

**Security Council Presidential Statement Reaffirms Opposition to Exempting
Perpetrators of Most Heinous Crimes from Punishment
No Silencing Cry for Justice, Secretary-General**

Tells Members during Debate on Rule of Law; ‘Repression Only Raises Volume’

Emphasizing the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, the Security Council today pledged its commitment to upholding international law, and reaffirmed its strong opposition to exempting from punishment those responsible for committing serious violations of humanitarian and human rights norms.

Culminating a day-long debate on the promotion and strengthening of the rule of law, the Council, through a statement read out by Baso Sangqu (South Africa), its President for January, reaffirmed its commitment to an international order based on the rule of law and international law, “which are essential for cooperation among States in addressing common challenges, thus contributing to the maintenance of international peace and security”.

The Council recognized the need for enhanced efforts aimed to build the capacity of justice and security institutions, and noted also the need for increased efforts to ensure that conflict-affected countries were able to access a broad range of relevant expertise, from developing countries in particular, in order to effectively build the capacity of those vital institutions.

Reaffirming its strong opposition to impunity for serious violations of international law, the Council emphasized the responsibility of States to comply with the relevant obligations to end impunity, investigate thoroughly and prosecute persons responsible for war crimes, genocide and other serious violations. To that end, the Council reiterated its call regarding the importance of State cooperation with the International Criminal Court, ad hoc mixed tribunals, as well as national tribunals, in the fight against impunity for the world’s most serious crimes.

In his opening remarks earlier, Secretary-General Ban Ki-moon said the Council was meeting amid “breathtaking political change” driven by people’s calls for accountability, transparency and the rule of law. Noting that people in many regions were risking their lives in peaceful protests to demand the opportunities, dignity and secure future that every individual deserved, he said: “There is no silencing this cry for justice. Repression only raises the volume.”

Never had the United Nations rule-of-law sector faced such great challenges, or such historic opportunities, he said, emphasizing that the Organization must usher in an era of respect for the law in every field: from peace and security to trade and development, from the high seas to local communities. “It will take commitment from the international community and the Security Council to see that justice is done where justice is due.”

He noted that the Council’s meeting was part of a broader international push to “rise to this moment” and to that end, on 24 September, the General Assembly would convene a high-level meeting on justice and the rule of law — the first event of its kind and the first time since 2005 that those issues would be discussed by world leaders. In the

meantime, it was the job of the United Nations quickly to demonstrate the value of the rule of law, which would build public confidence in political settlements.

The Organization's approach had three basic components, he said: promoting accountability and reinforcing norms through transitional justice; building justice and security institutions to promote trust; and focusing on justice for women and girls to foster gender equality. "The Security Council has helped bring these priorities to the top of the international agenda," he said. "But this Council can do more."

He went on to encourage the 15-member body to include the promotion of transitional justice measures more broadly in the mandates of peacekeeping and political missions, and to reject any endorsement of amnesty for genocide, war crimes, crimes against humanity or gross violations of human rights and international humanitarian law. He also urged it to bring justice closer to the victims, explaining that that meant giving them the opportunity to speak out to truth commissions and to participate in judicial proceedings. "It also calls for supporting remedies and reparations. And it requires strengthening national prosecutions for serious international crimes."

Throughout the debate, which heard from more than 40 speakers, delegations pointed to the dramatic shifts taking place in North Africa and the Middle East as prime examples of the importance of both shoring up national rule-of-law institutions and, in the wake of conflict or political upheaval, ensuring international assistance in the area of transitional justice and institution-building. However, many speakers cautioned the Council to remain cognizant of the "fragile balance" between ensuring fundamental legal protections and maintaining respect for State sovereignty. Others stressed that national ownership of rule-of-law measures must always be a priority consideration.

Speaking in his national capacity, Mr. Sangqu said that over the past year, there had been both "inspiring improvements and spectacular disappointments" in promoting the rule of law through the Council's work. The adoption of resolution 1989 (2011) bringing the Al Qaeda sanctions regime closer to human rights and due process standards was a noteworthy illustration of the Council's willingness to improve its adherence to the rule of law.

However, the "abuse and disregard" of basic rules of law in implementing resolution 1973 (2011) on the situation in Libya was of serious concern, he stressed, supporting calls for the Council to take deliberate measures to determine whether those who had implemented the resolution had correctly interpreted its provisions. They should also be held accountable for their actions in implementing Council decisions, he added.

Guatemala's representative said that a novel response to the conflict in his country, first conceived in the Peace Accords and launched in 2007, had been the creation of the United Nations-backed International Commission against Impunity (CICIG). That mechanism constituted an innovative, effective and substantive model for institution-building, he said. Thanks to that initiative, the country's national institutions had become more professional, partly due to the activities promoted by the Commission.

As for the ongoing struggle against impunity, France's representative noted his delegation's long-standing support for the work of the International Criminal Court, especially in cases where national judicial systems were unable to act. The international community's message regarding impunity must be "strong and coherent", he stressed.

To that end, France supported the Secretary-General's call that United Nations officials and envoys should never accept peace deals that included amnesty for persons alleged to have committed the worst international crimes.

Sri Lanka's representative said that the principle of sovereign equality enshrined in the Charter must be maintained as global rules were made and implemented. Member States must respect that principle, which protected all States, particularly small and weak ones. It was also important to maintain the principle of non-interference in internal affairs, especially in situations that posed no threat to global peace and security, he said, cautioning the importance of avoiding unilateral and selective applications of the principles of international law.

Other speakers today were representatives of Germany, India, Portugal, United States, United Kingdom, Colombia, Morocco, China, Russian Federation, Pakistan, Azerbaijan, Togo, Brazil, Mexico, Japan, Peru, Liechtenstein, Costa Rica, Austria (also on behalf of the Human Security Network), Estonia (also as President of the Assembly of States Parties to the International Criminal Court), Finland, Switzerland, Chile, Australia, Luxembourg, Mauritius, Norway, Bangladesh, Nepal, Iran, Solomon Islands, Argentina, Denmark, Armenia, Kyrgyzstan, Ethiopia and the Philippines.

Also speaking was the Head of the Delegation of the European Union.

The meeting began at 10:17 a.m. and ended at 5:05 p.m.

Presidential Statement

The full text of presidential statement S/PRST/2012/1 reads as follows:

"The Security Council recognizes the need for universal adherence to and implementation of the rule of law and emphasizes the vital importance it attaches to promoting justice and the rule of law as an indispensable element for peaceful coexistence and the prevention of armed conflict.

"The Security Council reaffirms its commitment to international law and the Charter of the United Nations, and to an international order based on the rule of law and international law, which are essential for cooperation among States in addressing common challenges, thus contributing to the maintenance of international peace and security.

"The Security Council is committed to and actively supports the peaceful settlement of disputes and reiterates its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter of the United Nations. The Council emphasizes the key role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work. To this end the Council calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

"The Security Council reiterates its concern over the devastation and suffering caused by armed conflict and emphasizes the need to prevent conflict and, where conflict has already broken out, to restore peace and security. The Council acknowledges that political will and the concerted efforts of both national Governments and the international

community are critical to preventing conflict and achieving success in the restoration of and respect for the rule of law.

“The Security Council reiterates its concern about the situation of the most vulnerable in societies affected by armed conflict, including women and children as well as other vulnerable groups and displaced persons. The Council expresses particular concern about sexual and gender-based violence in conflict situations and recalls in this regard resolution 1325 (2000) and other relevant resolutions.

“The Security Council reaffirms that sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice activities. In this regard the Council emphasizes the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding.

“The Security Council recognizes the importance of national ownership in rule of law assistance activities, strengthening justice and security institutions that are accessible and responsive to citizens’ needs and which promote social cohesion and economic prosperity. In this regard, the Council takes note of the initiatives being taken by some conflict-affected countries to help ensure national ownership in rule of law assistance activities and improve the quality of support to those countries.

“The Security Council recognizes the need for enhanced efforts aimed at capacity building in justice and security institutions, especially in the police, prosecutorial, judicial and corrections sectors. In this regard, the Council notes the need for increased efforts to ensure that conflict-affected countries are able to access a broad range of relevant expertise, in particular from developing countries, in order to effectively build the capacity of justice and security institutions.

“The Security Council welcomes efforts by the Rule of Law Unit and the Rule of Law Coordination and Resource Group within existing mandates and encourages further efforts to ensure greater coordination and coherence in rule of law activities in conflict-affected societies. To this end the Council requests that the Secretary-General continues his efforts to further clarify roles and responsibilities within the United Nations system for specific rule of law activities, based on assessments of agencies’ respective strengths and capacities, to ensure more effective delivery of support to conflict-affected countries.

“The Security Council notes with concern that transnational organized crime and drug trafficking can pose serious threats to international security in different regions of the world, notes also that these transnational crimes may threaten the security of countries on its agenda, including post-conflict states, encourages the coordination of United Nations actions as well as Member States’ actions in fighting these threats through implementation of national and international applicable norms, relevant international long-term capacity-building efforts and regional initiatives.

“The Security Council reiterates its call on all parties to armed conflict to comply with the obligations applicable to them under international humanitarian law and to take all required steps to protect civilians and recalls in this regard resolution 1894(2009).

