

STATEMENT BY MR. VISHVJIT P. SINGH, MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 79 – THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVEL AT THE SIXTH COMMITTEE OF THE 63RD SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 13, 2008

Thank You Mr. Chairman,

India strongly supports adherence to the rule of law both at the national and international level and aligns with the Statement made by Cuba on behalf of the Non Aligned Movement. We see promotion of the rule of law as an essential tool for ensuring sustainable development and peaceful coexistence and cooperation among States.

We thank the Secretary General for the comprehensive inventory contained in document A/63/64 on the current rule of law activities of the United Nations that will facilitate in assessing the current capacity of the United Nations System to respond to the demand of rule of law assistance from Member States. The Secretary General's other Report contained in document A/63/226 on this topic identifies ways and means of strengthening and coordinating the activities of the United Nations System devoted to the promotion of

the rule of law. The Report contains several proposals designed to improve effectiveness of the assistance requested by States in building capacity for the promotion of the rule of law at the national and international levels.

Mr. Chairman,

We understand that the United Nations is currently conducting rule of law operations in more than 110 countries. A sizable number of these efforts are in conflict and post conflict situations where United Nations supports multiple aspects of the rule of law framework. In addition it is also engaged in traditional rule of law dissemination activities including publication of guidance materials and training of personnel.

Given the breadth of the United Nations' rule of law engagement, as reflected in the inventory, we hope that the 'Rule of Law Coordination and Resource Group', would be able

to fulfill its functions as a focal point for coordinating system-wide rule of law activities and help in coordinating the activities of all specialized agencies and organizations of the United Nations and ensure that there is no replication in their work on the promotion of the rule of law.

However the Secretary General rightly points out that notwithstanding the United Nations experience and expertise in many normative areas, it still suffers from under funded mandates and shallow capacities. In a number of rule of law areas, the Organization, therefore, needs to enhance its expertise and capacity.

On the other hand, rule-of-law assistance has sometimes been piecemeal and, in some instances, donor-driven and not in line with national priorities of the recipient countries. There is an urgent need to move towards approaches that are nationally-driven and sustainable, and approaches that can garner the requisite political and popular support.

Mr. Chairman,

Several studies show that the conventional view favors a “top down” approach, in which building the rule of law is primarily about crafting the right laws and institutional arrangements, which can be informed by international best practices. However another alternative: a “bottom up” strategy

involves providing technical assistance to different players in a transition country’s legal and political community—such as training lawyers and judges that helps build both a culture of respect for the law and a constituency that will demand legal reforms from their government. Though these approaches are not mutually exclusive, it has been seen that merely providing generic expertise by model legislations or visits by foreign experts is often not as helpful as involvement and building of local expertise. The Secretary General’s Report therefore correctly identifies partnerships with national rule of law stakeholders as a key that can provide insights on dynamics underlying key concepts and suggest innovations to improve the likelihood of success of a program.

Further, the United Nations is but one actor in the field. A lack of strategic planning and coordination among all rule-of-law entities, including donor Governments and non-governmental organizations, can produce duplication and can waste effort and money. Therefore, greater coordination and coherence within the United Nations has to be matched by coherence with other rule-of-law actors.

We are happy to note that the United Nations approach to rule of law is also focusing on some of these issues and is developing a result oriented and targeted Strategic plan for 2009-2011 that is intended to identify a shared vision, objectives

and joint activities that maximize areas of synergy and complementarity while minimizing overlap and duplication.

Mr. Chairman,

There is consensus among member States in support of the rule of law. A number of recommendations have been made by the Secretary General in his Report to move the rule of law agenda forward. These recommendations require serious consideration.

We hope that the Sixth Committee will be able to consider these recommendations and choose a topic this year to enable a structured discussion on the subject that will help to promote and strengthen the rule of law at the national and international levels.

Thank You

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