

STATEMENT BY PROF. RAM GOPAL YADAV, MEMBER OF PARLIAMENT, ON AGENDA
ITEM 83 – 'THE RULE OF LAW AT THE NATIONAL & INTERNATIONAL LEVELS' AT THE
SIXTH COMMITTEE OF THE 66TH SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY ON OCTOBER 05, 2011

Mr. Chairman,

I take this opportunity to congratulate you on your assuming the chairmanship of the Sixth Committee of the United Nations General Assembly. I also congratulate the other members of Bureau on their election.



Mr. Chairman,

The agenda item "Rule of Law at the National and International Levels" has been on the agenda of the United Nations General Assembly since its Sixty-Second Session. The principal objective for inclusion of this agenda item was to strengthen the United Nations attention to the Rule of Law at all levels.

I extend my sincere gratitude to the United Nations Secretary-General for his annual report entitled "Strengthening and Coordinating United Nations Rule of Law Activities" (A/66/133) of 08 August 2011 presented pursuant to the General Assembly resolution 65/32 of 06 December 2010. Secretary-General's Report reflects in an excellent manner the United Nations approach towards the rule of law both at the national and international levels. The Report highlights both the achievements and challenges in strengthening the rule of law at the national and international levels over the past year, and gives an over-view of the continuing progress towards a more comprehensive and

coordinated approach in support of national priorities and plans, by identifying critical gaps and challenges.

At the national level, the United Nations approach *inter alia* involves, strengthening national ownership of reform initiatives, providing support to national reform constituencies, developing strategic approaches aligned with national assessments and coordinating activities with key stakeholders including civil society. At the international level, the UN approach stresses the need for fostering the rule of law by codification, development, promotion and implementation of an international framework of norms and standards by analyzing the role and contribution of international courts, tribunals and non-judicial mechanisms.

Mr. Chairman,

We appreciate the issuance of a Guidance Note by the Secretary-General in May 2011, which provides the guiding principles and framework for the promotion of the rule of law in relations between States, between States and international organizations and between international organizations. The Guidance Note identifies the major legal instruments that guide the action of the United Nations in implementing the guiding principles including in specific areas of rule of law assistance at the international level.

Mr. Chairman,

We agree in entirety with the statement in paragraph 6 of the Secretary-General's report that Rule of law at the international level is the very foundation of the United Nations Charter and that the Organization aims to establish conditions under which justice and the obligations arising from treaties and other sources of international law are respected. We consider the promotion of the rule of law as an essential tool for promoting harmony, and ensuring development, peaceful co-existence and cooperation among States and strengthening international peace and security.

India believes that the advancement of the rule of law at the national level is an essential tool for the protection of democracy, sustainable economic growth, sustainable development, eradication of poverty and hunger and protection of human rights and fundamental freedoms.

The development and implementation of international legal norms have the key role in achieving the goal of international peace and stability and in bringing the discipline in human life. The statement in paragraph 8 of the Secretary-General's Report that the United Nations continued to assist in the development and implementation of international norms and standards related to the rule of law over the past year, including in the field of crime prevention and criminal justice, is worth appreciation. In this context, I gladly recall India's action of ratifying the United Nations Convention

against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Corruption in May 2011.

Mr. Chairman,

Pursuant to General Assembly Resolution 65/32, the focus of our debate in this session is on the sub-topic "Rule of law and transitional justice in conflict and post-conflict situations". I would like to mention that India is a strong believer in respect for the rule of law and the application thereof and related principles both in the internal affairs of a state and at the international level. The Indian Constitution is firmly rooted in the promotion of healthy democracy and peaceful co-existence. It provides for the law based and peaceful formation of governments. India strongly believes in the peaceful handling of any conflict situation in accordance with the applicable legal rules and principles without using force.

India is the largest democracy of the world with a lot of diversities. I feel proud while mentioning that India has always adhered to democratic principles in the formation and change of governments. At the international level, India do believe in avoiding any unauthorized intervention in a State's internal affairs or use of force in any conflict or post-conflict situation. In the case of any conflict situation and which requires political change, transition must be ensured in a peaceful manner ensuring full justice to the population of the state concerned.

Mr. Chairman,

India reiterates the call for strengthening the capacity of States, especially of developing States, as the rule of law assistance has sometimes been piecemeal and, in some instances, donor-driven and not in line with national priorities of the recipient countries. There is an urgent need to move towards approaches that are nationally-driven and sustainable, and approaches that can garner the requisite political and popular support.

I Thank you, Mr. Chairman.

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