

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

Statement by Ambassador Moungara Moussoisi, Permanent Representative of Gabon to the United Nations

Mr. President, my delegation would like to start by welcoming your presence in this debate and to congratulate your country on its initiative to allow the Security Council to again consider the issue of the promotion and strengthening of the rule of law in the maintenance of international peace and security. Your country's choice of this topic is most pertinent, given the central role played by the rule of law in the Council's work, mostly in its efforts to re-establish and build peace in States emerging from conflict.

We also wish to convey our gratitude to Deputy Secretary-General Asha-Rose Migiro for her enriching contribution to our debate and we support her efforts to strengthen the rule of law at the international level, in particular through her coordination of the work of the Rule of Law Coordination and Resource Group. We would also like to thank Ms. Patricia O'Brien, United Nations Legal Counsel, for her enlightening statement.

The Mexican presidency has invited us to speak about the three aspects of our debate: the promotion and strengthening of the rule of law in conflict and post-conflict situations, international justice and the peaceful settlement of disputes, and the efficiency and credibility of the sanctions regimes.

For my delegation, the promotion and strengthening of the rule of law have as their corollary good governance, democracy, respect for human rights and the effective functioning of institutions. Indeed, the authority of the State is fully exercised in a political and institutional environment that guarantees equality for all before the law, respect for human dignity and fundamental freedoms.

We welcome the progress achieved since the holding of the last debate on this issue, held in 2006 (See S/PV.5474). We are thinking in particular of the creation of the Peacebuilding Commission which, since its inception, has contributed, inter alia, to a better taking into account of the primacy of law and transitional justice in peacebuilding processes in postconflict situations, as seen in Burundi and Sierra Leone.

We also welcome the fact that the Security Council has for some years incorporated into peacekeeping mandates aspects specific to the rule of law, security sector reform, and the strengthening of judicial and penal institutions and political institutions in countries emerging from conflict, which greatly contribute to creating an institutional framework based on the rule of law, without which no lasting peace can prevail.

Similarly, the significant number of resolutions adopted by the Security Council in this field contributes to strengthening the normative framework conducive to the establishment of the rule of law and the protection of populations made vulnerable by conflict, especially **women** and children. **Resolutions 1820 (2008), 1888 (2009), 1889 (2009)** and 1894 (2009) bear witness to this fact.

The promotion of the rule of law in nations goes hand in hand with an international justice based on law and peaceful coexistence among States pursuant to Chapter VI of the United Nations Charter. In that respect, the settlement of political and jurisdictional disputes among States strongly contributes to restoring and building peace.

With regard to the modes of diplomatic and political settlements, my country has always encouraged and practiced dialogue and political cooperation in the search for solutions to crises and conflicts. For example, we welcome the subregional mechanisms established in Central Africa to strengthen confidence-building measures among our States and to prevent conflicts, such as the Council for Peace and Security in Central Africa and the United Nations Standing Advisory Committee on Security Questions in Central Africa. Instead of resorting to the use of force, these tools provide real prospects for peace in keeping with the ideals and principles enshrined in the Charter.

Turning now to jurisdictional methods, the role of the International Court of Justice, which is the jurisdictional body par excellence for the peaceful settlement of disputes, is crucial. Its decisions and opinions reaffirm international law as the basis for relations among States rather than the use of force. If applied well, the opinions and rulings of the Court can contribute effectively to the settlement of disputes and thus serve as a necessary tool for the prevention of conflicts. Gabon supports the activities of the Court and encourages countries that have not yet done so to accept its binding jurisdiction.

Our task is to go further still by establishing a genuine culture of rule of law solidly anchored in strong tradition and legal institutions. It is here that the effective administration of justice acquires its true meaning. Action to end impunity must be its ultimate goal. I underscore here the key role played by international criminal tribunals in delivering justice to the victims of grave crimes and violations, as well as other contraventions. At a time when the Council is considering the establishment of residual mechanisms, it is important to preserve the legacy of these tribunals in the promotion of international law and the fight against impunity.

On the effectiveness and credibility of sanctions regimes, my delegation welcomes the Council's increasingly targeted and concerted sanctions, which contribute to enhancing their legitimacy. The appointment of an Ombudsman to ensure in an equitable and transparent way the de-listing procedures of entities and individuals is part and parcel of this approach.

To conclude, my delegation wishes to voice its full support for the adoption of the draft presidential statement that will close our debate.