

Statement by  
H.E. Mr. Abbas Bagherpour Ardekani  
Representative of the Islamic Republic of Iran  
before the Sixth Committee of the  
72<sup>nd</sup> Session of the United Nations General Assembly  
On: "**The Rule of Law at the National and International Levels**"  
(Agenda Item 84)  
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*Please check against delivery*

*In the name of God, the Compassionate, the Merciful*

Thank you Mr. Chairman,

My delegation takes note of the report of the Secretary-General contained in document A/72/268. We share his view that the rule of law is an outcome that requires continued effort to keep up with the constant evolution of societies and no country is excluded from this effort. All countries, regardless of the stage that they have reached in their development, face challenges in addressing risks and structural weaknesses that could destabilize their political and economic gains.

A rules-based international relations that equally respects the rights of all nations will make an enabling environment in which all countries can best utilize the existing potentials, boost their capacities and strive for their social and economic well-being.

**Mr. Chairman,**

The concept of sovereign equality of States is an essential element in upholding the rule of law in the international legal system. In this context, the principle of state immunity is one of the cornerstones of international legal order that has been codified in the United Nations Convention on Jurisdictional Immunities of States and their Property. The primacy of this principle has also been recognized by the community of nations, legal systems and the International Court of Justice. With the sole possible permissible exception of “commercial activities”, claims against a sovereign state must be pursued either in accordance with mechanisms provided for in bilateral or multilateral agreements or through international courts or tribunals, as appropriate.

Against this backdrop, it is a matter of grave concern that a handful of countries seem to believe that they can easily defy and breach the fundamental principle of state immunity, by unilaterally waiving the immunity of states under an unsubstantiated legal doctrine that the international community does not recognize. Such actions are an obvious manifestation of the rule of power through misuse of an instrument of law and in many cases can be qualified as internationally wrongful acts entailing the international responsibility of the states concerned, including their responsibility to make full reparation for damages incurred.

Moreover, each nation has the sovereign right to shape its appropriate model of the rule of law and administration of justice, based on its specific traditions, needs and requirements, and to develop an efficient and fair legal system. As it was also highlighted by the Secretary General, “at the national level, there is no single model for the development of the rule of law”. Domestic legislation must not, however, violate the basic principles of international law, the international obligations of the state or the sovereign rights of other states. Nor must domestic law be applied unilaterally to extraterritorial matters involving other countries, as it can have an adverse impact on the rule of law.

**Mr. Chairman,**

It is noteworthy that the deliberations of member states in the Sixth Committee has led to birth of the important conventions which in its turn have contributed to international order. This function and role of the Committee should be sustained in the future, while ensuring the principles of inclusiveness and transparency. Any norm-setting initiation and process lacking these important elements could partly result in a situation often called as fragmentation of international law. We should be mindful about such flawed process as it undermines multilateral legal frameworks and weakens international rule of law at international level. The Sixth Committee should also continue seeking a clear common vision of how to promote the rule of law at the international level.

With regard to the sub-topic of “ways and means to further disseminate international law to strengthen the rule of law”, identified in resolution A/71/148 to be discussed under this agenda item, we maintain that the principles and rules of international law are indispensable in preserving and strengthening the rule of law at the international level. If international law properly disseminated in the international level, then it would be difficult for few member states disregard its rules. In other words, if the culture of respect to the common interest of

international community and international law and bilateral and multilateral obligations be prevailed in the international community, the parties which derogate from their obligations, will be isolated. This should be the main characteristic of a rule-based system, in which accountability, transparency and predictability are guaranteed.

Thus, the UN and its specialized agencies should not only facilitate the transparent and inclusive rule making processes, but also make their utmost effort to disseminate international law. In this context, the role that the UN Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law plays in dissemination of international law, should be noted.

**Mr. Chairman**

Rapid advances in the technology as well as new issues emerging in the light of more sophisticated nature of international relations has created a situation in which rule making process in the international community lags behind development. Nonetheless, the challenges and threats to the rule of law at the international level is not because of lack of proper norms or insufficiency of rules and principle of international law. By contrast, such challenges have deeply rooted in unilateralism, disregard to the international law and disrespect to the common interest of international community as a whole. Revising this path can be considered as a first step toward achieving a rule-based international order.

In conclusion, we do expect that the Secretary General in his upcoming report to the Sixth Committee under this agenda item would rectify the shortcomings of his report contained in document A/72/268 and address the existing challenges facing the rule of law at the international level, namely the cases of foreign occupation, aggression, unilateral interventions and unilateral coercive measures and their negative impacts on the rule of law at national and international levels.

**Thank you Mr. Chairman.**