosecute the perpetrators.

38. His delegation also called upon Member States to settle disputes by peaceful means through the mechanisms and instruments established by international law, including the International Court of Justice and the various regional and international arbitration mechanisms. The Court should be supported as the principal judicial organ of the United Nations.

39. **Mr. Dang** Dinh Quy (Viet Nam) said that ensuring the rule of law at the national and international levels was critical for the promotion and protection of human rights, the achievement of sustainable development and the maintenance of international peace and security. Key elements of the response to the COVID-19 pandemic should include the protection of the most vulnerable, the elimination of inequality within and between States, and the promotion of respect for international commitments. His delegation welcomed the role played by the United Nations and regional and subregional organizations in helping States strengthen the rule of law, at their request. The international system must be founded on international law, including the purposes and principles of the Charter of the United Nations. In particular, all disputes must be resolved by peaceful means, in accordance with international law. The International Court of Justice and other international judicial institutions had a fundamental role to play in the peaceful settlement of disputes.

40. Together with other members of the Association of Southeast Asian Nations, Viet Nam was striving to transform South-East Asia into a peaceful, stable and prosperous region. Complex developments in the East Sea (also known as the South China Sea) had eroded trust and increased tensions, and risked undermining peace, security and stability in the region. Viet Nam called upon all parties concerned to respect international law, in particular the United Nations Convention on the Law of the Sea; enhance mutual trust and confidence; exercise self-restraint; refrain from unilateral acts that might escalate tensions at sea; settle disputes by peaceful means in accordance with international law; and fully respect diplomatic and legal processes. The parties concerned had been working together to promote implementation of the Declaration on the Conduct of Parties in the South China Sea in its entirety, and to expedite the conclusion of an effective and substantive code of conduct.

41. Corruption was one of the main challenges to the rule of law and sustainable socioeconomic development around the world. His Government was firmly committed to fighting corruption in all its forms at every level and strengthening the resilience of its institutions and society. It was also contributing to the

implementation of the United Nations Convention against Corruption.

42. **Ms. Weiss Ma'udi** (Israel) said that Israel had continued to provide access to justice to all of its citizens, even during the COVID-19 pandemic, with the necessary safety precautions. All court hearings concerning arrested persons had continued, and the High Court was hearing urgent appeals. The emergency regulations adopted by the Government to combat the pandemic had been subject to legal challenges and judicial review. In 2020, her Government had appointed 60 officers with responsibility to prevent racism in the various ministries and other government entities, including by addressing complaints from staff and citizens and developing new practices and policies to replace discriminatory ones. It had established a special police unit responsible for gender equality and cultural diversity in order to promote tolerance and fairness within the police force and towards the population. The unit had also set target thresholds for the recruitment of officers from different minority groups.

43. In accordance with the Statute of the International Court of Justice and the International Law Commission's conclusions on identification of customary international law, the identification and development of customary law should be based on State practice. The trend of national and international courts failing to give State practice due weight, or overlooking it entirely, was therefore troubling, particularly in the case of international courts and tribunals, which often had an explicit obligation to consider and apply State practice. Some recent decisions reflected attempts by individual judges to shape international law, rather than apply the existing law.

44. Her delegation reiterated its consistent position that the development of international law should be driven by norms established by States that were sufficiently widespread and representative, as well as consistent. That position was consistent with conclusion 4 of the conclusions on identification of customary international law, which provided that State practice should be the primary element taken into consideration in the identification of a custom. The participation of more practitioners in the work of international courts and tribunals would help to counter the current trend and ensure the proper development of international law.

45. She concluded by expressing her delegation's sorrow at the death of United States Supreme Court Justice Ruth Bader Ginsburg, who had embodied the Jewish principle of "justice, justice thou shalt pursue" and had made an enormous contribution to the

protection of the rights of women, the right to equality and the rights of all human beings.

