

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

Statement by Ambassador Serrano, Delegation of the European Union to the United Nations

I would first like to thank the Mexican presidency of the Security Council for organizing today's open debate and for preparing a very stimulating discussion paper (S/2010/322). I also offer many thanks for inviting the European Union (EU) to participate in the debate. The candidate countries Turkey, Croatia and the Former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association country Liechtenstein, a member of the European Economic Area; as well as Ukraine and Georgia, align themselves with this declaration. I will read an abridged version of the EU statement, which is being circulated.

The European Union reaffirms its deep commitment to an international order based on international law, including human rights law, with the United Nations at its core. In our view, it is imperative that we all join our efforts to strengthen the rule of law at the national, international and institutional levels.

The rule of law should be mainstreamed throughout all peacebuilding and State-building activities, in particular as regards transitional justice and the integration of justice into the external support to security sector reform. In this regard, the European Union welcomes the establishment of the Rule of Law Coordination and Resource Group and calls for greater efforts by the Group and the Rule of Law Unit to ensure a coordinated and coherent response by the United Nations system in the field of the rule of law.

The European Union also supports the idea of an update report by the Secretary-General taking stock of the implementation of the recommendations contained in his 2004 report (S/2004/616) and making proposals for further actions.

Reforming the security sector in post-conflict environments is crucial to the consolidation of peace and to promoting poverty reduction. Only where legitimate State authority is expanded through the rule of law and good governance can countries be prevented from relapsing into conflict and losing development achievements. The rule of law should not be seen as a principle exclusive to the justice or security sectors, but as crucial in all areas where public authority is being exercised, in particular in public administration. Cooperation between the United Nations and other international actors such as the Organization for Security and Cooperation in Europe or the Council of Europe is essential for the effective promotion of the rule of law, particularly in post-conflict situations. The European Union has also gradually focused on the re-establishment of the rule of law in post-conflict situations. More than 4,000 civilian experts are currently deployed in nine European Union missions, of which 1,700 alone are in Kosovo, and they are working together with their United Nations counterparts.

Support to governance in its different aspects is also at the core of EU development cooperation, including with African, Caribbean and Pacific States. Finally, the accession process, in the framework of the European Union enlargement policy, is also a powerful tool to drive reforms in these areas. The rule of law is part of the so-called Copenhagen political criteria for EU membership, and issues such as an independent and impartial judiciary and the effective fight against corruption and organized crime largely condition progress towards accession.

Non-violent conflict resolution, be it through negotiation, mediation, arbitration or judicial settlement, is, at the same time, the result of adhering to the principle of the rule of law and an important contribution to further consolidating it. The European Union supports the use of mediation as a peaceful, efficient and cost-effective instrument of conflict prevention and resolution in line with the Secretary-General's report of April 2009 (S/2009/189). The European Union is in the process of strengthening and professionalizing its own mediation and mediation support capacity so as to use these tools more effectively. We appreciate the continuing cooperation with the Mediation Support Unit in that endeavour. **Women's underrepresentation in peace processes and the lack of gender expertise in negotiation and mediation teams seriously limit the extent to which women's experiences of conflict and consequent**

needs for justice and recovery are addressed in these processes. Resolutions 1325 (2000) and 1820 (2008) constitute an important framework for conflict settlement activities, which need to incorporate the principles contained therein at all stages of the process. The European Union strongly supports the role of the International Court of Justice and calls on all States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

The European Union is also a staunch supporter of the International Criminal Court. The Court has already proven its value in preventing and deterring those crimes that undermine the very essence of humanity. With the winding down of the ad hoc and special tribunals, the International Criminal Court will be at the centre of the international criminal justice system.

The Security Council can play an important role in ensuring that justice for the most serious crimes is brought to victims. Impunity should no longer be an option.

As regards sanction regimes, the European Union supports the principle of restrictive measures with clear objectives that are targeted at those persons or entities identified as responsible for the policies or actions that have prompted the decision to impose sanctions.

The introduction and implementation of restrictive measures must always be in accordance with international law and respect for human rights, and the European Union attaches great importance to the application of fair and clear procedures when designating persons and entities to be targeted. In this regard, the European Union welcomes the improvements introduced by resolution 1904 (2009). We welcome in particular the recent appointment of the Ombudsperson by the Secretary-General and express our hope that she will be able to take up her functions in the very near future.

For its part, following a number of recent judgements by the European Union General Court and the Court of Justice, the European Union has conducted a thorough review and consolidation of its implementation procedures. Those procedures will be kept under constant review and further adapted where necessary.