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**MISSION TO THE UNITED NATIONS**

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*(translation)*

**Statement by Mr. Li Yongsheng**  
*Chinese Delegate*

**At the 70<sup>th</sup> Session of the UN General Assembly**

*On Agenda Item 85*

**The rule of law at the national and international levels**

*New York, 14-15 October 2015*

Mr. Chairman,

The Chinese delegation welcomes the consideration of “the role of multilateral treaty processes in promoting and advancing the rule of law” under the item “The rule of law at the national and international levels”.

“The rule of law” is not only a common goal of all countries, but also a current focus and priority of the UN. Over the past 70 years, the United Nations has always been engaged in upholding international equity and justice, advancing the codification and progressive development of international law, strengthening the compliance with and implementation of international treaties, and promoting the settlement of international disputes through peaceful means, thus making outstanding contributions to advancing the rule of law at the international level.

Mr. Chairman,

China has been a firm defender and an active builder of the rule of law at the international level. China has steadfastly upheld the fundamental principles of international law and the basic norms governing international relations with the purposes and principles of the UN Charter at the center, advocated multilateralism, and offered the Chinese wisdom and contribution to the building of international rule of law. From 13 to 17 April this year, China successfully hosted the 54<sup>th</sup> Annual Session of the Asian-African Legal Consultative Organization (AALCO), which is the only trans-continental platform available to countries of Asia and Africa for exchanges and cooperation in the field of international law. The annual session drew around 250 participants from 42 member states and 7 observer states of AALCO and representatives of the UN and other relevant international organizations. 23 countries were represented at or above the vice ministerial level. Also present were the Under Secretary General for Legal Affairs and United Nations Legal Counsel Mr. Miguel de Serpa

Soares as the Special Representative of Secretary General Ban Ki-moon. The participants reached important consensus concerning the strengthening of solidarity and cooperation between Asia and Africa under the new circumstances with a view to jointly promoting the rule of law at the international level. The session achieved substantive results and adopted 11 important resolutions after extensive and in-depth exchanges among the participants on such important topics as international cyber space law, counter terrorism law, the law of the sea and environmental law.

Mr. Li Keqiang, Premier of the State Council of China, participated in the opening ceremony of the session and delivered the keynote speech entitled “Strengthen Asia-Africa Solidarity and Cooperation to uphold World Peace and Justice”. In his speech, he elaborated the views of China on international rule of law and the international order, and put forward ideas on how Asian and African countries should work together in the new situation to advance world peace, development, equity and justice. He called for efforts to achieve a more just and reasonable international political order, a more open and orderly world economy, to maintain international and regional peace and stability, and to work together to tackle global non-traditional security challenges. He announced that China would provide funds to set up a “China-AALCO research and exchange program on international law” to facilitate AALCO’s growth and deepen exchanges and cooperation in the field of the rule of law at the international level. Currently, the first project under the program has already been initiated.

Mr. Chairman,

The focus of the item this year on “the role of multilateral treaty processes in promoting and advancing the rule of law” is of great importance. Multilateral treaties are the major source of international law. The whole process of negotiating, concluding and observing multilateral treaties is in itself a process of realizing democracy and the rule of law in

international relations and facilitating the virtuous interaction between rule of law at national and international levels. For decades, the Sixth Committee, the International Law Commission, and the UNCITRAL, together with a series of ad-hoc meeting mechanisms, have provided important platforms for the negotiation and conclusion of multilateral treaties by member states. Multilateral treaties concluded under the auspices of the UN in such fields as political, diplomatic, economic and trade, security, combating crime, human rights, oceans and seas, as well as outer space have greatly contributed to the improvement and development of the norms of international law and the orderly conduct of international exchanges.

Mr. Chairman,

China has actively participated in and promoted multilateral treaty processes. We have played a constructive and proactive role in the elaboration of multilateral treaties and are committed to promoting the compliance with universally applicable rules of international law by all countries in order to enhance international rule of law. China has acceded to more than 450 multilateral treaties in various fields of international affairs. China has consistently implemented and observed these multilateral treaties in good faith in accordance with the principle of “pacta sunt servanda”, and has acted strictly according to the principles and rules of international law. In its capacity as the depository of about a dozen multilateral treaties, including “The Agreement of the Asian Infrastructure Investment Bank”, China has faithfully fulfilled its obligations and played an important role in ensuring the successful conclusion and effective implementation of the multilateral treaties concerned.

Mr. Chairman,

The Chinese government believes that the efforts to strengthen multilateral treaty processes and promote the rule of law at the international level should firmly adhere to the following principles:

First, promote democratic participation to maintain adequate representation and equal say of all countries, particularly developing countries, in multilateral treaty processes. The elaboration and implementation of multilateral treaties should adhere to the principle of justice, democracy and transparency, aim to achieve consensus, and reflect the interests and concerns of all sides in a balanced manner. In particular, efforts should be made to increase the participation of the developing countries to ensure that they enjoy the opportunity equal to that of the developed countries to voice their opinions and take part in decision making, so as to make international rules more fair and reasonable, and build an inclusive order of international rule of law.

Second, strengthen unified application and enhance the universality of the provisions of multilateral treaties. Countries, big or small, strong or weak, are all equal before the international law. Unified application of multilateral treaties means rejecting the pragmatist or double standard practice of using whatever that suits their interests, and abandoning whatever that does not. Only through this, can the authority and seriousness of multilateral treaties and other international legal norms be safeguarded.

Third, push for faithful observation and improve the effectiveness of implementation monitor mechanisms. Monitor mechanisms are responsible for ensuring the implementation of multilateral treaties. They must follow the principle of ownership by states parties and avoid confrontation, selectivity and politicization. While ensuring equal and unified application by monitoring mechanisms to all states parties, attention should be paid to building the capacity of developing countries in treaty implementation, and more importantly, to preventing the use of monitoring mechanisms as a tool

to interfere in the internal affairs of states parties.

Fourth, establish rule consciousness to push for the development of multilateral rules governing such “new frontiers” as the cyber space and outer space. For example, in the field of cyber space, we should both carefully explore and clarify how the UN Charter and other international legal principles may be applied to cyber space, and bring into play the role of the UN as a platform for multilateral treaty processes to formulate rules on new and complex issues related to cyber space, such as the need to combat cyber crime and to create an international code of conduct in cyber space, with a view to promoting the rule of law in international cyber space governance.

Mr. Chairman,

Multilateral treaty processes play an irreplaceable role in enhancing international rule of law. China will continue to actively participate in the development of multilateral treaties, fulfill its multilateral treaty obligations in good faith, fully honor its commitments to international rule of law, and join other countries in our common effort to strive for a more just and reasonable international order.

Thank you Mr. Chairman.