



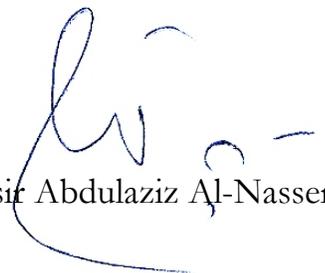
THE PRESIDENT
OF THE
GENERAL ASSEMBLY

29 May 2012

Excellency,

I have the pleasure to enclose herewith an invitation letter and its enclosure to attend a second informal open-ended meeting on 5 June 2012 sent by the two Co-Facilitators of the Rule of Law, H.E. Mr. Luis Alfonso de Alba, Permanent Representative of Mexico and H.E. Mr. Carsten Staur, Permanent Representative of Denmark.

Please accept, Excellency, the assurances of my highest consideration.



Nassir Abdulaziz Al-Nasser

All Permanent Representatives and
Permanent Observers to the
United Nations
New York



New York, 29May 2012

Excellency,

In our capacity as Co-Facilitators appointed by the President of the General Assembly to assist him in preparing a draft text of a concise outcome document, to be adopted at the high-level meeting on the rule of law to be held on 24 September 2012, and further to the first informal consultations held on 18 April 2012, we would like to invite you to a second informal open-ended consultation meeting on 5 June 2012, from 3:00 to 6:00 p.m. in Conference Room 3 of the North Lawn Building.

Please, find attached the first draft of the “Declaration of the High-Level Meeting of the 67th Session of the General Assembly on the rule of law at the national and international levels” for discussion at the meeting on 5 June 2012.

We would appreciate your delegation’s active participation, at the highest possible level, at this meeting and look forward to a productive and lively discussion on rule of law issues related to international law, peacebuilding and development.

Please accept, Excellency, the assurances of our highest consideration.

Luis Alfonso de Alba
Ambassador
Permanent Representative of Mexico
to the United Nations

Carsten Staur
Ambassador
Permanent Representative of Denmark
to the United Nations

Draft Declaration of the High-Level Meeting of the 67th Session of the General Assembly on the rule of law at the national and international levels

1. We, heads of State and Government, and heads of delegations participating in the high-level meeting on the rule of law at the national and international levels, have gathered at United Nations Headquarters in New York on 24 September 2012:

General Principles

2. We reaffirm that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States and apply equally to all; (based on A/Res/61/39, pp7. Also in A/Res/62/70, A/Res/63/128, A/Res/64/116, A/Res/65/32, A/Res/66/102)

3. We are determined to establish a just and lasting peace all over the world, in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all states, respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedom, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfillment in good faith of the obligations assumed in accordance with the Charter; (2005 World Summit Outcome, A/Res/60/1, pp 5)

4. We reaffirm our solemn commitment to an international order based on the rule of law and international law, which together with the principles of justice, is essential for peaceful coexistence and cooperation among States; (based on A/Res/61/39, pp3. Also in A/Res/62/70, A/Res/63/128, A/Res/64/116, A/Res/65/32, A/Res/66/102)

5. We are convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms; (based on A/Res/61/39, pp4. Also in A/Res/62/70, A/Res/63/128, A/Res/64/116, A/Res/65/32, A/Res/66/102)

6. We consider the rule of law to be a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards; (based on A/66/749, p 2)

7. We recognize that the rule of law requires adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the

law, separation of powers, participation in decisions-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency; (based on A/66/749, p2. Also in S/2004/616, p6)

8. We reaffirm that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations; (A/Res/61/39, pp2. Also in A/Res/62/70, A/Res/63/128, A/Res/64/116, A/Res/65/32, A/Res/66/102)

9. We note with appreciation the contributions already made by Member States, the organizations of the United Nations system and other intergovernmental organizations, as well as non-governmental organizations to the strengthening of the rule of law at the national and international levels; (new text)

Rule of Law at the International level

10. We reaffirm that the purposes and principles of the UN Charter and principles of international law are indispensable in preserving and promoting peace and security; (new text)

11. We reaffirm the role of the General Assembly in encouraging the progressive development of international law and its codification;(based on A/Res/63/128, op2)

12. We welcome the achievements in the codification and progressive development of international law, and call upon States, in order to contribute further to the rule of international law, to consider, if they have not yet done so, becoming parties to the multilateral treaties;(based on A/Res/54/28, op14),

13. We reaffirm further that States shall abide by all their obligations under international law; (based on A/Res/63/128, op2)

14. We stress the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building; (based on A/Res/66/102, op5)

15. We request the Secretary General to ensure greater coordination and coherence within the United Nations system and among donors to improve the effectiveness of those capacity-building activities; (based on A/Res/66/102, op5)