46. **Mr. Elgharib** (Egypt) said that, while commending efforts by the United Nations to support programmes in Member States to strengthen the rule of law at the national and international levels, his delegation regretted the reference to capital punishment in paragraph 74 of the report of the Secretary-General (A/75/284). It was stated that the death penalty was inconsistent with Sustainable Development Goal 16, and that evidence collected by United Nations accountability mechanisms should only be shared for use in criminal proceedings where the death penalty could not be imposed. However, the death penalty did not conflict with the International Covenant on Civil and Political Rights, and there was no global consensus regarding its application. Every State had the sovereign right to develop its own domestic legal system in accordance with general international law. His delegation therefore called on the Secretariat to draft future reports in an impartial manner and refrain from endorsing approaches that did not enjoy consensus among Member States.

47. Corruption undermined the rule of law, public confidence and development efforts. In Egypt, more than 15 oversight entities existed with complementary roles involving preventing and combating corruption. His Government was currently implementing its second national anti-corruption strategy, covering the years 2019–2022, which was designed to develop an effective administrative structure, improve public services, foster transparency and impartiality in all government agencies, develop a legal regime to support the fight against corruption, and modernize judicial proceedings. The strategy was grounded in the rule of law, good governance, respect for human rights, equality before the law, the primacy of the public interest over special interests, and the leveraging of public-private partnerships for the fight against corruption. The strategy was being implemented by all national anti-corruption entities, in addition to local councils, administrative bodies, universities, research institutions, the media and civil society. His Government looked forward to hosting the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption in late 2021.

48. **Ms. Guardia González** (Cuba) said that her country was committed to promoting the rule of law in order to help change the current unjust international order. Any rule of law assistance provided by the United Nations to a Member State must be with the consent of that State. Promotion of the rule of law started with due respect for the legal institutions of all States by the

international community and recognition of the sovereign right of peoples to create the legal and democratic institutions that best corresponded to their sociopolitical and cultural interests. National legal systems needed to be strengthened on a voluntary basis, in full compliance with the principle of self-determination of peoples and without any political conditions attached.

49. True rule of law would begin with a reformed United Nations that set a standard for transparency, democracy and the participation of the entire international community in the solution of critical global problems. As part of such reform, the central role of the General Assembly, the only body with universal membership and with exclusive responsibility for the progressive development and codification of international law, must be consolidated in order to strengthen the rule of law. Her delegation was also committed to bringing about far-reaching reform of the Security Council in order to make it an inclusive, transparent and democratic forum that reflected the true interests of the international community, in accordance with the purposes and principles of the Charter of the United Nations.

50. It was clear from paragraph 36 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels that true rule of law meant the democratization of the international economic, monetary and financial organizations to serve the development of peoples and not the permanent enrichment of a few. The situating resulting from the COVID-19 pandemic was driving that point home. Sovereign equality, good-faith compliance by States with their obligations, the peaceful settlement of disputes, refraining from the use of force or threat thereof against the territorial integrity or political independence of any State and non-interference in the internal affairs of other States, together with non-selectivity, must be the basic principles governing the actions of all States and the promotion of the rule of law.

51. The international community must strive to give real effect to those principles. In that connection, her delegation wished to draw attention to the worsening of the economic, trade and financial embargo that was being imposed against Cuba by the United States as part of its policy of pressure and intimidation. Through such acts, the Government of the United States time and again undermined the rule of law at the international level with its continuous and flagrant violations of international law, in particular the Charter of the United Nations. True rule of law called for the unequivocal rejection of any unilateral acts or measures such as the promulgation of extraterritorial laws and the politically

motivated exercise of jurisdiction by national or international courts. Cuba condemned and called for the immediate revocation of all the extraterritorial provisions constituting the embargo imposed on it by the Government of the United States for six decades.

52. Cuba had recently adopted a new Constitution in order to adapt to new developments in its society; strengthen the political system and thereby consolidate and develop the fundamental rights of individuals; improve and modernize the justice system and power structures and give citizens greater control over them; bolster mechanisms for local self-government; and encourage greater citizen participation in decision-making.

53. **Mr. Mikeladze** (Georgia) said that his Government was strongly committed to the rule of law and democracy, including the promotion and protection of human rights. It was implementing a comprehensive anti-corruption policy to address the problem in the public and private sectors. It had invested heavily in electronic governance, which had helped to prevent corruption and enhanced the engagement of citizens in policymaking. Since March 2020, it had taken measures to prevent the possible spread of COVID-19 in prisons.

