

Statement by Mr. Ali Nasimfar  
The representative of the Islamic Republic of Iran

**On behalf of the Non-Aligned Movement**  
On Agenda Item 86:

**“The rule of law at the national and international levels”**

New York, 19 October 2020

**Mr. Chairman,**

I have the honour to speak on behalf of the Non-Aligned Movement.

The Non-Aligned Movement has been following this item with high interest and believes that respect for the rule of law at the national and international levels is essential to maintaining international peace and security and achieving socioeconomic development.

The Non-Aligned Movement reiterates its position that it is indispensable to maintain the balance in developing the national and international dimensions of the rule of law. We continue to believe that the rule of law from the international dimension needs greater attention by the Organization. The Charter of the United Nations and the principles enshrined therein provide normative guidance as to the basis of the rule of law at the international levels. In this context the Non-Aligned Movement believes that the following elements are essential in fostering international relations based on the rule of law:

- The principle of sovereign equality of States *inter alia* entails that all States have equal opportunity to participate in law making processes at the international levels;
- All States should equally respect and comply with their obligations under treaty as well as customary international law. Also, selective application of international law must be avoided;
- The legitimate and legal rights of States under international law must be respected by all;
- The principle of the prohibition of the threat or use of force in international relations of States and peaceful settlement of disputes should constitute the cornerstone of the rule of law at the international level. In this regard, it is essential that Member States remain committed to a rule-based regime in the conduct of their respective relations with other Member States.

Mr. Chairman,

The NAM Members will be engaged in the debate of the Sixth Committee on the subtopic identified in resolution A/74/191 entitled “Measures to prevent and combat corruption”.

NAM maintains that corruption practices, including lack of sound international corporate governance, bribery, money laundering and transfer abroad of illegally acquired funds and assets undermine the economic and political stability and security of societies, as well as social justice and severely endangers the efforts of developing countries for sustainable development. We are of the view that the UN Convention against Corruption provides universally accepted norms to prevent and combat corrupt practices, establishes the principle of asset recovery and transfer of assets of illicit origin and mechanism for international cooperation in this regard.

Recognizing the importance of improving governance frameworks and strengthening actions to enhance and expand the prevention, detection and sanctioning of corruption, we emphasize in particular the implementation of the provisions on asset recovery contained in Chapter V of the UN Convention against Corruption, which require States Parties to return assets obtained through corruption. Therefore, we urge all States Parties and relevant international organizations, consistent with the principles of the Convention, in particular Chapter V, to strengthen their cooperation at all levels in order to facilitate the quick return of such assets, and to assist requesting States to build human, legal and institutional capacity to facilitate tracing, confiscation and recovery of such assets.

*We welcome* the on-going second review cycle which covers Chapters II on “Preventive Measures” and Chapter V on “Asset Recovery” of the Convention and is convinced that the review of these two chapters would produce tangible and useful results to support the efforts of all States Parties to effectively and fully implement the United Nations Convention against Corruption.

NAM looks forward to the celebration of the Special Session of the United Nations General Assembly on Corruption, that will take place in New York City from June 2 – 4, 2021. This will be the occasion to strengthen the fight against corruption on a global scale and to explore and discuss the creation of innovative tools and proposals to achieve this goal. UNGASS should be a forum for the proposal and discussion of bold new ideas that are aimed at curtailing the impact of corruption on an international scale, and all of its forms. The Political Declaration emanating from UNGASS 2021 should be an action-oriented document, in which the political commitment of State parties to the UNCAC is matched by an effective and articulated international response to combat corruption.

It is also important to continue working with all stakeholders on domestic and international financial markets to deny safe haven to assets illicitly acquired by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupt them, and enhancing international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of proceeds of corruption.

Mr. Chairman,

The Movement reemphasizes that the principles and rules of international law are indispensable in preserving and strengthening the rule of law at the international level. Therefore, the Member States of the United Nations should renew their pledge to uphold, preserve and promote the purposes and principles enshrined in the Charter of the United Nations and

international law, with the purpose of further advancing towards the achievement of full respect of international law.

