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STATEMENT

BY

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AMBASSADOR & PERMANENT REPRESENTATIVE

BEFORE

THE SIXTH COMMITTEE OF THE

73TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

ON

**"THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL
LEVELS"**

(AGENDA ITEM 86)

NEW YORK

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(PLEASE CHECK AGAINST DELIVERY)

Mr Chairperson,

Namibia aligns itself with the statement delivered by the distinguished representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and the statement by the distinguished representative of the Gambia on behalf of the African Group. Namibia thanks the Secretary-General for his Report on this agenda item and we appreciate the indispensable role of the United Nations in promoting multilateralism through the rule of law at national and international levels.

Mr. Chairperson,

The principle of rule of law is the backbone of democratic governance systems. It is also the basis for all international law, which lays a firm foundation for socio-economic development and for peace and stability globally.

With the attainment of independence in 1990, Namibia recognised the importance of the rule of law as a conduit for socio-economic development, and adopted a Constitution which stated clearly the principles of constitutional supremacy, the rule of law, and respect for human rights. Since then the United Nations has worked closely with Namibia to implement these constitutional principles, *inter alia* through the 2014-2018 UN-Namibia Partnership Assistance Framework (UNPAF).

Among the four pillars of UNPAF is the Institutional Environment Pillar under which the UN in Namibia has been providing technical, capacity building, and programme support for the formulation and implementation of policies and legislative frameworks that have strengthened the rule of law in Namibia. The support provided ensures that Namibia complies with the various international treaties to which it has acceded or ratified.

Cognizant of this important relationship with the UN to promote and strengthen the rule of law at national level, Namibia on 27 April 2018 signed a new UNPAF with the UN, covering the period 2019 – 2023.

Mr. Chairperson,

The principle of the rule of law can never prevail where the lawmaker is also the executor and administrator of the law. It rests on the fundamental requirement of separation of powers between the legislature, executive and judiciary. We, therefore, note with concern, paragraph 8 of the Secretary-General's Report revealing a troubling negative global trends about the independence of the judiciary being undermined.

To ensure the complete separation between the Ministry of Justice which forms part of the executive arm of government, and the Judiciary, in 2015 the Namibian Parliament passed the Judiciary Act, (Act No. 11 of 2015) and established the Office of the Judiciary, which is administratively and financially independent. This milestone development in the country's legal history puts Namibia on par with older democracies with longstanding, independent and functioning judiciaries.

Mr. Chairperson,

With the evolution of information communication technology systems, Namibia is among those countries that have been implementing web-based electronic filing and case management systems, replacing cumbersome paper centric structures and improving transparency and efficiency in the delivery of justice.

Since the pace of change in digital transformation is exponential, Namibia continues studying global best practices to enhance its own e-justice system. We believe this system will ensure that no one is

left behind, and we urge Member States without e-justice filing and case management systems to consider doing so by *inter alia*, accessing initiatives such as the Estonia-UNDP Cooperation Project on Digital Transformation launched at the UN on 27 September 2018. There is no doubt that justice delayed amounts to no justice at all and undermines the rule of law and trust in government.

Mr. Chairperson,

Legal certainty is central to the rule of law nationally and internationally. Compliance and implementation of treaty obligations means that Member States must clearly understand their rights and obligations. The law must be transparent and predictable here at the UN and as we implement it at home, to ensure fair implementation.

In the pursuit of legal certainty African Union Member States have decided to seek an advisory opinion from the International Court of Justice (ICJ) on the question of immunity of Heads of States regarding the relationship between Articles 27 and 98 of the Rome Statute and the obligations of State Parties under International Law. The current uncertainty has also been seen to affect non-State Parties to the Rome Statute.

This request would be based purely on legal questions and we, therefore, urge Member States to support the adoption of a resolution by the UN General Assembly to refer the questions to the ICJ for clarification.

I thank you.