54. Georgia was an active member of various global initiatives aimed at promoting democratic values and the rule of law by supporting the implementation of Sustainable Development Goal 16 around the world. His Government supported international law, a rules-based international order and the principles enshrined in the Charter of the United Nations. It also supported the International Criminal Court and welcomed its significant accomplishments, despite the challenges it faced. Georgia recognized the compulsory jurisdiction of the International Court of Justice and reaffirmed the primacy of the peaceful settlement of disputes.

55. With complete disregard for international law, the Russian Federation had intensified its efforts to bring about the de facto annexation of the occupied Georgian regions of Abkhazia and Tskhinvali by fully incorporating those regions into its military, political and economic systems. Under international humanitarian law and international human rights law, the occupying power had a clear obligation to protect and ensure the well-being of the populations of occupied territories. The Russian Federation therefore bore full responsibility for violations of human rights and fundamental freedoms in Abkhazia and Tskhinvali.

56. **Ms. Oh** Hyunjoo (Republic of Korea) said that the rule of law was fundamental to upholding the three pillars of the United Nations and creating a stable international order. It also made it possible to promote good governance, which in turn provided a solid

foundation for economic development and inclusive societies. Without justice and strong institutions, peace and sustainable development could not be accomplished. Efforts to control and recover from the COVID-19 pandemic should not distract Governments from the common goal of promoting peace, justice and strong institutions, in accordance with Sustainable Development Goal 16. Insecurity, weak institutions and limited access to justice would not only aggravate the situation but also undermine public trust.

57. Corruption created disruption in the government, industry, finance, education, public health and sport sectors. Her Government attached great importance to enhancing transparency, fairness and accountability in society and was committed to fulfilling its obligations under the United Nations Convention against Corruption. It had taken legislative and policy measures to prohibit improper solicitation, protect whistle-blowers and curb illegal financial transactions. As technology advanced, corruption had become more sophisticated and global. States should therefore share information and experiences with each other.

58. In that connection, her Government had signed eight memorandums of understanding on anti-corruption cooperation with some Member States and provided technical assistance and training to help build the capacities of other States. The Republic of Korea would host the nineteenth International Anti-Corruption Conference virtually in December 2020. It also looked forward to the special session of the General Assembly against corruption, which would provide an opportunity for Member States to demonstrate their collective will to address the problem and mobilize resources to that end.

59. Measures to overcome the COVID-19 pandemic should be grounded in the principles of democracy and the rule of law. Her Government had adopted policies based on openness, transparency, civil participation and innovation. It had shared its information and experiences with the global community, provided practical assistance and expertise to other States and kept the country's borders as open as possible for essential travel. The Republic of Korea had also been one of the first countries to hold a national election during the pandemic.

60. Her Government supported efforts to increase the resilience of States to future challenges by strengthening normative regimes such as the International Health Regulations (2005) of the World Health Organization. Much more should be done to enhance the rules-based international order and protect human rights, while facilitating the essential cross-border movement of

people. There should be greater investment in efforts to identify gaps and areas for cooperation. The International Law Commission had a significant role to play in such normative efforts.

61. **Mr. Hitti** (Lebanon) said that following the explosion at the port of Beirut in August 2020, his country had experienced first-hand the powerful impact that multilateralism could have. His delegation reiterated its support for human rights law and a rules-based international order. The special session of the General Assembly against corruption would provide an opportunity to bolster global efforts to prevent and combat corruption, which seemed to be rampant in the current tumultuous times.

62. It was no secret that his country was facing severe socioeconomic difficulties, which had been exacerbated by the pandemic. In October 2019, Lebanese people from all regions of the country and all social backgrounds had participated in demonstrations to demand more transparency, accountability and good governance. A key aspect of the much-needed comprehensive structural reform would be preventing and combating all forms of corruption, with its devastating effects on the financial, economic and political elements of society. That could be done only by enhancing the rule of law through the strengthening of accountability, transparency and good governance.

63. His Government had taken a number of measures to that end, including adopting a comprehensive anti-corruption law in April 2020, which provided for the establishment of a national commission to investigate allegations of corruption in the public sector and oversee compliance with and enforcement of anti-corruption laws. With support from the United Nations Development Programme and other international partners, Lebanon had adopted its first national anti-corruption strategy in 2020. A dedicated office had been established to receive and process complaints in corruption cases. Civil society had also played an instrumental role in his country's anti-corruption efforts by raising awareness and advocating a stronger legal framework and more robust mechanisms.

