

STATEMENT BY MR. KALYAN BANERJEE, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 83 : 'THE RULE OF LAW AT THE NATIONAL & INTERNATIONAL LEVELS' AT THE SIXTH COMMITTEE OF THE 64<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 14, 2009



Mr. Chairman,

I congratulate you on your election as Chairman of this Committee and also congratulate Bureau Members on their election. I am sure that under your able

guidance this Committee will make good progress. I assure you of my delegation's full cooperation and support.

I also thank the Secretary General for his Report on strengthening and coordinating United Nations rule of law activities. The Report illustrates the key achievements, identifies the areas in need of further concerted action and highlights the ongoing implementation of the SG's recommendations made last year.

Mr. Chairman,

We align ourselves with the statement made by Iran on behalf of the Non-Aligned Movement. India strongly adheres to the rule of law both at the international and national levels. We see the promotion of the rule of law as an essential tool for ensuring sustainable development and peaceful co-existence and cooperation among States.

Mr. Chairman,

We welcome the initiation of the rule of law dialogue with the Member States by the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit. We hope that the Rule of law unit will move towards approaches that are nationally-driven, sustainable, and that can garner requisite political and popular support.

We are pleased to note that the Rule of Law Coordination and Resource Group has agreed on a Joint Strategic Plan for 2009-2010 to focus on the UN approach to the rule of law assistance, justice for children, and on constitution making.

Mr. Chairman,

This year, the focus of our debate on this agenda item is on the sub-topic 'promoting rule of law at the international level'. In this context, I would like to mention that the very concept of the promotion of rule of law at international level is ingrained in the Charter of the United Nations which is further supplemented by the international human rights law, international humanitarian law, international criminal law and international refugee law.

These universally established and universally applicable rules and standards also serve as the normative basis for the activities undertaken by the United Nations in support of justice and the rule of law at the international level. This international legal order is further strengthened by the international justice system comprising of the ICJ and other international tribunals and courts.

Mr. Chairman,

One of the aspects of the promotion of rule of law at international level is the implementation by States at the national level of the obligations taken by them under international treaties and agreements. India follows this requirement very rigorously in respect of the treaties to which it is a party. Compliance with the rule of law at the national level assures respect for mother, land and people and helps underprivileged to get justice, dignity and empowerment. It also helps to strengthen the linkages not only between municipal law and international law but also democracy. Our judicial system oversees that the rule of law is enforced at the national level.

Mr. Chairman,

In the Millennium Declaration the world leaders resolved to strengthen respect for the rule of law at the national and international levels. In 2005 World Summit Outcome Document, the Heads of State or Government again reaffirmed their commitment to an international order based on the rule of law.

Mr. Chairman,

Strengthening the rule of law at the international level is critical to effectively address global challenges. The promotion of rule of law at the international level is fundamental in promoting democracy, human rights, sustainable development, free and fair markets, fighting international crime and terrorism, and promoting justice and peace, especially in post conflict societies. In this regard, support for capacity building in the developing countries is crucial so that they can fulfill their obligations at the national level effectively.

Mr. Chairman,

The United Nations has played a commendable role in restoring justice and the rule of law in States in post conflict situations. There is a need to incorporate and strengthen the rule of law component in the UN Peace Missions with a view to address a number of issues, including the human rights violations.

This may be achieved in a number of ways, including by establishing national tribunals, truth and reconciliation mechanisms, victim reparation programs, providing international rule of law assistance, advising the host country rule of law institutions and putting the right laws and institutional arrangements in place.

The institutional arrangements may be strengthened further by providing training to the lawyers and judges and by building local expertise. All these measures would help improve the likelihood of success of a peace mission.

Mr. Chairman,

In addition to the United Nations there are other stakeholders, such as donor governments and non-governmental organizations that are also engaged in the area of promotion of rule of law at the international and national levels. Therefore better coordination and coherence in this regard is necessary to avoid duplication of efforts minimize waste of resources. For this purpose there is an urgent need to strengthen the Rule of Law Assistance Unit in the Secretariat. However, the policy issues that are being debated elsewhere in the UN in the context of system wide coherence should not be linked to the coordination functions of this Group or Unit.

Mr. Chairman,

We must strengthen the rule of law at all levels - national, international and institutional. In addition to the promotion of the rule of law at the national and international level there is a need to promote the rule of law at the institutional level as well. To ensure transparency, fairness and adherence to the rule of law in the UN, it is necessary that the mandate of one organ of the UN should not be infringed upon by the other organ of the UN. It is also necessary to strengthen those institutional policies and processes that ensure a just and effective international order based on rule of law.

Mr. Chairman,

A number of recommendations have made by the Secretary General in his Report to move the rule of law agenda forward. These recommendations require serious consideration by this Committee.

Thank you, Mr. Chairman.

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