



Statement on behalf of The Kingdom of the Netherlands

By Mr. Sidney Kemble

First Secretary Permanent Mission to the United Nations

on

agenda Item 86

Rule of Law at the national and international level

at the Sixth Committee

-Check against delivery-

Thank you for giving me the floor Chair,

Let me start by thanking Mr. Fabrizio Hochschild-Drummond, Assistant Secretary-General for Strategic Coordination in the Executive Office of the Secretary-General, for his briefing this morning. Let me also thank the Secretary-General for his report on '*Strengthening and coordinating United Nations Rule of Law Activities*' (A/73/253).

We align ourselves with the statement given by European Union on behalf of the EU and its Member States.

We would like to make some additional comments on:

- (1) Strengthening the rule of Law at the national level,
- (2) Strengthening the rule of Law at the International level,
- (3) Strengthening the rule of law within the United Nations.

[Strengthening the Rule of Law at the National Level]

At the outset, we would like to extend our appreciation to the 11.000 police officers, 205 judicial affairs officers and 367 correction officers active in 12 United Nations peace operations. They are at the forefront in strengthening the rule of law under challenging circumstances, aimed at advancing peace and stability, by protecting civilians, supporting victims' rights, ensuring accountability for the most serious crimes, and ensuring access to justice.

We would also like to extend our appreciation to the United Nations Development Program for their work in more than 40 countries aimed at strengthening the rule of law.

For the Kingdom of the Netherlands access to justice, judicial reforms and transitional justice are essential for preventing conflict, sustaining peace and addressing the root causes of instability. They are critical to ensure that drivers of inequality, instability and conflict are addressed so that peace can be sustained.

We are committed to step up our own efforts to accelerate equal access to justice for all. We proudly co-chair with Argentina, Sierra Leone, and The Elders, an international Task Force on Justice under the umbrella of the Pathfinder's initiative. This initiative aims to increase awareness and commitment for investment in access to justice for all.

Strengthening the rule of law is a continuous assignment applicable to all states, including those with a well established rule of law. That is why, at the national level, my Government last year established a State Commission to assess how the rule of law in the Netherlands can be strengthened.

States have the primary responsibility to fight impunity and to hold perpetrators of the most serious crimes under international law accountable. We note with appreciation that some Member States have taken concrete steps to ensure accountability for these crimes, including conflict-related sexual violence.

We call upon the Secretary-General, as a matter of priority, to continue this support that is instrumental for the fight against impunity.

[Strengthening the rule of law at the international level]

Chair,

This year, we celebrate the fact that 20 years ago, the Rome Statute was adopted. We urge the signatories of the Rome Statute to continue their political, financial and logistical support to the ICC.

We note with appreciation that during the reporting period, 35 states parties to the Rome Statute have ratified the amendments on the crime of aggression.

In addition, employing microbial, biological or toxin weapons, employing weapons that injure by fragments undetectable by x-rays, and employing laser weapons specifically designed to cause blindness, are from now on a war crime, falling under the jurisdiction of the ICC. The Kingdom of the Netherlands whole heartedly supports these amendments.

Due to the tireless efforts of the United Kingdom, the Special Conference of States Parties to the Organization for the Prohibition of Chemical Weapons, extended the mandate of the Secretariat to attribute the use of chemical weapons.

Any use of chemicals as a weapons should be thoroughly investigated, and those responsible should be brought to justice. We congratulate the United Kingdom for achieving this result.

We note with appreciation that the International Independent Impartial Mechanism for Syria, is operational. My Government is impressed by the speed with which, the head of the Mechanism, Ms. Catherine Marchi-Uhel, took up her duties. We welcome the second report of the IIIM and look forward discussing the report in a formal meeting of the General Assembly.

We also support the decision of the General Assembly that the financing of the IIIM should be included in the United Nations budget. We look forward to the proposal of the Secretary-General implementing this decision.

My Government welcomes the recent decision of the Human Rights Council to establish an “ongoing independent mechanism to collect, consolidate, preserve and analyze evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011”. This decision sends a strong and much needed signal that there must be accountability for the crimes committed against the Rohingya.

Chairs,

All these developments show the commitment of the international community to strengthen the international rule of law. They show that in case the Security Council is unable or unwilling to take up its primary responsibility, other organs of the United Nations will.

[Rule of law at the United Nations]

The rule of law applies not only to all states equally, but it applies also to international organizations, including the United Nations, its Funds and Programs.

In this regard, we welcome that the report contains information on the Administration of Justice. In the next report we would welcome information on the implementation by the organization of judicial decisions taken. We will also repeat this request in connection with the agenda item on the Administration of Justice.

In addition, we would welcome information in the next report on established procedures, open to third parties filing a complaint or request for indemnification for damages caused to them by the organization. More specifically on the implementation of resolution A/RES/52/247 on third party liability.

Finally, we strongly support the United Nations policy against the sharing of evidence for use in criminal proceedings in which capital punishment could be imposed and carried out. We would urge the Secretary-General to put this policy on paper in order to avoid any misunderstanding as to what the United Nations stands for with regard to the death penalty.

Thank you Chair