



General Assembly

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Sixth Committee – Legal

This group focuses on legal questions. The United Nations is interested in creating international laws that all countries can agree to. They also want to make sure that the laws are written down and that everybody knows what the laws are. This makes it easier for countries to work together and stops wars from happening. They also encourage countries to make good laws that protect its citizens.

Every year the General Assembly assigns this group a list of things they should discuss. If the legal question is very difficult to answer or is complex this group will ask for help from the **International Law Commission**. This committee has a tradition of consensus. Countries reach agreement without having to take a vote. This makes sense because if you want everybody to follow a law they should all agree that it is a good idea.

This group works closely with the **International Law Commission**. They have passed resolutions on international terrorism, human cloning, and the taking of hostages.

Agenda Item 85 – The Rule of Law at National and International Levels

Background

Human societies work better when there are laws. 3700 years ago king Hammurabi of Babylon created a series of laws. Those laws were written on a tablet and placed in a public place where anybody could see it. The laws listed what was against the law and what the punishment would be. Everybody had to follow the law. This is one of the first code of laws.

Since Hammurabi most countries agree that laws make human society much nicer for everybody. Laws protect people from violence, provide justice and defend human rights. Without laws people would not feel that their property was safe. Laws state how many hours a person can work per day and how much money that person must make. Laws also define what is maple syrup! This stops people from selling fake maple syrup and other food products. Overall, laws should protect people and make their lives safer.

The rule of law means more than just people being punished for crimes. It means that all people are treated fairly. It means all people have the same chance to improve their lives. It means that you are not treated differently because you are a woman, have a different skin colour or a different religion.

There is the international rule of law and the national rule of law. International rule of law are the rules all countries should follow. The basis for this is the Universal Declaration of Human Rights. This document outlines all the rights that people have. If a country or person breaks these laws they should be punished. The UN created the International Criminal Court in order to deal with this problem.

National laws should also protect human rights. If all people have the same rights and the state protects those rights, all people should be able to live in security. Countries need to do more than just write down the laws. They need to create institutions that enforce the law. Therefore, for rule of law to be successful you need police, courts, elections and many other programs to protect human rights.

The rule of law is necessary for the UN to accomplish its three goals: peace and security, human rights and development. At the World Summit in 2005 countries agreed to this fact. In 2012 the General Assembly agreed that all people, companies, and institutions (including the government) should have equal protection under the law. This was a big step because it meant governments agreed they also had to follow the law.

The UN encourages countries to improve the rule of law in many ways. Sustainable Development Goal 16 is: Peace, justice and strong institutions. This is a goal that all countries in the world want to achieve. Also, the UN offers rule of law assistance to many of its members. This might be help running an election, training police officers or helping a country organize their democracy.

Limits on Power

The government cannot do anything it wants. It has to follow rules and people know what the rules are. Power should also be shared between parts of the government. This means that no part of the government has absolute control. This stops presidents and other leaders from becoming dictators. Groups outside the government check to make sure it is doing what it is supposed to. In democracies, people can change the government if they do not like it by voting.

Open Government

The government does not do things in secret. It is honest with people and people can learn about what it is doing. This also means that all people in the country can get information. Women and other minority groups can ask for information without any problems. In some countries only men can get access to information which is a problem. The government publishes the laws so people know what they are. They also publish data. For example, how much money they spend on the military or schools so that people can see how their taxes are spent.

Human Rights

The government has laws that protect people from discrimination. All people are treated equally under the law. It does not matter if they are a different gender, religion, colour, or ethnicity. This is important because it means all citizens are protected. The special rights of children should also be respected. The country does not allow children workers and works to stop companies that use them. The country also works to keep children out of dangerous situations.

Order and Security

The country has police officers to enforce laws and protect people and they help prevent crimes. The government can stop armed groups from hurting each other or innocent people. An example of this might be terrorists. Finally, people do not take the law into their own hands. They do not try to get revenge for something someone did to them. They contact the police if they have a problem.

Justice

If people feel that someone has treated them unfairly they can take that person to court. The court will not discriminate and will settle the dispute fairly. If someone commits a crime the government will try to find that person and give a fair punishment. The person who committed the crime is also treated fairly. Alternative justice systems can be used as long as they follow human rights and all parties agree. An example of this might be restorative justice circles used in some Canadian communities.

