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### **SECURITY COUNCIL CALLS FOR PEACEFUL SETTLEMENT OF DISPUTES, PLEDGING 'FORCEFUL'**

### **FIGHT AGAINST IMPUNITY, IN STATEMENT CAPPING DAY-LONG DEBATE ON RULE OF LAW**

#### **'Adherence to Rule of Law Begins at Home', Says Deputy Secretary-General, Urging Council to Place It at Centre of Response to International Peace, Security Threats**

The Security Council this afternoon called upon States to settle disputes peacefully through the various regional and international courts and tribunals set up for that purpose and pledged to continue forcefully to fight impunity and uphold accountability for the most serious crimes.

After a day-long debate on promoting and strengthening the rule of law in the maintenance of international peace and security that heard from 36 speakers, the Council reaffirmed its commitment to an international order based on the rule of law and international law, and reaffirmed its strong opposition to impunity for serious violations of international humanitarian law and human rights law, through a statement read out by the Deputy Foreign Minister for Multilateral Affairs and Human Rights of Mexico, whose delegation holds the Council's presidency for June.

States, the Council stressed, must thoroughly investigate and prosecute perpetrators of war crimes, genocide, crimes against humanity and other serious violations of international humanitarian law to prevent their recurrence and promote sustainable peace, justice, truth and reconciliation.

The Council considered sanctions an important tool in maintaining and restoring international peace and security, while reiterating the need to ensure that they were carefully targeted in support of clear objectives and designed to minimize possible adverse consequences.

It welcomed the establishment of the Rule of Law Coordination and Resources Group, set up in 2007 to bolster efforts to ensure a coherent, coordinated United Nations response to rule of law issues on the Council's agenda. It asked the Secretary-General to report within a year on progress in implementing recommendations in his 2004 report on the subject and to consider more steps to promote the rule of law in conflict and post-conflict situations.

Opening the debate earlier today, Deputy Secretary-General Asha-Rose Migiro said the United Nations broad and ambitious rule of law agenda was moving in the right direction, from a narrow focus on war-torn societies in the past to a broader, international level, based on the principle that the Organization must act in accordance with fundamental standards of human rights in its own activities, operations and practices.

"Adherence to the rule of law begins at home," she said, adding: "As the world faces new and evolving threats to international peace and security, such as transnational organized crime, terrorism and piracy, the Security Council should place the rule of law at the centre of its response."

The Council had developed new ways to promote compliance with international humanitarian law, and better protect civilians, particularly children and women, caught up in armed conflict, she said. By establishing the ad hoc and hybrid tribunals, it had been at the forefront of the campaign for individual accountability for international crimes. It also aimed to create a deployable team of rule of law experts to help national authorities address sexual violence in armed conflict, as mandated in resolution 1888 (2009).

Since 2006, she said, the United Nations had enhanced its capacities, setting up an Office of Rule of Law and Security Institutions in the Department of Peacekeeping Operations that brought together police, justice, corrections, disarmament, demobilisation and reintegration, security sector reform and mine action capacities. It had created the Rule of Law Coordination and Resource Group to coordinate and control the quality of the Organization's engagement in that field. The Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) was delivering rule of law assistance worth \$202 million in more than 20 conflict and post-conflict settings.

Still, recruiting, training and retaining high-quality personnel and deploying them in a rapid, consistent and predictable manner remained a challenge, she continued. Funding to strengthen the rule of law in fragile, conflict and post-conflict settings had not matched the rhetoric on its importance.

Patricia O'Brien, Under-Secretary-General for Legal Affairs, said the United Nations Charter had envisaged a system of settling disputes peacefully before intractable conflicts occurred, but the links between the General Assembly, the Council and the International Court of Justice towards that goal had not been fully exploited. She encouraged Council members to follow up on the Court's recommendation to refer parties to disputes to it, as well as to accept the Court's compulsory jurisdiction.

She stressed the critical need to adopt sanctions in accordance with international law and Charter objectives. The recent adoption of resolution 1904 (2009) showed the significant effort to address the rights of due process and, in particular, that of an effective review of such decisions. The establishment of the "Office of the Ombudsperson" was an important move to ensure fair and clear procedures for listed individuals and entities. Her Office intended to follow the interaction between the Ombudsperson and the sanctions committee as well as the impact of resolution 1904 (2009) on the jurisprudence of national and regional courts.

She said that since its inception last year the administration of justice system at the United Nations had issued more than 200 judgments. By week's end, the Appeals Tribunal would have already convened two sessions this year and reviewed more than 60 cases. The new system was as a milestone in strengthening the Organization's commitment to the rule of law, justice and accountability.

Council President Juan Manuel Gómez-Robledo, Mexico's Deputy Foreign Minister for Multilateral Affairs and Human Rights, speaking in his national capacity, said the Council should consider concrete steps to strengthen the rule of law. The recommendations in the 2008 Austrian initiative on the Security Council and the rule of law might be a helpful guide.

In recent years, States had turned to the International Court of Justice, but its potential had not been fully exploited, he said, echoing the calls of Ms. O'Brien and other speakers for all States to accept the Court's jurisdiction. Permanent Council members had a special responsibility to maintain peace and security and their acceptance of the Court's compulsory jurisdiction would greatly encourage other States to follow. The historic adoption of a definition of the crime of aggression by the recent Review Conference of the Rome Statute in Kampala would allow the Court to exercise its jurisdiction in that regard.

Mediation was important in all stages of a conflict, and countries without strong institutions needed "sound legal scaffolding" to guarantee that peace agreements actually led to peace, he said. In its treatment of conflict situations, the Council should consider, on a case-by-case basis, security sector reform; establishing truth commissions; promoting gender justice; and cooperating with the International Criminal Court. Vulnerable groups should receive special attention, he said.

In a similar vein, other speakers commended the stocktaking of international criminal justice by the Kampala conference. They also stressed the importance for all parties to respect international humanitarian law, particularly in conflict situations, where women and children required special protection. That respect should be part of any comprehensive strategy to resolve conflict. There was broad agreement that the international community must not allow a culture of impunity to prevail, and in the new age of accountability, all perpetrators of serious crimes, such as terrorism, must be held to account, speakers said.

Also speaking today were the representatives of Bosnia and Herzegovina, Uganda, Nigeria, France, Brazil, Austria, United Kingdom, Lebanon, China, Russian Federation, Japan, United States, Turkey, Gabon, Denmark, Switzerland, Finland, Italy, Liechtenstein, Australia, Republic of Korea, Argentina, Norway, Guatemala, Peru, South Africa, Germany, Solomon Islands, Botswana, Azerbaijan, Canada and Armenia.

A representative from the European Union also made a statement.

The meeting began at 11:08 a.m., suspended at 1:40 p.m., resumed at 3:13 p.m. and closed at 5:33 p.m.

#### Presidential Statement

The full text of the statement to be issued as S/PRST/2010/11 reads as follows:

"The Security Council reaffirms its commitment to the Charter of the United Nations and international law, and to an international order based on the rule of law and international law, which is essential for peaceful coexistence and cooperation among States in addressing common challenges, thus contributing to the maintenance of international peace and security.

"The Security Council is committed to and actively supports the peaceful settlement of disputes and reiterates its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter of the United Nations. The Council emphasizes the key role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, and calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

"The Security Council calls upon States to resort also to other dispute settlement mechanisms, including international and regional courts and tribunals which offer States the possibility of settling their disputes peacefully, contributing thus to the prevention or settlement of conflict.

