

STATEMENT BY MR. SUBHASH MAHARIA, MEMBER OF PARLIAMENT AND
MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 86: THE RULE
OF LAW AT THE NATIONAL AND INTERNATIONAL LEVEL AT THE SIXTH
COMMITTEE OF THE 62ND SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY ON OCTOBER 25, 2007

Thank You Mr. Chairman,

India strongly supports adherence to the rule of law both at the national and international level. We see promotion of the rule of law as an essential tool for ensuring sustainable development and peaceful coexistence and cooperation among States.

We welcome the establishment of the Rule of Law Coordination and Resource Group, with a small Secretariat Unit acting as a focal point for coordinating system-wide rule of law activities. The Group is expected to act as a repository of rule of law materials, expert rosters, web resources and best practices, in close cooperation with the relevant lead entities. Nevertheless, we wish to point out that policy issues being debated elsewhere in the United Nations in the context of "system wide coherence" should not be linked to the coordination functions of this group or unit.

We understand that the 'Secretariat Unit' will serve as the 'Rule of Law Assistance unit' that was envisaged in the Outcome Document 2005. We hope that the setting up of the Resource Group and Secretariat Unit would help in coordinating the activities of all specialized agencies and organizations of the United Nations and ensure that there is no replication in their work on the promotion of the rule of law. This is necessary as presently several international organizations have technical assistance

programmes whereby they undertake law reform assessments to assist developing countries inter-alia in drafting of national legislation to implement specific conventions and organize training activities to facilitate its implementation and interpretation. UNCITRAL, UNCTAD, UNEP and UNODC to name a few, all have well developed technical assistance programmes.

It is evident that the United Nations needs to rationalize and harmonise its rule of law work, and coordinate more effectively within the United Nations and with outside actors. Towards this end the Secretary General was requested to prepare an inventory of the current activities of various UN entities devoted to the promotion of the rule of law. We thank the Secretary General for submitting an interim Report and await the Final Report next year.

Mr. Chairman,

Another Report by the Secretary-General on "Uniting our strengths: enhancing United Nations support for the rule of law", in the context of transitional justice, groups the rule of law activities of the United Nations into three "baskets"- Rule of law at the international level; Rule of law in the context of conflict and post-conflict situations; and Rule of law in the context of long-term development. To achieve these objectives, the Secretary General has proposed that a division of labour among the key United Nations actors in which designated lead entities would assume clearly defined coordination and other responsibilities for specific areas of rule of law activity.

To achieve the aforesaid integrated approach and comprehensive strategy for all rule of law assistance activities, a more detailed identification of the nature and scope of technical assistance being provided by each entity would be crucial. We hope that the comprehensive inventory to be submitted by the Secretary General at the sixty third GA Session would also focus on this aspect.

Mr. Chairman,

As regards the agenda item before the Sixth Committee, the challenge before us is how to have a structured discussion on the subject. Given the enormous scope and content of the topic, we support the suggestion that the Sixth Committee should choose only one or two sub-topics each year and have a detailed discussion on them.

In this regard my delegation would favour giving equal emphasis to both the national and international aspects of the rule of law. However, many delegations still have doubts and reservations about the exact nature and scope of this topic. Therefore, we consider that it would be useful to have an exchange of views both on the scope of 'rule of law at the national level' and 'scope of rule of law at the international level' so that Member States can arrive at a common understanding. The proposal submitted by the Non Aligned Movement seeks to address this concern. A widely shared understanding of the subject, its scope and purpose would facilitate more focused work in future.

Thank You, Mr. Chairman

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