



REMARKS FOR THE SIXTH COMMITTEE DEBATE ON THE RULE OF LAW

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Mr Chairperson, distinguished delegates, ladies and gentlemen,

I am pleased to be with you today. Let me thank Chile, Mexico and Liechtenstein for their able leadership in facilitating the annual debate and resolution on the rule of law.

Since my last briefing to this Committee on the Secretary-General's annual report on "*Strengthening and coordinating United Nations rule of law activities at the national and international levels*", the world has changed dramatically.

COVID-19 has been a huge game changer, and we are facing some of the most massive peace, security, development and humanitarian challenges since the beginning of the United Nations 75 years ago. In addition to over a million lives lost and hundreds of millions of

livelihoods affected, more than one hundred million people risk sliding back into poverty. We have lost decades of progress on gender equality and millions of women are at greater risk of gender-based violence. Food insecurity has also exploded even in some of the most advanced economies.

From the outset of this crisis the Secretary-General has led the Organization to mount a comprehensive response. It encompasses a large-scale health response [which includes importantly global collaboration on diagnostics, treatment and vaccines]; wide-ranging efforts to safeguard lives and livelihoods; an all-out effort for a global ceasefire; as well as a collaborative approach to tackle the consequences of COVID-19 through a transformative recovery process.

Recognizing that COVID-19 has shaken international cooperation to the core, the General Assembly has reaffirmed the necessity of multilateralism in our quest for solutions to our many shared problems. In the UN75 Declaration, the Assembly has asked the Secretary-General to make “*recommendations to advance our common agenda and to respond to current and future challenges.*” The Secretary-General is embarking on a profound process of listening and reflection, with a view to making recommendations that will guide us in reinvigorating not only the mechanisms for international cooperation but the underlying spirit of solidarity and resolve.

In the face of even more existential threats to come, not least from a changing climate, we can afford nothing less.

All of this has brought home, in stark terms, the centrality of the rule of law, including functioning justice systems and government effectiveness. Indeed, the essential functions of a state are to provide

a safe and secure environment, to guarantee the functioning of efficient institutions and basic services, including the safeguarding of human rights and the rule of law, and a capable administration – without these components a social contract is simply ruptured. A world in which so many people are being left behind is, by definition, a world destined to endure continued instability and pain.

Against this backdrop, it is clear that we must combine all of our tools in a more effective way. In particular, it is time to take advantage of the near-total overlap between our sustainable development goals and our human rights instruments. In the context of the pandemic, it became abundantly clear that a human rights lens underpins the rule of law and is necessary in whatever we do to tackle and emerge from the pandemic, and, especially, to prioritize those most at risk of being left behind.

Earlier this year the Secretary-General launched the *Call to Action for Human Rights* —that provides concrete solutions in this regard, focusing in particular on areas where people are most at risk or where there is an opportunity at hand to make substantial progress. In areas such as sustainable development, gender equality, civic space, future generations, climate change and the digital world, specific steps are envisaged to advance the human rights and broader rule of law agenda.

It also has to be said that rule of law principles have adapted and persevered through decades of significant changes, but their implementation continues to hinge upon tolerant, open and compassionate societies, with a devotion to the fundamental worth, inherent dignity and rights of each and every human being.

Yet even before the pandemic, the rule of law in a number of countries has been challenged by deep divisions and entrenched political polarisation, as well as dysfunctional, underfunded institutions not readily accessible to the public and not always effective in preventing and resolving people's daily problems.

Countries continue to struggle with systemic shortcomings characterized by a lack of accountability, and high levels of corruption in a system of governance that does not address structural inequalities, empower women or effectively serve all members of society. These trends eroded the trust between states and populations and contributed to a dangerous erosion in the social contract in many parts of the world.

Restoring that trust, and the underlying social contract, must be a priority as we emerge from this pandemic. We cannot afford to go back to the world the way it was. The Secretary-General's recent series of COVID-19 policy briefs provided a broad range of ideas in that regard, giving us an opportunity to renew the social contract between state and populations, and to more fully take into account the needs of societies today and those of future generations.

