



# New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

SIXTH COMMITTEE

AGENDA ITEM 82: The Rule of Law at the national and  
international levels

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Speech by H.E. Jim McLay

**Ambassador Extraordinary and Plenipotentiary Permanent Representative**

*9 October 2014*



Mr Chair –

New Zealand congratulates you on your election to Chair; and extends similar sentiments to the members of your Bureau.

New Zealand places great importance on the rule of law, and the domestic, regional, and international mechanisms that uphold it. The rule of law provides a common framework of norms and standards for addressing issues, from local justice needs, to those transcending national borders. New Zealand welcomes the theme of this year's debate, as an important opportunity to focus on practical actions, and on the impact of those actions in creating and maintaining international standards.

The *High-Level Declaration on the Rule of Law*, emphasised that access to justice is vital to achieving equality before the law, particularly for the most vulnerable. And the Secretary-General's report highlighted the fact that, while some countries, including those emerging from conflict, will have particular needs in this regard, all states must ensure equal access to justice.

In New Zealand a range of initiatives strengthen access to justice in our local communities. One example are Rangatahi (youth) courts, which operate in traditional community meeting houses – or marae – and deal with offending on a whole-of-life basis.

Beyond our borders, we support promotion of the rule of law in our region and further afield, predominantly through assistance and capacity-building initiatives; thus supporting our partners' efforts to build effective law enforcement agencies, ensuring access to legal representation, and creating independent and competent judiciaries which reflect their own national needs and circumstances. At a very practical level, we support the Pacific with sitting judicial officers where needed; and we provide electoral observers, both in the Pacific and beyond. New Zealand sent observers to last month's elections in Fiji, and, under the leadership of Timor Leste, to the elections in Guinea-Bissau last year.

We recognise the role of regional organisations in supporting and advancing the rule of law; they can provide vital, locally-tuned, assistance for rule of law and governance capacity-building; and can also provide mechanisms which might peacefully resolve address issues of regional importance.

Regional courts also offer a forum, additional to domestic courts, in which individuals may seek redress; and those same courts can add breadth and depth to the Rule of Law by developing regional jurisprudence.

Mr Chair –

New Zealand has previously argued that strengthening rule of law capacity should be a priority in peace-keeping mission planning.

This includes effective and early peacebuilding initiatives focussed on strengthening local communities, and working with governments through sustainable actions that reflect local needs. Given the long-term and multi-faceted nature of rule of law engagements, New Zealand again calls on the Security Council to provide greater strategic direction and oversight to those efforts, to ensure they are coordinated, sequenced and adapted to the relevant context; in which regard, we particularly recognise the DPKO/UNDP Focal Point initiative.

Access to justice must also ensure justice for victims. New Zealand applauds complementarity efforts which implement international crimes domestically, thus ensuring, as far as possible, that atrocity victims have access to locally-based justice. We also recognise that, alongside more traditional judicial accountability, there's an important role for national truth and reconciliation processes to address conflict and often associated atrocities.

Mr Chair -

The Rule of Law cannot be confined to consideration of legal principle. Principles are only relevant if they are recognised and delivered in practice; rights have meaning only when realised. The Rule of Law stands or falls on how we – individually and collectively – apply it on a daily basis. It is only the actions we take that give meaning to our discussions in this committee and other UN fora where rule of law, or its aspects, are discussed. We take this opportunity to recognise the inter-linkages between rule of law and the UN three pillars; and we appreciate the Secretary-General's proposals, in his addendum report, for strengthening these linkages; and we look forward to discussing these options with colleagues over the coming days.