

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. Ulibarri, Costa Rica to the United Nations

Allow me first and foremost to congratulate the elected members of the Security Council, who have joined the Council this month, and to wish them every success. My delegation welcomes the convening of this debate. We welcome also the growing interest shown by the Security Council in the promotion and strengthening of the rule of law in the maintenance of international peace and security. That initiative is reflected in the broadest-ranging efforts of the Organization, including in the convening of the highlevel meeting of the General Assembly that is to take place in September, which my delegation enthusiastically supports. We wish also to thank the Secretary-General for his report on the implementation of transitional justice measures in conflict and post-conflict societies.

Costa Rica aligns itself with the statement to be made by the representative of Austria on behalf of the Human Security Network and wishes to emphasize the following elements. The rule of law and legal certainty in every country and in the international system are essential elements for the sustainability of peace and security, and for the protection and promotion of human rights, as well as the promotion of development. As stated in the ministerial declaration of the Human Security Network of 23 September 2009, peace and justice are interrelated and complementary. Furthermore, the rule of law should not be viewed from a merely procedural perspective as a matter of legal norms. Rather, it should include the assurance that justice is done from the most substantive point of view, which, in the global arena, implies firm opposition to impunity for the commission of serious violations of international humanitarian law and of human rights norms. We welcome the progress that has been made in providing for the protection of persons, in particular civilians, including women and children, when addressing security-related issues. In its actions to prevent and resolve conflicts and to help build and maintain peace in specific situations on the ground, the Council must sustain its efforts to make the rule of law in the broader sense the linchpin of its resolutions and mandates in a systematic and non-selective manner.

Furthermore, we encourage the Council to make greater use of the information that is available within the United Nations system regarding the human rights situation in the various countries of the world and to establish channels for more open communication with the Office of the High Commissioner and with other human rights mechanisms that are relevant to the issue we are considering today. As they play an important role in ensuring respect for and promotion of the rule of law, both the Council and the United Nations system as a whole must also adopt a more comprehensive approach to transitional justice mechanisms and to the establishment of specific programmes aimed at building national capacities. That must go hand in hand with the rejection of initiatives that seek to grant amnesty to the perpetrators of crimes against humanity. A further essential undertaking is the adoption of an approach that addresses transnational organized crime in the context of programmes dealing with the rule of law, as is reflected in the report of the Secretary-General. The Council has reiterated its commitment to an international order that is based on the rule of law and on international law. For that reason, in its daily and concrete actions it must support the work of the international tribunals. The Council must not fail to recognize and encourage the contributions made by the International Criminal Court; its commitments must include the referral of situations whenever necessary, as well as the provision of clear and resolute support for the Court's actions. That cooperation, on the part of both the Council and the membership of the United Nations, is particularly important in terms of the arrest of suspects, an aspect that Costa Rica has repeatedly underscored. Furthermore, the Security Council must also maintain its support for the International Court of Justice, as the Court is one of the most significant means used for the pacific settlement of disputes, in particular when there is non-compliance with the obligations stemming from the decisions adopted by the Court, pursuant to Article 94 of the Charter. Moreover, as a fundamental prerequisite for its legitimacy, the actions of the tribunals, be they international, regional or national, must also be subject to law and free of any attempt at political manipulation. Like all the other organs of the multilateral system, the Security Council must be subject to the rule of law. As one of the earliest proponents within the Council of respect for due process in the imposition of sanctions, in accordance with the regime established under resolution 1267 (1999), Costa Rica welcomes the progress that has been achieved in that area, in particular through the establishment of

the Office of the Ombudsperson towards the end of 2009. However, further changes must still be made in order to meet still higher standards. Finally, we believe that, above and beyond sanctions regimes, when seeking to address new security threats such as terrorism or piracy, the Security Council must be particularly cautious in ensuring that its actions remain governed by the specific nature of the situation at hand and are timebound and restricted by the provisions of Chapter VII of the Charter. That will enable it to maintain its legitimacy and better serve the cause of peace and security.