

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

Statement by Mrs. Viotti, Brazil to the United Nations

I would like to thank South Africa for organizing this open debate. As this is the first time that Brazil participates in a Security Council meeting since the end of our mandate, let me reiterate our pledge to continue to cooperate with Member States in advancing the role of the Security Council in the maintenance of international peace and security. Our warmest wishes for success go to Guatemala, Azerbaijan, Togo, Morocco and Pakistan.

As the Secretary-General's report underlines, the observance of basic rule of law principles by the international community a prerequisite for lasting peace, security and development. That becomes even more important in conflict and post-conflict contexts, in which societies must rebuild the social fabric torn apart by armed conflict. We welcome the inclusion by the Security Council of the rule of law and transitional justice dimension in its decisions. The protection of civilians, grave violations in armed conflict of children's rights, and women's justice and security needs have become an important part of the Council's concerns and mandates. Brazil has consistently emphasized the structural importance of the ad hoc Tribunals for the former Yugoslavia and Rwanda in the fight against impunity and in the quest for judicial accountability. We also acknowledge the fundamental role of the International Criminal Court (ICC). International criminal accountability is a responsibility of the international community as a whole. The increased willingness of the Council to resort to the ICC should be accompanied by increased responsibility of the whole United Nations membership in providing the necessary means to the Court. Brazil supports the integrity of the Rome Statute and firmly opposes the exemption from the jurisdiction of the ICC of certain categories of individuals. We regret that exemptions were introduced in Security Council resolutions. The notion of selective international criminal accountability is foreign to the values we uphold when advocating for the cause of justice. We are also in favour of increased use of the International Court of Justice to clarify legal elements of international disputes as a means to strengthen the Council's actions. The President of the International Court of Justice, in his briefing to the Council last October, spoke about the parallel and complementary roles of the Court and the Security Council. Indeed, the work of the International Court of Justice helps to uphold the primacy of law in international affairs. The Council could further explore the advisory role of the World Court. The Secretary-General aptly mentions the mutually reinforcing character of transitional justice processes and institutional capacity-building. Non-judicial mechanisms such as truth commissions, commissions of inquiry, reparations and institutional reform are valuable instruments to foster peacebuilding and democratic governance. In developing those initiatives, the United Nations and the Council should be attentive, first and foremost, to the importance of national ownership, as has already been highlighted here. Social change will take root only if it is nationally owned by all relevant national actors. That implies close attention to the specificities of a given country. Secondly, women and children must be placed at the centre of transitional justice mechanisms. We commend the Council for its efforts in combating impunity for sexual and gender-based violence, in promoting gender-responsive justice reforms and in securing women's participation in all aspects of postconflict recovery. Thirdly, when addressing the root causes of conflict, the United Nations must continue to strengthen the linkages between the rule of law and economic and social development. Brazil warmly welcomed the General Assembly's decision to strengthen the Rule of Law Unit in the Executive Office of the Secretary-General. The multidimensional challenges of the current peace and security agenda require that the Security Council set the example. Accountability is crucial to the rule of law at the national level. It should also be a major concern with regard to the implementation of Security Council decisions. Those elements form part of a discussion that Brazil is promoting on responsibility while protecting. By reinforcing accountability with regard to the implementation of its own decisions, the Security Council reaffirms its commitment to the rule of law as a prerequisite to long-lasting peace and security. The ideal of an international order based on the rule of law should always be a source of inspiration for all of us.