“The Security Council reaffirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law. The Council further emphasizes the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation.

“The Security Council recalls the Statement by its President on 29 June 2010 (S/PRST/2010/11) which included the contribution of the International Criminal Court, ad hoc and mixed tribunals, as well as chambers in national tribunals to the fight against impunity for the most serious crimes of concern to the international community. In this regard, the Council reiterates its previous call on the importance of State cooperation with these Courts and Tribunals in accordance with the States’ respective obligations.

“The Security Council reaffirms that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia including hostage-taking negatively affects the rule of law, and recalls its decision contained in resolution 2015 (2011) to continue consideration, as a matter of urgency, without prejudice to any further steps to ensure that pirates are held accountable, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support.

“The Security Council considers sanctions an important tool in the maintenance and restoration of international peace and security. The Council reiterates the need to ensure that sanctions are carefully targeted in support of clear objectives and designed carefully so as to minimize possible adverse consequences and implemented by Member States. The Council remains committed to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.

“The Security Council looks forward to the High-level meeting on the Rule of Law at the National and International Levels to be held on 24 September 2012 and notes with appreciation the intention to extend an invitation to the President of the Council to participate in the event.

“The Security Council requests the Secretary-General to provide a follow-up report within 12 months to consider the effectiveness of the United Nations system’s support to the promotion of the rule of law in conflict and post-conflict situations.”

Background

Meeting today in an open session to consider the rule of law, the Security Council had before it the Secretary-General’s report dealing with that topic as it relates to transitional justice in conflict and post-conflict societies (document S/2011/634). The Council requested the survey in its presidential statement S/PRST/2010/11 (see Press Release SC/9965). It takes stock of progress made in implementing the recommendations contained in the Secretary-General’s 2004 report on the same topic (S/2004/616), and outlines further steps to promote the rule of law.

According to the report, the United Nations approaches in strengthening the rule of law have become more clearly articulated over the past 8 years. In conflict and post-conflict societies, the Organization assists countries in establishing the rule of law by ensuring accountability and reinforcing norms, building confidence in justice and security institutions, and promoting gender equality. The Organization is increasingly focused on emerging threats to the rule of law, such as organized crime and illicit trafficking, and the root causes of conflict, including economic and social justice issues.

While the Secretary-General notes in the report that those efforts are proving to be “indispensable to a wider peace and security agenda,” he emphasizes that Member States and national stakeholders are nevertheless rightfully demanding more predictability, accountability and effectiveness in the Organization’s activities. “Admittedly, greater efforts are needed to ensure a unified approach to the rule of law, address gaps in evidence-based programming and integrate security sector reform into the wider rule of law framework,” he says, adding that more is required to increase levels of national ownership, promote donor coordination and foster political will.

He goes on to stress that timing is critical in all such endeavours. In the Middle East, North Africa and elsewhere, grass-roots demand for greater accountability, transparency and the rule of law is driving political changes at a breathtaking pace. “As the present report is being drafted, rapidly developing situations in Côte d’Ivoire, Egypt, Libya, South Sudan, the Syrian Arab Republic and Tunisia are placing significant demands on our expertise, testing the limits of our capacities,” he explains, and adds that, to date, the United Nations rule of law sector has never faced such stark challenges, or such historic opportunities.

With all this in mind, the Secretary-General says that going forward, increased support for multilateral efforts will bring much needed predictability and accountability to the rule of law field. Enhanced political will, stronger efforts to build national ownership and greater use of objective measures of progress will help ensure the sustainability and impact of national reform initiatives. Specifically regarding the work of the Council, he recommends that the 15-nation body, among other things, strengthen its support for the International Court of Justice; make explicit references to transitional justice where appropriate; continue to support action plans for police and judicial reform; encourage more funding for justice and security institutions; and reject any endorsement of amnesty for gross violations of human rights.

Statements

BAN KI-MOON, United Nations Secretary-General, said the Council’s debate came at a time of breathtaking political change driven by peoples’ calls for accountability, transparency and the rule of law. Women and men everywhere wanted their rights to be respected and they were risking their lives in peaceful protests to demand the opportunities, dignity and secure future that every individual deserved. “There is no silencing this cry for justice. Repression only raises the volume,” he said.

The task of the United Nations was to usher in an era of respect for the law in every field: from peace and security to trade and development; from the high seas to local communities. Never had the Organization’s rule of law sector faced such great challenges — or such historic opportunities. The current meeting of the Council was part of a broader international push to rise to this moment. To that end, he noted that

earlier this week, the United Nations had gathered officials, ambassadors and distinguished thinkers on the rule of law for a two-day meeting dealing with justice, human rights, peacekeeping and related issues.

He announced that in September, the world body would convene a high-level meeting on the rule of law — the first event of its kind, and the first time since 2005 that those issues would be discussed by top leaders. “The [United Nations] work to promote the rule of law extends to more than 150 countries. Our efforts to combat transnational crime, build confidence and capacity in State institutions and battle discrimination against women are all part of this effort,” he said, adding that United Nations programmes already helped tens of thousands of vulnerable individuals to obtain justice.

“We are supporting legal aid. We are training public defenders. We are raising awareness, since it is often those who most need the rule of law who also know least about their rights,” he continued, adding that the Organization was also working on strategies to counter the growing threats posed by piracy, drug trafficking and organized crime. For societies traumatized by years of fighting and gross violations of human rights, nothing was more critical than establishing the rule of law.

Indeed, when the guns fell silent, the United Nations was often the first Organization on the ground helping fractured countries to start building peace and strengthening key institutions. “Our goal is to quickly demonstrate the value of the rule of law. That builds public confidence in political settlements,” he said, explaining that the Organization’s approach had three main components: promoting accountability and reinforcing norms through transitional justice; building justice and security institutions to promote trust; and focusing on justice for women and girls to foster gender equality.

He said that while the Security Council had helped bring those priorities to the top of the international agenda, it could do more. “I encourage the Council to include the promotion of transitional justice measures more broadly in the mandates of peacekeeping and political missions,” he said, also encouraging the 15-nation body to reject any endorsement of amnesty for genocide, war crimes, crimes against humanity or gross violations of human rights and international humanitarian law.

“I urge you to bring justice closer to the victims. That means giving them the opportunity to speak out to truth commissions and to participate in judicial proceedings,” he continued, noting that this also called for supporting remedies and reparations, and required strengthening national prosecutions for serious international crimes. The primary obligation for accountability rested with domestic justice systems, he said, and it would require the development of security institutions that were accountable to laws and to the people.

He went on to stress that bringing justice closer to victims would also require more funding for women’s access to justice. It would further demand greater attention to the economic and social roots of gender inequality. “We have made progress in helping vulnerable groups. But we need to do more to include their perspectives when we design rule of law activities and when we carry them out,” he said, urging support for innovative initiatives like the deployment of civilian justice and corrections experts on missions. United Nations Rule of Law Indicators, designed to monitor criminal justice institutions, should also be used during and after conflicts.

“But when national justice systems fall short, the international community must be able to respond with international prosecutions, particularly before the International Criminal Court,” he said. The United Nations was established in the name of the world’s peoples. “As their demands for justice rise, we must respond. We have to create a world where the rule of law, social justice, accountability and a culture of prevention will be the foundations of sustainable development and durable peace,” he said, emphasizing that building such a world would take commitment from the international community and the Security Council “to see that justice is done where justice is due.”

MIGUEL BERGER (Germany) reaffirmed his country’s firm commitment to an international order based on international law with the United Nations at its core, noting that its history had shown “the disastrous consequences of disregarding even the most basic rules, without which societies are relegated to a state of lawlessness and moral destitution”. Strengthening the rule of law was a priority in its international cooperation, as the presence or non-presence of such rule ultimately determined the success or failure of international interventions. For that reason, he called on all agencies participating in the rule of law coordinating Group to define and implement a unified and comprehensive approach, to address gaps in their programme activities and to apply a rigid lessons-learned approach.

He noted with satisfaction the increasingly crucial role that the Security Council, along with the Peacebuilding Commission, was playing in promotion of the rule of law, as well as its integration of the rule of law as a basis for its own work. In the latter regard, he said that more frequent use could be made of Charter provisions that allowed the Council to recommend States to refer legal aspects of international disputes to the International Court of Justice. Acceptance by more States of the Court’s jurisdiction as compulsory would also strengthen the rule of law. In addition, affirming an obligation to combat impunity, he reiterated his country’s support of the International Criminal Court.

He also fully supported the call for a comprehensive transitional justice policy in countries emerging from conflict involving prosecution, institutional reform, redress for victims and the establishment of truth and reconciliation commissions. The focus of the international community in countries emerging from conflict should be on broadening and deepening civilian capacity. Finally, in the wake of historic changes symbolized by the fall of the Berlin wall in 1989 and last year’s momentous political change in the Middle East and North Africa, he said that the establishment of the rule of law remained a common “benchmark for success” on all levels. “To strengthen the rule of law — whether at the national or international level, whether through conflict prevention or peacebuilding — is an investment that pays,” he concluded.

