

GHANA



PERMANENT MISSION OF GHANA
TO THE UNITED NATIONS
19 EAST 47TH STREET
NEW YORK, N.Y. 10017
TEL. 212-832-1300 • FAX 212-751-6743



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STATEMENT TO BE DELIVERED

BY

AUDREY NAANA ABAYENA (MRS.)
MINISTER COUNSELLOR/LEGAL ADVISER OF
THE REPUBLIC OF GHANA TO THE UNITED NATIONS

TO THE SIXTH COMMITTEE OF THE GENERAL ASSEMBLY ON THE
AGENDA ITEM 84 "THE RULE OF LAW AT THE NATIONAL AND
INTERNATIONAL LEVELS" - 6TH OCTOBER, 2016

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Mr. Chairman,

At the outset, my delegation wishes to align itself with the statement delivered by the distinguished representatives of the South Africa on behalf of the Africa Group and the Islamic Republic of Iran on behalf of the Non Aligned Movement. My delegation welcomes the report of the Secretary General contained in document A/71/169 which highlights developments and activities with respect to the rule of law both at the national and international levels during the year under review. We express our appreciation to the Rule of Law Unit, particularly for the briefings that it has organized through the year. We also welcome the information provided in the report on the subject related to the codification, development and promotion of an international framework of norms and values, highlighting the treaty actions that were undertaken by member states this past session. My delegation is of the view that it affords another opportunity to assess the commitments we made and our adherence to them while exploring ways of improving the implementation of the rule of law at both the national and international levels.

It also gives emphasis to the focus this year as indicated in the resolution 70/118 on the sub topic “Sharing national practices of States in the implementation of multilateral treaties” and “Practical measures to facilitate access to justice for all, including the poorest and the most vulnerable” thereby giving prominence to goal 16 of the SDGs, specifically goal 16.3 on the promotion of the rule of law at the national and international levels and ensure equal access to justice for all .

Mr. Chairman,

My Delegation applauds also takes this opportunity to applaud the role of the Office of Legal Affairs, the Treaty Section and in particular the Treaty Events held over the past years which enables member states to sign, ratify, and accede to treaties. In this regard, we are pleased to announce that Ghana was able to participate in the Treaty Event and the Special Event organized by the Secretary General to afford Member states the opportunity to deposit their Instruments of Ratification of the Paris Agreement on Climate Change. During the Treaty Event, Ghana deposited its Instruments of Ratification and Accession to the Optional Protocol on the Convention against Torture, the Agreement, on the Privileges and Immunities of the International Seabed Authority and Part XI of the United Nations Convention on the Law of the Sea.

Mr. Chairman,

On the issue of sharing national practices of states in the implementation of multilateral treaties, I wish to state that in Ghana, the process of ratification and implementation of multilateral treaties is enshrined in the Constitution and it involves Parliament ratifying the treaty through an Act of Parliament; or by a resolution of Parliament supported by the votes of more than one-half of the entire membership. Following which a Legislative Instrument or an Act would have to be passed to incorporate the treaty into the domestic laws of Ghana. This process involves various arms of government, requiring a concerted effort in the drafting of the bill to ensure that the commitment made by the country while signing the treaty is reflected in the Bill to be passed by parliament.

Mr. Chairman,

Access to legal representation and legal aid are also provided for under the constitution of Ghana and reinforced in the Legal Aid Scheme Act of 1997, Act 542. The Legal Aid of Ghana together with Non Governmental Organisations and Civil Society Organisations, have developed a robust mechanism of ensuring that all citizens of Ghana, especially the poorest and the most vulnerable, have fair access to the legal system. The legal aid mechanism ensures that a person requiring such assistance is availed of it by representation through a lawyer, including such assistance as is given by a lawyer, in the steps preliminary or incidental to any proceedings or arriving at or giving effect to a compromise to avoid or to bring to an end any proceedings, at the cost of the government.

An example of such assistance is the Justice for All Programme which affords prisoners on remand access to legal representation.

Mr. Chairman,

The processes described earlier on treaty ratification require that the experts involved are fully equipped and cognizant of what needs to be included in the bill being drafted while ensuring that the intention of the drafters of the treaty are not departed from. My delegation notes that to realize the full benefits of advancing the rule of law both at the national and international level, capacity building and technical assistance is crucial and to this end, activities and

programmes undertaken within the ambit of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is important to the attainment of this goal.

The focus of this programme is to contribute to the teaching and promotion of international law particularly among lawyers from developing countries. The Audiovisual Library of International Law, one of the core activities under the programme of assistance, plays a unique role by providing a resource of high quality international law training and research materials to a wide constituency of researchers, government lawyers and teachers of international law, not only from developing countries but developed as well. The regional courses in international law which are held in Africa, Asia Pacific and Latin America and the Caribbean, seeks to deepen the knowledge of participants on issues of international law and there is no doubt that the publications are also essential to fulfilling its mandate as a core activity of the General Assembly, thereby contributing to building the capacity of representatives of member states.

Mr. Chairman,

The technical assistance to be provided by the Codification Division, Treaty Section and other offices of the Secretariat are also significant. However, these activities cannot be undertaken without adequate and regular budgetary funding.

In concluding, I wish to reiterate my country's commitment to the rule of law which underpins Ghana's 1992 Constitution, thereby ensuring that the

institutions of government established under the constitution abide by the tenets and principles set forth in the constitution. The separation of powers and the independence of those institutions are all relevant to the rule of law, good governance and accountability. Ghana has embedded these principles in its national culture over the years, and is making progress in deepening them. This is because we believe the rule of law underpins the fundamental rights of our people and the overall development of our country. It is in this vein that Ghana embraces every occasion that presents an opportunity to further develop our capacity in the Rule of Law and would continue to engage and utilize such opportunities to the benefit of our country.

I thank you.