

**Statement by Ambassador/DPR Jongin Bae**

**Permanent Mission of the Republic of Korea to the United Nations**

**The Rule of Law at the National and International Levels (Agenda Item 85)**

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Thank you, Chair,

The Republic of Korea is committed to promoting and advancing the rule of law—a guiding principle around which governance should be organized, exercised, and evaluated—as a requisite foundation on which democracy thrives and human rights are protected.

The rule of law is not just a concept in isolation. It ought to be put into practice and, in doing so, needs to be coordinated with other goals. As an indispensable building block for stability and order, its absence is a cause of conflicts, and is acutely felt in post-conflict settings.

The Republic of Korea has supported rule-of-law assistance at the national and international levels, and thus appreciates the UN's activities as shown in the Secretary-General's report on Strengthening and coordinating United Nations rule of law activities (A/76/235).

The report illustrates what needs to be done to flesh out the rule of law principles, and we believe it can serve as a reference guide to improve capacity-building for both judicial and non-judicial mechanisms.

Rule-of-law assistance, especially those for institutional reform, requires a long-term investment to translate into a sustainable impact. In this sense, my delegation would like to stress the importance of monitoring and measuring, as

well as the critical role that data collection, disaggregation, and analysis play in evidence-based policymaking.

Chair,

We must caution ourselves against the possibility that the rule of law can be exploited as a pretext for unduly restricting basic human rights. As our High-level Declaration from 10 years ago states, the rule of law is interlinked to, and mutually reinforcing with, human rights.

Our response to the pandemic offers a valuable lesson in this regard. Any restrictive measure had to be debated and compared with less invasive alternatives, and made within the confines of law and through the legal process. As a result of civic feedback and interactions, such measures were rectified, modified, or even lifted as a result of human rights considerations.

My Government has learned through these interactions that public-private partnerships, one of the most effective responses to our ongoing challenges, can only be forged on the basis of trust.

And this trust can only be gained through the rule of law underpinned with human rights. My delegation believes that this lesson holds valid vis-à-vis counter-terrorism measures.

In the same vein, we look forward to a new vision of the rule of law, as suggested in SG's Our Common Agenda, with more emphasis on "people-centered" approach. We expect this vision to meet the legitimate expectation of the people, especially since the COVID-19 pandemic.

My delegation believes that the contemporary notion of the rule of law is inherently linked to human rights already.

Therefore, we hope that this new vision would not focus on redefining the concept of the rule of law, but involve putting more weight on human rights and

presenting and pursuing practical outcomes.

Chair,

My delegation believes that there are a few issues that deserve more attention for the future in terms of the rule of law.

First the formal codification efforts for multilateral conventions declined, while the so-called non-binding norms increased. We are not yet judgmental, but this is an issue that should be looked into further.

The second issue, related to the first, would be how we address such emerging areas as cybersecurity and outer space in light of the rule of law. The fact that international law applies to cybersecurity and outer space has been reaffirmed.

The question remains how the current rules of international law are applicable, and if there are any loopholes or necessary adaptations. And we should make sure the culture of the rule of law should prevail in these areas as well.

In this connection, the Republic of Korea believes that a set of voluntary norms, as agreed and discussed in those areas, is complementary and mutually reinforcing with the provisions of international law.

A combination of these norms and international law fills the gap of uncertainty and thus ultimately helps create and enhance the rules-based order and the rule of law.

Peaceful settlement of disputes, as enshrined in the UN Charter, is another manifestation of the rule of law. The duty to settle international disputes by peaceful means rests on all States.

With this in mind, my delegation believes that this duty is also relevant and applicable to any dispute with regard to any new and emerging forms of inter-State disputes such as cybersecurity.

We also note with appreciation that more diverse and alternative ways of resolving disputes are being explored and have turned out to be helpful, as exemplified by the Timor Sea conciliation between East Timor and Australia.

Chair,

The Republic of Korea appreciates the SG's efforts to revitalize the global legal framework, and warmly anticipates a global roadmap for the development of international law.

Furthermore, in order for international law to be 'truly' operational at the domestic level, each State, and even its entities, ought to internalize the obligations of international law, not perceiving them as external or alien.

Chair,

Again, my delegation is committed to the rule of law and its advancement. You can count on our full support moving forward.

Thank you.