

Statement by

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to the United Nations

On behalf of the Non-Aligned Movement

Before the **Sixth Committee**

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on Agenda Item 83:

“The rule of law at the national and international levels””

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Mr. Chairman,

I have the honour to speak on behalf of the Non-Aligned Movement.

Mr. Chairman,

The Non-Aligned Movement have been following this item with high interest and believes that respect for the rule of law at the national and international levels is essential to maintaining international peace and security and achieving socioeconomic development. In this regard the Movement actively and constructively engaged in the consultations leading to the adoption of the outcome document of the General Assembly High-Level Meeting on “the Rule of Law at the National and International Levels” led by co-facilitators, distinguished Ambassadors of Mexico and Denmark.

Apart from the contents of the document and how balanced it is, convening that meeting was itself a milestone and an important step in the General Assembly’s discussions of the rule of law aiming to develop a common understanding among Member States. We will spare no efforts to continue the course of discussions in the Sixth Committee, as part of the General Assembly and in cooperation with other partners, to achieve to the elaboration of a commonly shared clear vision and understanding on all components of the rule of law at the national and international levels.

The Non-Aligned Movement reiterates its position that it is indispensable to maintain the balance in developing the national and international dimensions of the rule of law. We continue to believe that the rule of law from the international dimension needs greater attention by the Organization. The Charter of the United Nations and the principles enshrined therein provide normative guidance as to the basis of the rule of law at the international levels. In this context the Non-Aligned Movement believes that the following elements are essential in fostering international relations based on the rule of law:

- The principle of sovereign equality of States entails that all States have equal opportunity to participate in law making processes at the international levels;
- All States should equally respect and comply with their obligations under treaty as well as customary international law. Also, selective application of international law must be avoided;
- The legitimate and legal rights of States under international law must be respected;
- The principle of the prohibition of the threat or use of force in international relations of States and peaceful settlement of disputes should constitute the cornerstone of the rule of law at the international level. In this regard, it is essential that Member States remain committed to a rule-based regime in the conduct of their respective relations with other Member States.

The Non-Aligned Movement encourages States to resort to pacific settlement disputes mechanisms and tools established under international law, including the International Court of Justice and treaty based courts such as International Tribunal for the Law of the Sea, as well as arbitration. We also call upon the General Assembly and the Security Council to utilise the right conferred to them under article 96 of the Charter of the United Nations to request for advisory opinions on any legal question from the International Court of Justice, whenever appropriate.

The Non-Aligned Movement reiterates that human rights, the rule of law and democracy are interdependent and mutually reinforcing. All States should fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments relating to human rights, and international law.

The Non-Aligned Movement stresses that the purposes and principles of the United Nations Charter and the principles of international law are paramount to peace and security, rule of law, economic development and social progress and human rights for all. In this context, the Member States of the United Nations should renew their pledge to uphold, preserve and promote the purposes and principles enshrined in the Charter of the United Nations and international law, with the purpose of further advancing towards the achievement of full respect of international law.

The NAM Members remain concerned on the application of unilateral measures, and stress upon their negative impact on the rule of international law as well as on international relations. No State or group of States has the authority to deprive other States of their legal rights for political considerations.

At the same time, the Non-Aligned Movement underscores the need for the United Nations Member States to fully respect the functions and powers of each principal organ of the U.N., in particular the General Assembly, and to maintain the balance among these organs within their respective Charter-based functions and powers.

The Non-Aligned Movement underlines that close cooperation and coordination among all principal organs of the United Nations is highly indispensable in order to enable the Organization to remain relevant and capable of meeting existing, new and emerging threats and challenges. Nonetheless, the Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council by taking up issues which fall within the competence of the latter organs. The Security Council should fully comply with the international law and the United Nations Charter.

Mr. Chairman,

The General Assembly must play a leading role in promoting and coordinating the efforts towards this purpose. However, the international community must not replace the national authorities in the task of establishing or strengthening the rule of law, but only to provide them with the necessary support at their request.

The Movement recognizes the importance of national ownership in rule of law activities and underlines the importance of strengthening national capacities of Member States in the domestic implementation of their respective international obligations, including through enhanced technical assistance and capacity-building. The Movement reiterates the need for those activities to be undertaken

at the request of interested recipient Governments, strictly within the respective mandates of the United Nations funds and programmes. It is also necessary to take into account the customs and the national political and socioeconomic realities to prevent imposition of pre-established models upon Member States that would hinder the resolution of existing problems in each country.

Regarding the Rule of Law Assistance unit, the Movement reiterates that appropriate mechanisms should be established for Member States to stay abreast of the Unit's work as well as to ensure regular interaction between the latter and the General Assembly.

The Non-Aligned Movement is cognizant of the importance of rule of law and accountability at the United Nations. The Movement welcomes the operationalization of the new system of administration of justice in the United Nations. The Movement also supports initiatives aimed at holding the UN personnel accountable for any misconduct they might commit in mission area.

The Non-Aligned Movement condemns any attempt to destabilize the democratic and constitutional order in any NAM Member State.

Mr. Chairman,

The Non-Aligned Movement reiterates its support for the application submitted, on 23 September 2011, by the State of Palestine to be admitted as a Member State of the United Nations, consistent with the right of the Palestinian people to self-determination and independence, convinced that realization of this objective will be a major step towards securing freedom, dignity, stability and peace for the Palestinian people and reflect the international community's true commitment to uphold the rule of law at the international level and foster international legitimacy.

The movement while underlining the importance of freedom of opinion and expression under article 19 of the Universal Declaration of Human Rights, emphasizes that in exercising such freedom, morality, public order and the rights and freedoms of others must be recognized and respected, as apparent under article 29 of the Declaration. As freedom of expression is not absolute, its exercise should be carried with responsibilities in accordance with the relevant international human rights law and instruments.

I thank you.