

**Постоянное представительство
Российской Федерации
при Организации
Объединенных Наций**

*Phone: (212) 861 4900
Fax: (212) 628 0252*



**Permanent Mission
of the Russian Federation
to the United Nations**

*136 East 67th Street
New York, NY 10065*

*Unofficial translation
Check against delivery*

STATEMENT

**by the representative of the Russian Federation
in the Sixth Committee of the 67th session
of the UN General Assembly
on the agenda item: “The rule of law at the national and
international levels”**

11 October 2012

Mr. Chairman,

We would like to thank the Secretary-General for his annual report on strengthening and coordinating United Nations rule of law activities, which supplemented his March report on the modalities of the High-Level Meeting on the Rule of Law held on 24 September.

The Russian Federation consistently remains committed to the rule of law at the national and international levels. In this regard we proceed from the understanding that the rule of law shall serve the purpose of uniting the States instead of producing contradictions between them every time we attempt to discuss the possible ways of its development.

The High-level Meeting on the Rule of Law held on 24 September and the process of drafting its outcome document have clearly demonstrated the degree of contradictions on the topic of the rule of law if attempts were made to use this subject to impose on the world community the parochial and untested notional concepts not enjoying the universal support of States – the concepts that scarcely have practical value, but can serve as an excellent instrument to exert political pressure on the “unsuitable” States. We all have witnessed persistent efforts to bring into common use a non-existent definition of the rule of law and unreasonably reduce the rule of law to human rights at the national level focusing on their most dubious chapters, and, on top of it all, to erect on this shaky foundation a massive institutional superstructure – efforts that instead of serving the goal of uniting the States contribute to their division. We do not share this approach. The topic of the rule of law should deal with the realities that the States are ready to accept and where consensus can be reached, instead of abstract idealistic models.

In this context, the current session is quite important for determining the ways of our future work on the rule of law within the UN. We believe that the debate on the rule of law, including possible High-Level Meeting follow-up should be carried out exclusively within the UN GA Sixth Committee. This understanding is exactly the basis for paragraph 41 of the Declaration of the High-level Meeting on the Rule of Law. For the discussion of associated or “borderline” issues the Sixth Committee can easily engage experts from other committees.

The status of potential subtopics for future debates on the rule of law seems to be even vaguer. This is precisely the focus of the August

report by the Secretary-General, where thirteen potential subtopics for future debates in the Sixth Committee are presented. It seems to us that most of these subtopics are not quite suitable for the Sixth Committee, since they fall into the area of micromanagement and unreasonably single out topics with too narrow content, such as, e.g., birth registration, national identification and citizenship.

As for future subtopics for debate, it would seem logical to stick to more general issues; and since the UN is an international forum, this debate should focus on the rule of law at the international level. It is appropriate mention here that the United Nations has established specialized formats to discuss human rights at the national level. Therefore, it would be interesting for us to discuss such topics as “The rule of law and the peaceful settlement of international disputes”; “The rule of law and the use of force in the international relations”; “The rule of law and combating terrorism and transnational organized crime”; “The rule of law and economic development” and “The rule of law and the reform of the international financial system”.

On other issues of the August report by the Secretary-General, we share his conclusions that the full implementation of the obligations set forth in the Charter of the United Nations and in other international instruments is central, in particular, to collective efforts to maintain international peace and security. We take note of the important role played by the judicial and non-judicial international mechanisms. As one of the most positive examples, the Secretary-General mentions the work of the International Commission of Inquiry on Libya. We regret that the

Commission failed to fully investigate the cases of civilian casualties as a result of the NATO air strikes.

We would also like take note of the UN activities mentioned in the report to support States in prosecuting suspected pirates and fighting impunity.

We welcome the efforts of the Organization to promote the rule of law at the national level and would like to stress that the projects related to constitution-making, incorporation of international legal obligations into domestic legislation of States and strengthening of formal and informal justice and governance institutions of States should be implemented with due account for the principle of non-interference in the internal affairs of States.

On the whole, we are convinced that the work of the United Nations on the rule of law should be more focused on modern general approaches of States to this topic and be based on the norms and principles of the UN Charter and applicable norms of international law.