

Statement by  
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**On behalf of the Non-Aligned Movement**

On Agenda Item 84:

**“The rule of law at the national and international levels”**

New York, 5 October 2016

I have the honour to speak on behalf of the Non-Aligned Movement.

The Non-Aligned Movement has been following this item with high interest and believes that respect for the rule of law at the national and international levels is essential to maintaining international peace and security and achieving socioeconomic development.

I would also like to recall the General Assembly High-Level Meeting on “the Rule of Law at the National and International Levels” held on 24 September 2012, and the Declaration adopted therein. Apart from the contents of the document and how balanced it is, convening that meeting was in itself a milestone and an important step in the General Assembly’s discussions of the rule of law aiming to develop a common understanding among Member States. We will spare no efforts to continue the course of discussions in the Sixth Committee, as part of the General Assembly and in cooperation with other partners, to achieve to the elaboration of a commonly shared clear vision and understanding on all components of the rule of law at the national and international levels.

The Non-Aligned Movement reiterates its position that it is indispensable to maintain the balance in developing the national and international dimensions of the rule of law. We continue to believe that the rule of law from the international dimension needs greater attention by the Organization. The Charter of the United Nations and the principles enshrined therein provide normative guidance as to the basis of the rule of law at the international levels. In this context the Non-Aligned Movement believes that the following elements are essential in fostering international relations based on the rule of law:

- The principle of sovereign equality of States *inter alia* entails that all States have equal opportunity to participate in law making processes at the international levels;
- All States should equally respect and comply with their obligations under treaty as well as customary international law. Also, selective application

of international law must be avoided;

- The legitimate and legal rights of States under international law must be respected by all;
- The principle of the prohibition of the threat or use of force in international relations of States and peaceful settlement of disputes should constitute the cornerstone of the rule of law at the international level. In this regard, it is essential that Member States remain committed to a rule-based regime in the conduct of their respective relations with other Member States.

The NAM Members will be engaged on the theme of the debate of the Sixth Committee this year as adopted by resolution A/70/118 as entitled “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.

The Movement also encourages States to resort to pacific settlement of disputes through mechanisms and tools established under international law, including the International Court of Justice and treaty based courts as well as arbitration as appropriate. We also call upon the General Assembly and the Security Council to utilise the right conferred to them under article 96 of the Charter of the United Nations to request for advisory opinions on any legal question from the International Court of Justice, whenever appropriate.

The Non-Aligned Movement recalls its submission on the rule of law and the three main pillars of the United Nations presented to the Secretary-General on 30 May 2014 elaborating the common positions of the Movement on the linkages between the rule of law and human rights, development, and peace and security. The NAM Members also reiterates that human rights, the rule of law and democracy are interdependent and mutually reinforcing. All States should fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments relating to human rights, and international law.

The Non-Aligned Movement stresses that the purposes and principles of the United Nations Charter and the principles of international law are paramount to peace and security, rule of law, economic development and social progress and human rights for all. In this context, the Member States of the United Nations should renew their pledge to uphold, preserve and promote the purposes and principles enshrined in the Charter of the United Nations and international law, with the purpose of further advancing towards the achievement of full respect of international law.

The NAM Members remain concerned on the application of unilateral measures, and stress upon their negative impact on the rule of international law as well as on

international relations. No State or group of States has the authority to deprive other States of their legal rights for political considerations.

At the same time, the Non-Aligned Movement underscores the need for the United Nations Member States to fully respect the functions and powers of each principal organ of the UN, in particular the General Assembly, and to maintain the balance among these organs within their respective Charter-based functions and powers.

The Non-Aligned Movement underlines that close cooperation and coordination among all principal organs of the United Nations is highly indispensable in order to enable the Organization to remain relevant and capable of meeting existing, new and emerging threats and challenges. Nonetheless, the Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council by taking up issues which fall within the competence of the latter organs. The Security Council should fully comply with the international law and the United Nations Charter.

The General Assembly must play a leading role in promoting and coordinating the efforts towards strengthening the rule of law. However, the international community must not replace the national authorities in the task of establishing or strengthening the rule of law at the national level, but only to provide them with the necessary support at their request.

The Movement recognizes the importance of national ownership in rule of law activities and underlines the importance of strengthening national capacities of Member States in the domestic implementation of their respective international obligations, including through enhanced technical assistance and capacity-building. The Movement reiterates the need for those activities to be undertaken at the request of interested recipient Governments, strictly within the respective mandates of the United Nations funds and programmes. It is also necessary to take into account the customs and the national political and socioeconomic realities to prevent imposition of pre-established models upon Member States that would hinder the resolution of existing problems in each country.

Regarding the Rule of Law Unit, the Movement reiterates that appropriate mechanisms should be established for Member States to stay abreast of the Unit's work as well as to ensure regular interaction between the latter and the General Assembly. There is no single agreed definition of the rule of law. This fact should be taken into account in preparing reports, and at the time of collecting, classifying, and evaluating the quality of data on issues which are directly or indirectly related to rule of law. The data gathering activities of UN bodies must not lead to a unilateral formulation of rule of law indicators and ranking of countries in any manner. Those indicators of rule of law, which have not been agreed upon by Member States in an open and transparent discussion and consultation are not acceptable.

The Non-Aligned Movement is cognizant of the importance of rule of law and accountability at the United Nations. The Movement considers the system of administration of justice in the United Nations as an important mechanism. The Movement also supports initiatives aimed at holding the UN personnel accountable for any misconduct they might commit while serving as the UN official or expert on missions.

The Non-Aligned Movement condemns any attempt to destabilize the democratic and constitutional order in any NAM Member State.

The Non-Aligned Movement reiterates its position welcoming the General Assembly's adoption of resolution 67/19 on 29 November 2012, which, inter alia, accorded to Palestine the status of non-member observer State in the United Nations, reflecting the international community's longstanding, principled support for the inalienable rights of the Palestinian people, including to self-determination, independence, and for the two-State solution, based on the pre-1967 borders in accordance with international law, including relevant United Nations resolutions. The Movement reaffirms the significance of this political and legal achievement for the Palestinian people and the Government of the State of Palestine, and also reaffirms support for the State of Palestine and to ensure its rightful place in the community of nations including by the achievement of admission to membership in the United Nations, in fulfilment of the application for full membership submitted by President Mahmoud Abbas on 23 September 2011, which remains pending before the Security Council.

The movement while underlining the importance of freedom of opinion and expression under article 19 of the Universal Declaration of Human Rights, emphasizes that in exercising such freedom, morality, public order and the rights and freedoms of others must be recognized and respected, as apparent under article 29 of the Declaration. As freedom of expression is not absolute, its exercise should be carried with responsibilities in accordance with the relevant international human rights law and instruments.