



Statement on behalf of the European Union and its Member States

by

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“The Rule of Law at the national and international levels”

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— CHECK AGAINST DELIVERY —

Thank you, Mr./Madam Chair,

I have the honor to speak on behalf of the European Union and its Member States.

The Candidate Countries the Republic of North Macedonia*, Montenegro* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

Following this year's report of the Secretary-General on *Strengthening and Coordinating UN rule of law activities* (A/74/139), we would like to commend the UN for all support and activities to strengthen the rule of law. We fully share the concerns expressed by the Secretary-General on the new challenges posed to the rule of law by climate change, the increased proliferation of hate speeches and incitement to violence, displacement of persons and new technologies, although these challenges must not be used as a pretext for undermining the rule of law.

The EU and its Member States note that the UN's assistance in promoting the rule of law at the national level is crucial in order to address challenges and worrying trends across the globe. We welcome measures relating to effective, inclusive, transparent and functioning justice, corrections and security institutions and commend the United Nations for actions undertaken inter alia in Mali, in the Central African Republic and in the Democratic Republic of Congo, where the EU continues to make every effort to ensure the efficiency of justice and security institutions. We fully agree on the need to reassert the centrality of the individual, a focus on human security as well as the community in all efforts to prevent and reduce violence and insecurity. We reaffirm that achieving those results requires an integrated and multi-sectoral approach, which includes in particular, support to police and security forces, the justice sector, parliaments as well as civil society organisations and local communities.

The EU and its Member States also continue to oppose strongly impunity and to promote responses that address the rights, needs and expectations of victims and affected communities. We praise the relentless work of the United Nations towards facilitating the realization of the right to justice for all persons, in particular for those who are in situations of vulnerability. Ensuring security and justice for women and girls is essential to sustaining peace and to achieving SDG 5 on gender equality and SDG 16 on peace, justice and strong institutions.

The EU and its Member States commend the role played by the UN Global Focal point for the Rule of law in the joint planning and delivery of assistance to police, justice and corrections areas by various United Nations entities, as acknowledged by UNSCR 2447 (2018). We welcome the direction provided by the Security Council for the work of the UN peace operations when supporting national authorities in the areas of police; justice and corrections as well as the progress in prioritizing rule of law support in the context of UN peace operations.

* The Republic of North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.

Aware of the links between corruption and conflict, the EU and its Member States look forward to the special session of the General Assembly against corruption to be held in 2021. We support the efforts of the United Nations to strengthen criminal justice responses to terrorism and violent extremism, stressing that these responses are consistent with international law, including human rights law, international humanitarian law and international refugee law. The EU and its Member States urge UN Member States that continue to impose and implement death sentences to establish a moratorium with a view to abolishing the death penalty.

We thank the Office of Legal Affairs for its action in the codification, development and promotion of an international legal framework through its support to the Sixth Committee, the International Law Commission and the intergovernmental conference convened under Resolution 72/249.

The UN Programme of Assistance in the Teaching, Study, Dissemination and Wider appreciation of International Law is another recognized contributor for the Rule of Law

Mr./Madam Chair,

Promotion of and respect for international law and rules-based international order is vital. We support the use by States of international justice mechanisms such as by accepting the jurisdiction of the International Court of Justice, in accordance with the provisions of its Statute, or through other international tribunals to resolve inter-state disputes and to uphold the rules-based international legal order. We underline that international treaties and binding decisions are essential in regulating international relations and should be interpreted and implemented in good faith. The impartiality and independence of all international courts and tribunals are of utmost importance to preserve the rule of law.

The EU and its Member States underline that it is the primary responsibility of Member States to investigate and prosecute serious crimes under international law. We note, however that when national legal systems fail, due to lack of will or capacity to act, justice is delayed which may prolong conflicts, generate frustration and retaliation among communities and obstruct national reconciliation. Therefore, the EU and its Member States strongly support the work of the International Criminal Court and other international criminal tribunals and mechanisms. Indeed, international criminal justice is not only a powerful deterrent against future crimes, but it is, most of all, instrumental in achieving accountability and sustainable peace. Injustice and impunity have proven in the past to be the main obstacles to healing the deep wounds in societies caused by the most serious crimes and could create fertile ground for the recurrence of conflict. International criminal justice not only contributes to ending impunity but also to fostering broader societal trust and reconciliation.

The European Union and its Member States reconfirm their unwavering support to the International Criminal Court and their commitment to renew efforts to promote the universality and preserve the integrity of the Rome Statute. Last year we celebrated the 20th Anniversary of the Rome Statute. It was an opportunity to reflect on the achievements made but also on what we can improve. This continues to be relevant in the important work that lies ahead of us. We thank the United Nations for

the assistance provided to the Court, At the same time, we reiterate our deep regret regarding Burundi and the Philippines 'withdrawal from the Rome Statute. We take note with appreciation of the consideration by Malaysia of a ratification of the Rome Statute and would welcome a decision by the Government of Malaysia to ratify the Statute. We also welcome the recent entry into force of amendment to article 124 of the Constitution of Ukraine recognizing the jurisdiction of the International Criminal Court and encourage Ukraine to proceed to the ratification of the Rome Statute at the earliest opportunity.

We thank the International Residual Mechanism for Criminal tribunals, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon and the Residual Special Court for Sierra Leone for the tasks they performed.

The EU and its Member States support independent mechanisms, commissions of inquiry and fact-finding missions in response to widespread human rights violations, and measures to bring perpetrators to justice. We are confident that the resources required by the UN Secretary General to allow the International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011, will be granted by the General Assembly. The European Union and its Member States commend the remarkable work of the Independent International Fact-Finding Mission on Myanmar and welcome its final report. We are pleased that the Independent Investigative Mechanism for Myanmar has been declared operational by the UN Secretary General as of 30 August 2019 and that all information and evidence collected by the Fact-finding Mission has now been fully transferred to the Mechanism.

Mr./Madam Chair,

Resolution 73/207 invites Member States to focus their comments during the debate on the sub topic "Sharing best practices and ideas to promote the respect of States for international law".

In this regard, the EU treaties include amongst its key objectives "the strict observance and the development of international law, including respect for the principles of the UN Charter". The European Commission is entrusted with the task of overseeing the application of Union law, including the EU Treaties, international agreements concluded by the Union and legislative acts adopted by its institutions. Such a task is performed under the control of the Court of Justice of the European Union. Matters related to the application of EU law, including international treaties which the EU is party to, may be referred to the Court by the European Commission, by Member States and by private persons.

Strengthening the rule of law is the responsibility of us all, including the EU and its Member States. Democracy, Human Rights and the Rule of law are mutually reinforcing and must be seen as an integrated whole. Whereas the rule of law is a constitutional principle of the EU, it also an objective of foreign policy as mentioned in the Treaty on the European Union

I thank you, Mr. / Madam Chair.