



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017-3505

United States Statement
73rd General Assembly Sixth Committee
Agenda Item 86: Rule of Law at the National and International Levels
Julian Simcock, Deputy Legal Adviser
United States Mission to the United Nations
October 8, 2018

Thank you, Mr. Chairman.

The United States would like to thank the Secretary General for his report on this agenda item.

We would also like to thank the Rule of Law Coordination and Resource Group and the Rule of Law Unit. The individuals who perform this work often do so under very difficult circumstances. We are deeply grateful for their efforts.

The Secretary General's report identifies a number of concerning trends. It says that in all parts of the world, there are significant political and security challenges, many of which have eroded progress in accountability, transparency, and the rule of law.

Among the most concerning of the Secretary General's findings is the global trend toward undermining the independence of judicial institutions. This is deeply unsettling. In every country, judicial institutions must be allowed to perform their work free from any form of interference. They must be allowed to apply applicable domestic legal frameworks, even when the decisions of a government are at issue. And they must be allowed to conduct their work without fear of reprisal.

Equally worrying is the Secretary General's reporting on corruption. Corruption is a corrosive force. It erodes trust in institutions. It increases the imbalance between those with power and those without. And it goes hand-in-hand with the defiance of international norms. For these reasons, it is only appropriate that the Security Council recently convened a meeting dedicated exclusively to this issue. In post-conflict scenarios, the United Nations and other international actors face the daunting challenge of providing assistance without inadvertently supporting the networks of corruption that may have contributed to conflict in the first place. It should come as no surprise that the first clause of the preamble to the UN Convention against Corruption draws a direct connection between corruption and the erosion of the rule of law. The

preamble highlights the “seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law.”

Having spoken mostly about concerning trends, let me also acknowledge some bright spots. We welcome the report that the number of female judges in Afghanistan has doubled since 2014. We also welcome the United Nations’ efforts in El Salvador, where reports indicate that the Organization’s support to community security has contributed to a significant decline in homicides. Furthermore, in Jordan, Kyrgyzstan and Timor-Leste, the United Nations’ legal clinics have provided meaningful support to many in great need.

With respect to the work before us in the coming weeks, we hope that the Sixth Committee will be able to reach a consensus on a subtopic for next year. We think that the past practice of selecting subtopics can lead to more focused and productive debates on the rule of law in this forum.

Finally, let me say that when we gather here in the Sixth Committee, we do so on the basis of an implicit understanding. That at its best, legal discourse is a substitute for more dangerous ways to approach problems.

In our view, that same understanding is fundamental to preserving the rule of law. If the rule of law is protected, then the rules-based international legal order is also protected, and we will be better enabled, together, to address the challenges before us.

Thank you, Mr. Chairman.