



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

828 SECOND AVENUE • NEW YORK, N.Y. 10017 • TEL. (212) 953-9130 • FAX (212) 697-1970

STATEMENT

BY

**DR. TOPE ADE ELIAS-FATILE,
PERMANENT MISSION OF NIGERIA
TO THE UNITED NATIONS**

ON

**THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS
(Sixth Committee)**

**AT THE TRUSTEESHIP COUNCIL CHAMBER,
UNITED NATIONS HEADQUARTERS, NEW YORK**

10 OCTOBER 2014

PLEASE CHECK AGAINST DELIVERY

Mr. Chairman,

My delegation wishes to commend the choice of theme for our deliberation on this agenda item for the 69th Session: "*Sharing States' national practices in strengthening the rule of law through access to justice.*" As rightly stated in the African Group's statement delivered by the distinguished representative of South Africa to which Nigeria aligns itself, this theme is consistent with the Declaration of the High-level Meeting on the Rule of Law at the National and International Levels (resolution A/RES/67/1) adopted by Heads of State on 24 September 2012.

2. The theme is all-encompassing and has wide ranging implications for the work of the UN since every aspect of human endeavour is intrinsically linked to or related to the rule of law. Issues pertaining to good governance, democratic practice, accountability, fight against impunity, peacekeeping operations, protection of civilians in armed conflict, women and children, terrorism and transnational crimes, and a host of other subjects have intrinsic to them respect for and observance of the rule of law. Similarly, issues relating to the rule of law are intimately woven around Security Sector Reform (SSR) in post-conflict situations, aimed at establishing civilian oversight and control over the armed forces, police and security agencies in all societies. Against these backdrops, our deliberations would also advance thought as well as perspective on the nexus between the rule of law and the maintenance of international peace and security.

Mr. Chairman,

3. Adherence to the rule of law is necessary, especially in the international system to regulate the behaviours of States and hold their actions in accordance with higher ideals and standards for the attainment of peace and development, as embodied in the UN Charter. There is always a nexus between the rule of law and other issues on the agenda of the UN, including the post-2015 Development Agenda. The General Assembly, the Security Council and the wider United Nations

system have been seized with this cardinal subject over the years. This is evidenced by several resolutions and outcomes of High-Level Meetings including the Millennium Declaration, World Summit and the afore-mentioned 2012 Declaration, all of which contain essential elements of the rule of law at the national and international levels. These are part of international "rule of law architecture," which also include mechanisms such as the Responsibility to Protect (R2P), International Criminal Court (ICC), the Human Rights Council (HRC), Human Rights treaty bodies, conventions and instruments on the prevention of genocide and other mass atrocity crimes, and so on.

4. All the instruments, norms and principles that govern the rule of law namely the provisions of the UN Charter, UN conventions and treaties, the Universal Declaration of Human Rights (UDHR), provisions of international human rights and humanitarian law, customary international law, national legislation and acts of State established by consensus have proved beneficial to peaceful co-existence. Equally pertinent to the rule of law and peaceful co-existence are time-honoured principles such as respect for sovereignty, integrity and independence of States, peaceful resolution of differences in preference to the resort to war as a means of settlement of disputes, respect of self-determination of peoples under foreign colonial occupation, as well as the right to development, especially free from fear, pressure, sanctions or negative consequences.

5. As respect for and observance of the rule of law are enshrined in the Charter of the United Nations, there are corresponding regional instruments in Africa embedded in the AU Constitutive Act and ECOWAS protocols. The rule of law is also a fundamental article in Nigeria's national jurisprudence. Nigeria believes in it as a fundamental principle of government. We practice it. We are deeply committed to it. We promote it relentlessly and have been advocating for it at the national, regional and international levels. We consider the rule of law as

a fundamental prerequisite for the establishment of justice and as a basis for peaceful coexistence and the prevention of armed conflict. Therefore, we envision the promotion of the rule of law at all levels as a vital means of strengthening cooperation, enduring peace and security among States.

Mr. Chairman,

6. We have consistently demonstrated our respect for the rule of law both at the national and international levels. As a country governed by a written Constitution (*1999 Constitution of the Federal Republic of Nigeria, as amended*), Nigeria remains committed to a process of governance that is firmly anchored on democratic principles. The Constitution provides the basis for a 'Rule of Law' approach to governance at the national level. Our law making process is people-oriented and particularly sensitive to the needs of disadvantaged and vulnerable groups in the society. We appreciate the connection between the rule of law and Democracy and the primacy of the rule of law as a prerequisite for the promotion and protection of democracy, good governance and sustainable development.

7. We have also demonstrated strong political will to fulfill our international obligations through the domestication of relevant international instruments and recommended practices such as the enactment of the Freedom of Information Act 2011 to promote open government; the Terrorism Prevention Act of 2011 and the Money Laundering (Prohibition) Act of 2011, to give impetus to the global fight against terrorism, terrorist financing and economic crimes.

Mr. Chairman,

8. Nigeria recognizes that the entronement of rule of law principles is conditional on the presence of a strong, unbiased and independent Judiciary. Importantly, section 287 of the Constitution provides, inter alia, that the decisions of the various courts in the country shall be 'enforced in any part of the Federation by all authorities and persons.' In addition, the financial autonomy of the Judiciary which is a mechanism to enhance its independence, is provided for under Section

81 of the constitution which provides, inter alia, that the amount due to the Judiciary in the Consolidated Revenue Fund (as a first line charge) shall be paid directly to the National Judicial Council for onward disbursement to the various heads of court.

9. Nigerian courts, as a result of these constitutional provisions, have traditionally been known to be objective, non-partisan and unbiased in the delivery of justice. Our judicial system has continued to play a pivotal role in the advancement and elaboration of the rights of the people through effective oversight over the actions of both the executive and legislative arms of government. The role of the judiciary as the final arbiter among the three branches of government and in the electoral process has created an enabling environment for peace and stability to thrive in my country.

10. Judicial decisions against the Government are complied with as a matter of routine and constitutional obligation, thus laying a firm foundation for the institutionalization of the rule of law at the national level. In addition, the work of the various anti-corruption agencies such as the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and Related Offences Commission (ICPC), the Nigeria Police Force (NPF) and the Code of Conduct Commission and Tribunal, are meant to ensure that 'due process' is always observed. This is in recognition of the importance of the rule of law in the society.

Mr. Chairman,

11. At the international level, Nigeria has consistently pursued a foreign policy anchored on the promotion and achievement of global peace and security, as well as the protection of the dignity of all persons. Nigeria recognizes the important role of the International Court of Justice (ICJ) and other international tribunals in the peaceful resolution of international disputes. Adherence to the ICJ ruling on the land and maritime border dispute between Nigeria and Cameroon amply

illustrates Nigeria's commitment to the rule of law at the international level; while our support for peacekeeping since our independence in 1960 are expressions of our commitments to international peace and security, including the rule of law.

12. Nigeria appreciates the sustained initiative of the United Nations to promote the rule of law and transitional justice in conflict and post-conflict societies all over the world. We commend the Secretary-General for his untiring advocacy and support for the rule of law. We appreciate the recent formulation of the "Rights Upfront" initiative which seeks to address early response to threats to national and international peace and security, and protection of vulnerable groups in conflict situations.

Mr. Chairman,

13. Addressing the global rule of law deficit should be considered an imperative for all; but without the strengthening of the rule of law at the national level, there will be no platform upon which the rule of law would stand at the international level. Therefore, we should collectively work to attain a world where the rule of law, accountability and social justice are the foundation for sustainable development and durable peace. This must be a priority for the international community, for world leaders and for all peoples.

I thank you.