

**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 Representative of the Russian Federation
in the Sixth Committee of the 68th Session of the General Assembly
on Agenda Item on the Rule of Law at the National and International Levels**

11 October 2013

Mr. Chair,

We thank the Secretary-General for the annual report on Strengthening and Coordinating United Nations Rule of Law Activities.

This year has become a year of rethinking by this Organization of accumulated achievements in the area of the rule of law, the analysis of the efficiency of entities and mechanisms established within the United Nations to ensure the rule of law and determine the ways for its further development. It is in this sense that we examine the report before us together with the earlier report submitted to the Security Council on Measuring the Effectiveness of the Support Provided by the United Nations System for the Promotion of the Rule of Law. The two reports were intended to give to the States a full picture of distribution of the mandates of the UN entities in the area of the rule of law and to detect the

duplication of functions among them and make proposals to streamline the system of work in this area.

Of course, certain steps towards streamlining the work of the United Nations in this area have been made. A three-tier, conceptually new system comprising the field, central and strategic levels has been established. However, the main task which is above all to optimize the system of work of the United Nations in the area of the rule of law and to make it more transparent, as we understand, has not been fulfilled yet.

We still have concerns that the efforts of optimization lead in practice to establishing new entities and further institutionalization of the rule of law. The meaning of these measures is not always clear to us. For example, to ensure the rule of law at the Headquarters level of the three-tier system a new entity has been established between the UN Department of Peacekeeping Operations and UNDP, which has been designated as the global focal point to ensure the rule of law in post-conflict and other crisis situations. Despite our requests, we have not received yet any detailed information on the operational modalities of this entity. Moreover, as it follows from the report, the Rule of Law Coordination and Resource Group has been given the overall leadership role for the rule of law at the strategic level. The terms of reference of the Group have been substantially revised to reflect "new realities and actors in the rule of law".

Therefore, we request once again Secretariat to give us more detailed information on the functions and tasks of the two abovementioned entities and also clarify which "new actors in the rule of law" are referred to in the report.

Along with the annual report, we have been provided this year with the preliminary ideas associated with the 2012 Declaration of the high-level meeting on the rule of law, regarding the ways and means of further developing, with wide stakeholder participation, the linkages between the rule of law and each of the three main pillars of the United Nations: peace and security, human rights and development. We have taken note of the information in the report on launching a process of consultations with the engagement of eminent thinkers in the area to contribute a series of articles developing their reflections on the rule of law, which, according to the authors of this report, will serve to spark further discussions with Member States, civil society, business and academia. No specific information on the nature of this consultative process and experts involved has been previously provided to us. However, the Member States have not authorized the UN Secretariat to draft any articles and this issue has not been discussed with them. In light of the above, we believe that the abovementioned articles cannot be imposed on the States as the basis of future work in the area of the rule of law. We are interested in having clarifications on this consultative process and the list of experts involved.

Mr. Chair,

We understand that optimizing the rule of law within the UN is not an easy task. Perhaps we could help the Secretary-General to sort out the situation by looking into the rule of law at the United Nations through the lenses of the Fifth Committee. We are looking forward to relevant support by our partners.

Mr. Chair,

We decided to discuss this year in the Sixth Committee in the framework of the Rule of Law agenda item the topic of the rule of law and peaceful settlement of international disputes.

We believe that the principle of peaceful settlement of international disputes is an essential element of the rule of law at the international level considering it in the overall context of the efforts by States to prevent the threats to international peace and security.

We attach particular importance to the freedom of States in selecting the methods for peaceful settlement of disputes. Indeed, the UN Charter envisages a wide and diverse number of such measures. Along with judicial settlement there are many other procedures such as negotiations, arbitration, procedures of special bodies to settle disputes regarding interpretation or application of a certain international agreement. The States can always find a suitable format for them for dispute settlement.

We believe that the UN International Court of Justice is a key element of the system of peaceful settlement of international disputes and, accordingly, a truly essential actor in the rule of law. Russia had an opportunity to ascertain based on its own experience the high legal procedural standards of this Court. The Court does not only address the most complex and politically "charged" international disputes and formulates its advisory opinions on complicated legal issues and as well promotes the development of the international law.

We would also like to single out the activity of the International Tribunal for the Law of the Sea, which over the recent years has proven its exceptional legal qualification in settling the disputes on interpretation or application of the UN Convention on the Law of the Sea and other issues envisaged in the international agreements that established its jurisdiction.

Russia had the opportunity to demonstrate its commitment to the principle of peaceful settlement of disputes in the framework of this body as well.

Mr. Chair,

The linkage between the rule of law and the system of peaceful settlement of international disputes is inseparable. Therefore, the peaceful settlement of international disputes seems to be the main area of developing the rule of law topics at the UN platform. It is necessary to strengthen the proven institutions for dispute settlement and ensuring the rule of law that enjoy the universal recognition and confidence of the States – the International Court of Justice plays a particular role among them. It is precisely this work that has a great potential for establishing a positive rule of law agenda that unites the States, UN institutions, the Secretariat and the sound part of the civil society, instead of activities to establish non-transparent new super-structures under the logo of the rule of law and to prepare the documents of unclear nature and intent.

Thank you, Mr. Chair.