HARDEEP SINGH PURI (India) said the rule of law and justice were preconditions for maintaining peace and security internationally. Good governance and the rule of law were essential for sustained economic growth, sustainable development and poverty eradication. States must fulfil their obligations to observe and protect fundamental freedoms for all, in line with domestic and international law. It was necessary to eliminate policies that discriminated against women and to adopt laws that protected the rights of women and promoted gender equality. As compliance with the rule of law helped vulnerable people access justice and achieve dignity and empowerment, he supported the work of United Nations agencies in helping countries in conflict and post-conflict situations build capacity to ensure justice and the rule of law. He lauded the Secretariat’s rule of law assistance unit for its role in strengthening United Nations rule of

law activities, including through technical assistance and capacity-building in post-conflict and conflict countries. Such aid must be based on the Charter and aimed at building national institutions capable of meeting the legitimate aspirations of the population and addressing their grievances.

There was no one—size-fits-all model, he said. United Nations aid must be flexible and adapt to specific situations. National ownership was fundamental when helping countries build capacity and institutions for the rule of law. Adequate resources must be made available to United Nations missions. It was necessary to support and further encourage institutional policies and processes that ensured a just, effective international order based on the rule of law. In conflict and post-conflict situations, United Nations officials must assist, not lead, efforts of the countries concerned. United Nations mission mandates must be focused and duly prioritized. In some instances, mandates had been interpreted too broadly and without consulting the host Government. The Council should resist the temptation to resort to its Chapter VII powers. Instead, it must promote justice and the rule of law through peaceful means under Chapter VI.

JOSE FILIPE MORAES CABRAL (Portugal) said the role of the international tribunals could not be overemphasized. More States should accept the compulsory jurisdiction of the International Court of Justice. He noted the role of international tribunals in the former Yugoslavia and Rwanda in building and promoting the rule of law nationally and the International Criminal Court had built on those steps. The situations in Darfur and in Libya, which the Council decided to refer to the Court, were proof of the Court's unique role. Cooperation with the International Criminal Court was crucial in achieving justice and fighting impunity, which were necessary for sustainable peace. The rule of law was fundamental for sustainable peace and development. The Council should address those needs when creating mandates and planning missions, as well as during the early stages of the transition to peacekeeping and peacebuilding. It should also ensure the necessary means were available in due time, which required careful planning.

Strong legal systems, appropriate legislation, effective judiciary mechanisms and international cooperation were necessary to fight transnational organized crime, he said. He welcomed the Council's awareness of that threat as demonstrated by its call for long-term capacity-building by the Organization in affected countries. He called for an effective response to address the most vulnerable people in conflict and post-conflict situations, such as women and children. The means to fight impunity for those crimes must be strengthened, including in United Nations civilian protection mandates. Legal systems must be capable of addressing the special needs of women and children, including by abolishing discriminatory laws. Further, there could be no impunity for the perpetrators for the most serious international crimes.

GÉRARD ARAUD (France) said the current meeting would set the stage for the upcoming high-level meeting on justice and the rule of law to be convened by the General Assembly. The Council, for its part, had carried out major efforts on the matter. It had not only adopted a relevant presidential statement in 2010, it had also taken actions that had effect on the ground, particularly regarding ending impunity and ensuring the rule of law, such as in its recent decisions regarding Libya. The Council had also worked to integrate its actions with those of the Peacebuilding Commission to ensure coherence in the Organization's rule of law activities in post-conflict situations. At the same time, France believed that more work must be done to ensure that post-

conflict States had better access to justice mechanisms and received more targeted assistance towards bolstering their criminal justice, judicial and security sectors.

As for the ongoing struggle against impunity, he noted his delegation's long-time support for the work of the International Criminal Court, especially in cases where national judicial systems were unable to act. The message that the international community sent regarding impunity must be strong and coherent. To that end, he supported the Secretary-General's call that United Nations officials and envoys should never accept peace deals that included amnesty for persons alleged to have committed the worst international crimes. Finally, he said that France particularly supported all measures regarding the peaceful settlement of disputes, and urged all States to settle their differences through the International Court of Justice.

ROSEMAY DICARLO (United States) said that her delegation agreed with the Secretary-General that the rule of law and justice were critical in rebuilding societies that had been torn apart by violence and war. As such, strengthening the rule of law required more than technical expertise; it required political will and the involvement by a wide range of international actors. One key example of such efforts in that regard had been the establishment of international and mixed tribunals and accountability mechanisms. She said that once such mechanism, the International Criminal Court, could play an important role in contributing to the fight against impunity. The United States had supported the Council's measure that had referred the situation in Libya to the Court. While the United States was not a party to the Rome Statute, over the past several years it had begun sending observer delegates to meetings of the States parties to that instrument, and a United States delegation had also attended the recent review conference in Kampala, Uganda.

She went on to say that bolstering the rule of law in conflict and post conflict situations required ensuring protection of and access for women, children and other vulnerable groups, including those targeted on the basis of sexual orientation. The Council and the wider international community could help deter impunity through the application of targeted sanctions. The rule of law also meant that States must fulfil their international obligations, including their Chapter VII obligations set out in Council resolutions. Turning to long-term prevention, she said that the lessons of international justice must be supported nationally and implemented locally to make sure they gained traction. That could be done in several ways, including through embedding judicial advisors in prosecution cells, training police to investigate sexual violence, and training border security officers.

As for the work of the United States in the area, she said that President Barack Obama had recently signed an Executive Order that had established the country's first action plan on "women, peace and security." That plan highlighted women's participation in making and keeping peace. It also recognized that women were agents of peace and essential to building the rule of law in any society. Finally, she said that the United States was increasing its activities to prevent and respond to mass atrocities through the work of an Atrocities Prevention Board, which was undertaking a review that would allow her country to engage earlier and more effectively.

MARK LYALL GRANT (United Kingdom) said a rules-based approach was at the heart of the United Kingdom's foreign policy. The United Kingdom was the only permanent Council member that had accepted the compulsory jurisdiction of the International Court

of Justice. Further, the International Criminal Court had ushered in a new era of accountability, which should make people, including those in Syria, think twice before committing atrocities. He called on all States to become parties to the International Criminal Court. He was particularly disappointed that some Council members that had expressed their commitment to the rule of law were now unwilling to recognize the Court's jurisdiction concerning serious crimes. He welcomed the focus on the Secretary-General's report on the rule of law. The Arab Spring's defining feature was that it illustrated the need for Governments governed by the rule of law and justice, instead of by autocrats. Collective efforts to strengthen the rule of law in countries affected by conflict were critical. The rule of law was the bedrock of sustainable development.

The United Kingdom was committed to spending 30 per cent of its growing development aid to countries affected by conflict, he said. That aid would help 12 million women gain access to justice through the courts, the police and legal assistance. The World Bank's 2011 development report gave evidence of gaps in the international system in support of the in rule of law in terms of police, justice and corrections support. He encouraged the Secretary-General's efforts to address those challenges. National ownership was critical to any assistance to strengthen the rule of law and building national capacities was essential. Local ownership and leadership in that process was vital. He strongly supported the recent launch of the new deal proposed by countries affected by conflict to guide the international community's efforts to help them. The upcoming high-level meeting on the rule of law would create an opportunity to address those challenges.

Néstor Osorio (Colombia) said that, in his country, human rights and international humanitarian law were firmly embedded in the Constitution, ranking high among domestic legal norms. The report of the Secretary-General acknowledged the interest of several measures taken by Colombia, including compensation, judicial reform and coordination with United Nations bodies and agencies. In particular, he cited Colombian legislation which provided for the reintegration of members of organized armed groups.

Colombia, he continued, welcomed the support of the United Nations to the strengthening of the rule of law.

He said that his Government had implemented a programme to promote and ensure direct citizen participation in Government actions. He also noted the creation of a presidential council for good governance and administrative efficiency, which was responsible for assessing the response to the immediate needs of the population.

Measures had also been taken to facilitate the proper functioning of the judicial institutions. He urged the United Nations and, in particular, the Security Council, to focus on cooperation with Governments to strengthen the rule of law.

MOHAMMED LOULICHKI (Morocco) said justice and the rule of law were clearly preconditions for all people, especially those in conflict and post-conflict countries. In such cases, the Security Council, in the ambit of its Charter-mandated responsibilities, must ensure that the rule of law was strengthened or re-built where necessary. Indeed, the Council should ensure that building the rule of law should be a part of the political process put in place to help war-torn countries move from conflict towards development and peace. The efforts of the wider United Nations must be coordinated to ensure a coherent and strategic approach. He said that such a comprehensive approach must include, for example, coordinated activities of the Council, the International Court of Justice and the Economic and Social Council.

He went on to say that national ownership remained a vital element of all activities aimed at strengthening justice systems and the rule of law. The United Nations must help national authorities put in place mechanisms to strengthen the rule of law and bolster local judicial institutions. Only such activities would help war-torn nations return to normal public life. Cooperation with host countries was essential to ensuring that all such activities were carried out successfully. He highlighted new threats to the rule of law, including transborder criminality and all forms of trafficking, and said that Morocco supported the Secretary-General's call on the United Nations to help regional organizations set up mechanisms to deal effectively with such crimes. Finally, he noted that Morocco's Constitution supported the rule of law and the country stood ready to work with the Council and the wider United Nations on all measures to strengthen the rule of law worldwide.

