



Permanent Mission of Georgia to the United Nations

The 68th Session of the General Assembly, Sixth Committee

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Agenda item 85: "The rule of law at the national and international levels"

Statement by Inga Kanchaveli, Counselor

PERMANENT MISSION OF GEORGIA TO THE UNITED NATIONS

Mr. Chairman,

My delegation congratulates you and the Members of the Bureau on your election in the Chairmanship of this Committee during the 68th Session of the General Assembly and assures you of our full support in guiding the work of the committee under your leadership.

Mr. Chairman,

Georgia has aligned itself with the statement made by the European Union yesterday; nevertheless, I would like to add few remarks in our national capacity.

Today's important discussion reinforces the notion that rule of law constitutes a fundamental element to peace and security, development and respect of human rights at the national and international levels.

We do believe that the milestone in advancement the efficiency of international institutions in the peaceful settlement of international disputes is in expanding the scope of justiciability of international disputes. The International Court of Justice (ICJ), the World Court as it is otherwise referred – the principle judicial organ of the United Nations has a key role to that end. In calling upon all states that have not yet done so to accept the compulsory jurisdiction of the ICJ in accordance with its Statute, we believe that the best way to address the sovereignty related concerns that are usually at stake in deciding on this matter is to recall the words of one of the greatest international lawyer and legal theorist of the twentieth century, Hans Kelsen. Slightly before the end of the Second World

War, Kelsen analyzed the implications of the principle of sovereign equality for then the new international organization – the UN, that was about to be established. One of the principle findings that he reached was that “[t]he only way to establish on the principle of “sovereign equality” an international organization able to “maintain international peace and security” more efficiently than the League of Nations did, is the establishment of an international community whose main organ is an international court endowed with compulsory jurisdiction.”¹

Mr. Chairman,

We understand that the sovereignty related concerns in acceptance of the ICJ jurisdiction may have their own further implications. That said, we also believe that the way forward in this regard has been rightly proposed by the former Secretary-General Boutros-Ghali who, in our view, made a crucially important remark that “[a] major intellectual requirement of our time is to rethink the question of sovereignty – not to weaken its essence, which is crucial to international security and co-operation, but to recognize that it may take more than one form and perform more than one function.”² We are convinced that only under this approach we can have a common peaceful future. While there may be no clear-cut way to proceed to that end in a universalizing manner, the solution is in our opinion in increasing the discourse on the principle of sovereignty as responsibility.³ Shall there be our consensus on viewing the sovereignty primarily from this angle, the world would be a different, much better place.

Mr. Chairman,

I shall conclude by what I have begun with:

The future of increasing the efficiency of international institutions in peaceful settlement of international disputes is in increasing our voice on the full justiciability of international disputes. Only then will all other, non-judicial means of peaceful dispute settlement gain their true, much stronger power as it will be clear to the disputing parties that if no agreement is reached, an objective, third party pronouncement over the dispute is unavoidable. This will eventually guide us from the world of self-help to the world where international relations will be governed by the rule of law.

I thank you!

¹ H. Kelsen, ‘The Principle of Sovereign Equality of States as a Basis for International Organization’, 53 *The Yale Law Journal* (1943-1944) 207-220, at 214.

² B. Boutros-Ghali, ‘Empowering the United Nations’, 71 *Foreign Affairs* (1992-1993) 89-102, at p. 99.

³ F. Deng, *Sovereignty as Responsibility* (Brookings Institution Press, 1996).