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Statement by the United States
72nd General Assembly Sixth Committee
Agenda Item 84: Rule of Law Intervention
Mark A Simonoff, Minister Counsellor
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Thank you, Mr. Chairman.

The United States would like to thank the Secretary-General for both of his reports on this agenda item. We also thank the Deputy Secretary-General for her briefing at the Sixth Committee. We deeply value the efforts of the Rule of Law Coordination and Resource Group and the work of the Rule of Law Unit in particular. As the Secretary-General's report demonstrates, the United Nations continues to provide many Member States with valuable assistance on an array of rule of law activities.

Rule of law is at the heart of the UN Charter. Indeed, the UN Charter represents the pinnacle of our international legal system. The Charter was designed in part "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international can be maintained." The Charter speaks of "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small." The Charter includes among its purposes the peaceful resolution of disputes "in conformity with the principles of justice and international law."

Among the General Assembly's functions, as set out in the Charter, is making recommendations for the purpose of "encouraging the progressive development of international law and its codification." And of course in the Sixth Committee, when we consider, debate and build on the important work of the International Law Commission and other items, we breathe life into these words of the Charter. So fundamental to the UN Charter is the rule of law at the international level that the International Court of Justice was identified in the UN Charter as one of the principal organs of the United Nations. The rule of law demands that all people, in all corners of the world, whether stateless or not, receive the benefits conferred by the UN Charter.

Rule of law at the domestic level entails, among other things, the possibility of subjecting decisions of the government to judicial review. It means when a court rules against the government, even regarding controversial governmental actions, that the government respects and abides by that ruling. Rule of law means honoring the applicable domestic constitutional framework whenever a governmental decision is challenged. Rule of law at the domestic level requires an honest, fair and just judiciary. Rule of law functions best with an independent and impartial judiciary. Judges must not be swayed by political pressure, must not be susceptible to bribes or other corrupt influences. In order for populations to accept judicial decisions, judges

need to be exemplars of the utmost integrity, and must be model citizens, devoted to the rule of law.

Regarding this session's subtopic, "Ways and means to further disseminate international law to strengthen the rule of law": We appreciate, as noted earlier, the valuable work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit. We also commend the work of private legal associations for their efforts to disseminate international law, such as the American Bar Association and the American Society of International Law, to name two American groups which make a significant contribution to education and assistance in the international legal field, not to mention the numerous US law schools with strong and robust international law programs.

The United States also wishes to commend the excellent work of the Office of Legal Affairs in disseminating international law to strengthen the rule of law. The Under Secretary General for Legal Affairs and the Assistant Secretary General for Legal Affairs engage in important outreach through the delivery of addresses and briefings on the latest developments in international law, both at meetings and venues in New York and in other academic and governmental settings in other countries. We value the important work of the Codification Division in disseminating international law to a broad audience well beyond the halls of the United Nations Headquarters in New York and Geneva, and in particular the successful efforts of those who work on the program of assistance. In addition, we are also grateful for the crucial work of the Treaty Section, whose web site, in particular, provides timely information to the entire world about each and every treaty action and notification. I could go on to sing the praises of OLA and its efforts to disseminate international law, from the Office of the Legal Counsel's work to negotiate and implement new instruments advancing international criminal justice to the General Legal Division's work to facilitate domestic prosecutions, to the Division for Oceans and the Law of the Sea's tireless efforts to advance international understanding of the law of the sea. Suffice it to say that the Office of Legal Affairs plays a vital role in disseminating and strengthening the rule of law at the international level.

Thank you, Mr. Chairman.