LI BAODONG (China) said the rule of law in international relations should be strengthened. Adherence to the Charter and respect for the principles of international law, including of national sovereignty and non-interference, was the essence of promoting the international rule of law. Strict implementation of Council resolutions was necessary to promote the rule of law. There could be no distortion or expansive interpretations of their content. Conflicts were inevitable in countries with different cultural backgrounds and levels of development, and the rule of law had become a requirement for peacefully settling conflicts. The development of the rule of law for countries in post conflict and conflict situations must be addressed holistically.

In order to develop the rule of law, it was necessary to coordinate efforts for economic development and national reconciliation, and to respect each country's unique situation, he said. He condemned all acts that violated human rights and international human rights law. He supported the penalization of war crimes, genocide and crimes against humanity. Peace and justice must facilitate and complement each other. The pursuit of justice should promote, rather than interfere with peace processes. He urged caution in imposing sanctions, saying they should only be carried out on the basis of facts and evidence. Double standards must be avoided.

VITALY CHURKIN (Russian Federation) noted the swift political change in North Africa and the Middle East and the need for the rule of law and legal standards to prevent them from plunging into more serious conflict and war. The Council must take a balanced approach concerning the rule of law. Respect for the sovereignty of States, non-interference, and the peaceful settlement of disputes was particularly important. As the primary organ for maintaining international peace and security, the Council had a vast array of instruments available, from measures to restoring order during peacekeeping operations, to civilian protection, to helping States to investigate violations of international law. It was important to note that it could only be achieved if there was strict compliance with Council resolutions and no vague interpretation of them.

The arbitrary interpretation by Coalition Forces of Council resolutions on Libya had led to violations of international law, he said. There must be an investigation of the actions by all parties to the conflict. It was necessary to look at the responsibility of not just perpetrators of crimes, but also of organizations. International action should complement, not replace, national efforts. International Courts must be able to resolve legal disputes and to issue standards. He expressed concern over piracy off the Somali coast, which was worsening. Impunity for pirates must not be tolerated. It was necessary to implement, as soon as possible, the proposed initiative towards that end.

Gert Rosenthal (Guatemala) said from his national perspective, the strengthening of the rule of law and democratic institutions were priorities that were founded in the Peace Accords Guatemala signed at the end of 1996 and to which the country was committed. It had been reaffirmed only five days ago by the country's new President Otto Fernando Pérez Molina in his inaugural address when he declared that Guatemala's "commitment with the rule of law in all its aspects would lead us to accede the Rome Statute in order to join the International Criminal Court as evidence of our aspiration to transition towards a future governed by the law and respect for human rights of all peoples and nations".

A novel response to the conflict in his country, first conceived in the Peace Accords and launched in 2007, was the International Commission against Impunity in Guatemala (CICIG), which he said represented an important partnership between the United Nations and Guatemala. The CICIG constituted an innovative, effective and substantive model for institution-building. Thanks to that initiative, the country's national institutions had been made more professional, partly due to the activities promoted by the Commission, he said.

Thus, in consideration of the Secretary-General's proposals contained in his latest report, he believed, first, that the matter of national ownership was not sufficiently taken into account, despite being central to any successful transition. Second, he believed that the peaceful settlement of disputes was the main guarantor of international peace and security; third, that situations needed to be examined on a case-by-case basis. Continuing, he stated that Guatemala supported further promoting the strict observance of international law and accountability for those responsible for the gravest violations of human rights. Finally, noting that the United Nations would this year hold a high-level meeting on the rule of law, he said Guatemala believed that the meeting offered a unique opportunity for Member States to advance the rule of law as one of the fundamental contributions for the consolidation of peace, justice and an end to impunity.

Abdullah Hussain Haroon (Pakistan) said the international community's efforts to define and implement the rule of law reflected the march of civilization, and today, the rule of law was considered a critical component in the broader effort to build a durable system of peace and prosperity for all. It was also central to the concept of global peace and security and the promotion of fair practices in the struggle for social and economic justice. Upholding the principles of justice and the rule of law, sovereign equality, settlement of disputes by peaceful means, the conduct of international relations without threat or use of force, and non-interference in domestic affairs was essential for the maintenance of international order. The Security Council must lead by example, he said, and Article 39 of the Charter must be used to determine the existence of any threat to peace or breach of peace. In particular, the use of force should be consistent with the Charter's principles relating to collective security.

Continuing, he said that the Security Council, in all its work, must adhere to the principles of the Charter and international law. The institutions which were responsible for the implementation of the rule of law must strengthen first through their own decisions and actions. "If the Council's decisions are informed by the same norms for fair play and justice which it seeks to promote, that would rebound to the benefit of implementation on its decision and manifold increase in the Council's effectiveness," he said. Concerted efforts must be made to ensure that the Council's resolutions and decisions were uniformly implemented; selective implementation must be avoided as

such actions would be unjust, deepen conflicts and compound suffering. It would also erode confidence in the United Nations system. He said that Pakistan appreciated recent efforts by the Council to make the 15-nation body's sanctions regimes more streamlined and transparent, including through the enhancement through resolution 1989 (2011) of the role of the Ombudsperson for de-listing. Pakistan hoped that similar reforms would be taken in all other such regimes to ensure due process and transparency.

AGSHIN MEHDIYEV (Azerbaijan) reaffirmed his delegation's commitment to an international order based on the rule of law and international law. While more attention was being paid to such issues, greater efforts were needed to ensure a unified approach to the rule of law to address major threats and challenges that continued to affect the basic elements of the international legal order, undermined national unity and the territorial integrity of States, and which promoted a disregard for human rights norms. He said that it was an "absolute priority" to ensure strict compliance by parties to armed conflict with their obligations under international humanitarian and human rights law. Indeed, law and justice were more important than force and that fact the illegal situations continued because of political disagreements did not mean that such situations were, therefore, rendered legal.

He said efforts to promote the rule of law must take into account the situation of the most vulnerable, including women, children and displaced persons. Ensuring the right of return constituted a categorical rejection of ethnic cleansing and offered an important measure of justice to those that had been displaced from their homes and lands. As the Secretary-General had pointed out in his report, reparations mechanisms that compensated returnees for the illegal occupation of their property had shown promising results and should be replicated. Turning to the combat against impunity, he said that justice was a fundamental building block to sustainable peace and, as such, mechanisms that provided access to it should be further strengthened. Peace talks or mediation efforts should never promise amnesty or encourage any forms of immunity for the most serious crimes of concern in international law. Here, he emphasized the responsibility of States to comply with their obligations to end impunity and to thoroughly investigate and prosecute persons responsible for such crimes.

KODJO MENAN (Togo) said respect for human rights was necessary for peace, security and the fight against impunity. The Charter and the International Court of Justice had an important role in that regard. Togo recognized that its institutions must respect justice and the rule of law. Serious international crimes committed during the armed conflict, such as genocide, rape and violence against children, must not be given impunity. Perpetrators of those crimes must be punished, in line with each country's respective laws. But, that must be administered in accordance with the principle of justice and equality for all. He lauded the Secretary-General's report on the rule of law and transitional justice. Togo had done its part to reform its justice and rule of law systems. It had created a Truth and Reconciliation Commission to shed light on acts of violence and offer reparations to victims.

He lauded the positive developments made by the International Criminal Court and the ad hoc tribunals. During a post-conflict State's reconstruction period, a viable, credible justice system must be put in place in order to ensure respect for human rights, reconciliation, peace and stability. That system must be able to incorporate reparational and punitive justice, traditional prevention mechanisms, as well as mechanisms for

managing and settling conflicts. He reaffirmed Togo's commitment to the rule of law and justice. The Council must continue to play a role in promoting and coordinating efforts in that area. The Council must encourage better international cooperation in protecting human rights. The Council must be able to help countries, particularly developing countries, and to ensure those principles were anchored in their daily lives.

BASO SANGQU (South Africa) said promotion of justice and the rule of law were vital for peaceful coexistence and conflict prevention. Efforts in the search for long-lasting peace must include creation of the rule of law and justice. Peacebuilding and peacemaking required an integrated and comprehensive approach that accounted for development, economic prosperity and creation of the rule of law and justice. The role of the international community in building and strengthening justice institutions was crucial. It was also important to promote national ownership in all rule of law activities. The International Criminal Court and the ad hoc tribunals for the former Yugoslavia and for Rwanda were important tools for fighting impunity. But, success would only be reached when there were no longer any cases before them, because national systems were willing and able to carry out investigations and prosecutions.

While exerting efforts to promote the rule of law at the national level, equal attention must be paid to rule of law at the international level, he said. Over the past year, there had been both inspiring improvements and spectacular disappointments in promoting the rule of law through the Council's work. The adoption of resolution 1989 bringing the Al Qaeda regime closer to human rights and due process standards was a noteworthy illustration of the Council's willingness to improve its adherence to the rule of law. But, the abuse and disregard of basic rule of law requirements in implementing resolution 1973 (2011) was of serious concern. He supported the call for the Council to take deliberate measures to determine whether those who implemented resolution 1973 (2011) had correctly interpreted its provisions. They should also be held accountable for their actions to implement Council decisions. Further, he encouraged the Council to make greater use of the International Court of Justice. He lauded the Secretariat's rule of law unit and the rule of law coordination and resource group for their efforts towards greater coordination in the Organization's rule of law activities.

