



REPUBLIC OF ZAMBIA



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STATEMENT
BY
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FIRST SECRETARY (LEGAL)
OF THE
PERMANENT MISSION OF THE REPUBLIC OF ZAMBIA
TO THE UNITED NATIONS
ON
AGENDA ITEM 85:
THE RULE OF LAW AT THE
NATIONAL AND INTERNATIONAL LEVELS
AT THE SIXTH COMMITTEE
DURING THE
SEVENTY-SIXTH SESSION OF THE
UNITED NATION GENERAL ASSEMBLY

New York
October 2021

Chairperson

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

Chairperson

I wish to thank the Secretary-General for his report A/76/235 on this critical subject. As he observes, the coronavirus (COVID-19) pandemic presents the global community with real-time challenges as governments around the world are seeking to strike the critical, albeit delicate, balance between guaranteeing the individual rights and freedoms of their respective citizens, on the one hand, whilst also ensuring public health, and public order, on the other.

The question, however, is how do we legitimately determine what rights we may consider derogable, and which ones should never be infringed upon? The Preamble of the Universal Declaration of Human Rights (UDHR) is unequivocal:

“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind...

“...it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

Chairperson

On 22nd September 2021, during a joint press briefing held by Mr Hakainde Hichilema President of the Republic of Zambia, and United States Vice-President Ms Kamala Harris, at the White House, President Hichilema stressed the following:

“[We must] value democracy, the rule of law, institutionalism... for us to be able to run our countries in a manner that will deliver what we may call ‘democracy dividends’.... That’s what will make democracy attractive.

“If we don't do that, we'll probably be giving space to other forms of leadership. And the one we fear most, or we don't agree most [with], is one which is autocratic, one which is heavy-handed. We [the people of Zambia] were almost getting there.”

My delegation has stated on previous occasions, and we hereby reiterate, that the rule of law is the fulcrum of global and national prosperity, and when affixed to the hinges of independent, efficient, and effective national judicial systems, our citizens can rest assured that they shall be ruled by law, rather than by the whims or vagaries of fellow-humans—be they law enforcement agents, experts in various fields, or state bureaucrats, among others.

As someone has succinctly warned: *Civil liberties lost are soon forgotten.*

Chairperson

It is often minor deviations from established principles that gradually become somewhat ‘acceptable’. This then paves the way for widespread acceptance of further deviance, as the rule of man, rather than the rule of law, is steadily or stealthily normalised.

We must be careful, therefore, that the precedents we are setting during our present crises—justifiable as they may ostensibly appear *today*—do not become the very fodder our progenitors sought to bury under the weight of the UN Charter, the UDHR, the International Covenant on Civil and Political Rights, and other relevant international Codes and Covenants. Let us ensure that no power, no authority, no organised force or movement exhumes this fodder, as it will only go to feed the smouldering embers of the very barbarianism that has previously bruised and outraged the conscience of humankind. Let us shield the next generation from all potential forms of tyranny.

Chairperson

No government or governmental system has yet reached a state of perfection. To this end, the United Nation's continued provision of rule of law assistance to countries on all continents, at their request, is most welcome. Indeed, as the Secretary-General correctly states:

"...the rule of law [is] the foundation of a revitalised social contract".

In a networked multilateral world, he adds, the UN rule of law assistance *"will play a pivotal role in regaining trust in institutions."* This statement candidly acknowledges that public trust in many vital national and international institutions is rapidly waning.

We are grateful, therefore, that the United Nations has deployed rapid rule of law expertise and technical support to Zambia in the areas of police, justice, and corrections services, to ensure compliance with human rights and the rule of law. We note, further, that the special session of the General Assembly against corruption held in June 2021, has provided an opportunity to consider further measures to prevent and combat corruption, strengthen international cooperation and the rule of law.

Chairperson

Corruption is endemic, and in times of disaster it flourishes; and yet it greatly undermines democratic institutions through the distortion of electoral procedures, the erosion of the rule of law, and the erecting of bureaucratic obstacles which, in turn, diminish trust in public agencies. The newly elected President of Zambia, Mr. Hakainde Hichilema, is explicit: We will pursue *"a zero-tolerance policy on corruption in all its forms"*. Efforts are underway to realign and further strengthen the Anti-Corruption Commission, the Financial Intelligence Centre, and all related institutions, ensuring that they remain not only extremely vigilant, but professional, efficient, and objective. The Government is also methodically working towards establishing specialised, fast-

track, 'Stolen Asset Recovery Mechanisms', including 'Courts for Corruption and Economic Crimes'.

We will continue to pursue our legal and judicial reform initiatives, and ensure the judicial system remains autonomous and accountable. We will ensure a substantial acceleration and progress in the disposal of court cases. However, in all these efforts we will not pass laws that are arbitrary or that infringe on the rights and liberties of all Zambians, in line with our core values.

Chairperson

As President Dwight D. Eisenhower once remarked:

*"The world no longer has a choice between force and law;
if civilization is to survive, it must choose the rule of law."*

Therefore, let me end by stating that if our collective efforts to establish the rule of law at the national level fail, it will be impossible to maintain it at a global scale. Unless all Member States work diligently to establish strong foundations for the rule of law and thriving judicial systems, the tyranny we read about in our history books will very soon define *this* generation.

I thank you.