ARGENTINA

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Intervención de la Delegación argentina

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70th GENERAL ASSEMBLY
Sixth Committee (Legal Committee)

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

Statement by the Argentine delegation

New York, 15 October 2015
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Mr. Chairman,

Argentina aligns itself with the statement made by Ecuador on behalf of CELAC.

Let me thank the Secretary-General for his Report on the activities of the United Nations with regard to the rule of law.

Mr. Chairman,

The sub-theme for this session decided by resolution AG 69/123 "The role of the processes of multilateral treaties on the promotion and enhancement of the rule of law" is very appropriate in this session, which marks the 70th anniversary of the United Nations. This organization has its foundations in the ideal of a world based on legal rules, in which international law guides the conduct of States. The theme of this session, therefore, leads us to recognize the outstanding contribution of the United Nations to the development of international law.

Latin America and the Caribbean knew the remarkable contribution of international law, including the law of multilateral treaties even before the creation of the United Nations. The legal activism of the countries of the region started right after the completion of the wars of independence, with notable jurists, including the Chilean Andrés Bello and Carlos Calvo.

Already in 1875, a Latin American Congress for the codification of private international law was convened, which was held in Lima. The regulatory development in Latin America included the treaties adopted by the Montevideo Conferences of 1899 and 1939, the Treaty of non-aggression and conciliation, known as "Saavedra Lamas Treaty" (1933), as well as principles that were later collected in multilateral instruments developed in the Pan American field and at the global level, such as non-intervention, uti possidetis juris, diplomatic asylum, and the absence of res nullius territories in Latin America. Further developments in the inter-American system continued with the Organization of American States, the successor to the Pan American Union.

On numerous occasions the Americas was at the forefront in the development of binding norms culminating the adoption of universal treaties, including on arms trafficking, corruption and human rights. In this area, for example, the processes that led to the Convention of the United Nations on the Rights of Persons with Disabilities and the UN Convention against Enforced Disappearances, were preceded by binding inter-American instruments. We hope that this will be repeated with the recently adopted Inter-American Convention for the Protection of Human Rights of Older Persons, June 2015.

When the United Nations came in 1945, whose objectives included the codification and progressive development of international law, the great era of development of universal international law was born.

The International Law Commission took a leading role in the great golden era that followed the founding of the United Nations, in which the work focused principally into the codification of customary international law. We would like to pay tribute to the Commission for their remarkable work, which continues today.

Some multilateral negotiations in past decades took place within at the meetings of the Sixth Committee. This Committee, for example, negotiated the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Others negotiating processes, particularly from the 1970s, reflect the intention of the Member States of the United Nations of convening ad hoc negotiating conferences.

The first negotiating conference convened by the United Nations, representing a record, was the Third United Nations Conference on the Law of the Sea. At the time, there had been no negotiations with such complexity and level of ambition on the issues covered, participation Members and novelty in their procedural rules. At the time, the Third Conference was criticized for the slow pace of negotiations, which lasted nine years. Over time, in fact, the United Nations Convention on the Law of the Sea demonstrated that this investment of 9 years of negotiation on the basis of consensus and the understanding called "package deal", proved to be one of the most universal international instruments accepted, not only by its 164 Parties but also by many non-State parties, because the Convention itself generated customary international law.

The negotiating philosophy of the Law of the Sea Convention, which generated its wide acceptance, becomes very relevant again at this time, when we are about to start the works of the Preparatory Committee convened by the General Assembly on a future multilateral instrument under UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

The impressive development of multilateral rules has taken place in these first seventy years of the United Nations could not have taken place without an efficient Office of Legal Affairs in the Secretariat. I would like in particular to acknowledge the work of the Treaty Section. Nor could it have occurred if Member States had not understood that it is necessary to have a specialized body of international lawyers, namely national Legal Advisories.

The United Nations contribution to the development of international law, in particular through the development of universal multilateral rules strengthens

the rule of law. A pillar of the rule of law in the international order is the peaceful settlement of disputes.

As every year when we address this issue, Argentina reiterates that in order to promote the rule of law it is necessary to strengthen democratic institutions. In this regard, I would like to underscore the role played by regional cooperation and coordination mechanisms in promoting the rule of law in Latin America, in particular the adoption of "democratic clauses". Argentina reiterates its firm commitment to the preservation of democratic institutions, the rule of law, constitutional order, social peace and full respect for human rights

Mr. Chairman,

Finally, the Report of the Secretary General also touches upon the international aspect of the rule of law. In the peaceful settlement of international disputes, the International Court of Justice plays a central role. It is important to underline the need for parties to a controversy to comply in good faith with the decisions of the Court and to abstain from adopting unilateral measures that could aggravate such controversy. In addition to the ICJ, there are other specialized tribunals, such as the International Tribunal on the Law of the Sea, which jurisdiction has been accepted by Argentina.

But there are other means for the settlement of international disputes, also mentioned in the Charter, they are referred to in the Declaration adopted at the high level meeting of the General Assembly on the Rule of Law, on 24 September 2012 (A/Res/67/1). Among the means available to the organization and its Member States we also stress the role of good offices that the UN can entrust to the Secretary General. Argentina deems it necessary to remind the need that parties to a dispute comply, in good faith, with the calls made by the organs of the organization, including the General Assembly. Also, third parties to the dispute must refrain from conducts that could frustrate the fulfilling of the obligation of the parties to solve the dispute peacefully. I would like to underscore that the feasibility that a mission of good offices –or any other method for the peaceful settlement-achieves its object and purpose depends on the compliance in good faith of the obligations vested upon the parties to such proceedings.

Thank you