16. We invite intergovernmental, regional, subregional and other organizations and arrangements, as well as relevant non-governmental organizations, to engage actively in work at the local, national, subregional and regional levels to constantly promote and consolidate the rule of law, and to initiate exchanges with the United Nations system on their experiences, by inter alia technical assistance and capacity-building, as well as the exchange of best practices and lessons learnt; (based on A/HRC/Res/19/36, op19)

17. We reaffirm the duty of all States in their international relations to refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the

United Nations and to settle their disputes by peaceful means, inter alia through diplomatic negotiation, mediation, arbitration, and judicial settlement; (based on A/Res/66/102, pp6)

18. We recognize the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, and we call upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute; (based on 2005 World Summit Outcome, A/Res/60/1, op 134)

19. We request the Secretary-General to launch a campaign to increase the number of Member States that accept as compulsory the jurisdiction of the International Court of Justice; (based on A/66/749,15)

20. We encourage the relevant organs of the United Nations, as applicable, to commit themselves to making greater use of their ability to request advisory opinions from the International Court of Justice; (based on A/66/749, p16)

21. We commit to ensuring that impunity is not tolerated for violations of human rights law and international humanitarian law, and that such violations are properly investigated and appropriately sanctioned, including by bringing the perpetrators of any crimes to justice, through domestic mechanisms or, where appropriate, regional or international mechanisms, in accordance with international human rights obligations and commitments; (based on A/Res/HRC/19/36, op 16(j)(ii))

22. We welcome the States that have become parties to the Rome Statute of the International Court, and call upon all States in all regions of the world that are not yet parties to the Rome Statute to consider ratifying or acceding to it without delay; (based on A/Res/65/12, op2)

23. We call upon States parties to the Rome Statute that have not yet done so to adopt national legislation to implement obligations emanating from the Rome Statute and to cooperate with the International Criminal Court in the exercise of its functions; (based on A/Res/65/12, op4)

24. We commit to strengthening international cooperation and technical assistance for capacity-building in developing countries and countries with economies in transition, upon their request, for effective implementation of the obligations set forth in existing international crime prevention instruments; (Final Document of the XVI Ministerial Conference and Commemorative Meeting of the Non-Aligned Movement, op 591.3)

25. We reaffirm that all measures used in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law; (based on A/RES/66/171, pp 10)

Rule of Law at the National level

26. We recognize the importance of national ownership in the rule of law assistance activities, strengthening justice and security institutions that are accessible and responsive

to citizens' needs and which promote social cohesion and economic prosperity; (based on S/PRST/2012/1, p7)

27. In this regard, we reaffirm that, while the rule of law shares common features as laid out in the present Declaration, there is no one model of the rule of law and that the rule of law does not belong to any country or region, and reaffirming the necessity of due respect for sovereignty and the right to self-determination; (based on A/HRC/19/36, pp10)

28. We reaffirm the broad diversity of national experiences in the area of the rule of law, recognize the initiatives undertaken and progress made by some countries in advancing the rule of law as an integral part of their national strategies, and we stress the importance of promoting the sharing of national best practices; (based on A/Res/64/215, op2)

29. We call for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership; (based on A/Res/66/102, op6)

30. We are convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and ensuring that there is no discrimination in the administration of justice; (A/HRC/Res/19/31, pp5)

31. We commit to a just, effective and equitable delivery of public services pertaining to the rule of law, including policing, criminal justice, corrections, civil and administrative justice, legal aid and assistance and law-making, in line with internationally accepted norms and standards;(based on A/66/749, p18)

32. We recognize that the rule of law is strengthened when all individuals are empowered to claim their rights, to request effective remedies and to express legitimate demands on public institutions for accountability in the fair and just delivery of public services; and that public entities and civil society organizations make important contributions in this regard; (based on A/66/749, p22)

33. We emphasize the importance of access to justice for all, and the awareness-raising concerning legal rights, and in this regard, take all necessary steps to provide services that ensure the rule of law in a fair, transparent, effective, non-discriminatory and accountable manner;(based on A/res/64/215, op5)

34. We commit to ensuring equal access to justice and to taking active measures to improve the access to justice of members of disadvantaged and vulnerable groups; (based on A/HRC/Res/19/36, op16(k)(iii))

35. We recognize that access to justice and the realization of rights related, inter alia, to property, labour and business are mutually reinforcing and essential determinants of the effective eradication of poverty; (A/Res/64/215, pp10)

