

Canada

The Rule of Law at the National and International Levels

CANZ Statement – UNGA 76 (October 2021)

Mr. President,

I have the honour to speak today on behalf of Australia and New Zealand, as well as my own country, Canada.

The rule of law underpins the international rules-based system that is so essential to international peace and security as well as political stability. It is a cornerstone of economic and social progress, international development, and the protection of human rights and fundamental freedoms.

The rule of law principle requires an approach that puts human rights at its centre, in which everyone is equal and accountable before the law, whether persons, private corporations or other non-State actors, and States, in times of both peace and conflict. The rule of law is central to States' conduct in international relations, reflecting their obligations to respect individual human rights.

In an era where terrorism knows no borders, where environmental consequences may be global, and where powerful non-State actors may threaten development goals, it is in our common interest to build a strong rules-based order where laws are publicly promulgated, independently adjudicated, and equally and consistently enforced in accordance with international law, including human rights obligations.

CANZ countries remain strong supporters of the rule of law, at the national, regional, and international levels, as we recognize its key role in addressing today's challenges and the accountability gaps underlined by emerging threats to individual human rights.

Mr. President,

The rule of law extends beyond the traditional interactions between States and individuals to face new activities and emerging environments, including the rise in cybercrime and

malicious cyber activities. All countries have agreed that international law, and in particular the Charter of the United Nations in its entirety, is applicable and essential to maintaining peace and stability in cyberspace.

The application of international law to State activities in cyberspace was affirmed in the consensus 2013, 2015, and 2021 reports of the UN Group of Governmental Experts on international peace and security in cyberspace, as well as the consensus 2021 report of the Open-Ended Working Group, adopted at the First Committee and affirmed by the General Assembly. CANZ supports strengthening the rule of law in cyberspace, while ensuring robust protections for human rights in this sphere, as a crucial contribution to the maintenance of international peace and security.

Mr. President,

Around the world, foreign nationals are being arbitrarily detained and used as bargaining chips in international relations. Arbitrary detention is contrary to international human rights law and undermines friendly relations between States. The COVID-19 pandemic should not be used as a pretext for reducing or removing access to justice and consular assistance for people held in detention.

Arbitrary detention violates not only established human rights obligations, but is also inconsistent with the rule of law and the independence of the judiciary. These are universal values, reflected in international law. Almost 73 years ago, the Universal Declaration of Human Rights made clear that arbitrary detention was to be abolished. It is time that such actions are ended and that we, collectively, ensure that citizens of all nations are free from this practice when they live, work, or travel overseas.

The Declaration Against Arbitrary Detention in State-to-State Relations, launched in Ottawa on February 15, 2021, is a first step in that direction. It calls upon all States to take concrete steps to prevent and put an end to harsh conditions of detention, denial of access to legal counsel and consular services, torture, and all other forms of cruel,

inhumane and degrading treatment or punishment. More action is needed to end these affronts to human dignity.

CANZ will continue to lead the fight against the practice of arbitrary detention, as a natural extension of its commitment to upholding universal human rights and the rules-based international order. CANZ countries encourage all States to endorse the Declaration Against Arbitrary Detention in State-to-State Relations, and to reaffirm concerns about the use of arbitrary arrest, detention, or sentencing by States to exercise leverage over foreign governments.

Mr. President,

At a time when the rules-based international order is under threat, it is more important than ever for us to promote our existing international humanitarian law obligations. We must accelerate efforts to foster compliance with these essential obligations, to better protect the people they are meant to serve.

While many States are vigilant in their application of, and respect for, international humanitarian law, the violations we see today are not due to the inadequacy of these rules, but rather to a lack of knowledge about their content and application, or to an unwillingness to implement and respect them.

CANZ countries encourage the implementation of international humanitarian law within domestic legal frameworks, to advance the protection of all civilians.

Mr. President,

For us to build a rules-based society, one which inspires and supports peaceful global relations, we must always strive to adopt an approach which places individuals' human rights at the centre of our focus.

Thank you, Mr. President.