

Security Council Open Debate on The promotion and strengthening of the rule of law in the maintenance of international peace and security
19th of January 2012, Security Council Chamber

Statement by Mr. Mehdiyev,, Azerbaijan to the United Nations

At the outset, I would like to thank you, Mr. President, for having convened this very important open debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security. We are grateful to the Secretary-General for his report on the rule of law and transitional justice in conflict and post-conflict societies, as well as for his briefing. Azerbaijan reaffirms its commitment to an international order based on international law and the rule of law and considers it essential to cooperation among States.

In recent years, international attention on the importance of the rule of law at the national and international levels has significantly increased. At the same time, greater efforts are needed to ensure a unified approach to the rule of law and to address the major threats and challenges that continue to affect basic elements of the international legal order, to undermine the national unity, territorial integrity and stability of States, and to generate disregard and contempt for human rights. In that regard, further efforts, in particular through resolute measures aimed at ensuring the strict compliance of parties to armed conflict with their obligations under international humanitarian and human rights law, remain crucial and must be an absolute priority. The lack of agreement on political issues in situations of armed conflict and military occupation cannot be used as a pretext for disrespect of international humanitarian and human rights law. The fact that illegal situations continue because of political circumstances does not mean that they are therefore rendered legal. Law and justice are more important than force. With respect to such situations, we proceed from the importance of reaffirming the continuing applicability of all relevant international legal norms, putting an end to activities aimed at the consolidation of foreign occupation, initiating urgent measures towards removing the adverse effects of such activities, and discouraging any further practices of the same or a similar nature.

The situation of the most vulnerable in societies affected by conflicts, in particular forcibly displaced persons, women and children, brings an element of urgency to the imperative of restoring the rule of law. Ensuring the right to return represents a categorical rejection of the gains of ethnic cleansing and provides a significant measure of justice to those displaced from their homes and land. The impact of conflict on housing, land and property, as well as discrimination on ethnic grounds and forced demographic changes in situations of foreign occupation, require a more consistent and resolute international response. As the Secretary-General pointed out in his report, reparations mechanisms that compensate returnees for the illegal occupation of their property show promising results and should be replicated. Integral to the existing challenges is the need to ensure accountability for the most serious crimes of concern to the international community.

In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of wrongs. Justice is a fundamental building block of sustainable peace that needs to be further strengthened, fully taking into account existing United Nations activities and structures, including in the fields of the rule of law and accountability. It is therefore important that peace and mediation efforts never accept or tolerate situations created by the unlawful use of force or other egregious violations of international law. They should never promise amnesties or encourage any other form of immunity for the most serious crimes of concern to the international community. We would like to emphasize once again the responsibility of States to comply with their obligations to end impunity and to thoroughly investigate and prosecute persons responsible for such crimes in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation. We are of the view that the international community, in general, and the Security Council, in particular, should react in cases of consistent disregard by States of their obligations to fight impunity. In conclusion, I would like to reiterate that, in order to achieve the goal of the rule of law, we should uphold fundamental principles, adhere to the uniform application of international law and promote the democratization of international relations.