36. We recognize the importance of stable and predictable legal frameworks for sustained, equitable and inclusive economic growth, employment and entrepreneurship,

and for attracting public and private investment, including foreign direct investment; and also recognize that effectively combating corruption is a crucial element, as is the equitable and transparent administration of housing, land and property based on rule of law principles that effectively protect international social and economic rights, with particular emphasis on ensuring women's equal rights to housing, land and property, including through succession and inheritance; (based on A/66/749 p26-29)

37. We acknowledge that women are key actors for development in their communities and must be empowered to use the law to uphold their rights, including by fully participating in rule of law institutions, and that appropriate legal frameworks should be established to prevent discrimination against women and to secure their equal access to justice; (based on A/66/749, p32)

38. We acknowledge that the treatment of children by national legal, social welfare, justice and security institutions is integral to the development of the rule of law at the national level, and that international norms and standards for children must be fully applied; (based on A/66/749, p34)

39. We acknowledge that justice mechanisms based on tradition, custom or religion, and operating alongside government institutions, can play an important part in the delivery of justice services, including the adjudication and determination of disputes, provided that they in line with international human rights norms and standards; and that everyone, particularly women and those belonging to vulnerable or otherwise marginalized groups, enjoys equal access to justice within these justice delivery mechanisms; (based on A/66/749, p23)

40. We emphasize that justice, especially transitional justice in conflict and post conflict societies, is a fundamental building block of sustainable peace; (A/Res/65/12, pp4)

41. We stress the need for the international community to assist and support countries, upon their request, emerging from conflict or undergoing democratization as they may face special challenges in addressing legacies of human rights violations during their transition and in moving towards democratic governance and the rule of law;(A/HRC/19/36, op9)

42. We emphasize the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures to ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation and promote the rule of law in accordance with international human rights law; (based on A/HRC/Res/12/11, op4)

43. We emphasize the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law, while recognizing, for States in or recovering from armed conflict, the need to restore or build independent national judicial systems and institutions; (based on S/RES/1674, p8)

44. We resolve to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally-recognized fair trial standards; (based on A/66/749, p39).

45. We underline that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes; (based on A/HRC/Res/12/11, op5)

46. We stress the importance of supporting national civilian capacity development and institution-building in view of delivering more effective civilian capacities, as well as enhanced regional, South-South and triangular cooperation, including in the field of the rule of law, and we welcome the Secretary-General's efforts in this regard; (based on A/66/255, pp3)

Action to strengthen the rule of law at the national and international levels

47. We decide to adopt a Programme of Action on the Rule of Law during the 69th Session of the General Assembly, aiming at creating a common agenda for all Member States and the United Nations so that the future discussions in this broad area can be more effectively structured, better targeted and dealt with in a comprehensive, forward-looking and action-oriented manner that aims at delivering concrete results, and we call upon all Member States to submit their proposals to the Secretary-General and request the Secretary-General to prepare a Report in this regard for submission to the General Assembly at its 68th Session; (new text)

48. [We agree to establish a Consultative Forum on the Rule of Law with a concrete, results-oriented and time-bound mandate, and request the President of the General Assembly to conduct open, transparent and inclusive negotiations to be completed as soon as possible during the 67th Session, with the aim of finalizing the mandate, modalities, composition and working methods of a Consultative Forum. The first meeting of the Consultative Forum will consider the report of the Secretary-General on the proposals for a Programme of Action referred to in the paragraph above;] (new text)

OR

[We agree to establish an ad hoc working group of the General Assembly to consider the report of the Secretary-General on the proposals for a Programme of Action referred to in the paragraph above;] (new text)

49. We agree to strengthen multi-stakeholder dialogue on rule of law, including engaging with civil society organizations and institutions and enabling them to participate in relevant debates of the General Assembly; (based on A/HRC/19/36, op16(e))

50. We commit to ensuring that the post-2015 international development agenda takes into account the importance of a strong rule of law perspective, including the possibilities of justice and rule of law goals, and welcome in this regard the establishment of the High Level Panel of Eminent Persons to advise on planning for post-2015; (new text)

51. We acknowledge the pledges made by Member States at this High Level Meeting, and decide to launch a process of pledges to promote the strengthening of the rule of law at the national and international levels; (new text)

29 May

52. We welcome the report of the Secretary-General entitled “Delivering justice: programme of action to strengthen the rule of law at the national and international level” and request the Secretary-General to issue periodic reports on the progress made in implementing the provisions of this Declaration for consideration by the General Assembly and as a basis for further action; (based on A/Res/55/2, op31)

53. We call on the President of the General Assembly to include in the agenda of the 68th Session an item entitled “Programme of Action on the Rule of Law”. (New text)

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