



CROATIA

Statement by

Mladen Bručić-Matic
Counsellor

Permanent Mission of Croatia to the United Nations

at the

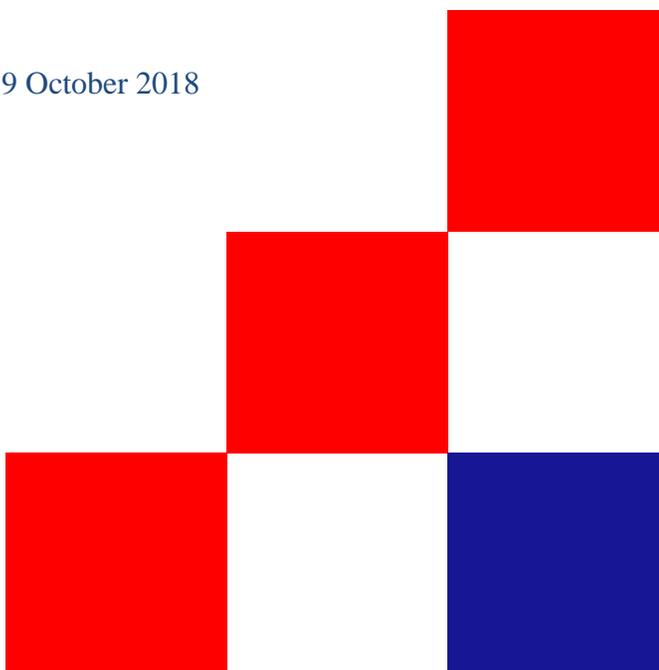
73rd Session of the General Assembly
Sixth Committee

Agenda Item 86

The rule of law at the national and international levels

9 October 2018

Check against delivery



Mr Chairman,

As this is the first time my delegation takes the floor at the 73rd session of the Sixth Committee, I wish to congratulate you and the other members of the Bureau on your appointment.

Croatia aligns itself with the statement delivered by the European Union and I will make some additional remarks from our national point of view.

We thank the Secretary-General for his annual report on strengthening and coordinating United Nations rule of law activities and express support for his continued efforts in strengthening and promoting the rule of law.

Mr Chairman,

The rule of law, as a concept of universal validity, constitutes the very essence of a social contract between individuals and the government, by which citizens are granted transparency, non-discrimination, fairness and equality in their standing before the law and in their social interactions.

The experience Croatia went through recently, concerning the tainted arbitration proceedings between Croatia and Slovenia, gives the right to uphold the importance of this principle - the rule of law.

One thing we want to underline in this context is the importance of the relationship between the work of the international courts and the very idea of the rule of law. We believe that without independence and impartiality of the international courts we could not have a rule of law.

Croatia entered the arbitration procedure with Slovenia in good faith. We participated until Slovenia's clandestine unlawful actions, aimed at swinging Tribunal's impartiality in Slovenia's favour, were discovered and publicly disclosed in 2015. The transcripts of the conversations of the Slovenian agent with one of the arbiters, published at that time, revealed that that the two colluded, arranged a strategy to influence the other arbiters, the course of the process, and introduced new material into the procedure. As a direct consequence of that, the Croatian Parliament reached a unanimous decision to withdraw from the arbitration procedure. This compromised arbitration can serve, unfortunately, as the example of how international judicial procedures should not and must not be conducted. It is

harmful to the system of international arbitration, both within and outside the PCA system including in the context of things like investor-state arbitration.

We should take the opportunity to deal with these issues honestly, but constructively, to enhance and to improve the system for the benefit of a rule of law as a protective mechanism. It's a delicate system, each of the courts and tribunals is a delicate creature, and those who wish to attack the system as a whole or individual courts will seize on these kinds of practices and will do very great damage indeed.

Compromising the impartiality or independence of international courts or tribunals, as was the case in the arbitration process between Croatia and Slovenia, makes their decisions legally void — and left Croatia with no choice other than to withdraw from the arbitration process. We consider that this example of undermining the rule of law is a discouragement for States considering third-party dispute settlement. The border issue between Croatia and Slovenia, which is a sensitive bilateral matter that concerns only two countries, remains open and Croatia wants to solve it with its neighbouring friend and ally Slovenia through bilateral dialogue.

Mr Chairman,

Croatia strongly supports the full and unequivocal implementation of international humanitarian and criminal law, as well as all efforts aimed at ending the “culture of impunity”, which includes, among others, the full investigation and punishment of all atrocities. Accountability for crimes is extraordinarily pertinent to our times.

In that context, we particularly stress the importance of scrupulous interpretation and rigorous application of the existing international humanitarian law in the processes in front of these bodies, as well as strict observance of due process guarantees.

Being a State Party to the Rome Statute, Croatia respect the independence of the International Criminal Court and strongly supports its work. The ICC remains the most important instrument to fight impunity for the most serious international crimes. At the domestic level, Croatia did not hesitate to do its part in ensuring accountability.

In conclusion, let me briefly touch upon the implementation of the rule of law aspects of the 2030 Agenda. Croatia places great emphasis on peace, justice and strong institutions as inseparable part of 2030 Agenda for Sustainable Development and its Sustainable Development Goals. This is important as for the international peace as it is for the development and economic prosperity. Without peace and the rule of law there can be no development. The rule of law is the very essence and bedrock of any democratic and successful society.

I thank you.