



REPUBLIC OF MAURITIUS

Draft Statement on “The Rule of Law at the National and International Levels” in the 6th Committee **4th / 5th October 2017**

Mr. Chair,

Good afternoon to you, and to all colleagues.

First of all, I wish to state that my delegation aligns itself with the statement made by Algeria on behalf of the African Group and by Iran on behalf of the Non-Aligned Movement (NAM).

Mr. Chair,

When we talk about the Rule of Law, we usually refer, as described by former UN Secretary-General Kofi Annan in 2004, to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. This also requires measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural legal transparency. In brief, the Rule of Law can be described as the citadel which guards the people against despotism and guards Government against anarchy.

Mr. Chair,

The Rule of Law is an underlying principle of the Constitution of Mauritius, one of its fundamental tenets. This has contributed significantly to the economic growth of Mauritius, since political stability, coupled with a legal system that strictly adheres to the Rule of Law enabled us to attract foreign investment and international business, and benefit from economic opportunities.

Indeed, the structure of the Constitution of Mauritius implements aspects of the Rule of Law, which requires that legal processes, institutions and substantive norms are consistent with human rights, including the core principles of equality under the law, accountability before the law and fairness in the protection and vindication of rights. Accordingly, human rights standards are constitutionally entrenched in Chapter 2 of the Constitution of Mauritius which guarantees the protection of the right to life, the protection of the right to personal liberty, the protection from slavery and forced labour, the protection from inhuman treatment, the protection from deprivation of property, the protection for the privacy of home and other property, provisions to secure the protection of law, protection of freedom of conscience, protection of freedom of expression, protection of freedom of assembly and association, protection of freedom to establish schools, protection of freedom of movement, and protection from discrimination.

Mr. Chair,

Mauritius ensures that every international treaty that it adheres to is codified into our national legislations. Treaties and codified international law should prevail and be abided to, but it is also essential that customary international law which consists of rules of law derived from the consistent conduct of States acting out of the belief that the law requires them to act that way, continue to be adhered to and to be respected. To this effect, the Statute of the International Court of Justice acknowledges the existence of customary international law in Article 38(1)(b), incorporated into the United Nations Charter by Article 92: **"The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply...international custom, as evidence of a general practice accepted as law."**

Mr. Chair,

The UN Charter is the most important document when it comes to the Rule of Law at the International Level. The UN Charter has helped to create a new and a better world. It recognises the right of people to self-determination and independence from their colonial masters and has created an organisation in which all States, whether big or small, are entitled to one vote. It also prescribes that disputes between countries should be settled peacefully and force should only be used in accordance with the Charter. In an ideal world, such prescriptions should be adhered to. But in reality, we have seen down the years that some States unfortunately flag the notion of exceptionalism and steadfastly refuse to comply with rulings of international tribunals.

Mr. Chair,

All countries have an inherent desire to see a peaceful and stable world which is governed by law rather than by force. It is understandable that questions of national security interests and/or national sovereignty and territorial integrity arise when an international ruling brings the focus on the action of a State or States. But as we are moving into an era where compliance with international law should become the norm rather than the exception, it is increasingly essential that the notion of "might is right" gives way to humility and equality. Otherwise, the Rule of Law may be continuously flouted. There was a time when international courts were seen as semi-legal and semi-political bodies that nations sometimes accept and sometimes do not, but such time has come to an end.

Mr. Chair,

Respect for and adherence to the Rule of Law at national and international level is crucial to ensuring a rule-based system in which nations can create a common cause and work together towards their shared interests. My delegation can only express the sincerest wish that in the long run, all States can treat each other as equals. We therefore reiterate the importance that the Rule of Law prevails at the international level and at the national level as well.

I thank you for your kind attention, Mr. Chair.

RISHY BUKOREE