



Statement on behalf of the Republic of South Africa

by

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**“The rule of law at the National and International
Level”**

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Chairperson,

South Africa aligns itself with the statements delivered by Iran on behalf of the Non-Aligned Movement and Uganda on behalf of the African Group.

We express our great appreciation to the Secretary-General for his Report A/78/814 on this agenda item. We also recognize and appreciate the assistance provided by the UN to Member States aimed at promoting the Rule of Law and ensuring respect for human rights at a national and regional level.

Chairperson,

The situation in the Middle East following the deadly clashes between Israel and Hamas, is concerning. The number of fatalities, serious injuries and displacement suffered by civilians in the region while the international community stand and look is totally unacceptable.

The intentional denial of food, water, electricity, and fuel to the people of Gaza is a total violation of the Geneva Conventions and the abandonment of International Humanitarian Law and should be condemned. We cannot begin to talk about the respect for the rule of law yet ignore the total disregard of the principles of International Humanitarian Law currently happening right before our eyes.

Article 14 of the Geneva Convention categorically states:

“Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works”.

According to the Fourth Geneva Convention,

“Civilians in areas of armed conflict and occupied territories are protected by the 159 articles of the Fourth Geneva Convention. Civilians are to be protected from murder,

torture, or brutality, and from discrimination on the basis of race, nationality, religion or political opinion”.

In light of this, we call upon an end to all hostilities in Israel and Palestine. We reiterate that conflicts can never be resolved by violence, killings, imprisonment, forced removals, illegal settlements and the continued siege of Gaza is not conducive to resolving disputes in that region. South Africa calls on Israel to immediately heed the calls of the UN Secretary General, the plethora of humanitarian organisations operating in Gaza, and a number of governments around the world to immediately provide water, food, fuel, and electricity to the people of Gaza. South Africa also calls for the release of the Israeli hostages taken into Gaza.

Chairperson,

Like many others in this August house, South Africa is concerned with the increased disregard of the rule of law in the world. The rule of law is a cornerstone for development, governance and security. It is embedded throughout the UN 2030 Agenda for Sustainable Development Goal 16. All countries therefore have a responsibility to adhere to and uphold the rule of law. The Secretary-General's New Vision, in “Our Common Agenda” carries actions designed to strengthen and accelerate the 2030 Agenda and make a tangible difference in people's lives. Of importance for South Africa is that the Agenda encourages a people centred, gender sensitive and forward-looking approach for the rule of law; and for that, we welcome the Agenda.

Chairperson,

An independent judiciary and one that functions effectively are key components of a constitutional democracy. The South African Constitution ensures the independence of the judiciary. It states that “the courts are subject only to the Constitution and the law, which they must apply impartially and without fear or favour”. The judiciary must uphold the principle that no one is above the law and must be free from undue influence. The judiciary is expected to be autonomous from other governmental branches.

Linked to judicial impartiality, is the importance of ensuring accountability of the Judiciary. Accountability is crucial because it upholds a democratic principle that applies to everyone and is important because it is a foundational value of democracy which is applicable to all.

My delegation supports the Secretary-General's report which states that in order for justice to be accessible to everyone, it must be "non-discriminatory, user-friendly, fair, and customized to varied people's needs". In light of this, South Africa has embarked on an initiative that will modernize court procedures and give flexibility for the use of electronic filing, electronic record keeping, and video conferencing. This would enable more greater access to justice.

The prevention of crime and violence remains high in the agenda of the South African government. Government continues to strengthen law enforcement agencies to prevent crime, particularly crimes against women and children. The fight against crime and violence requires great effort and focus. It requires a comprehensive approach and an integrated strategy that harnesses all the capabilities of the police and the criminal justice system, alongside the efforts of broader society. In this regard, South Africa continues to mobilise all available resources and capability to prevent crime and violence, in particular, on women and children.

Chairperson,

It is an unfortunate fact that many societies are plagued by the perilous scourge of corruption. It undermines democratic institutions, stifles economic growth, and fuels political instability. It slows economic development and contributes to governmental instability. Corruption impedes the progress of our nations and negates the progress our governments has made in improving lives of our peoples. Our countries cannot advance if there is corruption. It is against this background that my delegation calls for increased global collaboration to combat corruption. The scourge requires all countries to work together in a focused, collaborative, and decisive manner.

South Africa continues to fight corruption; and is committed to preventing it. To show our commitment, the Government has implemented a number of initiatives and has

put in place several programmes aimed at combating corruption, one of which being the National Prosecuting Authority Amendment Bill. This Bill was adopted by parliament in August 2023 and seeks to enhance the National Prosecuting Authority's independence and ability to prosecute high-level crimes. It creates a specialized entity within the National Prosecuting Authority called "The Investigative Directorate Against Corruption". The Investigative Directorate Against Corruption will investigate corruption-related crimes and will become a permanent part of our anti-corruption law enforcement.

Under the United Nations Convention Against Corruption, we reaffirm our commitment at mobilizing the international community to fight corruption at all fronts.

Chairperson,

Amongst the problems that South Africa is facing in transnational organized crime, are illegal mining and smuggling of natural resources. Smugglers of natural resources frequently employ a variety of techniques to export commodities out of the country illegally. This has resulted in significant losses for the country's economy. The surge in these crimes is attributable to the challenging socio-economic environment and limited resources available to law enforcement agencies like the police, immigration, border controls, and prosecuting authorities.

Because of its trans-border nature, South Africa was the country to first draw attention of the international community to this problem. My delegation submitted the first draft resolution on the issue in the UNODC in 2013 titled "Combating transnational organized crime and its possible links to illicit trafficking in precious metals". The resolution underlined the need to develop comprehensive, multifaceted, and coherent strategies and measures, including both reactive and preventive measures, to counter illicit trafficking in precious metals. The resolution was later adopted by the ECOSOC.

The creation of an Inter-Divisional Task Team on Minerals which coordinates the UNODC response to these transnational organized crimes, is a demonstration that the international community had listened to South Africa's plea for support. In this regard, my delegation looks forward to engaging and learning from the expertise of the Task Team on how best to address these challenges.

Chairperson,

One of the largest obstacles to the African growth is the illicit importation of small arms and light weapons. In many armed conflicts in Africa, small arms and light weapons are the most lethal tools employed. In this regard, South Africa will continue to support efforts aimed at mobilizing resources to silence the guns. For this reason, South Africa welcomes the support provided by the UN Saving Lives Entity Fund aimed at supporting national initiatives to reduce armed violence and prevent proliferation of small arms and light weapons in post-conflict settings and in areas with high levels of crime-related armed violence.

In conclusion Chairperson,

Nelson Mandela once declared, '***To deny people their human rights is to challenge their very humanity***'. As part of his legacy, we recall this declaration today and reaffirm South Africa's commitment to guaranteeing everyone's safety, defending human rights, and upholding the rule of law.

I thank you.