MARIA LUIZA RIBEIRO VIOTTI (Brazil) said her country had consistently emphasized the importance of effective cooperation with Member States as a cornerstone of the International Criminal Tribunal's mandate in the fight against impunity and the quest for judicial accountability. If the international community was really committed to defend the rule of law, peace and reconciliation in post-conflict contexts, it must stress the value of a close institutional relationship between the Tribunals and national judicial systems.

International criminal accountability was an international responsibility and, in that context, the Council's increased willingness to resort to the International Criminal Court should be accompanied by increased responsibility of the whole United Nations membership in providing the necessary means to the Court to enable it to act independently, as a pillar of the rule of law.

She said that the work of the International Court of Justice was instrumental to ensure the primacy of law in international affairs and the peaceful settlement of disputes. The advisory jurisdiction of the world Court could be explored further by the Council when seeking to reinforce the rule of law globally. Non-judicial mechanisms, such as truth commissions, commissions of inquiry, reparations and institutional reform were all valuable to foster rule of law reform, economic development and democratic

governance. Indeed, the evolution of those elements since 2004 within the United Nations rule of law framework was “remarkable”. In that, national ownership of those processes was important. Second, marginalized populations, especially women and children, must be placed at the centre of transitional justice mechanisms, and third, when addressing conflicts’ root causes, the United Nations needed to strengthen the linkages between the rule of law and economic and social development.

LUIS-ALFONSO DE ALBA (Mexico) said that his delegation recognized the importance attached to the rule of law in a number of measures and decisions taken by the Security Council. Mexico also welcomed an increasing focus on transitional justice, which helped strengthen the rule of law. Yet, it was essential that the Council adhered to and ensured compliance with international law in all cases. The Organization must play a leading role in combating impunity for the perpetrators of the most serious international crimes. The Council had played an increasingly important role in referring situations to the International Criminal Court, such as the cases of Libya and Darfur. Such actions had enhanced international peace and security.

He said that all nations must adhere to and implement international law and the rule of law, irrespective of their level of socio-economic development and political might. The rule of law must also apply to all of the Security Council’s subsidiary bodies. While agreeing that applying rule of law indicators was a necessary exercise, it was also necessary to apply qualitative indicators such as access to justice, efficiency of judicial mechanisms and efforts to combat impunity. Compliance with the rule of law was indispensable for the maintenance of international peace and security. Such compliance also contributed to enhancing the social and political standing of the wider international community. Mexico, therefore, supported the presidential statement just adopted by the Council and looked forward to the upcoming General Assembly high-level meeting on the subject. That meeting would provide the United Nations an opportunity to outline a cross-cutting perspective on the rule of law that was better balanced and more comprehensive.

TSUNEO NISHIDA (Japan) said that this month marked the one-year anniversary of the historic events in Tunisia and Egypt. The world had since witnessed the efforts of many countries to carry out reforms. Throughout the past year, the international community had been reminded that the rule of law was one of the most critical norms for realizing peaceful coexistence. With that in mind, he said that 2012 would, therefore, be especially important in ensuring that the rule of law, freedom and democracy took root in societies that had been swept up in the changes, many of which now were at various stages of transformation. Some were progressing towards the establishment of democratic governance through constitutional and electoral processes, while others were seeking to create blueprints for future action. At the same time, “the actions of certain Governments give rise to serious doubts about their sincerity regarding reform.”

In all those cases, it was essential that the Security Council and the international community continued to remain seized of the developments and in each case, provide the necessary assistance. He went on to say that efforts to strengthen the rule of law had been made in every part of the world, including Asia and Africa. Japan had actively supported such endeavours, for example, in Afghanistan, where it had contributed some \$960 million since 2001 to bolster that country’s security sector. Japan had also allocated some \$70 million to the work of the Khmer Rouge Extraordinary Chambers. Also, Japan, as Chair of the peacebuilding Commission’s Working Group on Lessons

Learned, had held a meeting on security sector reform and the rule of law in October 2011. He said that, in March 2012, Japan would mark the one-year anniversary of the earthquake that had devastated regions in the east of the country. The fact that the people in the affected areas had acted in such an orderly manner, despite the indescribable chaos, had illustrated that, in addition to institution-building, nurturing a law-abiding spirit was vital to making the rule of law take root in a society.

ENRIQUE ROMÁN-MOREY (Peru) lauded the Secretary-General's report on strengthening the rule of law, which shed light on various fundamental aspects such as security sector reform, civilian protection and the need to bring those responsible for international crimes to justice. It was necessary to reaffirm the commitment to fighting impunity nationally and internationally. The work of the international tribunals must be complemented. It was necessary to ensure that perpetrators of the most serious crimes were duly tried and punished. All States must unambiguously adopt respective measures to implement the provisions of the Rome Statute and the Charter and execute arrest warrants of the International Criminal Court. States must refrain from the use of force and they must resolve disputes through peaceful means. He underscored the role of the International Court of Justice as the United Nations principle organ for resolving disputes between States.

States had committed to comply with the decisions of the Court, he said. That commitment was one of the principle objectives of the General Assembly when it created the United Nations Decade of International Law from 1990 to 1999. But, to date, only 66 States, including Peru, had submitted statements recognizing the Court's compulsory jurisdiction. He called on all States that had not yet done so to recognize its competence, as soon as possible. He recognized that many States were in economic crisis. But, that could not be used as a pretext to refrain from creating and implementing measures to implement the rule of law. Such measures would ultimately reduce costs and save innocent lives. International cooperation must support those activities and more could be done to better coordinate and streamline initiatives in that area. He recognized the efforts of the Rule of Law Unit and the Rule of Law Coordination and Research Group. He looked forward to next September's high-level Assembly meeting on the rule of law.

CHRISTIAN WENAWESER (Liechtenstein), supporting the recommendations of the Secretary-General on the rule of law, added that "the best way for the Security Council to promote international law and the rule of law is to lead by example". It was particularly important for United Nations peacekeepers and other personnel in missions mandated by the Council to abide by applicable laws and not commit crimes. He said that much remained to be done, however, to prevent such crimes and to ensure perpetrators were brought to justice, as repatriation alone was insufficient to bring about accountability. For that reason, he expressed disappointment over the absence of that issue in the report.

Noting the expansion of international mechanisms to promote criminal accountability, he said that rule of law at the domestic level held the key to sustainable progress. The Council should continue reminding States of their obligations to investigate and prosecute the most serious crimes under international law and support efforts to strengthen domestic judicial capacities, through appropriate mission mandates and structures. Coordination of efforts throughout the United Nations system to support domestic rule of law could be improved through the September high-level meeting. The

time was also ripe to systematize and professionalize support for commissions of inquiry, similar to the way that Secretariat support for mediation activities was improved.

Finally, he reminded the Council that the adoption of a definition of the crime of aggression by the 2010 International Criminal Court Review Conference, along with conditions under which the Court might in the future exercise jurisdiction of that crime, could give the Council new policy options to address the use of force in contravention of the Charter, as well as new tools for its deliberations on the legality of the use of force.

For that reason, States should ratify the relevant amendment soon and should incorporate the definition of the crime of aggression into their criminal codes, at least with respect to their own nationals.

EDUARDO ULIBARRI (Costa Rica) welcomed the Council's growing interest in strengthening the rule of law, which was reflective of the wider efforts of the Organization, including the General Assembly's upcoming high-level event on the topic. The rule of law and justice were vital instruments for promoting peace, development and stability. The rule of law was not merely a procedural matter, it was a substantive matter that should include efforts to promote and uphold global human rights norms and combat impunity. The Security Council must ensure that its decisions and resolutions that included rule of law elements were implemented in a non-selective matter. The Council must also enhance its cooperation with the regional justice mechanisms, as well as the Office of the United Nations High Commissioner for Human Rights (OHCHR).

He said the Council must promote capacity-building in the rule of law at regional and national levels. Further, the Council "must not falter" in its recognition of, and support for, the work of the international criminal tribunals and the International Criminal Court. It must also continue to highlight the work of the International Court of Justice. The Council itself was subject to the rule of law, and to that end, he welcomed the recent efforts to streamline the Council's sanctions regimes. The Council must, however, remain vigilant and ensure that all its decisions were true to the purposes and principles of the Charter, particularly when it took actions under Chapter VII.

MARTIN SAJDIK (Austria), speaking on behalf of the Human Security Network, encouraged the Council to use the tools at its disposal to ensure respect of international law and to respond to grave violations in a systematic, consistent way. The international community, including the Council, undeniably had a key role in addressing international crimes and ensuring accountability. He cited the Council's referral to the International Criminal Court of the situation in Libya, by adopting resolution 1970 (2011), as well as its role in imposing targeted measures, creating accountability mechanisms and commissions of inquiry, and supporting the rule of law and strengthening justice and security institutions in peacekeeping operations. He stressed the importance of the Council's role in protecting women and children and lauded its role in progressively strengthening the framework for children affected by armed conflict, as well as its efforts to prevent and combat sexual violence. He noted the importance of victim-centred and gender-sensitive capacity-building approaches for State institutions and transitional justice.

