

AGENDA ITEM 85 - 'THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS' AT THE SIXTH COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY AT ITS 70TH SESSION

OCTOBER 15, 2015

Thank you, Mr. Chairman,

We associate ourselves in general with the statement made by the distinguished delegate of the Islamic Republic of Iran on behalf of Non-Aligned Movement and make the following observations in our national capacity.

Mr. Chairman

The agenda item 'The Rule of Law at the National and International Levels' has been on the agenda of this Committee since sixty-first session of the General Assembly in 2006. The principal objective for inclusion of this item on the agenda is to focus the attention of the United Nations to the rule of law at all levels.

We thank the UN Secretary-General for his report A/70/206 entitled 'Strengthening and coordinating United Nations rule of law activities'. The report highlights the UN rule of law activities and developments at the national and international levels during the last year with a focus on the role of multilateral treaty processes in the promotion of rule of law.

We also thank the UN Assistant Secretary-General for Legal Affairs and the Chief of the Treaty Section for their statements yesterday highlighting the role of the Office of Legal Affairs and its various Divisions in promotion of rule of law and in capacity building of the developing countries and the LDCs in this regard. We also appreciate the other UN agencies for rendering assistance to the developing countries in promoting the rule of law by establishing and fostering the institutions and practices acceptable to those countries.

It may be noted that there is no agreed definition of the term 'rule of law'. However, it cannot be denied that an essential principle of Rule of Law is that every executive action must have legal authority to support it. It is in this regard we understand that a robust treaty making process can effectively provide a strong foundation for rule of law at the international level.

We reiterate the view that the independent, efficient and competent judicial systems are the backbone of the rule of law, as they provide legitimate and peaceful means to solve conflicts, ensure accountability and provide redress. At the same time, it is important to note that the law-making activity at the national level is exclusively within the sovereign domain of the national legislature.

We highlight in this regard that India is the largest democracy in the world bound by rule of law. Its judiciary is fiercely independent and separate from the Executive and Legislature.

Mr. Chairman,

According to the General Assembly Resolution 69/123 adopted on 10th December, 2014, the focus of our debate in the present Session is on the sub-topic "The role of multilateral treaty processes in promoting and advancing the rule of law".

We reiterate the importance of a comprehensive and robust international legal framework based on treaties as a mechanism to effectively support the rule of law.

In this regard we point out that India is party to several multilateral treaties/ conventions adopted under the auspices of the United Nations and other bodies. We are party to the 1946 Convention on Privileges and Immunities of the UN; the 1961 and 1963 Vienna Conventions on diplomatic and consular relations, the UNCLOS, etc. We took measures to give effect those conventions and also enacted laws for that purpose. India is a law abiding country. We are committed to resolving the disputes by peaceful means as provided under Article 33 of the UN Charter. India is party to the Permanent Court of Arbitration. We accepted the compulsory jurisdiction of the International Court of Justice under Article 36 (2) of the Statute of the ICJ

Mr. Chairman,

We are happy to note that multilateral treaty processes convened by the General Assembly have played an essential role in the implementation of the Organization's mandate. We appreciate General Assembly's efforts in adopting new treaties to address the continually evolving challenges faced by global community thereby establishing a solid multilateral treaty framework which strengthens the rule of law.

We would like to state that mere codification or enactment of a law at international or domestic level is not sufficient to promote the cause of the rule of law. Rule of law must not be confused with rule by the letter of law. Every law codified or enacted must stand the test of fundamental human values, the principles of equality in treatment, participation and representation. All enactments and legal instruments should be open to review to adapt to new developments, otherwise rule of law may become an instrument of oppression and give legitimacy to the enacting of laws grossly violative of basic human rights as has been witnessed in history.

Mr. Chairman,

We firmly believe that ensuring access by member States to the mechanisms of the peaceful settlement of international disputes is a key element in promoting rule of law at the international level.

Mr. Chairman,

Finally, we take this opportunity to call upon the international community to ensure observance of rule of law at the international level. One of the pressing need of the time is to make the Security Council more representative by enhancing its membership, both, in permanent and non permanent categories. Developing countries need to be given real voice and participation in global decision making. The global institutions must be fully reflective of contemporary realities and the rule of law norms to enable them to address the global challenges effectively.