The Movement recognizes the serious danger and threats posed by the actions and measures which seek to undermine international law and international legal instruments and strongly encourage Member States to identify and pursue measures that may contribute towards achieving a peaceful and prosperous world as well as a just and equitable world order based on the UN Charter and international law.

The Movement also encourages States to resort to pacific settlement of disputes through mechanisms and tools established under international law. We also call upon the General Assembly and the Security Council to utilise the right conferred to them under article 96 of the Charter of the United Nations to request for advisory opinions on any legal question from the International Court of Justice, whenever appropriate.

The NAM Members also reiterates that human rights, the rule of law and democracy are interdependent and mutually reinforcing. All States should fulfil their obligations to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments relating to human rights, and international law.

The NAM Members remain concerned on the application of unilateral measures, and stress upon their negative impact on the rule of international law as well as on international relations. No State or group of States has the authority to deprive other States of their legal rights for political considerations.

The Non-Aligned Movement underlines that close cooperation and coordination among all principal organs of the United Nations is highly indispensable in order to enable the Organization to remain relevant and capable of meeting existing, new and emerging threats and challenges. Nonetheless, the Movement reiterates its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council by taking up issues which fall within the competence of the latter organs. The Security Council should fully comply with the international law and the United Nations Charter.

Mr. Chairman,

The General Assembly must play a leading role in promoting and coordinating the efforts towards strengthening the rule of law. However, the international community must not replace the national authorities in the task of establishing or strengthening the rule of law at the national level, but only to provide them with the necessary support at their request.

The Movement recognizes the importance of national ownership in rule of law activities and underlines the importance of strengthening national capacities of Member States in the domestic implementation of their respective international obligations, including through enhanced

technical assistance and capacity-building. The Movement reiterates the need for those activities to be undertaken at the request of interested recipient Governments, strictly within the respective mandates of the United Nations funds and programmes. It is also necessary to take into account the customs and the national political and socioeconomic realities to prevent imposition of pre-established models upon Member States that would hinder the resolution of existing problems in each country.

Regarding the Rule of Law Unit, the Movement reiterates that appropriate mechanisms should be established for Member States to stay abreast of the Unit's work as well as to ensure regular interaction between the latter and the General Assembly. In this regard, we would like to emphasize that there is no single agreed definition of the rule of law. This fact should be taken into account in the preparation of reports, which should be objective, neutral and balanced, and at the time of collecting, classifying, and evaluating the quality of data on issues which are directly or indirectly related to rule of law. The data gathering activities of UN bodies must not lead to a unilateral formulation of rule of law indicators and ranking of countries in any manner. Those indicators of rule of law, which have not been agreed upon by Member States in an open and transparent discussion and consultation are not acceptable.

The Non-Aligned Movement condemns any attempt to destabilize the democratic and constitutional order in any NAM Member State.

The Non-Aligned Movement reiterates its position welcoming the General Assembly's adoption of resolution 67/19 on 29 November 2012, which, inter alia, accorded to Palestine the status of non-member observer State in the United Nations, reflecting the international community's longstanding, principled support for the inalienable rights of the Palestinian people, including to self-determination, independence, and for the two-State solution, based on the pre-1967 borders in accordance with international law, including relevant United Nations resolutions. The Movement reaffirms the significance of this political and legal achievement for the Palestinian people and the Government of the State of Palestine, and also reaffirms support for the State of Palestine and to ensure its rightful place in the community of nations including by the achievement of admission to membership in the United Nations, in fulfilment of the application for full membership submitted by President Mahmoud Abbas on 23 September 2011, which remains pending before the Security Council.

The movement while underlining the importance of freedom of opinion and expression under article 19 of the Universal Declaration of Human Rights, emphasizes that in exercising such freedom, morality, public order and the rights and freedoms of others must be recognized and respected, as apparent under article 29 of the Declaration. As freedom of expression is not absolute, its exercise should be carried with responsibilities in accordance with the relevant international human rights law and instruments.

I thank you Mr. Chairman.