

**Statement by Mr Mohammad Ghorbanpour,
First Secretary to the Permanent Mission of the Islamic Republic of Iran to the UN
On behalf of the Non-Aligned Movement
Before the Sixth Committee
76th Session of the United Nations General Assembly**

On Agenda Item 85:

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

New York, 8 October 2021

Madam Chairperson,

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

The Non-Aligned Movement has diligently followed this item and believes that respect for the rule of law at the national and international levels is essential to maintaining international peace and security as well as achieving socioeconomic development.

The Non-Aligned Movement reiterates its position that it is indispensable in maintaining balance in the development of the national and international dimensions of the rule of law. We continue to believe that the rule of law from the international scope requires more meticulous 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; and

- 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.

Madam Chairperson,

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

In the same spirit, the NAM Member States actively participated in the Special Session of the United Nations General Assembly on Corruption held in the General Assembly hall from 2 – 4 June 2021. This session served as an opportunity to not only strengthen the fight against corruption on a global scale but also explored and discussed the creation of innovative tools and proposals to achieve this goal. The Political Declaration, which emanated from the UNGASS 2021, is 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. Moreover, it would also contribute in strengthening the rule of law at national and international levels.

Madam Chairperson,

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. In this regard, the Movement strongly encourages 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.

We appreciate the Secretary-General for his report contained in document A/76/235 entitled “Strengthening and coordinating United Nations rule of law activities” and take note of his suggestion to consider “Promoting a people-centred rule of law at the national and international levels as the foundation of our common agenda” as a sub-topic for the seventy-sixth session of the General Assembly.

While re-emphasising our commitment to the “Declaration on the commemoration of the seventy-fifth anniversary of the United Nations” contained in resolution A/75/1, we recognize that “[t]he peoples have to be at the centre of all our efforts” in order to achieve rule of law at national and international levels and to meet our common agenda as enumerated in that Declaration.

The NAM Members also reiterate that human rights, the rule of law and democracy are interdependent and mutually reinforcing. All States should fulfill 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 with 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 have 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 international law and the United Nations Charter.

Madam Chairperson,

The General Assembly must play a leading role in promoting and coordinating efforts towards strengthening the rule of law. However, the international community must avoid replacing the national authorities with the task of establishing or strengthening the rule of law at the national level and instead should only 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 the 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 as well as the national political and socioeconomic realities to prevent the 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 upon 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 Palestine with 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 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 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.

Madam Chairperson,

The Non-Aligned Movement takes note of the difficulties to reach consensus on the subtopic for the debate of this year's session of the Sixth Committee under the agenda item "The rule of law at the national and international levels" in resolution A/75/141, which emanated from the COVID-19 pandemic. However, we encourage Member States to construct an agreeable subtopic for the debate in the next session as well as for the report of the Secretary-General.

I thank you, Madam Chairperson.