"The Security Council emphasizes the importance of the activities of the United Nations Secretary-General in promoting mediation and in the pacific settlement of disputes between States, recalls in this regard the Secretary-General's report on enhancing mediation and its support activities of 8 April 2009 (document S/2009/189), and encourages the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for this purpose.

"The Security Council recognizes that respect for international humanitarian law is an essential component of the rule of law in conflict situations and reaffirms its conviction that the protection of the civilian population in armed conflict should be an important aspect of any comprehensive strategy to resolve conflict and recalls in this regard resolution 1894 (2009).

"The Security Council further reiterates its call for all parties to armed conflict to respect international law applicable to the rights and protection of women and children, as well as displaced persons and humanitarian workers and other civilians who may have specific vulnerabilities, such as persons with disabilities and older persons.

"The Security Council reaffirms its strong opposition to impunity for serious violations of

international humanitarian law and human rights law. The Security Council further emphasizes the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law, in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation.

"The Security Council notes that the fight against impunity for the most serious crimes of international concern has been strengthened through the work of the International Criminal Court, ad hoc and mixed tribunals, as well as specialized chambers in national tribunals and takes note of the stocktaking of international criminal justice undertaken by the first Review Conference of the Rome Statute held in Kampala, Uganda from 31 May to 11 June 2010. The Council intends to continue forcefully to fight impunity and uphold accountability with appropriate means and draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and mixed criminal courts and tribunals, truth and reconciliation commissions, as well as national reparation programs for victims, institutional reforms and traditional dispute resolution mechanisms.

"The Security Council expresses its commitment to ensure that all United Nations efforts to restore peace and security themselves respect and promote the rule of law. The Council recognizes that sustainable peacebuilding requires an integrated approach, which strengthens coherence between political, security, development, human rights and rule of law activities. In this regard, the Council reiterates the urgency of improving United Nations peacebuilding efforts and achieving a coordinated United Nations approach in the field among all parts of the United Nations system, including in ensuring capacity-building support to assist national authorities to uphold the rule of law, especially after the end of United Nations peacekeeping and other relevant missions.

"The Security Council considers sanctions an important tool in the maintenance and restoration of international peace and security. The Council reiterates the need to ensure that sanctions are carefully targeted in support of clear objectives and designed carefully, so as to minimize possible adverse consequences and are implemented by Member States. The Council remains committed to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions. In this context, the Council recalls the adoption of resolutions 1822 (2008) and 1904 (2009), including the appointment of an Ombudsperson and other procedural improvements in the Al-Qaida and Taliban sanctions regime.

"The Security Council welcomes the establishment of the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and supported by the Rule of Law Unit, and urges greater efforts by the Group to ensure a coordinated and coherent response by the United Nations system to issues on the Council's agenda related to the rule of law.

"The Security Council requests the Secretary-General to provide a follow-up report within 12 months to take stock of the progress made in respect to the implementation of the recommendations contained in the 2004 report of the Secretary-General (document S/2004/616), and to consider in this context further steps in regard with the promotion of the rule of law in conflict and post-conflict situations."

### Background

The Security Council met this morning to debate the promotion and strengthening of the rule of law in the maintenance of international peace and security. It had before it a letter dated 18 June 2010 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General (document S/2010/322), which contains a concept note to guide the discussion. In particular, it recommends that the debate focus on promotion 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 sanctions regimes.

### Opening Remarks

Opening the debate, United Nations Deputy Secretary-General ASHA-ROSE MIGIRO said

the rule of law was a broad and complex concept, embedded in the history of all cultures and nations, and the long-standing efforts of States to create an international community based on law. The United Nations broad and ambitious agenda in that area was not easily realized and it was often underestimated. But it was clear that the Council, and the Organization as a whole, was moving in the right direction. It was significant that the debate had expanded from a focus on the rule of law in war-torn societies to include the strengthening of the rule of law at the international level. That evolution reflected the Council's special responsibilities to maintain international peace and security in conformity with the principles of justice and international law under the United Nations Charter.

She said it was also recognized that the mutually reinforcing links between the rule of law at the national and international levels were substantial and multifaceted, and rooted in the elemental principle that the Organization must act in accordance with fundamental standards of human rights in its own activities, operations and practices. "Adherence to the rule of law begins at home," she said, adding: "As the world faces new and evolving threats to international peace and security, such as transnational organized crime, terrorism and piracy, the Security Council should place the rule of law at the centre of its response."

Strengthening national laws, security and justice systems in a sustainable and nationally owned manner was vital, she said. Action internationally, regionally and domestically must be aligned and grounded in international norms and standards. The principle that all individuals and entities, including States, were accountable to the law was at the heart of the rule of law nationally and internationally. All mechanisms — judicial and non-judicial — that secured compliance with, or enforced, international law, required strengthening.

The International Court of Justice had a special role in the peaceful settlement of disputes before intractable conflict situations arose, she said. Strengthening the relationship between the Council and the Court would fortify the rule of law. When prevention failed, it was necessary to help fill the rule of law vacuum that often ensued. The Council had developed new ways to promote compliance with international humanitarian law and better protect civilians, particularly women and children, caught up in armed conflict. By establishing the ad hoc and hybrid tribunals, the Council had been at the forefront of the campaign for individual accountability for international crimes. This month, a historic agreement on the definition of aggression by States parties to the Rome Statute had been signed.

The Council had a unique role in furthering the fight against impunity, she said. The link between the international and national rule of law was clear. "As a prevention tool, the United Nations should prioritize security, access to justice and legal protection for all to make it more likely that disputes within society are resolved through legal, rather than violent, means," she said.

Helping host countries of peacekeeping operations strengthen their justice and security institutions in accordance with those standards was central to sustainable peace, she said. In response to international crimes, the United Nations must redouble its efforts to build national capacities to hold alleged perpetrators accountable. One promising initiative was the effort to create a deployable team of rule of law experts to assist national authorities in addressing sexual violence in armed conflict, as mandated in resolution 1888 (2009).

Rule of law activities had also been bolstered by the Peacebuilding Commission and Fund, she said. Still, more strategic focus was needed, as the rule of law was both a desired goal and a fundamental and coherent approach towards that end. The objective was to enhance safety and security, legal protection and access to justice for all and the peaceful settlement of disputes as a means to avoid the risk of relapse into conflict.

She said that gaps persisted in the response to rule of law challenges, including with respect to informal justice systems and economic and social justice. Responses to housing, land and property disputes for returning refugees, displaced persons and vulnerable groups remained ad hoc. Failure to uphold the law in response to organized crime and illicit trafficking could fuel violence and increase regional instability. Combating corruption was essential to maintain and restore public confidence in the State.

Sustained attention by the Council to the rule of law and transitional justice had helped the Organization coalesce around a common language and guiding principles for that work, such as the importance of national ownership, she said. Since 2006, the United Nations system had enhanced its capacities. The Office of Rule of Law and Security Institutions had been established in the Department of Peacekeeping Operations, bringing together police, justice, corrections, disarmament, demobilisation and reintegration, security sector reform and mine action capacities. A rapidly deployable standing police capacity would soon be augmented by the standing justice and corrections capacity.

The Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) was delivering rule of law assistance worth \$202 million in more than 20 conflict and post-conflict settings supported by a global programme, she said. The deployable mediation team of the Department of Political Affairs gave advice on rule of law issues, such as constitution-making. United Nations actors were increasingly integrating their country programming, such as in Haiti and Sudan. Joint United Nations action should be strongly encouraged as the way forward, as recently mandated in resolution 1925 (2010) on the Democratic Republic of the Congo.

In late 2006, the Secretary-General had informed the Council of the establishment of a division of labour in the rule of law area and the creation of the Rule of Law Coordination and Resource Group, she recalled. Under her leadership, that Group, which comprised nine United Nations departments and agencies most engaged in rule of law activities supported by her office's Rule of Law Unit, served as the system-wide focal point for coordination, coherence and quality control of United Nations engagement in that field. Still, the Organization faced major challenges and constraints. It needed to recruit, train and retain high-quality personnel and deploy them in a rapid, consistent and predictable manner. Financial resources allocated for strengthening the rule of law in fragile, conflict and post-conflict settings had not matched the rhetoric on its importance.

Additionally, the external environment, including of donors and providers of bilateral assistance, remained fragmented, she continued. That crowded field spanned the legal, development, security and political disciplines. Yet, no global forum existed for dialogue among stakeholders. More consistent and comprehensive needs and threat assessments were needed to ensure early and strategic responses, as was better monitoring to evaluate the impact of efforts. She stressed the need for a strategic, system-wide approach, involving security sector reform, adding that equal attention should be paid to all components of the justice system, including prisons. The political nature of the exercise must be recognized. The rule of law was linked to sovereignty, control over the use of force and resources, and other sensitive matters. "We need to do more to address the political and institutional aspects of rule of law development, and bring national and international leadership on board," she said.

"The rule of law will continue to be central in meeting the challenges of our time," she said, adding: "The Council's continuous engagement is essential." Together, the international community should support sustained, coherent and well-resourced efforts to strengthen the rule of law nationally and internationally, and ensure that the rule of law played its rightful role in building a better world for all.

PATRICIA O'BRIEN, Under-Secretary-General for Legal Affairs, remarked that this was an age where international law was no longer the exclusive domain of international courts and institutions. Links between the individual, the State and the international community were inextricable. International law issues were increasingly considered by national and regional courts, becoming part of people's everyday lives. The "personalization" of international law, in which more and more rights were vested directly in the individual, was now a reality. As such, everyone should have access to the tools enabling him or her to understand international law, to invoke it and to contribute to its development.

She said an important aspect of the rule of law at the international level lay in the codification of international legal obligations and the implementation of, and compliance with, those obligations. That was true whether they arose from treaties or from customary international law. That concept was rooted, in part, in the multilateral treaty framework largely developed under United

Nations auspices. The Secretary-General provided special facilities for States to sign or ratify treaties, of which he was the depositary, through an annual "treaty event" held during the general debate of the General Assembly.

The rule of law concept translated into initiatives to promote the application of international law through technical assistance to States, she said, but more needed to be done, particularly in post-conflict environments. For instance, the United Nations Audio-Visual Library, "an essential outreach tool of our time", could help demystify international law. Also, the United Nations Commission on International Trade Law (UNCITRAL), a core legal body within the field of international commercial law, would hold a panel discussion next week to analyse the impact of commercial law and commercial activities on the rule of law.

She said the Charter had envisaged a system of settling disputes peacefully before intractable conflicts occurred. The Assembly, the Council and the International Court of Justice each had a responsibility towards that goal. But full use had not always been made of the links between those bodies. In 2006, the then President of the International Court of Justice had recalled that the Council should take into consideration that legal disputes should, as a general rule, be referred by the parties to the Court. Ms. O'Brien encouraged members of the Council to follow up on that recommendation. She also encouraged those States that had not yet deposited declarations accepting jurisdiction of the Court to do so, as unconditionally as possible.

The struggle to end impunity was another essential component of the rule of law, she said. The Council had amply emphasized its importance, but justice was a nation's choice. International justice mechanisms, whether permanent or ad hoc, were not intended to supplant States where the criminal justice systems were willing and able to ensure that there was accountability. Thus, within the statutes of the international criminal courts and tribunals, there was ample room for the exercise of national jurisdiction.

Turning to the Council's sanctions regimes, she stressed the critical need to adopt sanctions in accordance with international law, consistent with Charter objectives. Over the past years, the Council had put emphasis on setting out and strengthening the international legal framework and norms for addressing those issues. The recent adoption of resolution 1904 (2009) reflected the significant effort to address the rights of due process and, in particular, that of an effective review of such decisions. The establishment of the Office of the Ombudsperson had been an important step towards ensuring fair and clear procedures for listed individuals and entities. Her Office intended to follow the interaction of the Ombudsperson and the sanctions committee, where much would depend on how the Ombudsperson's observations were dealt with by the committee. It would also be instructive to see the impact of resolution 1904 (2009) on the jurisprudence of national and regional courts.

Commenting on the new administration of justice system at the United Nations, which was about to reach its first anniversary, she noted that it had issued more than 200 judgments to date. By the end of the week, the Appeals Tribunal would have already convened two sessions this year and reviewed more than 60 cases. The new system stood as a milestone in strengthening the Organization's commitment to the rule of law, justice and accountability.

### Statements

Council President JUAN MANUEL GÓMEZ-ROBLEDO, Deputy Foreign Minister for Multilateral Affairs and Human Rights, Ministry of Foreign Affairs of Mexico, speaking in his national capacity, said the promotion and strengthening of the rule of law in the maintenance of international peace and security referred to two different, though closely interrelated, notions: embedding international law in the Security Council's work and using the tools at its disposal to increase the level of compliance with international law in areas of its competence. At the same time, it was important to recall that the Council was bound to discharge its duties in accordance with United Nations purposes and principles. Many disputes stemmed from differences concerning the interpretation of international law, and any actions taken by the Council on those disputes were to be grounded in, and motivated by, international law. Though there had been improvements in that regard, much remained to be done.

He called on States to continue enriching their understanding of international law, which former President Rosalyn Higgins of the International Court of Justice had said was the "common language" of States. The Council, with the powers bestowed on it, should consider taking concrete measures to strengthen the rule of law. In that regard, the final recommendations articulated by the 2008 Austrian initiative on the Security Council and the rule of law might be a helpful guide. For its part, Mexico believed in strengthening Chapter VI of the Charter, which stressed the peaceful settlement of disputes. He called on the Council to play a key role in promoting that principle, and where a dispute had its origin in different legal interpretations, the Council could promote a legal solution.

He noted the trend in recent years to turn to the International Court of Justice, but that potential had not been fully exploited. For many years, Mexico had supported the idea of having the General Assembly authorize the Secretary-General to request advisory opinions on matters concerning its duties. Regarding the Council's role in executing the Court's judgments, breaches of the Court's rulings were set out in the Charter, but States had rarely activated that mechanism. He called on States that had not done so to accept the Court's jurisdiction; the Council's permanent members bore a special responsibility for maintaining peace and security and their acceptance of the Court's jurisdiction would greatly encourage other States to follow. He particularly noted the adoption of a definition of the crime of aggression by the recent Review Conference of the Rome Statute, which would allow the International Criminal Court to exercise its jurisdiction in that regard.

