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STATEMENT

BY

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IN THE

SIXTH COMMITTEE

**ON AGENDA ITEM 85:
THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS**

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Mr. Chairman,

Allow me at the outset to congratulate you and the other Members of the Bureau on your election. I am confident that under your able leadership, the proceedings of this Committee will be conducted successfully. I assure you of my delegation's unwavering cooperation and support in that regard.

I align myself with the statements delivered by the distinguished representatives of Egypt and Iran on behalf of the African Group and the Non-Aligned Movement, respectively.

My delegation also welcomes the Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities, which highlights key achievements and challenges in the rule of law at the national and international levels, over the past year.

Mr. Chairman,

The rule of law is a broad and complex concept, embedded in the history of all nations, as well as in the long standing efforts of States to create an international community based on law. This notion is a prerequisite for peaceful coexistence and cooperation among States. For normal international life to be possible, the rule of law should govern inter-state relations in all spheres of life. Not only should the rule of law serve as a basis for peaceful coexistence of nations in the world, but it should also serve as a guarantee for ensuring sustainable development, safety and security of our planet. As such, the United Nations has a broad and ambitious agenda in this area.

Mr. Chairman,

A year ago the high-level meeting on the rule of law endorsed a forward-looking declaration that underlined the inter-linkages between the rule of law, human rights and democracy. The meeting proved to be a special opportunity for the international community to underline the need for universal adherence to the rule of law. In this regard, it is evident that the strong commitment of States to an international order based on the UN Charter and other internationally agreed legal instruments is indispensable for the achievement of sustainable peace and prosperity. The purposes and principles of the Charter can only be fulfilled in a law-based society where all States equally respect international law.

Mr. Chairman,

The gross violations of international humanitarian law, reported in some regions, over the past few years are of grave concern to us. The lack of protection of civilians in conflict situations, increased targeting of women and children and the use of sexual violence as a method of warfare, are just a few examples of the serious challenges we face. In order to provide adequate protection for civilians affected by armed conflict, it is necessary to have an open and frank discussion on the practical application of international humanitarian law. This discussion should be based on the experiences drawn from recent conflicts. It is Lesotho's firm view that assumptions of gross violations of international humanitarian law should always be investigated in a thorough and independent manner free from any form of politicization.

Significant progress has been made in the fight against impunity. Impunity provides fertile ground for the recurrence of conflicts and breeds instability. There must be, and there is accountability for the most serious international crimes. By establishing the International Criminal Court, the international community was at the forefront of the campaign for individual accountability for the most heinous crimes under international law. Support for this important Court should be an imperative of this august Committee.

Mr. Chairman,

International law must be respected equally by all States. Selectivity and double standards in the application and enforcement of international treaties must be rejected, since they undermine the very nature and objective of the rule of law. The notion of peaceful settlement of disputes is not only one of the main purposes of the United Nations, but also one of the fundamental principles of the international legal system. At the international level several Member States have brought their disputes to international adjudicative mechanisms with the purpose of peaceful settlement.

The International Court of Justice (ICJ) plays a central role in the peaceful settlement of disputes before intractable conflict and post conflict situations arise. It is encouraging that the ICJ is now considering a larger number of cases on a broad range of aspects of public international law.

Mr. Chairman,

As the international community, we need to close the gap between commitments at the international level and implementation at the national level. While it is mainly the responsibility of Member States to implement the rule of law, countries are not on the same level of development. We must therefore forge a genuine global partnership to enhance capacity, particularly in developing countries, to carry out international law obligations. Justice, whether delivered by domestic or international institutions, is a necessary precondition for sustainable development and security. Only a society based on the rule of law has the necessary means to offer better living conditions for its people, prevent corruption, and cure the ills of society.

Mr. Chairman,

In Lesotho, the justice sector and the rule of law operate within a broad spectrum of legal and institutional frameworks that safeguard constitutional governance and the rule of law. These frameworks ensure administrative fairness, compliance with the rule of law and public accountability. In this regard, I would like to highlight an example of a major achievement indicating Lesotho's strong commitment to the rule of law and good governance.

More than a decade ago, Lesotho began tackling corruption in the multi-million-dollar Lesotho Highlands Water Project head-on and successfully prosecuted several corrupt public officials and bribe-paying multinational corporations. The picture that emerged during the trials was one of a scale of corruption and bribery unprecedented in the history of Lesotho and the region. Over a number of years large multinational corporations had been paying enormous amounts of money to senior public officials in order to secure tenders and contracts in this massive water-supply infrastructure project. All too often, bribery of public officials seems to form part of the day-to-day business of multinationals' foreign operations. Bribery always involves two parties. In a given situation it is not easy to establish who initiated bribery. However, in these cases it was quite evident that the initiative came from the bribe giver.

The cases are a clear example that even developing countries can effectively prosecute large multinationals from the developed world. Success was mainly possible due to strong political will by the government, a competent judicial

system and provision of necessary international cooperation and assistance by other countries and financial institutions. In our view, these cases will continue to serve as a precedent for future cases involving corruption and bribery by multinationals around the world. For indeed the damage and injury caused by corruption in our societies should be a thing of the past.

Mr. Chairman,

The rule of law will continue to be central in meeting the challenges of our time. Together, we can support sustained, coherent and well-resourced efforts to strengthen the rule of law at both the national and international levels, and ensure that the rule of law plays its rightful role in building a better world for all. I use this opportunity to emphasize that by following an international law- and justice- based approach, and respecting the inherent rights of others on an equal basis, we will be able to overcome the difficulties and challenges before us as members of the international community.

In conclusion, **Mr. Chairman**, Lesotho looks forward to continue the discussions on the rule of law in the Sixth Committee. We pledge to continue upholding the notion and the principles it is based upon, namely the respect for human rights and fundamental freedoms, democracy and equality and justice for all.

I thank you.