He fully supported the Secretary-General's recommendations for the Council to pay more attention to the rights of victims to reparations. Reparation programmes could make an important contribution to reconciliation of divided societies and help address the socioeconomic root causes of conflict. He fully supported the new Special

Rapporteur on the promotion of truth, reparation and guarantees of non-recurrence. Creation of that post clearly acknowledged that accountability, truth-seeking processes, reparations and institutional reforms as a way to advance human security must be integral to the United Nations transitional justice efforts. The Special Rapporteur should be able to contribute to a more comprehensive approach to justice and rule of law issues. He expressed hope that the Secretary-General would take into account the work of relevant special procedures within the Organization in his next report to the Council on the matter.

Speaking in his national capacity, Mr. SAJDIK said Austria had consistently worked with other delegations during its Council membership to implement and mainstream the 17 recommendations in the Council's 2008 report on the rule of law. Austria's current membership in the Human Rights Council was a logical continuation of its long-term engagement to promote respect for the rule of law and human rights. He called for full cooperation of all States with international and hybrid tribunals set up by the United Nations or with its support. All States must abide by and implement Council resolutions under Chapter VII, particularly those that urged full cooperation with the International Criminal Court. Member States' cooperation and support was particularly important for completion strategies and residual issues. In that context, he welcomed progress in setting up the residual mechanisms of the tribunals for the former Yugoslavia and Rwanda.

Evaluation of the specific impact of transitional justice measures on marginalized groups in society should be conducted on a more systematic basis, he said. Efforts to ensure women's access to justice must be enhanced, considering the disproportionate effect of conflict on women and children. Minimum standards must be created for children's participation in transitional justice mechanisms. For children associated with armed groups, the focus should be on non-judicial, restorative accountability mechanisms that took into account the child's interests, as well as socioeconomic reintegration. He welcomed the substantial improvements of the procedures within the Al-Qaeda sanctions regime, including the recent strengthening of the Office of the Ombudsperson, and he encouraged the Council to further broaden and enhance due process for other sanctions regimes.

THOMAS MAYR-HARTING, Head of the Delegation of the European Union, expressed the bloc's deep commitment to upholding and developing an international order based on the rule of law, whereby international law, including human rights law, humanitarian law and refugee law, was fully respected and implemented. Ensuring the rule of law before, during or after open conflicts, as well as in peacekeeping operations, was the most tangible way to shoulder the Council's responsibility for upholding international standards, he said, adding that such a task required presence and resources over time. In that regard, the European Union supported the recommendations set out in the Secretary-General's latest report, notably with regard to strengthening and coordinating widely with all relevant actors. In particular, it fully supported the idea of enhancing existing dialogue and cooperation.

Respect for justice and the rule of law was an essential condition for peace and stability in consolidating and supporting democracy and in the fight against impunity, he continued. It was also essential to conflict prevention, conflict resolution and post-conflict reconstruction. The European Union consequently supported both the International Court of Justice and the International Criminal Court, he said, recalling that

by referring the situations in Darfur and Libya to the latter, in resolutions 1593 (2005) and 1970 (2011), respectively, the Council had taken “decisive action in combating impunity, furthering the rule of law and bringing justice to the victims”. He called on all States parties that had not yet done so to consider accepting the jurisdiction of the International Court of Justice, as well as acceding to or ratifying the Rome Statute and incorporating it into domestic laws.

Security Council support for national capacity-building for justice was an important investment for peace and security, he said, emphasizing the need to strengthen efforts to target rule-of-law assistance towards serving that goal, while paying special attention to access to justice for women, children and other vulnerable groups. Specialized courts, for example family courts or mobile courts, could help in that respect. As for conflict and post-conflict situations, there was a need to ensure greater quality, coordination and coherence in the engagement of the United Nations and its Member States. Special attention should also be paid to strengthening mediation activities, he said.

Encouraging the Secretary-General to proceed in ensuring that the United Nations responded to requests for assistance in constitution-making and legislative reform processes, he said that, through its own Instrument for Stability — often developed through the provision of support for initiatives by United Nations agencies — the European Union provided rule-of-law assistance to countries going through or emerging from a crisis. In that respect, he cited the support it had provided to Bolivia, Zimbabwe and Kyrgyzstan, and noted that many civilian crisis-management operations carried out by the bloc — including its Rule of Law Mission in Kosovo — also focused on the rule of law.

TIINA INTEL MANN, Ambassador-at-Large for the International Criminal Court of Estonia and President of the Assembly of States Parties to the International Criminal Court, said that as the Court marked its tenth anniversary, it had established a reputation in the international arena. By signing the Rome Statute in 1998, States had agreed to create the permanent “court of last resort” to end impunity for the most heinous international crimes. They had also agreed to assume, on a national basis, primary responsibility for bringing the perpetrators to justice. Efforts to universalize the Statute were continuing, and the Court and States parties were carrying out important activities in support of countries in need, she said.

Joint efforts with the United Nations to help develop national capacities to cope with “Rome Statute crimes” would strengthen national justice systems, she said. In combating impunity, the ultimate goal was preventing the commission of those crimes in the first place and the Court’s success would depend on the ability and resolve of States to cooperate. She pointed to the number of outstanding arrest warrants, including in the two cases referred by the Council, and recalled that the Court had recently referred two findings of non-cooperation to the Council. She also highlighted the need to address the plight of victims, noting that the face of the sufferers was very often that of women and children. Also of concern were ongoing reports of mass rape being used as a tool of war and the very low numbers of perpetrators brought to justice.

JARMO VIINANEN (Finland) said that when bringing warring parties to the negotiating table, it was particularly challenging to address the legacy of the conflict and the requirements of stability and justice in a balanced manner. The Secretary-General’s

report confirmed the United Nations policy of rejecting any endorsement of amnesty for genocide, war crimes, crimes against humanity or gross human rights violations, which was increasingly reflected in peace agreements, ceasefires and other arrangements. Blanket amnesties were considerably less prevalent than they had been a decade ago, yet, despite that positive trend, Finland agreed with the Secretary-General's assessment that much remained to be done in that area.

He went on to stress that human rights violations and the need for justice could not be overlooked in the name of stability. Peace was only sustainable if it went hand-in-hand with justice and respect for human rights. As such, a multifaceted and appropriately sequenced transitional-justice strategy should be put in place to address the legacy of human rights violations, including prosecutions, truth-seeking reparations and institutional reform. All such measures would contribute to reconciliation and the strengthening of the rule of law. Specifically regarding post-conflict societies, he said it was vitally important to ensure that the rule of law was taken into account in all reform and reconstruction efforts. It was necessary in that regard to provide access to justice for those who had suffered disproportionately and whose voices were still too often ignored in peace negotiations, including women, children and other marginalized groups.

PAUL SEGER (Switzerland), associating himself with the statement made by Austria on behalf of the Human Security Network, concurred with the Secretary-General's report that justice and the rule of law were indispensable for international peace and security and therefore should remain a focus of the Council. Agreeing also with the need for a holistic approach to conflict and post-conflict situations that included truth-telling, justice, reparations and reforms, he said that such an approach should be pursued systematically across United Nations activities. In that regard, he invited the Council to fully support and consider the work of the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence established by the Human Rights Council last year.

He also recommended that the Council carefully consider the conclusions of the World Bank World Development Report 2011, in an effort to examine exactly how the rule of law must be strengthened in post-conflict situations. By systematically including the strengthening of rule of law in mission objectives, the Council could help to move the issue forward by insisting on regular evaluations of the progress achieved, he added. He also affirmed that the Council had to develop a predictable and coherent approach to making referrals to the International Criminal Court, to ensure equality and objectivity. Once the Council referred a case to the Court in a given situation, it must also do so when dealing with other comparable cases. In addition, he said that once the Council referred a case to the Court, it must give the work of the Court its full and continuing support, including financial support, while respecting the Court's independence and decision-making autonomy.

OCTAVIO ERRÁZURIZ (Chile) said the outcome of the General Assembly's 2005 World Summit had highlighted the importance of respect for the rule of law on the part of all States. The rule of law was likewise recognized as a foundation for peace and development and all States must respect international norms and the principles of the Charter, including in respect of peaceful settlement of disputes. States must also adhere to the rule of law at the national and local levels in order to ensure harmonious societies, he said. That meant more than respect for the law; it meant that anyone who committed a crime must stand trial before legally competent bodies and be judged accordingly.

The United Nations and the Security Council must “stand watch” over national Governments to ensure that their rule-of-law mechanisms operated in accordance with international standards, he continued, emphasizing that there must be compatibility between justice and peace, and both must be achieved. Internal justice systems must be transparent and respect due process, and indeed, they must not be based on vengeance, he stressed. Where and when national institutions were unable to take appropriate action, States must submit to the jurisdiction of international tribunals and ad hoc legal mechanisms. In all such efforts, the international community must not ignore the mediation tools at its disposal, he said, encouraging the entire international community to work together to enhance the capacity of national institutions and to strengthen the rule of law worldwide.

