

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

*Statement by Mr. Mayr-Harting, European Union to the United Nations*

I have the honour to speak on behalf of the European Union (EU) and its member States. The European Union and its member States very much welcome the opportunity to continue the discussion on this important topic here in the format of an open debate. The acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Iceland; the countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine and the Republic of Moldova align themselves with this statement.

The rule of law has become a topic of discussion in all relevant organs of the United Nations and is a part of all United Nations activities. The rule of law is a core principle for the internal legal and political order of the European Union and for its external policy. The importance of the rule of law in relation to the work of the Security Council is no longer questioned. Rule of law components are regularly incorporated into the Council's work in various situation-specific contexts. In the interest of a more coherent and systematic approach, thematic debates such as these are important. We are deeply committed to upholding and developing an international order based on the rule of law, where international law, including human rights law, humanitarian law and refugee law, is fully respected and implemented. International law and the rule of law are the foundations of the international system, with the United Nations at its core. We therefore remain staunch supporters of the activities of the Organization in this field. We take note of the Secretary-General's recent report (S/2011/634\*) and of the progress made in implementing the Secretary-General's recommendations made in his 2004 report (S/2004/616).

With regard to conflict and post-conflict situations, we believe that the promotion of the rule of law is also essential. Ensuring the rule of law before, during and after open conflicts, and in peacekeeping operations themselves, is the most tangible way to shoulder the Council's responsibility in upholding international standards. That is a task that requires presence and resources over time. In that regard, we support the recommendations set out in the Secretary-General's latest report. In particular, we fully support the idea of enhancing our existing dialogue and cooperation. We encourage the Secretary-General to pursue his efforts aimed at approaching rule of law initiatives in a comprehensive and multidimensional manner, recognizing the importance of the economic and social rights dimensions of conflict to ensuring long-term peace and security. The European Union and its member States support the forthcoming convening of the high-level meeting of the General Assembly on the rule of law, to be held at the beginning of its sixty-seventh session, and looks forward to participating in that debate. The rule of law is of critical importance for the European Union's external policy. Respect for justice and the rule of law is an essential condition for peace and stability in the consolidation and support of democracy and in the fight against impunity. For the EU and its member States, respect for the rule of law is essential to conflict resolution, conflict resolution and post-conflict reconstruction. It is inextricably linked to the protection of human rights and fundamental freedoms, and needs to be pursued at both the national and international levels. We therefore strongly support the role of the International Court of Justice as the principal judicial organ of the United Nations, and call on all States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. Furthermore, the European Union is a staunch supporter of the International Criminal Court (ICC). By referring the situations in Darfur and Libya to the ICC, in resolutions 1593 (2005) and 1970 (2011), the Security Council took decisive action in combating impunity, furthering the rule of law and bringing justice to the victims.

The EU and its member States call on all States Members of the United Nations that are not yet parties to the Rome Statute to ratify or accede to it, call on all States parties that have not yet done so to implement the Statute in their national legal orders, and call on all States to cooperate fully with the Court by enforcing its decisions, including through relevant Security Council resolutions. The Rome Statute serves as a prime example of the interplay between international and national efforts in the area of rule of law. The ICC is complementary to national jurisdictions and is an important catalyst for the development of domestic systems of justice. Security Council support for national capacity-building for justice is an

important investment in peace and security. Special attention should be paid to giving women, children and other vulnerable groups greater access to justice. Specialized courts, for example family courts or mobile courts, are tools to help to bring justice closer to women and children. With regard to the Secretary-General's initiatives to support the creation of national judicial capacities to prosecute perpetrators of serious international crimes, we would like to make reference to the European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes, which was set up in 2002.

With regard to conflict and post-conflict situations, we emphasize the need to bring about greater quality, coordination and coherence in the engagement of the United Nations and its Members. The United Nations should devote special attention to the strengthening of mediation activities; such activities should duly factor in justice issues, including the prosecution of the perpetrators of atrocities, and reject amnesties and immunities for the most egregious crimes. We also encourage the Secretary-General to proceed in ensuring that the United Nations responds to requests for assistance in constitution-making and legislative reform processes. Finally, through the Instrument for Stability, developed in large part by supporting initiatives of United Nations agencies, the European Union provides assistance in the field of the rule of law to countries going through or emerging from a crisis. Timely support has been provided to support constitutional processes in countries emerging from political turmoil and moving towards re-establishing national unity and a democratic future. Support has also been provided to legislative processes key to the implementation of new Constitutions, for example, in Bolivia, Zimbabwe and Kyrgyzstan. Also, many of the civilian crisis management operations carried out by the European Union in the context of its Common Security and Defence Policy focus on the rule of law. The most prominent example is the EU's Rule of Law Mission in Kosovo under the general framework of resolution 1244 (1999). More than 2,000 EU civilian experts are assisting the Kosovo authorities, in particular in the police, judiciary, customs and correctional services, in all areas related to the rule of law, in order to ensure the adoption of best practices. Through the EU Integrated Rule of Law Mission for Iraq, the European Union also contributes to the establishment of a professional Iraqi criminal justice system.