Mediation was important in all stages of a conflict, and countries without strong institutions needed "sound legal scaffolding" to guarantee that peace agreements actually led to peace, he said. In its treatment of conflict situations, the Council should consider, on a case-by-case basis, security sector reform; establishing truth commissions; promoting gender justice; and cooperating with the International Criminal Court. Vulnerable groups should receive special attention. As for the sanctions regime, Mexico attached great importance to the recent appointment of an Ombudsperson. It favoured effective remedies, which were fair and clear, stressing the need for balance between efficiency and legitimacy.

MIRSADA ČOLAKOVIĆ (Bosnia and Herzegovina) said peace and stability could only prevail if the causes of conflict, such as ethnic discrimination, gross disparities in wealth and social services, abuse of power and the denial of property or citizenship rights were addressed in a legitimate, fair way. Peacebuilding activities in post-conflict societies must be integrated and coordinated, and based on a comprehensive approach for establishing good governance; rule of law and promotion of human rights; institution building; security sector reform; economic reconstruction and development. Particular attention was needed to fully integrate the rule of law component into the strategic and operational planning of peace operations. Strengthening the rule of law must be accompanied by efforts to ensure sufficient capacity and bring perpetrators of the most serious crimes to justice. Creation of the Office of the Rule of Law and Security Institutions in the Department of Peacekeeping Operations had been a positive step to ensure effective coordination of United Nations engagement during conflict and post-conflict recovery.

Stressing that the Council should better use the International Court of Justice as one of the central tools in maintaining peace and security, she strongly encouraged further strengthening of existing international dispute settlement mechanisms and use of alternative mechanisms and informal systems for peaceful dispute resolution. The Council should also consider measures to further support and strengthen the International Criminal Court's important role in the international judicial system. She urged all States that had not done so to accede to the Rome Statute. The Council had significantly improved the efficiency and credibility of sanctions regimes, and she lauded in particular the creation of the Ombudsperson institution under the Al-Qaida and Taliban sanctions regime. Drawing on that example, she supported the practice of other sanctions regimes to periodically review and evaluate targeted sanctions.

RUHAKANA RUGUNDA (Uganda) said justice and law were fundamental conditions for international peace and security. The international community must rekindle its commitment to fundamental human rights, dignity and worth of the human person. Justice and peace were complementary; one could not exist without the other. Durable peace must be built on social, economic and political foundations. He lauded the Council's efforts to address critical peacebuilding issues. Support for building capacity and rule of law institutions was critical. Promotion of justice



and the rule of law were particularly fundamental in post-conflict situations, in order to avoid impunity and relapse into conflict. In intractable political conflict situations, it was impossible to have the rule of law without functioning police and judicial institutions. There must be a holistic approach for States emerging from conflict.

He encouraged the international community to contribute to comprehensive solutions rather than half measures, and he supported a dispute prevention and settlement mechanism, as such mechanisms offered States the option for peaceful settlements. Promotion of the rule of law was crucial to maintain international peace and security. As a State party to the Rome Statute, Uganda was committed to ending impunity for perpetrators of the most heinous crimes. Uganda had instated the rule of law by promulgating the necessary legislation. The Criminal Division of the High Court of Uganda addressed many of the most serious crimes of concern to the international community.

Noting the vulnerable situation of women and children during armed conflict, he said international human rights and humanitarian law must be observed. He supported the draft presidential statement before the Council.

U JOY OGWU (Nigeria) said justice and peace were mutually reinforcing and essential for healthy societies. As part of the United Nations commitment to maintaining peace and security, Member States must seek to understand the concept of justice at the international level. In places without the appropriate legislative and judicial infrastructure, and in the absence of broad acceptance of legal norms, socio-economic development suffered. That was particularly true of transitional and fragile States. She was pleased to see the concept of rule of law featured in many Council resolutions, dealing, for example, with children and armed conflict. There was a need to root the concept even deeper within the framework of international law and to encourage States to adhere to it.

In post-conflict situations, she said, the culture of impunity was exploited by armed groups, but she noted with satisfaction that rule of law values were finding their way into peacekeeping mandates. In Sudan, for example, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) was mandated to assist in promoting rule of law and strengthening local capacities in that area. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was mandated to assist with investigations of human rights violations. Such best practice models should continue to be replicated, and should receive early programmatic funding in peacekeeping mission budgets. She supported the integrated mission planning process advocated under the Capstone doctrine, which would ensure that the multiple branches of the United Nations acted in concert to support a return to lawfulness, as part of peacebuilding.

She underscored the need for close collaboration among the Security Council, General Assembly and the Economic and Social Council in facilitating a restoration of the rule of law in conflict and post-conflict societies through sequenced peacebuilding tasks. In that respect, the Peacebuilding Commission, civil society and regional organizations also had a role to play. The United Nations must build a partnership with legitimate national actors to ensure justice, but must make sure not to "transplant" judicial systems from elsewhere. She would welcome a report covering recent developments in that area, to assess how much the United Nations had achieved in integrated rule of law activities.

In terms of international disputes, she praised the International Court of Justice as an international arbitrator, citing its involvement in helping to settle Nigeria's boundary dispute with Cameroon. As for ad hoc tribunals, she paid due recognition to their value in ending impunity in the aftermath of violence, but noted that resource constraints limited their effectiveness. She was encouraged by the Council's decision to appoint an Ombudsperson for sanctions, which should shore up due process.

BÉATRICE LE FRAPPER DU HELEN (France) said strengthening the rule of law in post-conflict situations helped move them to a robust and lasting peace, and noted that the Peacebuilding Commission was active in that area. She also noted the systematic inclusion of provisions regarding the rule of law in peacekeeping operations, such as in UNAMID and MONUC. The assistance group for promoting the rule of law, whose establishment had been approved at the 2005 World Summit, was now operational, and it needed to focus on identifying "real needs". From its participation at recent meetings, France noted that most of its work focused on training and infrastructure-building, to the

detriment of more complex programmes such as protection of magistrates, for example. She praised Ms. Migiro for listing a set of priorities, which had France's support.

On international justice and peaceful settlement of disputes, she said the number of disputes brought to the International Court of Justice, and the opinions it had laid down, demonstrated its vitality. But to apply the rulings was just as important, and in the coming years, States must devote their attention to doing that. The Council had new tools to assist the International Criminal Court in settling disputes in areas such as genocide, crimes against humanity and crimes of war. The international community and the Council could, for instance, count on the International Criminal Court's first standing tribunal to bring the perpetrators of the worst crimes to justice when national authorities lacked the will and capacity to do so. France was a strong backer of the Prosecutor of the International Criminal Court, and urged the Council to ensure that its decisions were respected, especially in cases that were referred by the Council itself, such as crimes committed in Darfur.

On sanctions, she noted that the Council had improved the way in which it dealt with individuals and entities that breached its embargoes, as well as with those that impeded peace processes, or were responsible for crimes or inciting hatred. Success in combating terrorism hinged on the Council's ability to ensure adherence to its decisions. To restore trust in the sanctions regime, France had proposed setting up focal points to collect information on de-listing and exemptions. The focal points had been set up, and now the Council had gone further by setting up the Office of the Ombudsperson. Responsibility to protect was another area in which the Council could make improvements, among others.

MARIA LUIZA RIBEIRO VIOTTI (Brazil) said the Council must ensure compliance with its own resolutions. That implied upholding international laws applicable to conflict situations, and being able to reconcile its political nature with the imperative of strengthening rule of law. That need was more evident in post-conflict situations, where fragile national institutions usually hampered the consolidation of the rule of law. The Brazilian Government greatly valued measures to include the rule of law perspective in United Nations activities, including the creation of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, to help the international community to undertake rapid, coherent and coordinated responses to re-establish State institutions.