DAMIAN WHITE (Australia) noted that over time, the international community had come to understand the challenges and risks that rule-of-law deficits posed to international peace and security. All stakeholders were aware that complex situations where the rule of law was lacking required well-coordinated and multifaceted responses. However, such responses took time, requiring a long-term commitment to establish foundations for peace and legitimate governance. Most peacekeeping missions now had rule-of-law mandates, a trend which reflected the Council’s acknowledgement of that principle’s importance in the maintenance of international peace and security. The Council should continue to provide strategic direction on the implementation of mandates and ensure that they were coordinated and properly sequenced, he said. “Issuing a mandate is not the end of the story; rule-of-law mandates must be maintained and properly implemented to be effective.”

He said successful implementation of rule-of-law activities called for a coherent approach, particularly through increased field coordination, stronger policy development and strengthened support from various parts of the United Nations system. The importance of planning was reflected in the latest Strategy for Peacekeepers issued by the Peacekeeping and Field Support Departments. The Security Council could make a vital contribution to the strategic implementation of the rule of law on the ground by ensuring the adaptation of its mandates in response to changing circumstances. The Council must also continue to play a leadership role in encouraging a culture of accountability, as the international community must help national judicial, administrative and security institutions enhance their capacity in that area. Australia had helped efforts by the Solomon Islands to strengthen national rule-of-law institutions with regard to the investigation and prosecution of those responsible for crimes committed during the 1998-2003 ethnic conflict, he said, adding that it had also assisted with wider improvements to the country’s judicial system.

SYLVIE LUCAS (Luxembourg) said the United Nations action in the service of the rule of law was indispensable to international peace and security. During and after conflicts, it was essential to assist countries to re-establish the rule of law by upholding the principle of accountability, assisting victims, strengthening the transitional justice framework, and restoring citizens’ confidence in their justice and security institutions. The Council was playing an increasingly active role in promoting the rule of law, and she encouraged it to continue to do so. In order to maintain its legitimacy and efficacy in that field, however, it was particularly important that it adhere to certain fundamental principles. Examples included expanding the Ombudsman’s mandate under the Al-Qaida sanctions regime

and increasing the use of the International Court of Justice to clarify the legal elements of international disputes.

She said that the International Criminal Court was a “perfect example” of the interaction between the national and international levels in the rule of law context. The Court complemented national jurisdictions, and its permanent character allowed it to help prevent the most serious crimes and to fulfil a critical role in conflict and post-conflict situations. Luxembourg’s commitment to the rule of law manifested itself through its engagement with the Peacebuilding Commission. The Commission’s experience showed that lasting peace could not be achieved without implementation of the principles underlying rule of law: universal access to justice and equality; maintenance and protection of each person’s fundamental rights and freedoms; the primacy of law; and the fight against corruption. By working together “we will succeed in strengthening the rule of law in the maintenance of international peace and security,” he concluded.

MILAN JAYA NYAMRAJSINGH MEETARBHAN (Mauritius) said the rule of law could only be meaningful globally if there was adequate machinery to redress grievances and settle disputes. In recent times, several bilateral or multilateral agreements had provided for the prior commitment of States to submit to arbitration or adjudication, he said, welcoming that development. However, the international community had yet to establish and make available adequate machinery for all States to settle legal disputes. Only about one third of the United Nations membership had made declarations under Article 36 of the International Court of Justice Statute, thereby accepting the Court’s compulsory jurisdiction, he said. Many States that had made such declarations had also made reservations that limited the Court’s jurisdiction or excluded it in many cases.

That illustrated the difficulties that States faced in settling disputes, he said, welcoming the General Assembly President’s decision to adopt “The Role of Mediation in Settling International Disputes” as the theme for the current session. He also welcomed the decision to convene a high-level meeting during the sixty-seventh session on the rule of law, saying the debate must apply at both the national and international levels. While it might not be realistic to expect that States were ready to accept compulsory jurisdiction, or that the international legal order would contain provisions on judicial authority similar to those available in domestic legal orders, the United Nations had a duty to initiate a constructive dialogue on the settlement of legal disputes, he said. The debate could focus initially on adopting standards of conduct to which all States would subscribe, he said, cautioning that the credibility of the debate on the rule of law would be challenged if it was essentially limited to the rule of law within States and did not include the rule of law amongst them.

MORTEN WETLAND (Norway), pointing out that international courts could only deal with a “tiny fraction” of all serious crimes, said that efforts to fight impunity must, therefore, be rooted first and foremost at the national level. But in an increasingly globalized world, successful prosecution frequently required the legal cooperation of several States, which should establish and exercise jurisdiction over transnational criminal acts to prevent suspects from evading legal proceedings.

It was contrary to the rule of law, and created a profound sense of injustice, when a person suspected of a serious crime was perceived as being granted impunity, he said. All States must abide by their obligations either to carry out a prosecution themselves or extradite the accused to a jurisdiction willing to do so, he added. That must apply

regardless of personal background or family connections or wealth. At the same time, he welcomed the enhanced transparency as well as the listing and de-listing procedures, which should be kept under constant review.

He went on to say that the Council should remain open to procedural improvements, such as the establishment of an independent review panel. There could be no democracy without the participation of all citizens, and no rule of law unless the laws applied equally to all, he stressed, recalling that while the actions of women during the Arab Spring had been impressive, they now faced exclusion from political processes. That was unacceptable, he said, adding that the United Nations must uphold universal values and call for the inclusion of women in Governments in transition as well as in constitution-making. The Organization was well-placed to do so through its Political Mission in Libya.

PALITHA T.B. KOHONA (Sri Lanka) said the right to improve the rule of law should not be restricted to a handful of Member States nor selectively implemented, which would cast doubt over its credibility. Long-term solutions to transnational organized crime, terrorism and piracy, among other crimes, must focus on the delivery of basic services by justice and security institutions. Noting that grievances arising from violations of socio-economic rights could spark violent conflict with the potential to spill over borders, he said the United Nations had a vital role in promoting dialogue on the realization of socio-economic rights for all peoples.

The principle of sovereign equality enshrined in the Charter must be maintained as global rules were made and implemented, he said, adding that Member States must respect that principle, which protected all States, particularly the small and weak. It was also important to maintain the principle of non-interference in internal affairs, especially in situations that posed no threat to global peace and security. Unilateral and selective applications of the principles of international law must be avoided, he cautioned. Countries with strong legal foundations had the resilience and capacity to restore democratic institutions, and could create their own local mechanisms to consolidate peace, encourage reconciliation and strengthen democratic institutions. They must have the much-needed space to begin that restorative process in order to arrive at an even keel, he said, adding that the United Nations must provide leadership in capacity-building.

ABULKALAM ABDUL MOMEN (Bangladesh) said the upcoming high-level General Assembly event would be an opportunity for Member States to take stock and renew their commitment to universal adherence of the rule of law. The international community must find ways to address new threats to the rule of law, including transborder crimes such as piracy. While that effort was under way, all States must remain mindful of the principles of sovereignty and non-interference, he stressed. Emphasizing the need to ensure better implementation of international law, chiefly through technical assistance and national capacity-building, he said the United Nations should boost the efficiency of such initiatives and ensure that they were better targeted towards the specific needs of concerned Member States.

He went on to say that his country's Constitution guaranteed the inalienable right of every citizen to equal protection under the law. In addition, the Government actively promoted the rule of law and justice in all spheres of life, particularly through administrative, judicial and electoral reforms. For example, it had separated the judiciary

from the executive branch and strengthened its Anti-corruption Commission, he said, adding that the Government had also established a Human Rights Commission, ensuring that international standards guaranteeing fundamental rights and personal freedoms were upheld. Over the past year, that body had organized various workshops across the country, with the assistance of the United Nations Development Programme (UNDP), on such issues as the rights of migrant workers, women's rights and the protection of social and economic rights.

GYAN CHANDRA ACHARYA (Nepal) said the rule of law was essential for the smooth transition of post-conflict societies towards peace and stability. In such situations, transitional justice systems played an important role in ensuring justice for victims. And while it might be necessary to rebuild judicial systems and help consolidate the rule of law in some post-conflict settings, a "one-size-fits-all" approach would not yield the most effective results. Indeed, specific political, historical, social, economic and cultural issues must be taken into account, he stressed. Moreover, when rule-of-law strategies were being drawn up, special attention must be paid to the needs of women, children, minorities, refugees and other marginalized groups. He stressed that external mechanisms could not replace national ownership and capacity in the nation-building process, and the international community, including the United Nations, must maintain sustained focus on national capacity-building.

At the national level, Nepal was taking the rule-of-law agenda forward with determination, he said. The Government sought to establish an inclusive, just society that was "diverse yet unified". The Constituent Assembly was elected directly by the people in the respective constituencies, he said, adding that it was among the most representative in the world. Indeed, 33 per cent of its members were women and it also included effective representation for other marginalized communities. Nepal maintained an independent judiciary and was working to reform or consolidate mechanisms to deliver justice effectively and efficiently, he said, citing the use of mobile courts which had brought judges and other officials closer to the people, and the application of traditional mediation mechanisms that had helped communities solve their difference on their own. In accordance with the 2006 Comprehensive Peace Accord, the bill to establish a Peace and Reconciliation Commission on disappearances had been prepared with input from civil society and was now under discussion in Parliament, he said.

