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STATEMENT

BY

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SIXTH COMMITTEE

**68TH SESSION
OF
THE UNITED NATIONS GENERAL ASSEMBLY**

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

**NEW YORK
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Mr. Chairman,

As it is the first time my delegations is taking the floor during this Session of the Sixth Committee, I wish to join other speakers in congratulating you and other members of the Bureau on your election, and assure you of my delegation's full support and cooperation, as you steer our deliberations to a successful conclusion.

Namibia aligns itself with the Statements delivered by the distinguished Representatives of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM), and Egypt on behalf of the African Group respectively.

Mr. Chairman,

We welcome the Report of the UN Secretary-General on this agenda item titled "Strengthening and Coordinating United Nations Rule of Law Activities", which highlights the important linkage between the rule of law and the three main pillars of the United Nations which are; peace and security, human rights and development.

As a state founded on the principle of the rule of law, Namibia reiterates her commitment to the promotion and strengthening of the rule of law as a necessary precondition to help maintain peace, promote development and enhance cooperation, that is aimed at building a harmonious world. As an important manifestation of human civilization and progress, the consolidation of the rule of law at the international level is of utmost importance. Namibia believes that the United Nations remains the central point for the consolidation of international rule of law. The UN system should serve as a banner of transparency and democracy that involves the participation of the entire international community in finding lasting solutions to contemporary global issues. The primary role of the UN General Assembly as the sole organ of universal membership is central in the promotion and strengthening of the rule of law and its exclusive function to progressively develop and codify international law cannot be overemphasized or understated. In this context we welcome the continuous engagement of this

Committee in considering this issue and attaching great importance to the promotion of the rule of law.

Mr. Chairman,

Namibia recognizes the important role of the International Court of Justice in using judicial means to settle international disputes, and highlight the importance of its decisions and advisory opinions which have clarified certain provisions of international law. As a product of the United Nations system, and our own commitment to the rule of law our government together with Botswana made a joint submission to the ICJ in 1996, concerning a territorial dispute regarding the Kasikili and Sedudu Islands, which led to the 1999 judgment of the ICJ in favour of our neighbor Botswana which we have fully complied with, this is a clear demonstration of our commitment to the rule of law and the settlement of international disputes by peaceful means. While acknowledging the valuable work done by the Court, we notice with concern that ICJ jurisdiction is based on States acceptance of this jurisdiction, and this may hamper the effective work of the Court. We therefore call on all States to make use of the judicial means of the ICJ in settling their disputes.

Mr. Chairman,

Namibia attaches great importance to the universal adherence to and implementation of the rule of law. The promotion of justice and the rule of law are essential for peace, the prevention of armed conflicts and cooperation amongst states. International law is therefore important for fostering stability in international relations, and also provide a framework for addressing our common challenges, thereby contributing to the maintenance of international peace and security.

As International peace and security is critical for the promotion of the rule of law. The UN Security Council is at the heart of this endeavor. While the UN Charter

assigns the Security Council with the primary responsibility for the maintenance of international peace and security, it has become clear that with the passage of time, the current composition and structure of the Security Council is unrepresentative, undemocratic and is not a true reflection of the contemporary geo-political realities. In this context, Namibia reiterates her call for the comprehensive reform of the Security Council to make it more democratic, transparent and to better serve humanity. We note that in the face of some of the current international conflicts action or inaction by the Security Council is based on self-serving political considerations, this may hinder the effective implementation of its mandate, therefore calls for the reform of the Council cannot be over stated.

Mr. Chairman,

The protection of humanity from the scourge of war is the principle foundation of the United Nations, we therefore believe that this noble goal can only be achieved when all member states of the UN refrain from the use or threat of use of force in any manner inconsistent with the purposes and principles of justice and international law, the right to self-determination, non-interference in the domestic affairs of other states, respect for human rights and respect for equal rights of all without distinction as to race, language, religion, cultural or social character. These are our obligations under the Charter that should guide State conduct at the international level.

The UN has played an instrumental part in the establishment of the International Criminal Court (ICC), the first permanent Court with the mandate of administering international criminal justice. It is disappointing to note that international criminal justice is being selectively applied and institutions such as the ICC are being used to advance the narrow interests of some powerful member states, at the expense of the less powerful. We therefore reaffirm that the operations of the ICC should at all times be guided by fairness and the objective assessment of situations to ensure justice.

In conclusion, **Mr. Chairman**, we reaffirm our commitment to the promotion of the rule of law at both the national and international levels, and as part of our modest contribution we call on the support of member states to Namibia's candidature to the Human Rights Council for the period 2014-2015, of which the elections are to be held here in the next few weeks.