



# AUSTRALIA



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9 October 2013

## General Assembly, Sixth Committee

### Agenda item 85: The rule of law at the national and international levels

**Statement by Anastasia Carayanides  
Minister-Counsellor  
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(Check against delivery)

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Mr Chairman

Australia is deeply committed to the rule of law, at the national and international levels. As Australia stated during last year's High-level Meeting on the Rule of Law, the rule of law is the best guarantee of the freedom and dignity of all people. We welcomed Member States' re-commitment to the rule of law in the Declaration on the Rule of Law at the National and International Levels, adopted on 24 September 2012.

That Declaration recognised the important contribution that the rule of law makes to the peaceful settlement of international disputes and to conflict prevention. States contribute to international stability by prioritising the peaceful resolution of their disagreements, through respect for international law, rules and norms, and through the utilisation of the international justice system.

The international justice system, particularly the International Court of Justice (ICJ), has a critical role to play in this regard by offering States a mechanism through which they can seek a judicial settlement and by contributing to the evolution of international law. Australia calls on all Member States that are yet to accept the compulsory jurisdiction of the ICJ to do so and congratulates the Marshall Islands on taking that step earlier this year.

Beyond the ICJ, international criminal courts and tribunals also play a valuable role in upholding the rule of law and combating impunity. Without justice, it is difficult to establish an inclusive and lasting peace. The investigations and prosecutions by the International Criminal Court (ICC) and relevant *ad hoc* courts and tribunals, have demonstrated that those responsible for the most heinous of crimes – genocide, war crimes, crimes against humanity, and gross violations of international human rights law and international humanitarian law – are not above the law. In this regard, we call on all those Member States – that have not already done so – to ratify and implement the Rome Statue of the International Criminal Court.

We note recent concerns expressed about the ICC, particularly in the African context. Australia has been a steadfast supporter of the Court since its inception. We have welcomed Africa's leadership on the ICC since its creation, including the high rate of ICC membership among African countries, and that many states on the African continent have set a commendable example in referring matters to the ICC Prosecutor. Decisions about justice, especially in conflict situations, are never straightforward, and the actions of the ICC will inevitably generate controversy from time to time. But we encourage all ICC States Parties to remain committed to the difficult, but vital, endeavour we set out upon more than ten years ago: of ending impunity.

Australia would also like to highlight the chronic funding crisis which continues to impact the Extraordinary Chambers in the Courts of Cambodia (ECCC). It is important that adequate funding be provided by Member States so that the ECCC can continue its important work. As the Secretary-General has recently noted, financial failure of the

ECCC would be a tragedy for the people of Cambodia, and Australia supports his call for the international community to provide urgent financial support to the ECCC.

Mr Chairman

For the rule of law to prevail, States require a robust, impartial and independent judiciary that has the respect of the community it protects. In this regard, there is a need for effective and coordinated assistance to develop the capacity of State justice institutions.

Australia has been engaged for a number of years with other Member States in providing rule of law assistance and capacity building in our region and elsewhere.

Over the past two decades, our contribution to peace operations has evolved and moved beyond simply keeping the peace to actively building the peace.

Promotion of the rule of law – particularly for women and marginalised groups – has been central to this effort. Working with host countries and our partners, Australia has embraced the idea that effective, efficient and accountable judiciaries, prisons and police forces are crucial to the promotion of security and development. This recognition has guided Australia's actions, particularly in Timor-Leste, the Autonomous Region of Bougainville of Papua New Guinea, the Regional Assistance Mission in the Solomon Islands, and in Afghanistan, where we have focussed on security sector reform and improving people's access to justice.

Australia also works with countries in our region to build capacity to combat the challenges of transnational crime, domestic crime, corruption, and policing and international crime cooperation, including extradition and mutual legal assistance. Support for the rule of law is also a feature of our broader development assistance program.

While institutional strengthening and reform takes time, it is vital to establishing or re-establishing the rule of law in countries that have been affected by conflict. States that have a strong and accountable law and justice system are better able to respond to and

prevent the escalation of conflict by providing an avenue for the peaceful settlement of disputes. They are also more likely to promote and respect the rule of law at the international level.

Mr Chairman

Australian remains committed to working with the UN and Member States to encourage and foster greater adherence to the rule of law at both the national and international level, to translating the more than 250 pledges that accompanied the Declaration on the Rule of Law into action, and to promoting, wherever possible, the peaceful settlement of international disputes.

Thank you.