She said that the International Criminal Court had a particular importance as a tool against impunity, whose deterrent effect was probably one of the most important contributions to the maintenance of international peace and security. She expected that, in 2017, the Court would be able to exercise jurisdiction over the crime of aggression, as agreed by States parties at the first Review Conference. Sanctions might play a role in the maintenance of peace and security, as well, but should be used sparingly, wisely and never to the detriment of negotiated solutions. The purpose of sanctions was to modify the behaviour of the target State, party, individual or entity threatening international peace and security; it must never be an indirect or undeclared means to cause regime change, punish, or otherwise exact retribution. Listing and de-listing procedures should be clear and fair and observe due process. While there had recently been important improvements to the sanctions regime relating to Al-Qaida and the Taliban, further efforts should be made.

THOMAS MAYR-HARTING (Austria) said it was imperative to strengthen the rule of law, nationally, internationally and institutionally. For years, Austria had focused on the Council's role in strengthening a rules-based international system. In 2004, Austria and the New York University School of Law had launched a series of panel discussions on that topic. With Mexico, Liechtenstein and other like-minded States of the "Group of Friends of the Rule of Law", his country had presented a final report on the subject published as document S/2008/270, which had 17 concrete recommendations on how the Council could strengthen the rule of law in various fields. Austria had worked with other delegations to implement and mainstream those recommendations into the Council's daily business. He strongly supported the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General, and the Rule of Law Unit that supported that Group. Respect for international humanitarian law by all parties to conflict was essential for protecting civilians and it should be an important aspect of any comprehensive strategy to resolve conflict. He urged all parties to conflict to respect the special rights and protection of women and children under international law.

He commended the stocktaking of international criminal justice by the recent International Criminal Court Review Conference in Kampala. Austria was working as chair of the Council's informal working group on international tribunals to create a mechanism to take over the residual functions of the Tribunals for Rwanda and the Former Yugoslavia, and thus preserve justice and the rule of law. States must fully cooperate with international criminal justice institutions, particularly where there was a legal obligation to do so. As Chair of the Al-Qaida and Taliban Sanctions Committee, Austria was committed to enhancing efficiency and credibility of sanctions regimes. He strongly supported the presidential statement before the Council today and the request that the Secretary-General prepare a follow-up report to his 2004 report on the rule of law and transitional justice in conflict and post-conflict situations.

MARK LYALL GRANT (United Kingdom) said the rule of law was at the heart of the United Kingdom's foreign policy. The importance of respect for the rule of law in international peace and security was self-evident from the United Nations Charter, and there was now widespread recognition that the principle applied more broadly. He supported the presidential statement before the Council and pointed to aspects of it, including the importance for all States to settle disputes by peaceful means. Judicial mechanisms were vital for advancing the rule of law. The International Court of Justice was at the apex of the international judicial machinery. The United Kingdom was the only permanent Council member to accept the compulsory jurisdiction of that Court. He called on other Council members to do the same.

He also strongly supported the International Criminal Court. The United Kingdom had taken part in the recent Kampala Review Conference. That Court played a key role in delivering international justice and combating impunity. The Council should fully support other international criminal tribunals. The United Kingdom was committed to the Geneva Conventions and its Additional Protocols. Last July, it had co-hosted with the International Committee of the Red Cross (ICRC) an event to celebrate the sixtieth anniversary of the Conventions. It was important to focus on challenges ahead and to respond to the changing nature of warfare. He supported the listing and de-listing procedures, which had enabled the Council to ensure that United Nations sanctions remained a vital tool to fight terrorists such as Al-Qaida and the Taliban. The rule of law was not just about relations between States. There were major challenges and constraints to deliver rule of law assistance. Justice was not an alternative to peace; the two were complementary. Re-establishing the rule of law was vital to sustain the necessary conditions for effective peacebuilding. There must be tangible improvements on ground in the area of the rule of law.

NAWAF SALAM (Lebanon) said international law was the accumulation over time of both written and unwritten rules. All States, notwithstanding their differences in culture, religion and so on, were united in the need to abide by international law. In that sense, international law was a uniting element, and had expanded in recent decades to include humanitarian law; laws governing commercial activities and activities at sea and in space; counter-terrorism agreements; and laws protecting economic, social, civil and political rights. To maintain peace and security, it was unlawful to use the military option to deter and punish, and, as such, Lebanon welcomed the International Tribunal on the Law of the Sea, the International Court of Justice and other such bodies that contributed to the peaceful resolution of disputes.

However, he noted the selective application of certain rules, which threatened to render meaningless the concept of rule of law. One example were rulings directed at Israeli practices, where that country had annexed territories of other States, built settlements and committed transgressions against holy sites and engaged in acts of collective punishment and siege. It had also made threats of war against Lebanon and committed daily violations of that country's sovereignty by land, sea and air. He questioned why certain resolutions were implemented and others ignored, and why sanctions were announced against some but not others. Also, what was the value of the advisory opinions of the International Court of Justice when not all countries abided by them? How much longer would war criminals of some countries be punished and not those of others?

He noted that equality among States was one of the pillars of the international system, adding that the Council's credibility remained in question so long as there was no review of its structure or methods of work. Still, Lebanon welcomed the Council's efforts to include the protection of civilians in its mandates and the need to uphold international humanitarian law. He welcomed its steps to create international and mixed tribunals to prosecute those that committed grave crimes,

and looked forward to the activation of the Special Tribunal for Lebanon to restore justice to victims in that country, without politicization. He commended the Council's role in post-conflict situations through the promotion of national reconciliation and by strengthening national unity and respect for human rights. On sanctions, he acknowledged the Council's efforts at transparency and respect for human rights, which would enhance its sanctions regime. Its appointment of the Ombudsperson had been an important step, but more needed to be done. Combating terrorism could not be undertaken at the expense of respect for human rights.

LI BAODONG (China) said adherence to rule of law was a symbol of social progress and was conducive for promoting global harmony. The United Nations Charter, the cornerstone of international rule of law, was the core of the contemporary legal order. At the 2005 World Summit, world leaders had committed to strict compliance with international law, and as such, countries should abide by its basic principles: respect for national sovereignty; the peaceful settlement of disputes; desisting from the threat of force; and other such principles.

He said that in order to strengthen the rule of law, States must consider multiple social, economic and political factors. In that respect, the rule of law was far from being only a legal issue and, thus, it should be integrated into post-conflict reconstruction work. However, in striving to strengthen the rule of law outside one's own State, countries must exercise respect for national sovereignty, since the rule of law was an internal affair. In addition, States must strive for balance in the pursuit of peace and justice, especially when dealing with human rights violations, such as war crimes, genocide and crimes against humanity. In doing so, they must take care not to interrupt the peace process and to take actions that advanced national reconciliation.

He added that the Council needed to enhance the credibility of its sanctions regime, since its use of sanctions as deterrents and methods of punishment had begun to attract "widespread concern". China had always advocated strict criteria when using sanctions, with timelines to avoid negative impact on people's livelihoods and on development. When using sanctions, it was important to proceed with caution, to lay stress on facts and evidence and to avoid double standards.

