



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

SIXTH COMMITTEE

AGENDA ITEM 85: The Rule of Law at the national and international levels

Speech by H.E. Jim McLay

Ambassador Extraordinary and Plenipotentiary Permanent Representative

9 October 2013

Mr Chair

I wish to start by joining others in congratulating you on your election to Chair of this Committee and extending similar sentiments to the members of the Bureau.

New Zealand is a strong supporter of the rule of law at the national and international levels. Domestically, the rule of law underpins our open system of government. The fundamental principles of the rule of law, freedom, democracy and human rights are consistently reflected in our foreign policy.

As a small state, New Zealand places great importance on the rule of law and the international courts and tribunals designed to enforce it. The rule of law provides a common framework of norms and standards for addressing issues that transcend borders. Further, when approached constructively, the rule of law acts to level the playing field for small states when preventing and addressing conflict.

The United Nations Charter tells us that the first purpose of the UN is to maintain international peace and security. Adherence to, and the maintenance of the rule of law is fundamental to achieving this purpose. As the Charter outlines, one of the primary goals of this Organisation is to bring the rule of law to international relations. All United Nations institutions therefore have a role to play in advancing the rule of law and its effective implementation, particularly in times of conflict.

This important role has been reflected in the recent UN Security Council resolution on Syria. There is no graver situation currently calling for action in accordance with the rule of law, than that in Syria. The use of chemical weapons is contrary to international law and the suffering it has caused in Syria is particularly abhorrent. We reiterate our condemnation for the use of those weapons and other widespread violations of international humanitarian law and human rights against the people of Syria. New Zealand welcomes the progress that is being made to destroy stockpiles of chemical weapons in Syria. The international community must work together to ensure that there is an appropriate response to this, in accordance with the rule of law.

Mr Chair

Addressing the current situation in Syria is a crucial matter. However, like all conflicts, the situation in Syria reminds us that the importance of rule of law is not only in guiding how we work together to resolve violent conflict, but also how its effective implementation can prevent conflict arising in the first place. Rule of law is an essential building block of a secure and stable society and, as was reiterated in the high level declaration last year, is essential for sustained and inclusive economic development. For these reasons, New Zealand welcomes the emerging focus on justice, rule of law and good governance as cross-cutting themes for the post-2015 development agenda.

New Zealand continues to support the promotion of the rule of law at the national level in our region and elsewhere, particularly through assistance and capacity building. Such assistance helps with our partners' efforts to build effective law enforcement agencies,

ensure access to adequate legal representation and create independent and competent judiciaries. New Zealand particularly commends Timor-Leste's outreach and "giving back" to other post-conflict countries through the G7 Plus group.

New Zealand has long supported its partners in the Pacific in this regard, notably in Solomon Islands and in the Autonomous Region of Bougainville, Papua New Guinea; and over the past decade we've also been pleased to assist the Government of Timor-Leste in its efforts to build robust rule of law institutions, including its national police force and central governance and human rights bodies. Timor-Leste is one of many post-conflict countries to recognise the importance of effective rule of law institutions in consolidating peace and stability; and both the Timorese Government and its international partners can feel justly proud of their achievements to date in this regard.

New Zealand also recognises the importance of regional organisations in supporting and advancing the rule of law. Organisations such as ASEAN, ECOWAS – in West Africa, the African Union, the OSCE and the Organisation of American States provide positive forums for member countries to discuss issues of regional importance as well as resolve differences and come to workable solutions peacefully

Mr Chair

When considering the role of rule of law in preventing conflict, the theme of this year's debate, the peaceful settlement of international disputes, is very pertinent. It is to be expected that difference between States will arise and at times, to resolve these peacefully, the involvement of an impartial arbiter will be required. It has long been recognised by the General Assembly that recourse to such mechanisms should not be considered an unfriendly act between States but an act which exemplifies our mutual commitment to the rule of law.

The International Court of Justice, with which New Zealand has been engaged on a number of occasions, is an effective mechanism for resolving disputes between States. As an island nation New Zealand also places great importance in oceans governance and the work of the International Tribunal for the Law of the Sea.

Mr Chair,

As the rule of law embodies the notion of accountability to the law, New Zealand continues to support the International Criminal Court and has been a strong supporter of the "hybrid" courts introduced in Cambodia and Sierra Leone. These have played a vital role in developing the respective national legal systems and promoting the rule of law, as well as ensuring accountability. Placing such models in the local setting allows for greater ownership and participation and can enable a greater level of reconciliation. In this way, they can reduce the likelihood of further conflict breaking out. We encourage member states to support the on-going work of these courts.

While international courts are extremely important, these mechanisms are but one piece of the puzzle. We acknowledge that alternative mechanisms of justice and reconciliation

have a fundamental role in promoting the rule of law and ensuring that justice is realised. New Zealand supports truth and reconciliation models of justice such as that employed in South Africa and in the "Gacaca" courts in Rwanda. It is important to recognise that dispute resolution and reconciliation is not a one-size-fits-all model and alternative means of promoting the rule of law can also be effective.

Mr Chair, for New Zealand, the rule of law cannot be confined to consideration of an abstract legal principle. But rather must be conceived of in the context of the actions taken by States, collectively and individually, to implement that principle. It is these actions we take, both at the national and international level, which give our discussions here meaning.