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**REMARKS AT THE SIXTH COMMITTEE DEBATE ON  
THE RULE OF LAW**

**New York, 11 October 2019, 10:00**

Mr Chairperson, distinguished delegates, ladies and gentlemen,

I am pleased to be with you today to introduce the Secretary-General's annual report on "*Strengthening and coordinating United Nations rule of law activities at the national and international levels.*"

At the outset let me thank Slovakia for very ably chairing the proceedings, and to Mexico and Liechtenstein for their leadership in facilitating the annual resolution on the rule of law.

Every human being and every country is better off in a world where the rule of law is respected. Whether wealthy, poor, powerful or vulnerable, no individual nor Member State thrives in the face of anarchy or arbitrariness. All of us benefit from justice, stability and predictability in our relations with each-other. You can find this idea at the heart of every national culture and tradition.

Rule of law at the national and international levels is a pre-requisite for achieving the goals set out in the UN Charter. Without it, we cannot maintain international peace and security; achieve sustainable development; nor enjoy human rights and fundamental freedoms.

Rule of law is also fundamental to the social contract between people and their governments. That contract must be based on trust, not fear; and on inclusion, not marginalization. For the most vulnerable communities, including many women, the rule of law – and the norms and institutions that come with it – may be their only pathway to access public services and remedies; to enjoy social protection; and to avoid being victimized by corrupt practices and abuses of power. As such, the rule of law is an essential element of building societies that are resilient in the face of existing and emerging challenges. This, too, is in the interests not only of the most vulnerable but also of those in power.

Strengthening the rule of law at the international level involves respect for long-established rules of international law, including on the use of force, and underpinning the primary responsibility of States to protect their populations from genocide, crimes against humanity, ethnic cleansing, and war crimes.

The rule of law is also central to humanitarian efforts and to human rights; to understanding and addressing displacement and statelessness; and to advancing environmental sustainability. I have seen with my own eyes how many instances of displacement could have been avoided or minimized if there had been full compliance with international human rights law, as well as international humanitarian law. The untold human and financial costs of

displacement, and the wider impact on societies, could have largely been averted.

I'd like here to recall the words of the Secretary-General in his opening speech to the 74<sup>th</sup> General Assembly. He described a world where reason and restraint are in short supply, even as the problems we face accumulate and there is wide-ranging impunity, including for violations of international humanitarian law.

He described global trends that challenge existing national and international rule of law systems but he also pointed to the seeds of hope, the possibilities that exist to adapt to these new challenges.

Mr Chairperson, allow me to set out a number of these challenges, and proposals for how we might rise to meet them.

First, the proliferation in the use of hate speech for political purposes or to incite violence is deeply troubling. The Secretary-General has responded with a comprehensive United Nations plan of action to mobilize the UN system to address hate speech, as well as to help ensure the safety of religious sanctuaries. No country is immune, and we must all remain vigilant. The Secretary-General urged all Member States to take preventive measures and early action to counter hate speech and related actions that serve no purpose but to undermine the values of our Organization.

Second, the Climate Change Summit has brought to light again the urgency of addressing global warming and environmental degradation. Citizens all over the world – most magnificently, young people from every continent - have pressured their lawmakers and, in some instances, the courts to demand protection, action, and for their governments to live up to their international commitments.

Yet the people most directly affected by climate change remain horrifyingly vulnerable. They risk losing the very ground beneath their feet, their livelihoods and their childrens' futures. It is the very definition of an existential threat.

Third, the digital age has advanced at a breathtaking speed, rapidly overtaking contemporary notions of the law and governance. In these new virtual worlds, existing legal frameworks, national and international, need to evolve. Rule of law must exist online as it does in the physical world to mitigate the impact of new technologies on human rights, data privacy and human security. At the same time, new technology offers exciting possibilities to make advances in the rule of law. We must harness it to strengthen the administration of justice, to promote legal certainty, as well as equality, transparency and participation.

Fourth, in too many countries we are seeing the erosion of the independence of the judiciary. This includes the removal or retirement of judges through hastily promulgated laws; refusal to implement court orders by other branches of the Government; failure to allocate sufficient resources for their effective functioning; and direct attacks on the integrity of the women and men of the judiciary. This trend not only undermines the fundamental principle of separation of powers, it also contributes to eroding the very social contract between the State and the population.

Fifth, while it is encouraging to see the downward trend concerning the application of the death penalty, and steps taken by Member States to abolish or reduce the scope of offences punishable by death, there are also some worrisome trends. Some States have resumed executions or continue to use the death penalty for offences that do not meet the threshold of the most serious crimes.

Let me reiterate the Secretary-General's call that the death penalty should no longer have a place in the 21<sup>st</sup> century.

Finally, the challenges I mentioned today are but a few of the strong headwinds currently confronting our efforts at international cooperation. The Secretary-General has reminded us that the anniversary of the United Nations next year is a critical moment to reflect on the importance of and renew our commitment to our common project. The pillars of today's international legal order emerged from the ashes – and the tremendous suffering – of two World Wars. This order depends on a robust system of treaties, conventions and agreements; international dispute settlement tribunals; and accountability mechanisms. But, perhaps more even than the institutions, it depends on a spirit of cooperation and solidarity among sovereign States. It depends on trust amongst those States, and between States and their peoples, and on leadership that never loses sight of the people we serve.