VITALY CHURKIN (Russian Federation) supported creation of the rule of law. The Council, which had the primary responsibility to maintain international peace and security, had a special role in rule of law issues. It had enormous experience. It contributed to restoring the rule of law during peacekeeping operations; setting up international criminal tribunals; referring matters to the International Criminal Court; and protecting civilians from genocide, war crimes and crimes against humanity. The Council's decisions had important legal consequences, and they contributed to the emergence of general norms and standards in areas ranging from counter-terrorism to weapons of mass destruction. The promotion of the rule of law by the Council was an integral process. In adhering to standards of international law, it set an example. Many of the Council's conclusions in the Secretary-General's 2004 report on post-conflict situations were still relevant today. It was necessary to breathe life into those valuable ideas and monitor progress. Judicial responsibility was paramount and resources must back judicial reform.

He said his country had consistently advocated the need to end impunity, but issues of justice were not an end in themselves. Unnecessary and untimely action complicated peace. The International Criminal Court set lofty standards for judicial procedures, and trust in its impartiality was encouraging a growing number of States to apply its jurisdiction. That Court was the standard bearer of international justice. The universality of the Rome Statute was vital. Targeted sanctions could be effective to bolster international peace and security and they could restore respect for the law, but they must be imposed on a strictly legal basis in clear compliance with the Charter. De-listing and listing procedures should be based on criteria in relevant Council resolutions, and the focus should be on what had been achieved rather than on creating new mechanisms. The General Assembly had also devoted attention to enhancing sanctions, adopting the resolution sponsored by the Russian Federation on that matter.

YUKIO TAKASU (Japan) said the rule of law was important to ensure the peaceful existence of human beings. The Council must honour the rule of law to carry out its function of maintaining international peace and security. The rule of law prevented disputes, and active use should be made of it in international judicial frameworks. Acceptance of the compulsory jurisdiction of the International

Court of Justice should be universalized. The Council could use sanctions as a means to reduce threats to international peace and security. In applying the rule of law, due consideration should be given to international human rights. He highly valued creation of the Ombudsperson's Office. It was necessary to promote an orderly, free society. The rule of law was important, particularly in post-conflict situations. During Japan's presidency, the Council had emphasized the importance of the rule of law to sustainable development. The rule of law was also indispensable to preventing recurrence of conflict.

He stressed the importance of individual responsibility. The Council played a pivotal role in creating the international criminal tribunals. He commended the stocktaking of international criminal justice by the recent International Criminal Court Review Conference in Kampala. A legal system was a key piece of infrastructure in a society, just as important as economic and social infrastructure. It was crucial to examine how the rule of law was disseminated and used by people. He also stressed the importance of educating people about international law. All States must implement and enforce the rule of law, and uphold international law. States should also facilitate compliance with the rule of law in developing countries. Japan would support capacity-building efforts in those countries by training legal workers and supporting legal institutions.

MARY E. MCLEOD (United States) said that the rule of law lay at the heart of her country's democracy, which was also seen as essential to the pursuit of global progress. It affected various sectors, including criminal justice, international property, migration, environmental regulation and others. In addition, the rule of law was important to the work of peacekeeping missions, and by integrating it into their mandates and following through on those precepts, the Council could help achieve a more sustainable peace. For its part, the United States Government was supportive of the efforts by the Human Rights Commissioner to strengthen rule of law systems. At the same time, it was working towards a credible Human Rights Council as a member of that body, while also supporting ratification of international documents such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. Indeed, the rule of law did not depend on multilateral discussion alone, but equally on national judicial mechanisms.

She said that the United States strongly supported international tribunals, and was proud to serve on the management committees of the Sierra Leone tribunal and the Special Tribunal for Lebanon. It was providing funding for those two courts, and had recently joined Cambodia's Khmer Rouge tribunal, to which it had also contributed. In addition, it had played a role in the tribunals for the Former Yugoslavia and Rwanda, and was part of the working group to establish successors for those. The United States had also recently participated as an observer to the International Criminal Court Assembly of States Parties.

Viewing it as important to develop strong domestic institutions around the world, the United States Government was providing bilateral support for such efforts, working with scores of countries and regional organizations to develop programming in support of that work, she said. In 2011, the State Department and USAID had proposed \$900 million for rule of law and human rights programmes, an increase from the 2009 fiscal year. When planning such endeavours, the United States worked closely with the Department of Peacekeeping Operations, donor countries and non-governmental organizations. United Nations efforts were often also central to boosting local ability to sustain a hard-won peace. She welcomed the Secretary-General's efforts to introduce civilian expertise in that respect.

FAZLI ÇORMAN (Turkey) noted that the Charter indicated that international situations leading to a breach of the peace should be settled by peaceful means, in conformity with principles of justice and international law. In that regard, the International Court of Justice was significant, for it was one of the key mechanisms available to States for settling disputes peacefully. The diverse and complicated nature of conflicts today, the multiplicity of actors involved, the indivisibility of security, and the wide-reaching impact of any conflict irrespective of geographic considerations, required all States to pursue a strategic approach to conflict management, with an emphasis on durable solutions. Prevention was the most desirable approach, but when conflicts could not be prevented, international law, particularly international humanitarian law, became important. The international community had a duty to do more to promote international law through capacity-building and technical assistance.

He said the international community must not allow a culture of impunity to prevail, and in the new age of accountability, all perpetrators of serious crimes, such as terrorism, must be held to account. States that violated international law must also be held accountable. As for the use of sanctions, he stressed the need to apply those with utmost caution so as to avoid them from being counter-productive. They should be carefully targeted in order to minimize adverse consequences on populations and third States. Welcoming the establishment of an Ombudsperson, he urged States to continue to dwell on how to further strengthen the office's legitimacy and overall effectiveness.

ALFRED ALEXIS MOUNGARA MOUSSOTSI (Gabon) supported the Deputy Secretary-General's Rule of Law Unit. Promotion and strengthening of the rule of law was essential for good governance, the proper functioning of institutions and protection of human rights, as well as for equality before the law, and respect for human dignity and fundamental freedoms. He lauded the creation of the Peacebuilding Commission and its work in transitional justice. He welcomed the Secretary-General's incorporation of the rule of law, judicial reform and strengthening of penal institutions, among other issues, into peacekeeping operations and mandates. Many Council resolutions helped to strengthen normative frameworks. He stressed the need to protect vulnerable people during armed conflict and the importance of human rights in that context. Promotion of the rule of law went hand in hand with international justice. The settlement of political and jurisdictional disputes between States helped restore and build peace.

He welcomed the creation of subregional mechanisms in Central Africa to strengthen confidence-building measures and settle conflicts among States. Notable among those was the Council for Peace and Security in Central Africa, which worked towards the peaceful settlement of disputes. International law was the basis for relations between States. If applied well, rulings of the International Court of Justice could effectively help settle disputes. Gabon had accepted the compulsory jurisdiction of the International Criminal Court, and he encouraged others to follow suit. Action to end impunity must be the ultimate goal. It was important to preserve the effectiveness of international criminal tribunals. He supported the role of the Ombudsperson in listing and de-listing entities and individuals. He fully supported today's presidential statement.

CARSTEN STAUR (Denmark) stressed the interrelationship between law and security. Denmark was doing its part to promote international law. In the Copenhagen Process on the handling of detainees, Denmark sought to elaborate principles to address challenges regarding detention in armed conflict. For multilateral peacekeeping efforts to be truly effective and integrated, common principles for detention, transfer and treatment of detainees must be further developed. The Copenhagen Process sought to do that through a broad consultative process. International justice and the peaceful settlement of disputes were key to operationalizing the rule of law and promoting peace and security. The International Court of Justice had real value in preventing the escalation of conflicts. Settlement of what might seem a trivial boundary issue could in fact solve a territorial dispute, which, if left open, could lead to serious tensions and conflict. Fighting impunity was essential.

