



REPUBLIC OF ZAMBIA



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STATEMENT

BY

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FIRST SECRETARY (LEGAL AFFAIRS)

PERMANENT MISSION OF THE REPUBLIC OF ZAMBIA

TO THE UNITED NATIONS

ON

AGENDA ITEM 84:

THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

AT THE SIXTH COMMITTEE

DURING THE

SEVENTY-SECOND SESSION OF THE

UNITED NATIONS GENERAL ASSEMBLY

New York
October 5, 2017

Mr. Chairman

My delegation aligns itself with the Statement delivered by the distinguished representative of the Republic of Algeria speaking on behalf of African Group and the distinguished representative of the Islamic Republic of Iran speaking on behalf of Non-Aligned Movement.

We wish to thank the Secretary-General for his 2017 report on strengthening and coordinating United Nations activities in the development of the rule of law at both national and international levels.

Mr. Chairman

The rule of law is a core principle of governance that ensures justice and fairness to all. It is a critical necessity for the survival of humanity, and its absence or failure would be one of the foremost threats to the very existence of any society.

It is generally agreed that the rule of law prevails where the government itself is bound by the very laws it establishes. Every person is to be treated equal under the law, the human dignity of every individual is to be recognised and protected by the law, and justice should be accessible to all. As one man wisely stated: "the glory of justice and the majesty of law are created not just by the Constitution—nor by the courts—nor by the officers of the law—nor by the lawyers..." Rather, the glory of justice and the majesty of law are created "by the men and women who constitute our society—by those who are the protectors of the law, as they are themselves protected by the law".

The rule of law, therefore, hinges to a large extent on independent, efficient and effective judicial systems. Unless it is held together by a functional judiciary, the rule of law soon dissipates, and the citizens of a nation are ultimately ruled, not by the law, but by the whims, caprices and vagary of fellow-humans.

It is Zambia's firm belief, however, that even with a sturdy judicial system, laws that are in themselves oppressive, inhumane and tyrannical; laws that undermine the very existence of a society; laws that directly or indirectly rob citizens of the unalienable

rights that our Creator granted every human at creation—are not laws by which men must be ruled.

Mr. Chairman

We are gathered in this hall, not so much for ourselves as for the seven billion citizens of the world who we collectively represent. It is our solemn duty, therefore, to establish the superstructures and indispensable foundations that will secure a more peaceful, prosperous and just world, committed to the purposes and principles of the UN Charter, international law and justice, and to an international order based on the rule of law.

No nation can be said to have reached a state of perfection. It is therefore critical for all UN Member States, individually and collectively, to continue strengthening the rule of law within their borders and around the Globe. We are gratified that Secretary-General has consistently advocated for the galvanizing of our collective efforts to “further disseminate international law so as to strengthen the rule of law” at every level.

Mr. Chairman

For the rule of law to prevail, it is crucial to establish an independent judiciary and ensure that there is a separation of powers between the three arms of government. Judicial independence is recognised in many international as well as regional human rights instruments, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, which recognise that judicial independence is one of the cornerstones of good governance. Zambia is a party to all these instruments.

Zambia's vision of becoming a “prosperous middle-income country by 2030”, has led to fundamental policy shifts, as outlined in the Seventh National Development Plan 2017-2021. Driven by the firm belief that a conducive governance environment is a prerequisite for political stability, human security, economic growth and sustainable development, emphasis is being laid on five fundamental pillars, one of which is Good Governance. This pillar encompasses democracy; constitutionalism; the rule of law;

human rights; sound, professional and insulated public institutions; and transparent and accountable economic and administrative governance systems, among others.

The Legal and Justice Sector Reforms Commission, which is mandated to inquire into the legal and justice system of the country and come up with recommendations that will allow for a positive response to the social and economic needs of the nation, is currently holding nationwide public sittings. The commission will ensure that all progressive provisions in the Republican Constitution, which as amended in 2016 following a highly-consultative nationwide process, are operationalised in a systematic manner. This will translate into a more available, accessible, accountable, affordable and competent justice systems.

Mr. Chairman

The rule of law at national and international levels are inextricably connected strands of the same tapestry. Zambia believes that a strong rule of law at the national level plays a pivotal role in the strengthening of the rule of law at the international level. If we fail to firmly establish the rule of law in our nations our attempts to strengthen it at the international level will be a daunting task. It is therefore imperative that all member states work tirelessly to build the pillars of democracy that will guarantee the rule of law at the domestic, regional and international levels.

I thank you.