No Corruption

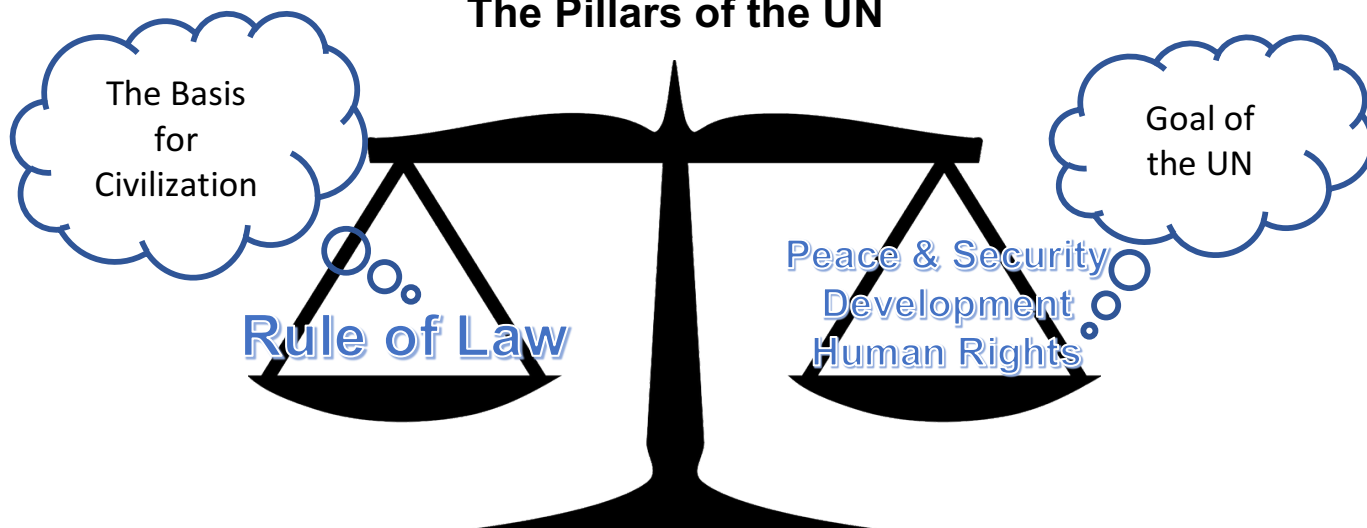
The government does not give special treatment to people who offer bribes. People are treated equally regardless of how much money or power they have. Employees of the government do not try to get personal gain, or benefits for family members, by using their job connections or position. People can trust that they do not need to pay extra fees in order to receive a service. Government services are for everybody and no extra payment is needed. The prices of services are fair and published for everyone to see.

International Court of Justice

This court started in 1946 and is located in the Peace Palace in The Hague, Netherlands. This is a court for countries to resolve their problems. Only a country can bring a case against another country – individuals or business cannot. All countries that join the UN automatically become members. The UN Security Council can enforce any judgments but the five permanent members still get a veto. This is an important mechanism to prevent wars.

International Criminal Court

This court started in 2002 and is located in The Hague, Netherlands. This court will prosecute four crimes: genocide, crimes against humanity, war crimes, crime of aggression. So far, 39 people have been charged with war crimes. However, many of these people are fugitives or died. After a person is convicted they will spend in the detention center until they have served their sentence. 124 countries are parties to the court.

The Pillars of the UN

Guiding Questions

1. Does your country have the rule of law? Do its neighbours have the rule of law?
2. How can countries work together to improve the international rule of law?
3. Research the International Criminal Court. How has your country been involved in the past?
4. Research the International Court of Justice. How has your country been involved in the past?
5. Look at the things a country needs to have the rule of law. How can a country achieve these goals?
6. How can countries encourage other countries to improve their national rule of law?
7. Why is rule of law important for the three pillars of the UN? The three pillars are peace and security, development and human rights.

Resources

Title	Hyperlink	How is it helpful?
<i>UN and the Rule of Law</i>	https://www.un.org/ruleoflaw/	UN site about the rule of law, why it is important and progress that has been made.
<i>World Justice Project</i>	http://worldjusticeproject.org/	Organization that wants to increase the rule of law around the world.
<i>International Trade Union Confederation</i>	http://www.ituc-csi.org/	Group that works to protect the rights of workers around the world.
<i>UN Chronicle</i>	http://unchronicle.un.org/article/rule-un-promoting-rule-law-challenges-and-new-approaches/	Newspaper article about the rule of law. It lists some of the problems and new ideas they are using.
<i>International Development Law Organization</i>	http://www.idlo.int/	Group that works to increase the rule of law. They have a lot of information on topics and countries.
<i>Sustainable Development Goals</i>	http://www.undp.org/content/undp/en/home/sdgooverview/post-2015-development-agenda/goal-16.html	Explains Goal 16 of the Sustainable Development Goals.
<i>The United Nations Democracy Fund</i>	http://www.un.org/democracyfund/	A UN organization that works to increase democracy around the world.
<i>Democracy Web</i>	http://democracyweb.org/node/63	History of rule of law and examination of various countries.
<i>International Criminal Court</i>	https://www.icc-cpi.int/	This is the official website of the court that prosecutes people who abuse human rights.