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THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS

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Mr. Chairman,

As this is the first time that the Polish delegation takes the floor in this Committee during 70th session, I would like to convey our congratulations on your election, as well as the election of the members of the Bureau.

On behalf of the Polish delegation, I wish to present the position of my country on the rule of law at the national and international levels. Poland aligns itself with the statement made by the European Union on this agenda item.

This year marks the 70th anniversary of the founding of the United Nations. Its establishment was a result of efforts of many States to maintain international peace and security after the Second World War, which saw an unprecedented acts of terror and number of victims.

Since 70 years the United Nations have played the key role in maintaining international peace and security and promoting international cooperation. The fundamental principles of international law, enshrined in the Charter of the United Nations, including the principle of sovereign equality of States, the principle of non-intervention in internal affairs, the prohibition of the threat and use of force against the territorial integrity and political independence of any State, the principle of settlement of international disputes by peaceful means are the basis of the international order and should be fully respected by all States. As Pope John Paul II observed "Peace and international law are closely linked to each another: law favors peace".

It is thus indispensable to reinforce the role of international law in international relations. Respect for international law and implementation in good faith of international obligations by States are essential for peaceful coexistence and cooperation among nations. We also need to strengthen international system of justice. This can be achieved e.g. by accepting the jurisdiction of the International Court of Justice by States that have not yet done so and by ensuring universal application of the Rome Statute of the International Criminal Court. Equally important is accountability for serious breaches of international law. We commend efforts undertaken by the International Criminal Court Prosecutor's Office headed by Madam Fatou Bensouda of Gambia in order to prevent impunity for serious breaches of international law.

Poland fully supports the activities of international community in promoting and advancing the rule of law at the national and international levels according to the major guidelines for further common actions in this respect, indicated in the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels, adopted in New York on 24 September 2012 (A/Res/67/1). We should consider the ways of strengthening linkages between the rule of law and peace and security, development and human rights. These dimensions of the rule of law should be cross related and further analyzed. We recognized as important "to build peaceful, just

and inclusive societies that provide equal access to justice and that are based on respect for human rights, on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions”, as it was underlined in the 2030 Agenda for sustainable development, adopted by the General Assembly on 23 September 2015.

We believe that it is necessary to support States, upon their request, in domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building. The assistance should be delivered in accordance with national needs and taking into account their legal, political, socioeconomic, cultural, religious and other local specificities and experiences.

Mr. Chairman,

Let me present now some observations on “The role of multilateral treaty processes in promoting and advancing the rule of law”, which is the subtopic of this debate.

Promoting development of international law and respect for international obligations should guide the activities of the United Nations. Efforts in this sphere should be primarily focused on encouraging progressive development of international law and its codification, supporting elaboration and implementation of international treaties, international dispute resolution mechanisms and training and education in international law, as it was appropriately indicated in the “Report of the Secretary General on the strengthening and coordinating United Nations rule of law activities” (A/68/213/Add.1).

International law evolved spontaneously for centuries and international community has interest in its further development. It requires patience and first of all respect for State sovereignty. It is crucial that all States participate in the creation of international law on equal footing. Law is based on the consent of sovereign States and all other actors should take it into consideration. That is why it is the role of States to create new norms of international law and decide on abrogation of previous ones. On the other hand, States are ready to take into consideration valuable suggestions as to the required course of conduct and even proposals as to formulation of general norms and rules of law. All the same the rule of law requires that the role of State consent be respected.

States attach utmost importance to their treaty relationships. There is no doubt that treaties are the most precise of the sources of international law. The General Assembly plays the important role in initiating, conducting and concluding multilateral treaty processes. We welcome the fact that more and more countries have ratified international treaties, in particular in the field of human rights, terrorism, criminal matters, law of the sea and disarmament. We especially appreciate recent ratifications of the Arms Trade Treaty by Barbados, Belize, Central African Republic, Chad, Ivory Coast, Dominica, Liberia, Mauritania, Mauritius, Niger, Paraguay, Togo and Tuvalu and their active participation in the process of implementation of the Treaty.

While working on international treaties and on Security Council or General Assembly resolutions, it is necessary to widely consult them with regional organizations and with civil society. In many fields of international law we observe lack of coherent and complementary international regulation. Both international treaties and Security Council or General Assembly resolutions should follow the same objectives. Good planning and better coordination between competent organs of the United Nations are also fundamental. Consistent and comprehensive way of the elaboration of international treaties and Security Council or General Assembly resolutions may significantly contribute to the effective implementation of the international standards in the domestic regulations of States.

We would like to stress valuable role of the International Law Commission in determining, codification and progressive development of customary international law. International Law Commission is a drafting place of international treaties of fundamental importance for international community. We can see that a recent tendency of the International Law Commission is to switch from draft treaties to non-binding documents, often taking a form of articles. It was the product of the forty-year long works on international responsibility of States as well as the works on fragmentation of international law, responsibility of international organizations and unilateral acts of States. We support this attitude. It makes it possible for the International Law Commission to refer to the topics lying at the heart of international law. This is what it does when dealing with formation of customary law and the related topic of *ius cogens*.

We also acknowledge that international custom is the universally recognized set of rules binding for all States of the world. That is why deeper analysis of it is necessary. Poland is ready to participate in the discussions on this topic.

The rule of law gives States the position of creators of norms but also the ones who are obliged to respect them. It should be stressed that all States are responsible for the implementation in good faith of their respective international obligations. Selective application of international law and arbitrary exercise of power should be avoided. The duty of non-recognition as lawful a situation created by a serious breach by State of an obligation arising from international law should be considered as an essential legal instrument of international community in preserving the rule of law.

Mr. Chairman,

Let me express my confidence that our common effort to build the international order on law will contribute to peaceful coexistence and cooperation among nations.

Thank you, Mr. Chairman.