More specifically, this year's rule of law report describes how the Organization has strengthened rule of law efforts in all continents, including with regard to COVID-19. This includes, for example, remote alternatives to accessing justice and providing policy advice to national authorities on privacy and data protection in the application of digital solutions. Recognizing that overcrowded prisons could be epicentres of the pandemic, the Organization has worked with authorities on health protocols in prisons and decongesting detention facilities. We have also responded to heightened risks of sexual and gender-based violence for women

and girls by facilitating safe access to remote counselling and support services during the pandemic. Of course much more needs to be done to help address the daily socio-economic injustices that women will continue to experience post-pandemic, including on issues around family law, health-care, inheritance, employment, securing loans and setting up businesses.

In keeping with the Secretary-General's reforms to advance an integrated approach, peace operations and UN Country Teams are pooling resources and working together to provide comprehensive rule of law assistance in ensuring effective, inclusive and accountable justice and security institutions; supporting crime prevention and armed violence reduction; strengthening access to justice for all; and promoting accountability for serious human rights violations and inclusive transitional justice processes.

Similarly, on the international plane, if an agreed code of conduct, crafted through international treaties, custom and general principles, is not respected or only partially respected by some, it affects all the others, even if this may not be apparent at first.

The report therefore underscores the importance of international solidarity, the unique role of inter-governmental bodies and our multilateral system to resolve peace and security issues and inter-state disputes. In this regard, the United Nations' continuing support to the codification, development and promotion of an international legal framework, international instruments, norms and standards are key.

Through a rule of law lens, the pandemic recovery provides us with an opportunity to redress exclusion, gaps in social protection systems and the climate crisis; and to correct the systemic

inequalities that are part and parcel of people's lives in many societies, including for indigenous peoples, persons with disabilities, minorities, refugees, the displaced, migrants and stateless individuals.

And for many people in all regions, corruption and the lack of integrity and accountability have been a long-standing source of distrust towards governments and political elites. Corruption in the time of COVID-19 is even more damaging as it risks diverting much needed resources from those in need.

The UN General Assembly Special Session [UNGASS] in 2021 will hence be an important opportunity for Member States to share national experiences and good practices, and to identify new approaches in the fight against corruption.

At a more general level, this pandemic has prompted us to re-imagine the way rule of law and justice systems can work during any global crisis; and to develop more resilient governance models to achieve the Agenda 2030 for Sustainable Development in a post-COVID world and to deliver on the priority goal number one – climate action.

As we prepare for responding to the mandate provided to the Secretary-General in the UN75 Declaration, we seek to understand better the changing rule of law and security landscape in building and sustaining peace; to adapt accordingly and strengthen support to Member States, including in areas such as climate justice, inequality, discrimination and the implications of new and emerging technologies.

Let me elaborate on this a little further and leave a thought with you. In the 20th Century it became clear that there was a need to develop a sense of responsibility for our actions, both in terms of their global implications but also in relation to future generations. This sense of responsibility was expressed in a number of international instruments, such as the 1997 UNESCO Declaration on the Responsibilities of the Present Generations Towards Future Generations.

The build-up of nuclear arms during the Cold War, for example, was [and continues to be] a very real threat. For the first time in history, human beings possessed the capacity and power to destroy our planet and to wipe out future generations. In the 21st Century, climate change is comparable to last century's nuclear arms race, and calls for an acceptance of responsibility, which in turn needs to be translated into concrete and collective action.

Yet all too often the debate around these issues is characterised by “traditional” analysis: by thinking inside an old box. It is important to ask ourselves what type of international, regional and national governance and rule of law structures we would need today to take into account global responsibilities and inter-generational rights and justice, especially on climate action, the environment and biodiversity. The pandemic has indeed made that wake-up call all the more pressing.

The development of the “*Common Agenda for the Future*” is therefore a real and urgent opportunity to tackle these crucial issues. The Secretary-General and all of us look forward to engaging with you and other partners on its development.

Thank you for your attention.