64. **Mr. Sisouk** (Lao People's Democratic Republic) said that it was crucial for the international community to ensure universal adherence to the rule of law at the national and international levels. During the current challenging time, it was more important than ever to ensure the rule of law at the international level and thereby promote peace and security, the peaceful settlement of disputes and the implementation of the 2030 Agenda.

65. Corruption was a complex problem that undermined socioeconomic development and the effective functioning of institutions. His country had ratified the United Nations Convention against Corruption in 2009 and was implementing an anti-corruption strategy focused on addressing corruption, bureaucracy and extravagance. Its legal framework for combating corruption included laws concerning civil servants, State audits, the handling of petitions, and money-laundering and the financing of terrorism.

66. Despite the considerable progress his country had made, further work remained to build capacities, enhance the legislative framework, strengthen legal institutions, promote public awareness of rights and obligations, increase public participation in the legal system and improve implementation of the international instruments to which it was a party. The international community should further strengthen international cooperation and support for the least developed countries, to enable them to effectively promote the rule of law and combat corruption.

67. **Mr. Fernandez De Soto Valderrama** (Colombia) said that in Latin America, the COVID-19 pandemic was not only revealing democratic and institutional weaknesses but also worsening the already significant gaps in wealth and equality. Collective efforts should be made to address that situation and consolidate democracy in the region. Colombia had a strong tradition of respecting and developing the rule of law, thereby offering an international benchmark for legal practice in many fields. Although the country faced many peace and security threats, it continued to implement initiatives to promote peace, the rule of law, truth and justice and to ensure that its institutions remained strong and independent.

68. His Government's actions were guided by its respect for human rights and its view that the rule of law was the best way to foster peaceful societies. The United Nations should give precedence to cooperation with States in its efforts to enhance the rule of law. Coordinated actions were needed to bring about effective and sustainable improvements in justice systems, orderly, safe and regular migration, gender equality and the protection of children.

69. Corruption undermined the legitimacy of States, development and corroded the social contract between citizens and the State. The special session of the General Assembly on the topic would provide an opportunity to reach agreements on combating corruption globally and discuss ways to mitigate its impact. The political declaration adopted at the session should be action-

oriented and focused on the development of an effective and coordinated international response to the problem of corruption.

70. **Mr. Al-Thani** (Qatar) said that respect for the rule of law was essential to the realization of the purposes and principles of the Charter of the United Nations, which entailed equality, mutual respect and cooperation among States, and the establishment of a rules-based international system. In accordance with the spirit and letter of the Charter, it was essential to respect the sovereignty of States and refrain from any course of action that could harm their people and national security, tarnish their image or cause regional or even global instability. It was therefore important to confront any policies aimed at depriving States of their sovereign decision-making power, imposing agendas or interfering in their internal affairs. The embargo on Qatar, which had lasted for more than three years, violated the Charter, undermined international efforts to strengthen the rule of law and endangered international peace and security.

71. At the domestic level, Qatar endeavoured to foster equality and justice and respect for rights and freedoms. The competent authorities continued to review and develop the country's laws in order to ensure that they complied with the international instruments to which Qatar was a party. At the international level, his Government had worked with the United Nations to establish the Rule of Law and Anti-Corruption Centre in Doha, which had now opened offices in Geneva and Dakar. It had also instituted the Sheikh Tamim Bin Hamad Al Thani International Anti-Corruption Excellence Award, which was granted each December to individuals and institutions that contributed to the global fight against corruption. In coordination with the Security Council and relevant regional organizations, it endeavoured to promote the peaceful settlement of disputes in accordance with the Charter.

72. Respect for the rule of law meant ensuring that those responsible for serious violations of international law, international humanitarian law and human rights were held accountable. His delegation welcomed the additional steps taken by the Secretary-General to support 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. Qatar would continue to work with the international community to honour its international commitments related to the strengthening of the rule of law at the national and international levels. More detailed comments on those issues could be found in his written

statement, available in the eStatements section of the *Journal of the United Nations*.