ESHAGH AL HABIB (Iran) said the rule of law should have prompted the Council to react promptly to the recent series of terrorist incidents targeting Iranian nuclear scientists, including last Wednesday's attack in Tehran that had killed the prominent Mostafa Ahmadi Roshan, deputy head of the Natanz nuclear facility. He said that following that and previous attacks that had killed Iranian scientists, he had written to the Council President to inform members that, on the basis of some of the evidence, those terrorist operations had been masterminded by foreign intelligence services. Officials and politicians of the Israeli regime had not denied that the attacks had been carried out as part of that country's efforts to disrupt Iran's peaceful nuclear programme, he noted.

Those circles had spared no effort in depriving Iran of its inalienable right to peaceful nuclear energy, he continued, adding that they had called for covert operations ranging from assassinating Iranian nuclear scientists, to launching a military strike against Iran, to sabotaging its nuclear programme. There was high suspicion that, in order to identify their targets and carry out the attacks, those terrorist circles had used intelligence

obtained from United Nations bodies, including the Council's sanctions list, and interviews conducted by the International Atomic Energy Agency (IAEA) with Iran's late nuclear scientists.

He went on to point out that while the Council had reacted to terrorist incidents around the world, it had remained silent on the attacks against Iranian scientists. "Is this the way to advance the rule of law at the international level?" he asked. Imposing unilateral sanctions and organizing terrorist attacks against scientists and experts, particularly in the field of peaceful nuclear technology, posed a serious threat to peace, security and sustainable development in developing countries, he said, emphasizing that the Council must denounce such actions and take the necessary steps to prevent their recurrence. It was extremely important for the Council's credibility that the perpetrators be brought to justice.

COLLIN BECK (Solomon Islands) stressed that rules must not be used to pursue narrow political and economic interests, saying it was necessary to respond urgently to new and evolving threats. Noting that the lack of multilateral action on climate change until 2020, which seriously threatened least developed countries and small island developing States, he said that would result in more conflicts over land, water and food. It was necessary to prepare for the consequences of that inaction and the related costs. It was even more disappointing and worrying when Member States withdrew from their multilateral obligations at a time when collective security was most needed, he said, expressing hope that the Secretary-General would address that issue in his March report.

Thanks to police, legal, military and civilian support from its Pacific neighbours, the Solomon Islands, a post-conflict nation, had seen its economy grow in the last eight years, he said, adding that his country had invested in peacebuilding and nation-building. He also stressed the need to build a national Government's legitimacy and governance systems, strengthen judicial and security institutions, provide special support to help countries address the root causes of conflict, and ensure flexible transitional justice in fragile States. He also called for a stronger United Nations presence in least developed countries.

MATEO ESTREME (Argentina) said that the Security Council, when establishing mandates, must ensure the strengthening of international judicial mechanisms and police systems. In armed conflicts, respect for international humanitarian law was paramount to the protection of civilians, and it was also essential to ensure the criminal accountability of those responsible for gross violations of human rights. In that respect, the international community was witnessing the notable evolution of international criminal justice, he said, adding that the process had advanced with the establishment of the ad-hoc Tribunals for Rwanda and the former Yugoslavia. The establishment of the International Criminal Court was also one of the multilateral system's major achievements, he added.

Emphasizing his country's support for the Security Council's referrals to the International Criminal Court, he nonetheless cited several serious concerns about its recent resolution 1970 (2011). First, it had followed the "questionable" precedent set by the Council's referral of the situation in Darfur by formulating an exception to the Court's jurisdiction that was not provided for in the Rome Statute. That impacted the integrity of the Court's criminal justice system. Additionally, the resolution's stipulation that costs incurred in

connection with the referral should be borne by States parties to the Rome Statute was inconsistent with its Article 115 and with Article 13 of the Relationship Agreement between the United Nations and the Court.

The right to truth entailed the establishment of truth commissions or fact-finding commissions, the preservation of archives and the identification of victims and perpetrators, among others actions, he said. At its last session, the Human Rights Council had decided to establish a Special Rapporteur on that theme, which constituted a contribution to the fight against impunity in the framework of the United Nations. With regard to the peaceful settlement of disputes, he underscored the need for parties to a controversy to comply in good faith with calls to negotiate issued by organs of the United Nations, including the General Assembly, with the aim of seeking a solution to a dispute.

CARSTEN STAUR (Denmark) said the increasing number of intra-State conflicts in recent years should be addressed by focusing even more on the important links between peace and security, development and justice — regionally, nationally and internationally.

It was necessary to enhance political will and exert stronger efforts to build national ownership of the rule of law and transitional justice in conflict and post-conflict societies. That required increased support for multilateral efforts to promote the rule of law as well as enhanced donor coordination, he said.

Promoting the rule of law, human rights and access to justice and security were key strategic objectives of Denmark's development cooperation, including with States in fragile situations and those in transition, he said. Denmark strongly supported transitional justice programmes that could help to heal wounds and initiate truth-seeking processes while establishing judicial accountability mechanisms and reparations programmes for victims. Rebuilding trust in justice systems was crucial to breaking cycles of violence and paving the way for stability and development. As human rights violations were the root cause of many conflicts, respect for rights was necessary in order to ensure lasting peace agreements. The international community must work to strengthen national ownership and Government capacity to protect populations and ensure respect for human rights, he said.

GAREN NAZARIAN (Armenia) said he shared the views of those speakers calling for more coherent action to strengthen the rule of law and combat impunity. Armenia also supported action to ensure the right of all peoples to self-determination, the denial of which lay at the heart of many conflict situations. The international community must step up cooperation and coordination to bring to justice all those responsible for gross human rights violations and other grave crimes, he said, emphasizing the need for deep political commitment in that regard. While the United Nations was carrying out rule-of-law activities on the ground, other international organizations, including the Bretton Woods institutions, had a role to play in building or strengthening national mechanisms that could enhance rule-of-law systems in conflict and post-conflict situations, he said.

TALAIBEK KYDYROV (Kyrgyzstan) highlighted the importance of the International Criminal Court and the International Court of Justice in settling disputes, providing justice and upholding international law. He further recognized the importance of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, adding that his delegation also supported the activities of the Rule of Law and Resource Group responsible for overall coordination and coherence of the issue within the United Nations. The Kyrgyz Government attached

great importance to justice and the rule of law in rebuilding post-conflict societies as part of a comprehensive approach to peacebuilding and achieving reconciliation.

“We strongly believe that transitional justice and restoring the capacities and legitimacy of national institutions should continue to be at the very heart of United Nations rule-of-law actions,” he continued, adding that it was incumbent upon the Security Council to consider the rule of law “as an end as well as a means”. The quest for justice and the rule of law should not be limited to the domestic sphere, he stressed. It was the international community’s collective responsibility to empower all people to live in peace and harmony. Yet at the same time, it was necessary to maintain the fragile balance between the need to respect human rights and the rule of law on the one hand, and ensuring non-interference in the internal affairs of States on the other.

TEKEDA ALEMU (Ethiopia) said that strengthening the rule of law would have “a hugely transformative impact” on peace and security in the Horn of Africa, as the region suffered from a weakness of legal supremacy in both the domestic and inter-State spheres. In the domestic realm, the need for capacity-building due to a lack of robust institutions for the administration of justice was particularly notable. At the international level, there was a “flagrant disregard for and lack of compliance with rules of international law governing inter-State relations”, he noted. He went on to stress that there was absolutely no doubt that if the Security Council took advantage of its ability to make a great difference in those areas, the region would experience a huge leap forward under the aegis of the Intergovernmental Authority on Development (IGAD). The implications for international peace and security were unquestionable, he said.

CARLOS D. SORRETA (Philippines) said his country continued to do its part to further strengthen the rule of law as well as the institutions and processes needed to uphold it in post-conflict and conflict-affected areas around the world. The Philippines participated actively in United Nations efforts to bring peace and security to countries torn by conflict and instability, he said, noting that close to 1,000 Filipinos served as peacekeepers in eight United Nations missions. Extra training and capacity-building, based on solid rule-of-law principles and the delivery of justice, would further enable peacekeepers and allow peacekeeping operations to accomplish more, he said.

He said the Philippines had hosted a “train the trainer” course under the United Nations Police Standardized Training Curriculum on Preventing and Investigating Sexual and Gender-based Crimes in Manila last June, noting that it had been the Asia’s first activity of that type. There was a need for greater international cooperation in delivering predictable, accountable and effective rule-of-law assistance where it was most needed, he said. The continued support of donor countries was crucial, particularly for rule-of-law programming and follow-through effects in implementing reform in conflict-affected and post-conflict societies. The conclusions and recommendations of “New Voices: National Perspectives on Rule of Law Assistance”, by the Rule of Law Coordination and Resource Group, were of interest, particularly the need to draw on and empower national stakeholders while better coordinating rule-of-law assistance in implementing reform measures.