

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. De Alba, Mexico to the United Nations

Mexico commends the delegation of South Africa for convening this important and timely debate. We also thank the Secretary-General for presenting his report, as well as for his personal interest in the matter we are debating. Mexico recognizes the importance that the concept of the rule of law has acquired through a number of Security Council resolutions, in particular when it comes to establishing mechanisms for the protection of civilians in armed conflict, the attention that has been given to the justice and security needs of women and children, and the promotion of gender equality in access to justice. In the same vein, we welcome the transitional justice initiatives that have advanced accountability, respect for human rights and the creation of institutional capacity, because they have generated trust among citizens in their institutions and have encouraged reforms to the rule of law. For that reason, we believe that it is critical for Security Council decisions to adhere to the principles of the rule of law in order to guarantee the legitimacy of its actions, as the President himself stated few moments ago in his national capacity. It is imperative for the Council to comply with and ensure compliance with international law. We acknowledge that the Council has made progress in that area, but a great deal remains to be done in order to guarantee that all actions that this organ decides to take are in every case based on and guided by international law.

As the Secretary-General's report emphasizes, Mexico believes that the Organization should play a leading role in the efforts to combat impunity for the perpetrators of the most serious crimes with international importance. In that respect, the establishment of the International Residual Mechanism for Criminal Tribunals will ensure the effective conclusion of the important mandates granted by the Council to the Criminal Tribunals for the former Yugoslavia and Rwanda. On its part, the growing role that the Council has played in the referral of situations to the International Criminal Court, as was the case with the situations in Darfur and, more recently, in Libya, is a positive contribution to efforts by the international community to ensure that such crimes do not go unpunished when a State lacks the will or the ability to prosecute them. While the Secretary-General's report addresses the status of the rule of law in societies faced with conflict or the aftermath of conflict, it also makes clear that the promotion and strengthening of the rule of law are not simply a remedy for societies faced with such situations. Rather, it also constitutes a guide for behaviour to which all States are obligated, regardless of their level of economic or social development or their political or military power. Similarly, the principles of the rule of law apply to all international organizations, including their subsidiary organs. In that context, my delegation believes that the Secretary-General's proposal to fast-track the implementation of indicators for the rule of law is a positive step. However, it should be kept in mind that quantitative indicators alone are not sufficient for evaluating results. It is therefore important to include qualitative criteria, such as equal access to justice, the effectiveness of judicial systems and the fight against impunity. In addition, it should be recalled that the indicators used to measure respect for and compliance with the rule of law should be applied to all Member States. Mexico reiterates its conviction that the rule of law is indispensable for peacekeeping and international security, as well as a precondition for ensuring the comprehensive development of the international community on the political, economic and social levels. Mexico supports the presidential statement that the President has just read out, in order that the Council promote the strengthening of the rule of law in its decisions and underscore the importance of respect for international conventions and treaties as a first step towards preventing conflicts. Finally, my delegation would like to stress that the upcoming high-level meeting on the rule of law at the national and international levels, to be held as part of the General Assembly on 24 September, represents an opportunity to better address this issue from a more cross-cutting, balanced, better-coordinated and longerterm perspective.