

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ambassador Ogunu, Permanent Representative of Nigeria to the United Nations

I wish to thank you, Mr. President, for convening this debate on the important subject of the promotion of the rule of law as a complement to the maintenance of international peace and security. I also wish to thank Deputy Secretary-General Asha-Rose Migiro for her unrelenting commitment to the cause of the rule of law, and Under-Secretary-General Patricia O'Brien for her very insightful exposition on the subject under review.

This debate proceeds from the premise that justice and peace are mutually reinforcing ends, essential for a healthy society. The demonstrable truth of this assertion impels, in our view, a thorough examination of how best to promote and strengthen the rule of law as part of the United Nations commitment to maintain international peace and security. The examination must take into account the need for a common language and understanding of the concept of justice in the United Nations and at the international level.

Without the critical underpinnings of legislative and judicial infrastructure in any society, and in the absence of broad acceptance of legal norms, economic and social development will inevitably be retarded, as legal rights cannot be effectively claimed. The vulnerable are not protected from violations of criminal and humanitarian law and, in such circumstances, there is a pressing need for justice to be done and, indeed, to be seen to be done. Only then can confidence in the organs of society and in Government be restored.

The centrality of the rule of law cannot therefore be overemphasized, particularly with regard to transitional and fragile States. It is gratifying that the consideration of the issue of the rule of law is by no means new to the Council's agenda. Apart from the debates of 2004 and 2006, the rule of law has featured in many Council resolutions in the context of children and armed conflict — such as in resolutions **1325 (2000)**, 1612 (2005), 1674 (2006) and **1820 (2008)**. Prominence was also given to the subject with the establishment of the Rule of Law Coordination and Resource Group, in 2007. Since then, United Nations actors have benefited from an excellent resource through which efforts at reform are pooled and best practices sifted.

We have been challenged by the concept paper before us today (see S/2010/322) to identify ways of rooting activities deeper within the framework of international law and to encourage adherence to the rule of law and international law within the domestic sphere. All too often in the immediate aftermath of conflict, the architecture of order and justice becomes fragmented as a result of violence, meaning there are few mechanisms for bringing violations of criminal or humanitarian law to light. This, in turn, leads to a culture of impunity that is readily exploited by armed groups. In such circumstances, there is a pressing need for justice to be done, or to be seen to be done. Only then can confidence in the organs of society and in Government be restored.

We note with satisfaction that rule of law values are beginning to find their way into peacekeeping operations led by the United Nations and regional organizations like the African Union. For example, in the Sudan, the African Union-United Nations Hybrid Operation in Darfur is mandated to assist in promoting the rule of law through institution-building and strengthening local capacities to combat impunity.

The Council has also mandated the United Nations Organization Mission in the Democratic Republic of the Congo to assist with the investigation of human rights violations in that country, with a view to ending impunity and implementing a transitional justice strategy. Such best-practice models should continue to be replicated with due regard to the particular historical, political and institutional backdrop. Ideally, such initiatives should also receive early programmatic funding in peacekeeping mission budgets for that purpose.

We would also encourage the use of the integrated mission planning process advocated under the capstone doctrine to

ensure that, as far as possible, the multiple arms of the Organization act in concert to support a return to lawfulness, accountability and justice, as part of peacebuilding processes. In that way, the United Nations may stimulate an approach that integrates security, human rights, development and rule of law activities into all strategies for peacebuilding.

In the context of conflict situations, we would like to underscore the need for close collaboration among the Security Council, the General Assembly and the Economic and Social Council in the task of facilitating the restoration and consolidation of the rule of law in conflict and post-conflict societies. It is essential that the United Nations develops a strategy that allows peacekeepers to undertake, prioritize and sequence peacebuilding tasks from an early stage. The strategy should focus on the police, the rule of law, disarmament, demobilization, reintegration, security sector reform and quick-impact projects.

The role of the Peacebuilding Commission and civil society entities in post-conflict reconstruction cannot be overstated. Regional organizations can also contribute positively to global efforts to consolidate the rule of law.

We must also stress the need to craft initiatives in partnership with legitimate national and local actors to foster long-term local ownership of the processes and institutions administering justice. The primary role of the United Nations should focus on assistance, and must not seek to transplant judicial systems. We believe that reform efforts that incorporate public participation in their design would enjoy more credibility and more legitimacy vis-à-vis the ultimate beneficiaries. Clear anti-corruption strategies from the United Nations might also ensure a culture of integrity within judicial systems.

Strategies such as these would strengthen transitional justice processes where the ultimate objective is to reconcile as well as to punish. We would welcome a report from the Secretariat that covers more recent case studies to assess how far the United Nations system has achieved an integrated approach to rule of law activity in societies transitioning from conflict. The recommendations therein would serve as milestones against which to measure progress.

In the area of inter-State disputes, Nigeria supports the use of the International Court of Justice (ICJ) as an effective and authoritative arbitrator of international disputes. Indeed, in the context of Nigeria's boundary dispute with Cameroon concerning the Bakassi peninsula, the ICJ mechanism proved itself a very crucial part of the United Nations pacific dispute settlement armoury under Chapter VI of the Charter.

With respect to ad hoc tribunals, while we recognize their value in ending impunity and bringing violators to justice in the aftermath of violent confrontation, resource constraints can limit their effectiveness. We are now witnessing the winding down of the mandate of the International Criminal Tribunal for Rwanda. We hope that all the necessary support will be given by the United Nations to the relevant domestic justice systems to ensure that they are equipped to adequately take on the mantle of punishing crimes against humanity and other conflict-related violations of international law.

Nigeria has previously stated, and reiterates today, that the International Criminal Court is an invaluable tool for ensuring the development of international law. We hope that its decisions will help us to keep pace with the changing nature of international relations. It would be to the benefit of the entire community of nations if those Member States yet to do so would accede to the Rome Statute.

We are encouraged by the Council's unanimous decision to appoint an ombudsman to analyse the de-listing of terror suspects from the consolidated list. Such procedural steps shore up due process within appropriately targeted sanctions regimes and, as such, should be considered in relation to other sanctions regimes.

In conclusion, it is incumbent upon the Council to pay due regard to the value of the rule of law as an end as well as a means. Unless the standards of lawfulness are maintained, there is a high risk that the call for adherence among nations and non-State actors to the rule of law could possibly be undermined. The Council should engender adherence to international legal standards through uniform implementation and consistent enforcement instruments and regimes. Our quest for justice and the rule of law should not be limited to the domestic sphere. Those same standards should also

apply at the international level. It is our collective responsibility to manifest a just international order, and thus empower all peoples to live in peace and harmony.