



INDIA
भारत

STATEMENT BY

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ON

AGENDA ITEM 83

“THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS”

AT THE

SIXTH COMMITTEE OF THE 74th SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

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Mr. Chairman,

We thank the UN Secretary General for his Report A/74/139 on Strengthening and coordinating United Nations Rule of Law activities. The report highlights the promotion of and respect for the rule of law, justice and good governance and accords high priority in guiding the activities of the United Nations and its Member states.

2. We associate with the statement delivered by Islamic Republic of Iran on behalf of the Non-Aligned Movement. The following additional remarks are made in our national capacity.

3. India appreciates the continued support of UN and its agencies' to Member States in developing domestic capacities to strengthen the Rule of Law, provided specifically at the request of Member States in alignment with their needs and priorities and consistent with the United Nations Policy to promote gender equality and human rights in order to achieve peaceful and inclusive society.

4. The UN initiative to strengthen accountability in the Correction sectors with regard to legislative reforms in the areas of combating corruption; reinforcing the independence of the prosecution service; drafting of procedures to coordinate and respond effectively to child abuse is quite remarkable.

Mr. Chairman,

5. Multilateralism is based on laws that govern interaction between states for greater collective welfare. However, the uneven impacts of globalization, both within and among nations, are leading to a situation where the spirit of multilateralism appears to be in retreat today, although the list of inter-connected global challenges requiring collective action continues to grow.

6. The United Nations itself was established to prevent conflict among competing powers and bring about a greater rule of law to govern the behaviour of nation states. The UN Charter serves as its ultimate guide that even prescribes use of force under specific conditions.

7. Under the Charter, United Nations is based on the principles of sovereign equality: regardless of power, under international law all states have equal status. India believes that the advancement of the rule of law at the national level is essential for the protection of democracy, human rights and fundamental freedoms, as well as for socio-economic growth. And this should be the primary objective of States.

8. Similarly, the rule of law at the international level is a sine quo non for ensuring peace and justice among States. We recall the wisdom of world leaders who, in the 2005 World Summit Outcome document, recognized the need for universal adherence to and implementation of the rule of law at the national and international levels.

Mr. Chairman,

9. According to the General Assembly Resolution 73/207 adopted on 20 December 2018, the focus of our debate in the present Session is on the sub-topic "Sharing best practices and ideas to promote the respect of States for international Law".

10. The willingness of the nation states to come together is evident from the existence of rule of law in a wide range of areas like trade, investment and intellectual property; transport and communications; use of global commons such as seas and oceans, environment, climate change, outer space, etc. However, more needs to be done to define rules of cooperation to prevent chaos brought about by rapid globalization driven by technology.

11. Regrettably, there are areas where we have not been able to develop international rule of law to our serious collective disadvantage. The rise in terrorism is one such alarming concern that impacts us all and requires effective international collaboration. However, law making on this issue continues to falter in view of narrow geopolitical interests. Ironically, often states hide behind legal concepts, designed for different contexts, to stop progress on this vital issue, including here at the UN in the context of a draft Comprehensive Convention on International Terrorism.

12. There are other more complex areas such as trans-boundary aspects of waterways, where it is much more difficult to achieve consensus on general principles in view of strong sovereignty and situation specific strategic concerns.

13. Another area of concern, including here at UN, is the complexity of issues relating to extraterritorial jurisdiction to plug any gaps in accountability for crimes committed in third countries.

14. Effective multilateralism and international rule of law requires that the global governance structures should reflect contemporary realities. The current UN structures were designed for a bygone era. They were designed by a mere handful of nation states. For retaining legitimacy and effectiveness, fundamental reform of these structures, especially the Security Council is needed.

Mr. Chairman,

15. India strongly believes that cooperative and effective multilateralism is the only answer to the range of inter-connected challenges that we face in our inter-dependent world. This points to the strong need for rule of law at an international level.

16. India has always engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors. India also believes in peaceful settlement of disputes according to laid down laws.

17. India continues to make serious efforts to bring its national laws in consonance with its international obligations. We also continue to partner fellow developing countries in capacity building efforts on aspects such as electoral practices, drafting of legislations and other law enforcement issues.

Mr. Chairman,

18. India, with one sixth of global population, is the world's largest democracy based on rule of law and has emerged as the fastest growing major economy. In India, the independence of judiciary, legislature and executive along with a free and vibrant media and civil society with strong traditions of electoral democracy are cherished and are the basis for the rule of law.

19. India recognizes the important role played by International Courts and Tribunals including arbitral institutions in upholding rule of law and combating impunity. We recognize the important work of ICJ in maintaining or restoring peaceful relations between parties to the disputes and the recent judgment delivered by the International Court of Justice once again has reaffirmed the faith of global community in the rule of law at international level.

20. We also would like to put on record our appreciation for the important contribution made by the ILC in promoting respect for international law by progressive development on topics like "Crimes against humanity", "Peremptory norms of general international law (jus cogens)", "Protection of the environment in relation to armed conflicts and "Immunity of State officials from foreign criminal jurisdiction".

Mr. Chairman,

21. India strongly believes that cooperative and effective multilateralism is the only answer to the range of inter-connected challenges that we face in our inter-dependent world. This points to the strong need for rule of law at an international level.

22. India places high importance on peaceful international dispute settlement.

23. This year, at the ceremony held in Singapore, India signed the UN Convention on International Settlement Agreements resulting from Mediation. Also, in the last one-year India has enacted nearly 20 new acts, ranging from legislations on Medical, Health, Education, Arbitration and Conciliation, Consumer Protection, Banking, Wages, Muslim Women (Protection of Rights on Marriage) etc.

Mr. Chairman,

24. Unjust or discriminatory laws that do not balance competing interests in a fair manner, or those designed and implemented by powers that are not representative, only fuel long-term conflict.

25. Also, laws do not remain static. They continue to evolve according to changing circumstances, often brought forth by changes in society and prevailing technologies. Changes also leave many old laws and regulations redundant. In this spirit of adapting to change, the Indian constitution, adopted seven decades ago, has seen over 120 amendments.

Mr. Chairman,

26. Finally, we take this opportunity to call upon the international community to ensure observance of rule of law at the international level. One of the pressing needs of our time is to make the Security Council more representative by enhancing its membership, both, in permanent and non permanent categories. Developing countries need to be given real voice and participation in global decision making. The global institutions must be fully reflective of contemporary realities and the rule of law norms to enable them to address the global challenges effectively.

27. We hope that the international community will be able to transform the United Nations to meet the emerging global challenges of the 21st century.

Thank you, Mr. Chairman.
