

**73rd UN General Assembly  
Sixth Committee**

**India Statement by  
Shri. Prem Das Rai, Hon'ble Member of the Parliament**

**Agenda Item 86  
The Rule of Law at the National and International Levels  
8 October 2018**

Mr. Chairman,

We associate ourselves with the statement delivered by the Islamic Republic of Iran on behalf of Non-Aligned Movement. I would like to make the following remarks in our national capacity.

2. We thank the Secretary General for the Report A/73/243 on Strengthening and coordinating United Nations Rule of Law activities.

3. The report provides useful overview of UN's ongoing support to strengthen Rule of Law through police, justice and corrections work in a number of UN peace operations, as also support extended by UN agencies, funds and programmes in a range of non-mission contexts to development of legislations and policies, security sector reforms, transitional justice initiatives, ensuring accountability for conflict-related violence, access to justice for marginalized groups and strengthening of national institutions to combat terrorism.

Mr. Chairman,

4. Rule of Law defines modern societies and nation states. It is a way of living together that respects equality in terms of rights of individuals and states. The legitimacy of Laws is derived from the representativeness and acceptance of the body that frames them. Laws based on the principles of justice and fairness reduce conflict and provide for predictability of interactions, if enforced well.

5. Multilateralism is necessary to manage a globalised and interconnected world. However, today multilateralism appears to be under serious strain. Multilateralism can be successful only if the interaction between states is based on laws that aspire for greater collective welfare.

6. The United Nations was established to prevent conflict among competing powers and bring about a greater Rule of Law to govern the behaviour of nation states. In this context, the UN Charter serves as a guide, that even prescribes use of force under specific conditions.

7. The willingness of nation states to come together is evident from the existence of rule of law in a wide range of areas like trade, investment and intellectual property; transport and communications; use of global commons such as seas and oceans, environment, climate change, outer space, etc. We are now engaged in developing norms relating to the emerging complex areas of Marine Biodiversity Beyond National Jurisdiction (BBNJ) and Global Geospatial Information Management (GGIM).

8. However, more needs to be done to define rules of cooperation to prevent chaos brought about by rapid globalization driven by technology.

9. Regrettably, there are other areas where we have not been able to develop international rule of law to our serious collective disadvantage. Terrorism is one such alarming concern that impacts us all and requires effective international collaboration. However, law making on this issue continues to falter in view of narrow geopolitical interests. Ironically, often states hide behind legal concepts, designed for different contexts, to stop progress on this vital issue, including here at the UN in the context of a draft Comprehensive Convention on International Terrorism.

Mr. Chairman,

10. Rule of Law implies a certain dilution of individual freedom or national sovereignty. While at national level rule of law is enforced by a State by legal use of force, this dichotomy is fundamental to many of the enforcement difficulties at an international level. A related aspect is the requirement of alignment of national laws with international obligations. The dispute settlement mechanisms vary across the different types of areas of international engagement. The involvement of non-State actors and cross-border implications have added further complexity to the issue.

11. Strategic and competitive concerns make progress difficult on development or enforcement of rules and laws on issues such as law of the sea or other global commons.

Mr. Chairman,

12. India is the world's largest democracy based on rule of law and has emerged as the fastest growing large economy. The independence of judiciary, legislature and executive along with a free and vibrant media and civil society, with strong traditions of electoral democracy are cherished and are the basis for the rule of law in our country.

13. India strongly believes that cooperative and effective multilateralism is the only answer to the range of inter-connected challenges that we face in our inter-dependent world. This points to the strong need for Rule of Law at an international level.

14. India has always engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors.

15. We agree with the statement in para 77 of Secretary General's Report that International Treaties are the cornerstone of the Global system of harmonizing international relations. India recognises the role of multilateral treaty processes in advancing the rule of law which is also evident from the fact that India is a party to a greater number of treaties/conventions adopted under the auspices of the United Nations and other bodies.

16. We have taken steps to give effect to those treaties by enacting laws for advancing their purpose. In the last one year, India has ratified Minamata Convention on Mercury; acceded to the Protocol to eliminate Illicit Trade in Tobacco again; and is a party to the Framework Agreement on establishment of International Solar Alliance, a Treaty based Alliance, deposited with the Government of India and registered with United Nations in accordance with Article 102 of the Charter.

17. India also continues to partner fellow developing countries in capacity building efforts on aspects such as electoral practices, drafting of legislations and other law enforcement issues.

18. We recall GA Resolution 72/119 inviting Member States and the Secretary General to suggest possible sub-topics for future Sixth Committee debates. We endorse the importance of all the sub-topics suggested by Secretary General in his Report in Para 72.

19. We look forward to in-depth discussions on the suggested sub-topics in order to realize the vision of our Charter of eradicating conflict, poverty,

violence, exclusion and disasters being faced by the international community today.

Mr. Chairman,

20. Unjust or discriminatory laws that do not balance competing interests in a fair manner, or those designed and implemented by powers that are not representative, only fuel long term conflict.

21. Also, laws do not remain static. They continue to evolve according to changing circumstances, often brought forth by changes in society and prevailing technologies. Changes also leave many old laws and regulations redundant. The Indian constitution, adopted seven decades ago, has seen over 100 amendments.

Mr. Chairman,

22. Effective multilateralism and international rule of law requires that the global governance structures should reflect contemporary realities. The current UN structures were designed for a bygone era by a mere handful of nation states. For retaining legitimacy and effectiveness, fundamental reform of these structures, especially the Security Council is needed.

23. We recall General Assembly Resolution A/RES/72/119 of 18<sup>th</sup> December, 2017 and Para 83 & 84 in the Report of the Secretary General with regard to implementation of the Rule of Law aspect of 2030 Agenda. We reaffirm India's commitment to work for the full implementation of the 2030 Agenda for Sustainable Development (Resolution 17/1) and would request Secretary General to set goals and targets to achieve them for the advancement of the Rule of Law.

24. We hope that the international community will be able to transform the UN to meet the emerging global challenges of the 21<sup>st</sup> Century.

Thank you, Mr. Chairman.

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