73. **Ms. Ishibashi** (Japan) said that the rule of law was the foundation of an international order that enabled States to establish friendly and equitable relations with one another, settle international disputes peacefully, and establish fair and just societies. Challenges to the rule of law in times of uncertainty were intolerable. The strengthening of the rule of law had long been a central element of her Government's foreign policy.

74. Japan had provided financial and human resources to a number of international judicial bodies, including the International Court of Justice, the International Tribunal for the Law of the Sea and the International Criminal Court, and Japanese judges had served in all three of those bodies. It had been a strong supporter of the International Criminal Court since its inception and would continue to support its efforts to end impunity for the perpetrators of serious international crimes. Japan, which had taken a leading role in the promotion of the rule of law at sea, attached great importance to the United Nations Convention on the Law of the Sea and the peaceful resolution of international maritime disputes.

75. The rule of law was also indispensable in efforts to combat corruption. Japan applied the relevant provisions of the United Nations Convention against Corruption and had led the process for the adoption of the Group of 20 High-level Principles for the Effective Protection of Whistle-blowers and the Group of 20 Compendium of Good Practices for Promoting Integrity and Transparency in Infrastructure Development. Her Government recognized the important work being done by the United Nations to universalize the rule of law and the vital roles of the General Assembly and the International Law Commission in the progressive development and codification of international law.

76. **Mr. Ly** (Senegal) said that corruption reduced the resources available for sustainable development, undermined security efforts, made it difficult to achieve economic and political stability and posed a threat to the foundations of the rule of law. Senegal had ratified the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. It had transposed the 2009 West African Economic and Monetary Union directive on transparency in the management of public finances into its domestic law in 2012, and in 2015 it had ratified the Economic Community of West African States Protocol on the Fight against Corruption. The National Anti-Corruption and Anti-Fraud Office, which had been established in 2012, had recently adopted a detailed national strategy to combat corruption. The

implementation of the strategy would be supported by complementary efforts to improve access to justice and the quality and effectiveness of the judicial system.

77. His delegation welcomed the areas of focus for the future work of the United Nations concerning the promotion of the rule of law at the international level as set out in the report of the Secretary-General (A/75/284). A rules-based international order was a prerequisite for a fairer and more equitable world, peaceful relations between States and the peaceful settlement of disputes. In order to strengthen the rule of law at the international level, the international community must take effective and coordinated action to combat all corrupt practices, including money-laundering and the illicit transfer of illegally acquired funds and assets. Senegal believed that the International Criminal Court exercised complementary jurisdiction in the fight against impunity; it called for the Court's Rome Statute to be universally applicable and reiterated its support for all international peaceful dispute settlement mechanisms, including the International Court of Justice.

78. **Mr. Fintakpa Lamega** (Togo) said that corruption, which was prohibited under his country's Constitution, was a scourge that had a particularly grievous impact on the economies of developing countries. Togo was a party to the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the Economic Community of West African States Protocol on the Fight against Corruption, and had adopted a new Penal Code transposing those instruments into its domestic law in 2015.

79. His Government had established an independent body to prevent and combat corruption and related offences and had adopted a constitutional amendment in 2019 requiring certain high-level officials to declare their assets at the beginning and end of their terms in office or period of employment. Those measures should help strengthen good governance, promote transparency in the performance of public duties and ensure the integrity of civil servants. The Government was also drawing up a national strategy to prevent and combat corruption and related offences and, over the past year, had adopted more than 20 laws, on various matters, despite the challenges posed by the COVID-19 pandemic.

80. **Ms. Pejic-Glymph** (Serbia), noting that her delegation's full statement would be made available in the eStatements section of the *Journal of the United Nations*, said that the best way to prevent corruption was to limit opportunities for people to engage in corruption, ensure high levels of transparency and involve all social actors in efforts to eliminate it. It was therefore

important to identify situations and phenomena that fostered corrupt behaviour, establish mechanisms to oversee the exercise of authority by public officials, and raise public awareness of the harm caused by corruption. Suppressing corruption helped to establish business-friendly environments in States. For Serbia, it was also an important step towards becoming a member of the European Union.

