

Algeria



الجزائر

Permanent Mission of Algeria
to the United Nations

بعثة الجزائر الدائمة
لدى الأمم المتحدة

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71th Session of the United Nations General Assembly

Statement by

Mr. Mehdi REMAOUN

First Secretary

to

The Sixth Committee on “The rule of law at the national and international levels”

[Agenda item 84]

Trusteeship Council Chamber, 6th October 2016

I would like to express the appreciations of my delegation to the Secretary-General for his report entitled “Strengthening and coordinating United Nations rule of law activities” (A/71/169). The focus this year relates to “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including for the poorest and most vulnerable”.

Algeria aligns itself with the statements delivered by Iran on behalf of the Non-Aligned Movement and by South Africa on behalf of the African Group.

Distinguished delegates,

The development of the rule of law, at both national and international levels, contributes to enhance the three pillars of the United Nations (UN): peace and security, development and human rights. In this respect, Algeria is of the view that it is imperative to keep the balance between the rule of law at the national and international levels. We believe that there is interdependence connecting the two levels.

Distinguished delegates,

The first sub-topic chosen this year, relating to national practices of States in the implementation of multilateral treaties, is of particular importance, given the growing complexity of this kind of instruments. The proliferation of institutional structures, such as conferences of parties and different bodies established by multilateral treaties, does make it increasingly more complex to implement contracting commitments. In addition, final clauses are becoming more and more elaborated and require enhanced attention.

In the Algerian hierarchy of legal norms, treaties are higher than laws. Article 150 of our new Constitution provides that “Treaties ratified by the President of the Republic, in accordance with the conditions provided by the Constitution, are superior to the law”. This binding provision leads automatically to the adaptation of our national legal system to the international law.

Therefore, Algeria adapts and develops a national legislation consistent with international norms and standards. It is worth recalling that my Algeria ratified or adhered to all major international treaties and conventions, and subsequently integrated their provisions into our national legal system.

Additionally, among national practices of Algeria aiming at meeting its international obligations in relation to multilateral treaties and conventions, national authorities organize meetings, bringing together the different ministerial departments concerned by the implementation of a particular treaty, in order to develop sectoral action plans. At the end of the process, these various plans are compiled to produce a single document called national action plan, related to the implementation of the instrument.

At the regional level, Algeria is one of the four initiators of the New Partnership for Africa's Development, whose inspiration started from a strong conviction that it is not only necessary for Africans to work for the promotion of their development, but also to work by themselves and for themselves to adapt their countries to the new conventional rules relating to good governance. Furthermore, Algeria, being one of promoters of the African Peer Review Mechanism, has been subject to a peer review, and consequently its conclusions and recommendations endorsed. This voluntary self-assessment tool, instituted by African Heads of State in 2003, was designed to promote more effective governance across four thematic areas, including Democracy and Political Governance. The latter contain 9 key objectives, among which the rule of law represents an important segment.

As indicated in the report of the Secretary-General, respect for the rule of law and human rights while countering terrorism is a fundamental basis for all measures to prevent and counter terrorism. In this context, Algeria organized an international workshop on "The role of criminal justice in the fight against terrorism", held in Algiers, in March 2016. This workshop is part of Algeria's efforts in the fight against terrorism in the Sahel, and aimed at assisting States of the region to effectively implement good practices and adopt laws criminalizing financing of terrorism. Moreover, during the workshop, gaps in institutions' capacities to establish effective legal frameworks to fight terrorism have been discussed with the countries of the Sahel region.

Distinguished delegates,

Regarding the second sub-topic about the practical measures to facilitate access to justice for all, including for the poorest and most vulnerable, we believe that ensuring equal access to justice for all is essential for translating the principles of the rule of law into effective mechanisms to provide protection.

In Algeria, justice is based on the principles of legality and equality. It is equal for all, accessible to all and expressed by the rule of law. These provisions are enshrined in our Constitution.

Having said that, I would like, now, to insist on justice for all at the international level.

If we are to address practical measures to facilitate access to justice for all, we cannot remain indifferent vis-à-vis the dramatic situation of peoples living under colonial domination or foreign occupation, which are often both the poorest and the most vulnerable. It is infinitely sad that in 2016, we still address issues related to decolonization. When the UN Charter is trampled, UN General Assembly and Security Council resolutions violated, and when opinions of the International Court of Justice are still ignored, this means that we have collectively failed to ensure access to justice for among the poorest and the most vulnerable peoples of the world.

Exerting the right to self-determination by peoples under colonial domination or foreign occupation, in conformity with international law, represents justice from which arise all the inalienable fundamental human rights.

From our perspective, the practical measure to facilitate access to justice in these cases lays in parties responsible of this suffering and those who have a direct responsibility in the maintenance of international peace and security. These parties have to take their responsibility before the international community in order to implement relevant UN resolutions and international law provisions.

In conclusion, when it comes to access to justice in the context of natural resources of areas beyond national jurisdiction, and I refer here to the Preparatory Committee relating to the Development of an international legally binding instrument on the conservation and sustainable use of marine biodiversity. Justice for all means enshrining the principle of “Common heritage of mankind” in the future instrument, in order to allow all peoples of the world to benefit and to have a say over the exploitation of marine genetic resources. We believe that this principle is the corollary of our continued pursuit of justice for all.

I thank you for your attention.