A few weeks ago, he noted, the International Criminal Court Review Conference had given a resounding affirmation of that Court's position as the universal, permanent Court. The Court's stocktaking exercise, which had focused on questions of complementarity, such as how to ensure that national jurisdictions could deal with mass atrocities without involving international courts, was a prime example of how the rule of law, nationally and internationally, could be integrated and become mutually reinforcing. He welcomed the important Council decision to strengthen the legal framework for sanctions regimes by enhancing transparency and fairness of listing and de-listing procedures. He lauded the appointment of an Ombudsperson under the Al-Qaida and Taliban sanctions regime — an idea originally promoted by Denmark in 2005. The Ombudsperson would help strengthen the right of due process of listed individuals and entities, while ensuring the sanctions regime's effectiveness. But more must be done. Procedures for listing and de-listing must be kept under constant review. Denmark would continue to push for even more transparent and fair procedures within the Al-Qaida and Taliban sanctions regime, as well as other within United Nations sanctions regimes.

THOMAS GÜRBER (Switzerland) stressed the importance of respect for humanitarian law, and welcomed the latest Council resolution on the protection of civilians. The Government of

Switzerland would like to see the protection of civilians reflected in the mandates of United Nations peacekeeping operations. For societies with a legacy of human rights violations, it would like to see a process of strategic reflection on lessons learnt and best practices on countering impunity, as developed by Louis Joinet.

He noted the centrality of the International Court of Justice in maintaining a just and peaceful international order. He encouraged all States to recognize its compulsory jurisdiction, and to do so "without special agreement". The fact that an individual could now be convicted by a permanent international court of the crime of aggression, 65 years after the Nuremburg and Tokyo trials, was a symbolic step towards achieving a culture of peace. Also, the establishment of the Office of the Ombudsperson for sanctions had improved the legitimacy of the sanctions system, which was a development that Switzerland would follow closely.

JARMO VIINANEN ([Finland](#)) posed two questions — what made peace sustainable; and what did States mean when they referred to "justice" in the aftermath of the breakdown of the rule of law during a conflict? The concepts and notions of the rule of law, justice and transitional justice had become part of the vocabulary, and, although not explicitly defined, were largely understood in a common way. Justice could take many forms, but was ultimately about inclusion, and for peace to stick, agreements must be reached with the participation of the women who remained in the villages while men went away to fight; political parties that did not engage in violence but had a legitimate interest in how the country should be run; and those who had fled or were otherwise victims of violence.

He said the International Criminal Court and the Rome Statute system had been instrumental in helping to strengthen rule of law at the national level. But, in order to contribute to a long lasting peace, justice must not only be retributive, but also restorative. For some victims, it could be more important to have an opportunity to tell their story on an equal footing with other members of society, or to hear an official recognition of the wrongs committed. There must also be a re-establishment of ground rules that had been broken down by war. He also expressed hope that the rule of law team foreseen in resolution 1888 (2009), aimed at helping national authorities respond to acute situations of sexual violence, would shortly become operational, adding that Finland was working in Afghanistan to ensure that gender aspects were taken into account by its police.

Reform of rule of law institutions could be used to proactively promote social change, such as to bring about gender equality, better management of land rights and natural resources, and a more responsive system of governance, he said. Those aspects of the rule of law were inherently political, making it important to obtain genuine commitment from national stakeholders. The Finnish Government supported the act of aligning donor support with national strategies, and was happy to see the Rule of Law Resource and Coordination Group develop into a mechanism where entities and agencies could decide on their roles and responsibilities. One aim should be better coordination and coherence among United Nations entities, the World Bank and the various bilateral actors.

GIUSEPPE NESI ([Italy](#)), associating himself with the statement to be delivered on behalf of the European Union, noted that not all situations required the same treatment. Each had its specificities, which should be given due attention. At the same time, the importance of promoting and strengthening rule of law in conflict and post-conflict situations was widely agreed. Italy had been committed to assisting such States to building up their rule of law capacities. The United Nations would continue to play a crucial role in that area, not least because of its expertise, neutrality and recognized capacity to build trust. In that light, Italy welcomed the Secretariat's initiative to strengthen its standing police capacity and to set up a new justice and correction standing capacity at the Brindisi Logistics Base, as one way to bridge the gap between peacekeeping and peacebuilding.

He noted that States had done much to coordinate their efforts, pointing to activities of the Centre of Excellence for Stability Police Units. In four years, more than 2,500 peacekeepers of different nationalities, many from Africa, had been hosted by the Centre for Training, where the rule of law was an essential element. The International Criminal Court and the Rome Statute system was another powerful instrument at the international community's disposal. The Council had already proven that a positive relationship with the Court could indeed be established, though more progress must be made in that area. The Rome Statute system was more than a court of last resort; it laid down the very principles to ensure the maintenance of peace and security.

CHRISTIAN WENAWESER ( Liechtenstein) stressed the Council's need to respect human rights when taking action with direct impact on individuals. He commended the Council for its tremendous progress in reforming the sanctions regime against the Taliban and Al-Qaida, and welcomed the establishment of the Ombudsperson. The approach taken by resolution 1904 (2009) "may not be perfect", but his Government nevertheless recognized the strong political will within the Council to address legitimate criticisms against the old system. The Council must stay vigilant in ensuring that its work remained within legal bounds and in the spirit of the Charter. The Council should be particularly sensitive to the Assembly's prerogatives as the United Nations prime legislative organ. While the Council had taken steps to improve its working methods, his Government called on it to take further measures towards that end. He recalled the multiple contributions made by Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland on that score.

He said the courts and tribunals, in particular the International Criminal Court, were essential tools for promoting the rule of law. The Council must follow up on the cases it had referred to the Court; at the moment, there was a "lack of cooperation" on the situation in Darfur. Once formally activated, the Court's jurisdiction over the crime of aggression would give the Council a new policy option to address the most serious forms of illegal use of force. In addition, the Council should support efforts to strengthen domestic judicial capacities. The Review Conference in Kampala had strongly underlined the need to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious international crimes. Also, pursuing peace and justice at the same time would require stronger engagement of mediators and other conflict intermediaries.

GARY QUINLAN ( Australia) recalled the Secretary-General's exhortation that the United Nations as a whole should be the model of the rule of law if it was to be effective in promoting it. In that respect, the Council was at its most legitimate and effective when it submitted itself to the rule of law. In the area of targeted sanctions, Member States had the legal obligation to accept and enforce them, but their effectiveness depended, in large part, on perceptions of procedural fairness. In that light, Australia welcomed improvements to the Al-Qaida and Taliban sanctions regime, as well as the establishment of an Ombudsperson for sanctions.

He noted that the rule of law was becoming a familiar aspect of peacekeeping operations, from the Democratic Republic of the Congo to Haiti, Liberia and Timor-Leste. The challenge was to ensure the effective implementation of those mandates. He understood that work was under way within the Secretariat to clarify the roles and responsibilities of various United Nations actors in delivering their mandates in a predictable manner, and he would encourage early completion of that work. He added that Australia was a strong supporter of the International Criminal Court and believed that the relationship between the Court and the Council had the potential to develop into a very powerful and mutually supportive alliance. Where the Council referred a situation to the Court, it was beholden on the Council to use the tools at its disposal to encourage, cajole and, if necessary, compel Member States to cooperate with the Court.

