



Statement on behalf of the European Union and its Member States

By

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at the Sixth Committee

on

**Agenda item 83
"The Rule of Law at the national and international levels"**

United Nations

New York

9 October 2012

- CHECK AGAINST DELIVERY -

Mr. Chairman,

I have the honour to speak on behalf of the European Union and its Member States

The Acceding Country Croatia* aligns itself with this declaration.

We welcome the fact that the rule of law continues to be a standing item on the agenda of the General Assembly and of the Sixth Committee. In this context, we look forward to the critical work which will be carried out by the UN Rule of Law Coordination and Resource Group and the Rule of Law Unit.

We also welcome the adoption by the General Assembly on 24 September 2012 of the Declaration of the High-level Meeting on the Rule of Law at the national and international levels, which was attended by many Heads of State and Government and ministers, and supplemented by many side events. It positively puts forward a comprehensive vision of the rule of law and affirms linkages with the three main pillars of the United Nations – peace and security, development and human rights. It fully affirms equality before the law, the right to access to justice and a full commitment to human rights and fundamental freedoms for all. The Declaration also reaffirms the international community's commitment to the fight against impunity, and the role of the International Criminal Court. It also addresses transitional justice and affirms the importance of the rule of law for conflict prevention and in post-conflict settings.

In each of the areas covered by the Declaration of 24 September 2012, the EU has made substantive pledges, backed up by concrete measures. The EU Member States have presented a list of their national pledges. We welcome the pledges of commitments to strengthen the rule of law made by many UN member States and encourage further pledging. We also welcome the fact that certain States are already acting on the implementation of their pledges.

We strongly support further comprehensive GA-level discussions reflecting on the linkages between the rule of law and the three pillars of the UN and especially the consideration of the inter-relationship between rule of law and sustainable development in the post-2015 international development agenda. We look forward to the SG's report at the 68th session on his proposals on ways and means to develop further such linkages, with wide stakeholder participation.

We welcome the report of the Secretary-General of 10 August 2012 on strengthening and coordinating UN rule of law activities. It provides an opportunity to track the progress made towards strengthening the rule of law at national and international levels and to reflect on current challenges. It highlights in particular continuing progress and the next steps to be taken towards developing a more comprehensive and joint United Nations approach in support of national priorities. It builds on the report of the Secretary-General of 16 March 2012 on Delivering Justice, which includes a very important Programme of action aimed at creating a common agenda of all Member States and the UN so that future discussions in this broad area can be more effectively structured and collective action better targeted.

* Croatia, continues to be part of the Stabilisation and Association Process.

Mr. Chairman

The European Union is a Union of values and a community of law. Primary among these are the universal values: democracy, rule of law and respect for human rights. These are the pillars on which our European Union is built. Rule of law is of critical importance for the EU's external policy. Respect for the rule of law is an essential condition for peace and stability in the consolidation and support of democracy, and in the fight against impunity. For the European Union and its Member States, respect for the rule of law is inextricably linked to the protection of human rights and fundamental freedoms and needs to be pursued both at national and international level. This is a fundamental responsibility of every state towards everyone within their jurisdiction.

Consequently, the European Union and its Member States strongly support the role of the International Court of Justice as the principal judicial organ of the United Nations and calls on all States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

Also, the European Union and its Member States are firm supporters of the International Criminal Court. We support the ICC in its efforts to provide for accountability and in fighting impunity. Through referring the situation in Libya to the ICC in its Resolution 1970 of 2011, the Security Council took decisive action in furthering of the rule of law. 2012 represents a milestone for the ICC as the Court delivered its first verdict against Thomas Lubanga who was convicted for using child soldiers. The permanent character of the ICC allows the Court to contribute to preventing violence and, where it has jurisdiction, to play a role at any time in conflict and post-conflict situations. The universality of the Rome statute is key to widening the reach of the Court and preventing the most serious crimes of concern to the international community. Therefore, we call on all members of the UN that are not yet parties to the Rome Statute to ratify or accede to it, call on all States parties that have not yet done so to implement it in their national legal order, and call on the States parties to the Statute and other States to cooperate with the Court to enforce decisions of the Court. We particularly welcome the announcement made by Haiti during the High Level Meeting on the Rule of Law concerning its intention to ratify the Rome Statute. We also praise the decision of the Government of Ivory Coast to commit to ratifying the same treaty following the reform of its Constitutional framework.

We emphasize that sanctions are an important tool in the international fight against terrorism and underline the importance of prompt and effective implementation of relevant sanctions measures. Regarding targeted sanctions regimes, full respect for the rule of law and due process are necessary to uphold their legitimacy and efficiency. We welcome the significant steps taken by the Security Council to further reinforce fair and clear procedures in the UN sanctions regime on Al Qaida, including through enhancing the role of the Office of the Ombudsperson.

Through the Instrument for Stability, which is mainly implemented through UN agencies, the EU is providing concrete assistance in the field of the rule of law to many countries, in particular in post-crisis situations.

Moreover, many of the EU civilian crisis management operations carried out by the European Union in the context of its Common Security and Defence Policy focus on the rule of law. The most prominent example is the EU's Rule of Law Mission in Kosovo under the general framework of United Nations Security Council Resolution 1244. In the context of the EU Integrated Rule of Law Mission for Iraq, the EU contributes to the establishment of a professional Iraqi criminal justice system based on the rule of law.

Furthermore, the European Union and its Member States are committed to building societies resilient to conflict. While commending the substantial progress made in this area, we emphasise the need to devote our common efforts to improving the strategic and effective assistance in conflict and post-conflict situations by ensuring greater quality, coordination and coherence of the engagement of the UN and its members. In particular, the events of the Arab Spring represent a historic opportunity to build greater respect for human rights, democracy, dignity and prosperity, and efficient rule of law systems in the Southern Mediterranean and to reach the benefits that will come with it. In response the EU has developed a new strategy for a changing European neighbourhood.

Mr. Chairman,

Recognising the cross-cutting nature of the rule of law, we are counting on all relevant actors to ensure an appropriate follow-up to the High-Level Meeting of 24 September 2012 and we will actively contribute to it.

Thank you, Mr. Chairman