

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

Statement by Ambassador Viinanen, Permanent Representative of Finland to the United Nations

At the outset, let me congratulate Mexico on taking up the topic of strengthening the rule of law in the maintenance of international peace and security. Enhancing the rule of law is a pertinent part of the work of the Security Council in several ways. Injustice and a weak rule of law can be consequences of conflict, but they are also often underlying reasons why conflicts persist or break out in the first place. Sustainable peace is built on a foundation of justice and the strong rule of law. We are therefore encouraged to see that the Security Council is discussing the Secretary-General's report of December 2006 (S/2006/980). This topic should remain high on the Council's agenda.

I would also like to thank Deputy Secretary-General Migiro and Under-Secretary-General O'Brien for their contributions to our debate today. Finland, of course, fully aligns itself with the statement of the European Union to be made shortly.

The concept paper (S/2010/322) you have provided, Mr. President, outlines a wide range of issues for discussion today. I would like to concentrate my remarks on two aspects that we feel are particularly central to fostering the rule of law: the relationship between justice and sustainable peace, and strengthening the rule of law at the national level. It has become almost a slogan to say that there is no sustainable peace without justice. I would like to break this argument into two parts and ask: What makes peace sustainable, and what do we mean by justice in the aftermath of the breakdown of the rule of law during a conflict?

In trying to bring a conflict to an end, the parties around the table are traditionally those who also have the means to destroy a peace agreement — the warring parties, those who carried out or commanded armed violence or financed it for their own benefit. Reaching a peace agreement is the first step towards ending the violence. The next steps towards a positive, sustainable peace cannot be taken without a holistic approach, and a much more inclusive group of people: **women who sustained communities while men were fighting**, political parties that did not engage in violence but have a legitimate interest in how the country should be run, those who had to flee, and those who were victims of violence. There must be inclusive ownership of a peace agreement and reconstruction plans if the peace is to stick and not unfold into a new conflict. Justice can also take many different forms, but it is ultimately about inclusion. Impunity violates fundamental notions of justice, which is why it is important to see justice taking place in the form of a trial and sentences being handed down. In some cases, reparations may even be awarded.

Here, I would like to emphasize the importance of the International Criminal Court (ICC) in the evolution of international criminal justice. In Finland's view, the ICC and the Rome Statute system clearly demonstrate that impunity for the most serious crimes is no longer an acceptable option. We must also remember that the ICC is a court of last resort. The system created through the Rome Statute is based on complementarity. The States have primary responsibility to investigate and prosecute nationally the most serious crimes of international concern. That is why the system has been instrumental in strengthening the rule of law at the national level.

However, as Judge Patrick Robinson, President of the International Criminal Tribunal for the Former Yugoslavia, stated recently to the Council (see S/PV.6342), in order to contribute to lasting peace, justice must be not only retributive, but also restorative. For victims of a conflict or long-lasting social exclusion, it can be more important to have the opportunity to tell their story on an equal footing with other members of society or to hear official recognition of wrongs committed. An essential element of restorative justice is that the voices of the victims and their communities are heard. We must not overlook traditional dispute resolution mechanisms.

Most important for the future of a society recovering from war, the ground rules that broke down during the war must be re-established: equal rights for all citizens, mechanisms for protecting and promoting those rights and for settling different interests by peaceful means. This brings me to my second point, that strengthening the rule of law at the national level is the most effective way to bring about a more just society and to prevent a relapse into conflict.

Reform of the rule of law and security institutions is essential to rebuilding the people's trust in Government. This has to start even before a conflict ends. The rule of law, as narrowly defined, has to be seen as encompassing every link in the chain, from police to justice institutions to the enforcement of sentences. Finland has been a strong advocate of strengthening United Nations resources for supporting national rule of law authorities in the immediate aftermath of a conflict, as well as in the later stages of development.

We are pleased that the Standing Police Capacity of the Department of Peacekeeping Operations is now complemented with justice and corrections professionals who are ready to deploy at short notice. We also hope that the rule of law team foreseen in **resolution 1888 (2009)**, which is aimed at helping national authorities to respond to acute situations of sexual violence, will shortly become operational. Finland implements that comprehensive approach in its own crisis management and development activities. In Afghanistan, for example, Finland actively participates in the work of the European Union Police Mission and has been keen to ensure that gender aspects and wider human rights concerns are fully taken into account. In order to complement the work undertaken by the Mission, Finland has a bilateral programme aimed at strengthening cooperation between Afghan police and prosecutors.

As I noted in the beginning, the concept paper covered a wide range of issues. We would need many debates of this kind to discuss all of them in detail. For example, the use of targeted sanctions by the Security Council raises important questions concerning guarantees of due process and the rule of law. Finland welcomes the progress achieved in this area, in particular resolution 1904 (2009) and the recent appointment of Ms. Kimberly Prost as Ombudsperson of the Al-Qaida and Taliban Sanctions Committee. We call upon the Security Council to continue its work in that regard.

Finally, we have come a long way in strengthening the rule of law. The Security Council has been instrumental in the fight against impunity and has taken remarkable steps in ensuring that due process guarantees are also in place in its own functioning. We should, however, tirelessly look at new ways to integrate the wider notion of the rule of law into the Security Council's agenda and in its daily decisions in the maintenance of international peace and security. In that regard, we welcome the follow-up report on the rule of law and transitional justice requested in the draft presidential statement to be adopted today. We hope that the report would also assess the impact that the Rule of Law Coordination and Resource Group has had.