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**STATEMENT**  
**by Representative of the Russian Federation**  
**in the Sixth Committee of the 69<sup>th</sup> Session of the General Assembly**  
**on Agenda Item on the Rule of Law at the National and International Levels**

9 October 2014

Mr. Chairman,

During the current meeting the delegations have a difficult task before them. The discussion of the extremely detailed report on the ways and means of further strengthening the relationship between the rule of law and the three main “pillars” of UN has been transferred from the 68<sup>th</sup> to the current session of the Assembly. Also we have before us the annual Report of the Secretary-General on Strengthening and Coordinating United Nations Rule of Law Activities.

The topic chosen by the VI Committee on the national practices in strengthening rule of law through access to justice deserves attention as well. But the aforementioned transfer of the report unfortunately shifts the accents.

In general we would like to underline the extreme importance of the principle of access to justice as one of the key legal guarantees. It is a principle of universal value reflected in many multilateral and regional instruments starting with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. We fully support the continued proliferation of this principle.

In this regard including, within the UN format we consistently stressed that while addressing the rule of law we should focus our work on the international “dimension” of this concept. A substantially expanded section on such “dimension” – is one of the strong sides of the annual Report of the Secretary-General on Strengthening and Coordinating UN Rule of Law Activities.

However, in practice it is the international aspect of the rule of law that has been most neglected. For example, we are still failing to overcome the stalemate and move forward on the issue of strengthening the financial support of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. As a result, year by year, we observe the situation when the already scheduled regional courses on international law are canceled. The deficit of funding is experienced also by the United Nations Audiovisual Library of International Law.

Meanwhile, the UN structures dealing with the rule of law at the national level do not suffer from such a lack of resources. The number of composite Secretariat structures in this area (various coordination groups and associations) continues to grow. Their mandates are extremely wide and the activity is non-transparent for the Member-States. It was our hope that the Annual Report, in view of its title ("Strengthening and Coordinating United Nations Rule of Law Activities"), would shed some light on the distribution of the mandates among the UN structures dealing with the rule of law and designate the ways to streamline the work of the Organization. Nevertheless, like in the previous years, we failed to find such information there.

In light of the above the process of preparation of the second document to be discussed – the Report on the linkages between the rule of law and the main “pillars” of UN – is quite illustrative in itself. In accordance with paragraph 41 of the 2012 Declaration of the high-level meeting of the General Assembly on the rule of law, the Report was supposed to be elaborated "with wide stakeholder participation".

We have an impression, however, that the conceptual basis of the Report resulted not from transparent discussions between the Member States but rather from a series of articles prepared in the course of the so-called "consultative process" involving experts and academia.

We are grateful to the UN Rule of Law Unit for organization in May 2014 of a special thematic briefing on the draft report in preparation. However, this event turned to be a formality to a large extent. The States were proposed not to take part in the drafting of the report but rather to merely discuss a conceptually complete document with a set of already drafted recommendations. It is not surprising that due to such an attitude the States were mostly critical at this briefing. There were, however, some concrete proposals as well: not to forget about the international "dimension" of the rule of law; to focus on the questions of law as such, and to avoid the matters, bringing unnecessary politicization to the topic and dividing the States (for example, the issue of definition of the rule of law, its measurement at the national level via the so-called "indicators", as well as its place and role in the sustainable development agenda).

Such useful proposals were also made as to organize the UNCITRAL-type interaction on the "national" dimension of the rule of law – i.e. through the exchange of "best practices" in this area (with the understanding that each State would decide what practices are to be considered best and be used as an example). These proposals, however, had very little impact on the final version of the Report.

The validity of a number of conclusions in the Report is also called into question. It is not clear, for example, on which basis paragraph 39 recognizes a "particular importance" of some separate principles of the UN Charter for the maintenance of peace and security – in our view they are all equally important for that goal. Paragraph 42 mentions that "States marked by weak rule of law ...pose significant threats to peace and security" – which is a far reaching conclusion,

especially while there is no common understanding what is the "rule of law" and what specifically can be its "weakness".

Mr. Chairman,

As we have repeatedly pointed out, the problem lies not with the concept of the rule of law as such. Russia has always advocated and will continue to advocate strengthening of international and national law-based order. But at the same time it is crucial to preserve the core of this concept, which is based on the importance of adherence to international obligations with full respect to the principles of sovereignty and equality of States.

Currently, we see the attempts through the "rule of law indicators" and "measurement of adherence" to basically fit all countries in their diversity into some "universal" template. The choice of the model of the state organization and governance and the structure of state institutions lies within the domain of internal affairs of States. Besides, Article 2.7 of the Charter provides that the United Nations is not authorized at all to deal with such matters.

In response to paragraph 97 we would like to emphasize that we continue to consider the Sixth Committee as the most suitable forum for the issue of the rule of law. This format of work allows us to avoid unnecessary politicization and to focus on the issues of law as such.

As to the proposals to include the so-called "key stakeholders" and representatives of the civil society in the topic of the rule of law, we must note that there have not been any problems with their involvement in the process so far. The Secretariat cooperates with them on a regular basis. The States, on the contrary, continuously experience the deficit of information regarding the activity of the Secretariat in the area of the rule of law. This imbalance must be rectified.

Mr. Chairman,

We are ready to work on the text of the traditional resolution on the rule of law to promote further development of this topic. We recon, that it could be useful to

reflect therein the idea of non-applicability of a “one-size-fits-all” approach to the national “dimension” of the rule of law, as well as to accentuate that the states have a prerogative to build effective model of the rule of law which fully corresponds to their legal, political, historical, cultural and other specificities.

In conclusion, let me underline once more that Russia follows the topic of the rule of law with attention and is ready to cooperate with all interested actors in promoting adherence thereto on the international and national level.

Thank you Mr. Chairman.