Mr Chairperson,

Against this background, the rule of law support provided by the United Nations at the national and international levels – and detailed in the report before you today - has been critical to enable the development of just and equitable societies and shape institutions that are able to protect populations and their human rights, in peacetime and in conflict.

In the interest of time, let me focus on a few highlights from the report:

## *Access to justice for disadvantaged and marginalized groups*

A recent report of the Task Force on Justice estimates that 5 billion people around the world are falling into a “justice gap”. This means that they lack meaningful access to justice for everyday problems and they remain outside the opportunity the law provides. Many of the most marginalized live in extreme conditions of injustice and are further excluded from society by this fact. This widening justice gap is a major obstacle to the achievement of the Sustainable Development Goals, and to our vision of a more equitable world.

Closing the gap – and realizing the right to justice for all - has been and remains a priority for the United Nations. Let me share a few examples:

In Darfur, Sudan, re-establishing rural courts in remote areas is the fastest, cheapest and most effective avenue to justice for many. Innovations such as deployable mobile courts are also closing the justice gap in Timor Leste and Somalia. Support to reduce statelessness and to grant nationality rights through the justice system in Panama, Paraguay and Uruguay will bring national laws into line with the 1961 Convention on the Reduction of Statelessness.

As I mentioned, women are disproportionately denied their right to justice. Access to justice is therefore key to achieving Sustainable Development Goal 5 on gender equality. In Afghanistan, specialized courts on violence against women will achieve more justice for women and girls in need of protection and psycho-social support. The adoption of resolution 2467 (2019) by the Security Council was an important step to encourage Member States to adopt a survivor-centered approach and the participation of women to address sexual

violence in conflict. In the Arab region, the United Nations developed 18 country reports identifying gaps in protection against violence and gender-based inequalities in civil and criminal legislation.

*Prevention, protection and sustaining peace*

In Mali, our rule of law support seeks to address the troubling intercommunal conflict in the central region, where we examined ways to use both formal and traditional justice mechanisms. In Bangladesh, building resilience of local institutions to host Rohingya communities is essential to prevent intra and intercommunal conflict and to increase capacities to support these communities' justice needs. In the Central African Republic, we support community violence reduction in hot-spots, targeting armed group elements that may not be eligible for participation in the national disarmament, demobilization, reintegration and repatriation initiatives.

*Transitional justice and accountability for serious crimes under international law*

Over the years, the UN has acquired significant expertise in accompanying countries and communities emerging from conflict in their pursuit of transitional justice, which includes but also goes beyond criminal accountability. From The Gambia to Colombia, our support considers the wide range of rights and needs of victims and affected communities and aims to address deficits in justice and the rule of law in the aftermath of massive human rights abuses.

Rebuilding an inclusive society based on the rule of law is hard work and can take decades. But failure to do so is very often a recipe for sliding back into crisis.

### *UN assistance at the international level*

The Secretary-General's report also includes work to promote the rule of law at the international level. The General Assembly decided in 2015 to convene an intergovernmental conference to prepare the draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. We are encouraged by the progress made. We are also encouraged by steps taken by this Committee to examine issues such as the protection of the atmosphere and sea-level rise in relation to international law. These examples show that UN bodies are responsive to emerging challenges.

### *Coordination and coherence*

Within the United Nations system, the Secretary-General also continues in his efforts to ensure that our support to Member States is attuned to changing needs and realities. For instance, we continue to deepen our integrated approach at Headquarters and in the field through the Global Focal Point for the Rule of Law. The launch of the United Nations Global Counter-Terrorism Coordination Compact in December 2018 has also helped to improve coordination and coherence within the Organization on issues related to counter-terrorism.



*Way forward*

Mr Chairperson,

You have a busy General Assembly session ahead of you. The Secretary-General deeply values the contributions of this Committee to advancing the rule of law. Guidance from and action by Member States are critical to ensuring that we successfully confront some of the challenges I outlined above, in the spirit of solidarity and cooperation necessary.

It is also vital to ensuring that we innovate and adapt to rapidly changing circumstances and increasing complexity. We welcomed, for instance, the much-needed guidance adopted by the Security Council in last year's resolution 2447 on our rule of law assistance in crisis and conflict contexts. Next year in Kyoto, many Member States will convene at the 14<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, to examine how we can advance the rule of law to achieve the 2030 Agenda.

I'd therefore like to invite the 6th Committee to consider sub-topics that are consistent with our common priorities for the 75th session. This could, for example, include hate speech, anti-corruption, and rule of law issues related to climate change.

Member States and their peoples are looking to the United Nations to support efforts to advance the rule of law at both national and international levels. I spoke earlier about the importance of the rule of law to the strength of the social contract between people and their governments. One could say the same at the international level. The rule of law is essential to the compact between and among States, and to the effective functioning of multilateralism. We all

benefit from an international system underpinned by the spirit and institutions of justice for all. The Secretary-General stands ready to do his part to advance towards this goal.