



**Statement on behalf of
the Republic of South Africa**

by

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**Before the Sixth Committee of the 79th Session of the
United Nations General Assembly**

Agenda item 84

**“The Rule of Law at a National and
International Levels”**

17 October 2024

Chairperson,

We align ourselves with the statement delivered by Uganda on behalf of the African Group and Austria on behalf of the Group of Friends on the Rule of Law and we will deliver these additional remarks in our national capacity.

South Africa expresses gratitude to the Secretary General for his report referenced **A/79/117** and titled 'strengthening and coordinating United Nations rule of law activities.'

My delegation is concerned about the persistent trends of human rights and international humanitarian law violations in some regions, which are exacerbated by a flagrant disregard for international law. Global efforts to strengthen legal and democratic systems have been reported, in some countries, to have been weakened due to a general decline in adherence to the rule of law.

This is a significant challenge, which requires States to recommit to upholding the rule of law. States have an obligation to ensure that the rule of law enables full, equal and meaningful participation of all people, in particular vulnerable groups in our society.

Chairperson,

In the margins of the recent UN General Assembly High Level Week, South Africa, Brazil, China, France, Jordan, Kazakhstan together with the International Committee of the Red Cross, launched the Global Initiative to Galvanise Political Commitment to International Humanitarian Law. According to the International Committee of the Red Cross, and despite having all necessary instruments at our disposal as Member States of the United Nations to prevent any prevalence of armed conflict, we have more than 120 armed conflicts. In almost all of these armed conflicts, we have witnessed the grave violation of International Humanitarian Law. South Africa cannot turn a blind eye on the adverse impact armed conflict has had on the vulnerable members of society, especially women and children.

It is against this background that my delegation is of the view that this debate under the theme 'full, equal and equitable participation at all levels in the international legal system', is timely as it gives us an opportunity to reflect on these issues. However, the people of Palestine and especially women and children, are for decades now, denied their right of full, equal and equitable participation at all levels in the international legal system. The illegal occupation of Palestine by Israel, the Occupying Power, continues to deny Palestinians their fundamental freedoms including the freedom and the right to enjoy the equal protection of the law.

Israel regards themselves as a country committed to the rule of law and apparently have the utmost respect for international law. However, they continue to commit grave international crimes including crimes against humanity and genocide against the Palestinians. They continue to disregard the orders of the International Court of Justice, the principal judicial organ of the United Nations, meant to ensure equal access to justice for the international community. The ICJ advisory opinion on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem and from the illegality of Israel's continued presence in the Occupied Palestinian Territory concluded that all states have an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory. Therefore, the commitment and respect for the rule of law starts with the demonstration of respect for the decisions of organs meant for providing access to justice and the maintenance of peace.

Chairperson,

South Africa notes with appreciation the work done so far in ensuring equal and equitable participation in International Trade Law matters. As stated in South Africa's statement on the report of UNCITRAL, my delegation participates actively in Investor-State Dispute Settlement (ISDS) reform that is being deliberated in Working Group III of the UNCITRAL. We applaud the recently established Advisory Centre on ISDS, which aims to address some of the concerns raised previously by Member States

pertaining to the expense of arbitration processes, technical assistance and capacity building as well as access to justice.

My delegation appreciates the fact that the Advisory Centre will also provide legal advice and assistance to developing and least developed countries when they are involved in dispute-settlement with investors. This is a significant accomplishment for UNCITRAL and will offer much-needed legal support, which will be beneficial to developing and least developed countries. The establishment of the Advisory Centre is expected to significantly reduce financial obstacles and ensure full, equal and equitable participation of developing and least developed countries in the international legal system.

Chairperson,

On advancing security and justice, we note with appreciation the investment made by the United Nations agencies in advancing justice and security to improve the accessibility, efficiency, transparency and accountability of justice and security institutions, particularly in Africa. A just, functional and inclusive judicial system must provide every member of the community with access to justice.

At a national level, South Africa has launched a major initiative to update the laws that oversee its courts. Over the last three years, a number of courts have undergone upgrades to offer disability-focused assistance services. In pursuit of this objective, the South African government plans to host workshops to address concerns about the barriers preventing people from accessing justice; and to look into long-term remedies in order to achieve this goal.

On efforts to reduce corruption, South Africa agrees with the UN Secretary-General, in his report that the UN Convention against Corruption is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions makes it a unique tool for developing a comprehensive response to a global problem.

Through the United Nations Office on Drugs and Crime's facilitation of technical assistance, South Africa was provided with technical support to enhance the nation's whistleblower protection policies. Whistleblowing has been recognised by the South African government as a crucial tool in the war against corruption.

On transnational organised crime, South Africa is pleased that the new cybercrime convention was finalized in August 2024. The cybercrime convention is expected to enhance international cooperation, law enforcement efforts, technical assistance, and capacity-building issues relating to cybercrime. In light of this, my delegation urges all Member States to sign and deposit their instruments of ratification to the cybercrime convention when it is open for signature.

Chairperson,

We cannot over emphasise the importance of capacity building for the realisation of respect for the rule of law. It is for this reason that South Africa fully supports the capacity building and training programs of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

I thank you