

CANZ STATEMENT – RULE OF LAW

Mr. Chairman,

I have the honour to speak today on behalf of Australia and New Zealand as well as my own country, Canada.

The rule of law is a universal principle of the United Nations. It is not the product of any single legal system or tradition but rather our common experience. The rule of law underpins the international rules based system that preserves and nurtures global prosperity and security. CANZ countries are strong supporters of the rule of law at the national and international levels and recognize that it is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty, the protection of human rights and fundamental freedoms, as well as for the maintenance of international peace and security.

We also believe that developing and maintaining strong and stable democratic institutions, whether international or domestic, is key to ensuring respect for the rule of law.

Mr. Chairman,

Maintaining and building respect for the rule of law poses all of us two distinct challenges.

The first challenge relates to strengthening the rule of international law. The rule of law provides the foundation for a stable and predictable rules-based international order, including through protecting the sovereign independence and equality of States. The respect for the rule of law is also inextricably tied to the ending of impunity, especially for the most serious international crimes.

CANZ countries have long advocated for greater accountability for these crimes and a path to justice for the victims of such atrocities. As such, we have been strong and active supporters of international criminal justice mechanisms. These mechanisms promote the rule of law by holding to account those responsible for some of the most serious violations of the law, such as genocide, war crimes and crimes against humanity. CANZ countries believe that the work of independent, professional, and recognized international courts and tribunals is a cornerstone of the rules-based international order.

CANZ countries thus continue to support the work of the International Court of Justice as the principal judicial organ of the UN and in the peaceful settlement of international disputes. As State Parties to the Rome Statute, we are longstanding supporters of the International Criminal Court and its efforts to hold the perpetrators of the most serious international crimes to account.

CANZ countries also recognize the important role of ad hoc and other specially established international criminal tribunals and international arbitration mechanisms, including the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011. These institutions support the rule of law by promoting national reconciliation, providing justice to victims, and contributing to a lasting and inclusive peace. We welcome, in the context of holding perpetrators to account, the recent decision by the Conference of States Parties to the Chemical Weapons Convention which condemned in the strongest terms that chemical weapons have since 2012 been used in Iraq,

Malaysia, the Syrian Arab Republic, and the United Kingdom, and accords the Organisation for the Prohibition of Chemical Weapons (OPCW) the mandate to attribute responsibility for the use of chemical weapons in Syria, with a view to facilitating universal attribution. We also welcome that the Human Rights Council has adopted a resolution establishing an Impartial and Independent Mechanism (IIIM) for Myanmar.

Mr. Chairman,

The second, equally critical challenge we wish to refer to relates to the respect and strengthening of the rule of domestic law within the constitutional and legal framework of individual States. Within each State, a system which creates and administers law based on transparent assessments, equality before the law, open access to an independent and impartial court, and the consistent, neutral, independent and non-arbitrary application of legal rules to individual cases is critical to domestic stability, prosperity and social consensus.

These two challenges are equally important because they are interdependent. Our own domestic rule of law frameworks are critical to the governance of our international relations, peacekeeping, reconstruction and development aid systems. Each State has the sovereign right to set its own policies and make its own laws, but the manner in which domestic laws are made and administered is critical because it forms the stable domestic platforms from which all of us interact at the international level.

Mr Chairman,

We recall our joint commitment in the 2030 Agenda for Sustainable Development and in particular in Sustainable Development Goal 16, to promote just, peaceful and inclusive societies. Agenda 2030 recognises the important contribution of good governance, the rule of law and transparent, effective and accountable institutions to sustainable development.

In support of this key objective, CANZ countries have been actively engaged within international institutions but also in capacity-building activities.

New Zealand's support for promotion of the rule of law makes its mark in the form of assistance and capacity-building initiatives with its neighbours. The promotion of effective governance, including access to justice, is a priority of the Australian aid program. For Canada, the promotion and support of the rule of law is an international priority.

For CANZ countries, support for national capacity building efforts has taken various forms, including the strengthening of legislation in fragile countries and the development of the efficiency and accountability of legal systems in our regions. CANZ countries have actively contributed to increasing access to justice through effective bilateral governance programs, as well as regional work with police, courts, corrections systems, legal aid agencies, justice departments and informal justice providers.

Thanks to CANZ engagement, regional anti-crime capacity building to fight transnational crime has been put in place. The provision of numerous experts to strengthen judicial institutions has also been part of various bilateral programs. CANZ efforts have encouraged increased access to justice that is appropriately designed for national and local circumstances, strengthened judicial independence, and effective processes.

We believe that these active contributions help, collectively, to build a stronger and more stable rule of law for the benefit of all.

Mr Chairman,

CANZ countries wish to acknowledge the valuable work being done in the UN system to promote and advance the rule of law. It is essential that Member States recognize the considerable contribution of the International Law Commission to the codification and development of international law.

CANZ would like to thank the Rule of Law Coordination and Resource Group and the Rule of Law Unit for their work, which includes coordinating the exchange of information about the rule of law activities within the UN system and providing greater coherence to rule of law policy and programming. We encourage all Member States to support the work of these institutions as they are only as valuable as their capacity to advance their substantive objectives.

Thank you.