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The rule of law at the national and international levels

S T A T E M E N T

BY

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Mr. Chairman,

As this is the first time that the Polish delegation is taking the floor, I would like to convey our congratulations on your election, as well as the election of the members of the Bureau.

Poland also aligns itself with the statement made by the European Union on this agenda item.

On behalf of the Polish delegation, I wish to present now our views on the subject of the rule of law at the national and international levels.

We welcome the *Report of the UN Secretary-General on strengthening and coordinating United Nations rule of law activities, dated 11 July 2019 (A/74/139)*. This *Report* correctly identifies various challenges facing the rule of law, such as terrorism, organised crime, human trafficking, climate change, forced displacement, hate speech and impact of new technologies on modern societies (including problem of cybercrime). It also sums up the assistance provided by the United Nations during the last 12 months in relation to the rule of law at the national and international levels. In this regard we would like to commend United Nations' activities to promote the rule of law worldwide.

Mr. Chairman,

As we all know this year marks the 80th anniversary of the outbreak of the Second World War, whose first victim was Poland and which brought grave suffering for many nations. In this regard it is a good opportunity to reiterate how important it is for the international community to uphold international law in the context of maintaining peace and international security. The contemporary system of international security is based on fundamental principles and norms enshrined in the United Nations Charter, especially the prohibition of the threat or use of force, the principle of territorial integrity, the principle of political independence of States and the principle of peaceful settlement of disputes. The international community shouldn't tolerate any infringement of these norms, as this may threaten peace and international security.

Strengthening of the international law, including international humanitarian law and international human rights law are among the Poland's priorities in the activities conducted by the Organization, especially during the Poland's membership in the Security Council. We are determined to continue to support these priorities during the Polish membership in the Human Rights Council, if elected. The elections are to be held on October 17th. The international law is not only for the benefit of states, but for the

benefit of humanity as a whole and for the benefit of each individual. As it was rightly stated in UN SG *Report* “the rule of law is an accelerator [...] in preventing conflict, sustaining peace and advancing the universal protection of human rights.”.

In this regard we would like to point out the need to strengthen and support international system of justice. This can be achieved i. a. 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. Poland reiterates its support for the ICC as a widely recognized court, capable of instituting effective proceedings, and thus helping to maintain peace around the world. We also strongly support and acknowledge the importance of other international and regional criminal Courts, Tribunals and Mechanisms.

Poland advocates robust mechanisms of bringing those responsible for the most serious crimes to justice, seeing this as an integral element of ensuring international peace and security. Therefore, we believe that all efforts should be made in order to try and punish the perpetrators of crimes that have been committed and are still being committed in conflict areas. In cases where a comprehensive and systematic prosecution of crimes is still impossible at this stage, we are hopeful about and support initiatives that help to deliver partial justice or prepare the ground for justice in the future.

Let me reiterate that it is indispensable to reinforce the role of international law in international relations. Respect for international law, including its mechanisms for peaceful settlement of disputes, as well as implementation in good faith of international obligations by States are essential for peaceful coexistence and cooperation among States.

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 also present a few comments on the subtopic “*Sharing best practices and ideas to promote and respect for international law among States*”, which is also the subject of this debate.

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. Comprehensive and efficient implementation of international obligations by States is an indispensable element of upholding rule of law and pacta sunt servanda principle. States should not only sign and ratify treaties but also ensure that their provisions are effective in their international legal order. Thus, we advise parties of treaties to share information on the methods and procedures through which their international obligations are implemented. In this context there is a need to recall, sometimes underestimated, principle contained in article 2 paragraph 2 of the Charter, which states: “All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter”. This principle ensures confidence and trust among States. It obliges States to apply its international law duties in a reasonable way and in such a manner that their objective can be realized. The respect for international law obligations in good faith indicates that States must abstain from acts calculated to frustrate the object and purpose of specific obligation.

Mr. Chairman,

Let me finally express confidence that our common efforts will lead to the strengthening of the rule of law at the national and international levels, and will provide an adequate response to the challenges and threats facing the international community today.

Thank you, Mr. Chairman