81. Her country's Corruption Prevention Act, which was aligned with the recommendations of the Group of States against Corruption (GRECO) of the Council of Europe, had entered into force in September 2020. Serbia was one of the few European countries with normative provisions governing lobbying activities. Its law on protections for whistle-blowers had achieved positive results since its entry into force in 2019 and had been commended by experts from around the world. The independent Corruption Prevention Agency had been carrying out its prevention, control and oversight activities for more than a decade.

82. International cooperation and sustainable partnerships were crucial to the prevention of the transnational phenomenon of corruption. Achievements at the international level would also contribute to the success of national efforts. Serbia participated actively in regional initiatives such as GRECO and the Regional Anti-corruption Initiative of the Council of Europe, as well as the Berlin Process. It was also involved in a project by the United Nations Office on Drugs and Crime to foster sustainable development in the countries of the Silk Road Economic Belt by supporting the implementation of the United Nations Convention against Corruption. The Corruption Prevention Agency exchanged information and experiences with counterparts in other States, giving priority to cooperation that would further her country's strategic priority of joining the European Union.

83. **Mr. Wickremasinghe** (United Kingdom) said that the United Kingdom promoted and protected respect for human rights, democracy and the rule of law through activities at the national and international levels, and through its membership of various international organizations. His delegation supported the Rule of Law Unit and commended the assistance provided by many peacekeeping missions to national authorities in their efforts to strengthen the rule of law. In 2020, his Government had adopted a global human rights sanctions regime that enabled it to impose sanctions in response to serious violations or abuses. That step demonstrated its ambition to be a force for good, its commitment to the rules-based international order and its readiness to stand up for victims of abuses around the world. His delegation supported the initiative to

negotiate a convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity and war crimes.

84. The rule of law provided the basis for political stability, democratic governance and accountability, and was therefore essential in the fight against corruption. His Government was combating corruption at the global level by implementing the United Nations Convention against Corruption and participating in many international forums. At the domestic level, it had adopted appropriate laws and established an environment that discouraged corruption. It also supported partner organizations and States in their anti-corruption efforts overseas.

85. The United Kingdom was involved in various international programmes and was also implementing domestic anti-corruption programmes. The special session of the General Assembly against corruption would provide an opportunity for the international community to review and reinforce global anti-corruption commitments. His Government would continue to promote anti-corruption measures in procurement systems and free trade agreements and was examining the possibility of establishing a corruption sanctions regime.

86. **Mr. Molefe** (South Africa) said that the innovative manner in which the United Nations had provided coordinated and cohesive rule of law assistance to Member States over the past year despite the difficulties posed by the COVID-19 pandemic was a testament to its resilience. The United Nations should also be commended for its efforts to mitigate the risks associated with the pandemic by helping Member States to avoid the disproportionate use of force and abuses of power by the judiciary. His delegation welcomed the detailed pandemic-related guidance issued by the United Nations, including its advice to national authorities on the risks posed by over-crowded prisons and how to address the specific impact of COVID-19 on children and women in such facilities. Careful attention should be given to the current situation of women and children in general, since they were now at an increased risk of violence and abuse.

87. His delegation agreed with the assessment made by the Secretary-General in his report that corruption ran counter to the very concept of the rule of law, undermined the legitimacy of the State, undercut development efforts and was a destabilizing force. It also welcomed the efforts by the United Nations to help Member States address corruption at all levels in an integrated manner.

88. His country's anti-corruption legal framework included both general and industry-specific legislation. Unfortunately, corruption had occurred in the context of his country's efforts to address the COVID-19 pandemic. Resources from the emergency fund established to assist front-line workers had been misused and misappropriated, in particular in connection with the procurement of personal protective equipment for schools and hospitals. The President had appointed an interministerial committee to address the problem. Convinced that the people of South Africa required nothing less than full accountability from those who had been elected and appointed to serve them, his Government remained ready to combat corruption at the national and international levels.

89. **Mr. Tiare** (Burkina Faso) said that his delegation welcomed the support provided by the United Nations to help Member States strengthen their judicial, administrative and political institutions, enhance security, improve access to justice, promote good governance and protect the environment. Burkina Faso had institutional and normative guarantees in place to protect civil liberties and democracy and was committed to strengthening the separation of powers, the independence of the judiciary, the exercise of rights and freedoms, the protection and promotion of fundamental rights, and efforts to combat inequality.

