

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. Viinanen, Finland to the United Nations

I thank you, Sir, for having organized this debate. I congratulate the Secretary-General on the excellent report we have before us today (S/2011/634*). We support the full implementation of the recommendations contained therein. Finland aligns itself with the statement of the European Union. In addition, I will make some remarks on two interrelated issues: first, rule of law and transitional justice in peace processes, mediation and peace agreements; and secondly, access to justice for women, children and vulnerable groups. The rule of law in the context of peace and security has been debated by the Council for almost a decade, and a common understanding has emerged about the centrality of justice and the rule of law to the prevention of conflicts and the sustainability of peace agreements. When bringing warring parties to a negotiating table, a particular challenge is to address the simultaneous requirements of stability and justice in a balanced way. In his report, the Secretary-General confirms that the United Nations policy to reject any endorsement of amnesty for genocide, war crimes, crimes against humanity or gross violations of human rights is increasingly reflected in peace agreements, ceasefires and other arrangements. Blanket amnesties are considerably less common today than they were 10 years ago. Despite this positive development, we agree with the Secretary-General's conclusion that a lot remains to be done, as the incorporation of justice and accountability measures into peace agreements remains uneven. This is an area where we stand ready to work together with the United Nations, the Council and all Member States to further enhance the quality of mediation, the resulting peace agreements and their implementation. Human rights violations and the need for justice cannot be overlooked in the name of stability. Peace can be sustainable only if it goes hand in hand with justice and respect for human rights. There should be a multifaceted and properly sequenced transitional justice strategy to address the legacy of violations of human rights and international law, including prosecutions, truth-seeking, reparations and institutional reform. The World Bank's World Development Report 2011 demonstrates that providing improved security, justice and jobs is a precondition for a successful transition to stability. If one of these elements is missing, transitions are less likely to succeed. It is important to ensure that the rule of law is fully taken into account in all reform and reconstruction efforts undertaken in conflict and postconflict situations. In so doing, priority should be given to access to justice for those who often suffer disproportionately in conflict and whose voices are unfortunately still the weakest in peace negotiations and post-conflict processes: women, children and marginalized groups. The Secretary-General recommends a United Nations policy to ensure the full inclusion of marginalized populations. Good progress is being made by United Nations actors in advancing women's access to justice in post-conflict situations. I would like to commend the work of the Special Representative of the Secretary-General on Sexual Violence in Conflict in this regard. Children need our attention. The Secretary-General in his report recommends the development of common minimum standards on children and transitional justice. Finland fully supports that call. Another area where Finland would like to see progress made is reparations for victims of conflict and of serious violations. We believe that innovative measures, such as collective reparations or measures that create economic and employment opportunities, could greatly contribute not only to justice being done but also to the broader goal of peacebuilding. Although I have not mentioned many pertinent issues — such as the role of the International Court of Justice, the importance of the International Criminal Court and support for the implementation of the principle of complementarity to its fullest extent, or due process considerations of sanctions regimes — our support for all the essential building blocks of the rule of law both at the international and national level is unwavering. I thank you, Sir, for the opportunity to address the Council and stand ready to work with the Council and the whole United Nations membership in advancing the rule of law.