

STATEMENT BY MR. S.C. MISRA, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 85: "THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS" AT THE SIXTH COMMITTEE OF THE SIXTY-EIGHTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 09, 2013

Mr. Chairman,

I congratulate you on your assuming the chairmanship of the Sixth Committee of the United Nations General Assembly. I also congratulate the other members of the Bureau on their election.

Mr. Chairman

The agenda item "Rule of Law at the National and International Levels" has been on the agenda of the United Nations General Assembly since its sixty-first session. The principal objective for inclusion of this agenda item remained to strengthen the United Nations attention to the rule of law at all levels.

The last General Assembly session has been remarkable, in which the United Nations hosted a High-Level-Meeting on the Rule of Law at the National and International Levels. The Heads of States and Governments adopted a Declaration on the Rule of Law as an outcome document.

Mr. Chairman

The outcome document takes stock of the contemporary political, social and economic conditions and stresses upon the implementation of the rule of law principles, in order to achieve the objective of the maintenance of international peace and security, peaceful co-existence, gender justice and development.

The Outcome Document stresses the importance of continuing efforts to reform the Security Council. We consider it essential to reform the Security Council at the earliest possible to make the body broadly representative, efficient and transparent.

The Outcome document reaffirms the duty of all States to settle their international disputes by peaceful means.

Mr. Chairman

We thank the UN Secretary-General for his report A/68/213 entitled “Strengthening and coordinating United Nations rule of law activities”. The report throws light on the key achievements and challenges in the rule of law at the national and international levels over the past year, and also reflects on the activities carried out further to the Declaration of last year’s high-level meeting.

We agree with the notion in paragraph 36 of the report that the laws must be publically promulgated, equally enforced and independently adjudicated and should be consistent with the international human rights standards.

It is important to note that the law making activity at the national level is exclusively the domain of the national legislature. The rule of law is a fundamental concept to be fully observed in the law making and in the implementation thereof; however, there is no established definition of the term “Rule of law”.

Mr. Chairman,

According to the General Assembly Resolution 67/97, the focus of our debate in this session is on the sub-topic of “The rule of law and the peaceful settlement of international disputes”.

It is our considered view that settling international disputes by peaceful means should have the highest priority to achieve the goal of the maintenance of international peace and security. Article 33 of the UN Charter deserves special mention in this regard, which obliges the States to settle their disputes by peaceful means including by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The independent judiciary; efficient and transparent judicial system; and equal access to justice by all are a must to promote the rule of law.

Mr. Chairman,

The judicial settlement is an important mechanism available to the Member States for the peaceful settlement of their disputes. The International Court of Justice has a prominent role in the peaceful settlement of disputes.

The ICJ has proved remarkably efficient in fulfilling the task of peaceful resolution of disputes and has acquired a well deserved reputation as an impartial institution with the highest legal standards, in accordance with its mandate under the UN Charter. The Court has contributed significantly towards settling legal disputes between Sovereign States, thus promoting the rule of law in international relations.

Also, Mr. Chairman, we recognize the significant role of the Permanent Court of Arbitration (PCA) in the peaceful settlement of disputes, which provides services for the resolution of disputes involving various combinations of States, state entities, inter-governmental organizations, and private parties.

Mr. Chairman,

India is a strong supporter of respect for sovereignty, integrity and political independence of States. We believe in avoiding any unauthorized intervention in a State's internal affairs or use of force in any conflict or post-conflict situation. Adherence to the rule of law principles and enhanced cooperation among Member States in this direction at all levels could ensure the non-use of force in international relations and the peaceful resolution of international disputes.

I thank you Mr. Chairman.

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