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**STATEMENT
BY**

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OF SOUTH AFRICA TO THE UNITED NATIONS,**

**IN THE SIXTH COMMITTEE OF GENERAL
ASSEMBLY
UNDER AGENDA ITEM
"RULE OF LAW AT THE NATIONAL AND
INTERNATIONAL LEVELS"**

**United Nations
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Mr Chairman

Once again, thank you for affording us the floor. At the outset, let me associate myself with the statement delivered by the representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement. My delegation attaches great importance to this agenda item, the rule of law at the national and international levels. As requested by the General Assembly, our comments will focus more on this year's theme "The rule of law and the peaceful settlement of international disputes".

Mr Chairman

My delegation is of the view that nothing reflects adherence to the rule of law like the judicial settlement of disputes. The rule of law is among the essential pillars upon which any high quality democracy rests. The rule of law has three basic tenets, namely, everyone is subject to the law; everyone is subject to the ordinary law established before the ordinary courts of the land; and there should be no room for special laws for different groups nor separate courts for certain people.

Mr Chairman

For judicial settlement of disputes to conform to principles of justice, states must provide legal aid to the poor and vulnerable. As an original sponsor of the United Nations Principles and Guidelines on Access to Legal Aid, which the sixty-seventh session of the United Nations General Assembly adopted by consensus on 20 December 2012, South Africa has been a leading voice on the need to improve access to counsel for indigent accused persons. The right to legal aid is an integral part of the right to access to justice and the right to a fair trial, and protects the rights of society's most vulnerable members by safeguarding against pretrial detention, torture, coerced confessions and other abuses. We hope States will join us in working towards better implementation of the right to legal aid, and we hope that we may inspire action by hosting an international conference on this important issue next year.

Mr Chairman

Allow me to say South Africa believes that the rule of law is a key element of any strategy towards long-term sustainable peace. It is because of this belief that South Africa is actively championing complementarity together with Denmark. Our contribution, along with

Denmark, to highlighting positive complementarity in the fight against impunity is similarly motivated by the promotion of the rule of law. We are committed to doing what we can, within our limited resources, to ensure that national systems are able to carry out investigations and prosecutions for serious crimes.

Mr Chairman

While exerting efforts to promote the rule of law at the national level, including the promotion of accountability mechanisms, equal attention must be paid to the rule of law at the international level. At international level, South Africa also continues to play an active role in the kind of peace and harmony that is dependent on the rule of law. We do this in a number of ways, including through bilateral and trilateral agreements as well as through mediation efforts in various parts of the world.

Mr Chairman

As indicated by this delegation on previous occasions, the question of auto-interpretation and its effects on the rule of law at the international level remains a challenge. Given the lack of compulsory system of judicial settlement of disputes, states interpret their international law obligations in different, often conflicting, ways. The particular ills caused by auto-interpretation would be remedied, or at least greatly reduced, by regular recourse to international mechanisms for the pacific settlement of disputes, most notably, the International Court of Justice. Other specialized mechanisms for the settlement of disputes, such as the International Tribunal for the Law of the Sea, would also go a long way towards alleviating some of the problems arising from auto-interpretation. Strengthening of mechanisms for the peaceful settlement of disputes is therefore important.

In conclusion, Mr Chairman

My delegation calls upon states and international organizations to contribute to the enhancement of the rule of law by, inter alia, complying with and implementing international law obligations and, when necessary, relying on the mechanisms for the peaceful settlement of disputes, on the one hand. On the other hand, my delegation is of the view that adherence to international rule of law will continue to elude as long as the Security Council with the primary responsibility for the maintenance of international peace and security is unrepresentative. It is for this reason that South Africa remains part of the progressive forces

that are supportive of the Security Council reform to make it representative.

I thank you.