90. Preparations for the presidential and legislative elections in Burkina Faso, to be held in November 2020, were moving forward, despite challenges related to the security situation, terrorism and the COVID-19 pandemic. A consultation framework comprising political stakeholders had been established to resolve difficulties that might arise during the electoral process, and election auditors from the European Union and the African Union were currently reviewing the electoral roll. An umbrella group of civil society organizations would also provide oversight to ensure that the elections were transparent, peaceful and free.

91. His Government had amended the Constitution to enshrine certain economic, social and cultural rights, including the rights to food and housing. It had established bodies at the institutional level to foster reconciliation and national unity, prevent intercommunal conflict and promote social dialogue. It had also strengthened the mandates of the National Human Rights Commission and the body responsible for government oversight and combating corruption.

92. His Government's commitment to the rule of law had not been diminished by the security crisis that his country had been experiencing since 2015. It was working to adapt its legislation to the new context and

had established a special judicial unit to handle terrorism cases. In the light of the close links between the rule of law and universal access to justice, his Government had allocated more funds to the provision of judicial assistance. It was providing training on human rights and international humanitarian law to the defence and security forces and encouraging civic responsibility among the population. It was also implementing the international instruments to which Burkina Faso was a party. His Government remained open to all initiatives that would help consolidate the rule of law and thus advance peace and sustainable development.

93. The United Nations system and its agencies should continue to support States, in particular developing countries, in their efforts to promote the rule of law, which was a prerequisite for improving access to public services, combating corruption and strengthening social cohesion.

94. **Ms. Jiménez Alegría** (Mexico) said that enhanced access to justice, transparency, accountability and efforts to combat impunity and corruption were necessary in order to make societies fairer and more inclusive. Her Government had made combating corruption a priority of its national development plan and was working to address the problem at the international level through multilateral, regional and bilateral forums. It was committed to the implementation of the United Nations Convention against Corruption and supported the statement issued by the Secretary-General on 15 October 2020 condemning corruption, in particular when it related to efforts to combat the COVID-19 pandemic.

95. The special session of the General Assembly against corruption would provide an opportunity to make progress on topics such as the use of digital technology to prevent corruption and promote a whistle-blowing culture. Mexico looked forward to sharing its experience in combating corruption, which centred on aspects such as ensuring public participation in anti-corruption efforts; enhancing the transparency of public information by broadening access to technology; protecting whistle-blowers; and ensuring that public spending was properly monitored and controlled.

96. Corruption diverted funds away from efforts to improve the living conditions of populations, and thus had a particularly pernicious effect on the most vulnerable segments of society, especially women. Poor women, in particular, often had little access to justice and other services. Corruption exacerbated poverty, food insecurity and other difficulties faced by people living in conflict and post-conflict situations, and

undermined peace and stability by enabling illegal arms trafficking. Her Government would continue to promote cross-cutting and prevention-focused efforts to combat corruption, in cooperation with the private sector and civil society.

97. **Ms. Barba Bustos** (Ecuador) said that the rule of law was essential for ensuring peaceful coexistence among peoples and States. All individuals living in Ecuador, whether they were nationals or not, had the same rights and obligations. All were equal before the law and all had access to an efficient and transparent system of justice. Ecuador defended the sovereign equality of States, as enshrined in the Charter of the United Nations, and was a party to all the core international human rights instruments.

98. Ecuador rejected all corrupt practices, which undermined the economic and political stability of States and hindered sustainable development. Such practices were immoral and, in the context of the COVID-19 pandemic, might even be criminal, given their impact on vulnerable individuals and groups. Corruption restrained the activities of the State, undermined the legitimacy of government institutions, reduced economic activity and prevented the full enjoyment of human rights.

99. As a party to the United Nations Convention against Corruption, Ecuador treated efforts to combat corruption as a priority and had developed national strategies to promote civic-mindedness, strengthen the judicial system, enhance public access to information, develop accountability mechanisms and establish strong supervisory bodies. It had set up an impartial and independent judicial system and was currently considering several legislative proposals, including a bill on asset seizure and recovery, and improvements to its public procurement system. Ecuador was committed to enhancing international cooperation on corruption matters and looked forward to contributing to the special session of the General Assembly on the topic.

The meeting rose at 5.50 p.m.