SHIN BOONAM ( Republic of Korea) said it was time for the Council to return to the issue of the rule of law to take stock of what had been achieved in the last four years, but to also explore further steps needed in that area. The Republic of Korea was steadfast in its commitment to promote the rule of law as indispensable for lasting peace and prosperity. The rule of law was a critical component in endeavours to build a durable system of peace and prosperity in conflict and post-conflict societies. Peace and prosperity could not be secured if the international community failed to restore confidence in the rule of law among populations in conflict-torn societies. Rule of law programmes were linked to the broader peacebuilding agenda. The Peacebuilding Commission and Peacebuilding Fund activities were critical to building the rule of law. He lauded the creation of the Rule of Law Unit and the 2009-2011 Joint Strategic Plan of the Rule of Law Coordination and Resource Group to improve coordination and coherence of rule of law activities. The Council could further advance global efforts in that regard by supporting the Group and the Unit.

He said his country was deeply committed to the peaceful settlement of disputes. He fully supported global efforts to end impunity and bring to justice those responsible for genocide, war crimes and crimes against humanity. He lauded the efforts of the International Criminal Court and



the international criminal tribunals. He lauded the International Criminal Court's first trial in 2009 against a former Congolese rebel leader, and the momentous agreement on crime of aggression in the Kampala Review Conference last month. The Council's sanctions regimes were important tools for maintaining and restoring global peace and security. He called on the Council to continue efforts to improve the present sanctions regime to make it more effective.

JORGE ARGÜELLO (Argentina) highlighted the importance of protecting civilians in conflict, and ensuring criminal accountability of those responsible for serious human rights violations. In that regard, he underscored the importance of conclusions derived at the stocktaking exercise in Kampala, where participants had recognized a positive relationship between peace and justice. He also underscored the need for parties to an international dispute to comply in good faith with calls by the United Nations to negotiate as a means for seeking solutions, since the peaceful settlement of disputes was a pillar of modern international relations. He highlighted the International Court of Justice's "consultative jurisdiction", which could be activated by United Nations organs. Other judicial organs that could play a role in settling disputes included, for example, the International Tribunal for the Law of the Sea.

He recalled that, in 1998, it had not been expected that the Rome Statute would enter into force, or that the Court would be playing such a central role in the fight against impunity. At the moment, the Rome Statute had 111 States parties, two trials under way and a third one to start soon. Five investigations were ongoing, three of which had been referred to by States parties, with one having been referred by the Security Council in 2005. In addition, the recent Review Conference had defined the crime of aggression, over which the Court would have jurisdiction by 2017. He called on States that had not yet signed or ratified the Statute to do so, in order to ensure universality. He called on the Government of Sudan to cooperate with the International Criminal Court, in line with Security Council action, to put an end to impunity.

He added that the rule of law, particularly as concerned human rights, must be ensured when applying sanctions. The establishment of an Ombudsperson was a step in the right direction for ensuring that sanctions regimes conformed to the minimum requirements of due process.

MONA JUUL (Norway) stressed the need to apply practically international humanitarian law. Its gross violations should always be investigated thoroughly and independently to indicate whether there had been any grave breaches. The strong protection framework for children in armed conflict developed by the Council was key to protecting civilians and promoting and strengthening the rule of law in conflict situations. Still, the lack of decisive action against persistent perpetrators, as well as accountability measures to fight impunity, limited the effectiveness of the United Nations work in that field. She supported the Secretary-General's proposal to proscribe child recruitment in the mandates of all sanctions committees and to improve the flow of information between the working group on children in armed conflict and the committees.

Drawing attention to the International Criminal Court and the outstanding arrest warrants in Sudan, she encouraged the Security Council to follow up on recommendations by the Prosecutor to ensure compliance with resolution 1593 (2005). Abuses against women during armed conflict tended to continue unchecked when not properly dealt with during peace negotiations and in post-conflict situations. It was necessary to continue to enhance women's opportunities to participate actively in peace processes and peacebuilding. She strongly supported the Department of Peacekeeping Operation's Office of the Rule of Law and Security Institutions and UNDP's Global Programme on the Rule of Law. Norway had accepted the compulsory jurisdiction of the International Court of Justice, and urged other States to do the same. She lauded the trend to enhance the transparency and fairness of the listing and de-listing procedures of the "1267 Committee", adding that those procedures should be kept under constant review. The Council should be open to further procedural improvements in that sanctions regime, such as the creation of an independent review panel.

GERT ROSENTHAL (Guatemala) said he was conscious of weaknesses in the areas of rule of law and the protection of human rights in his country, mainly as a legacy of four decades of conflict. The Government had taken concrete steps to address the shortfalls and to strengthen its democracy, setting up the International Commission against Impunity in 2007. Its mechanism for enhancing the rule of law was treaty-based and focused on high-risk cases. It was not intended as a substitute for existing justice and security structures, but to help build capacity.

He said peace and stability could only prevail if the population perceived politically charged issues, such as ethnic discrimination, unequal distribution of wealth, social services, abuse of power, denial of the right to property or citizenship and territorial disputes among States, in an objective way. That required credible institutions and vetting processes to ensure minimum standards of integrity. Indeed, ending impunity was only possible when there was a duty to respect and ensure rule of law. The Rule of Law Resource and Coordination Group, supported by the Rule of Law Unit, allowed for better coordination within the United Nations, but he cautioned against duplication and overlap of functions.

ROBERTO RODRÍGUEZ (Peru) said strengthening the rule of law was important for most States, and greater coordination was needed in that regard. The rule of law should be highlighted in conflict and post-conflict situations. The Council had the responsibility to uphold international peace and security, and efforts must be on preventing conflict. Peru was a member of the Peacebuilding Commission, in whose work strengthening of the rule of law was indispensable, particularly in the areas of security, governance, development and justice, in the context of national ownership. Regarding international justice and the peaceful settlement of disputes, the Charter's Article 1 established that States must solve disputes through peaceful means. The International Court of Justice played an essential role in that regard, as the only universal body with general jurisdiction, and he called on States to adopt the decision to recognize its compulsory jurisdiction.

He said that the findings of the International Court of Justice should be seen as valuable contributions to the rule of law. The International Criminal Court played an essential role in avoiding situations of impunity. The relationship between the United Nations and the Council was essential for the latter Court's work. States had the main responsibility to ensure independent legal assistance so that those responsible for crimes could be effectively tried. In terms of the sanctions regime to fight terrorism, resolution 1904 (2009) was an important step forward, but guidelines must be improved for its effective implementation.

DIRE DAVID TLADI (South Africa) said peacebuilding and post-conflict capacity-building were key components to promote and strengthen the rule of law in global peace and security maintenance. Peacemaking was not just about deploying troops to conflict situations. It was a continuum from mediation to conflict prevention to peacekeeping, and where required, to peacebuilding, peace-consolidation and sustainable development. In that context, he welcomed the initiatives by the Rule of Law Unit to promote a more coherent approach to rule of law activities in societies emerging from conflict. He hoped that the outcome of those endeavours would contribute meaningfully to the work of the Council and the Peacebuilding Commission. The concept note correctly identified that targeted sanctions still raised fundamental questions concerning the rule of law and basic principles of due process. He hoped that the Office of the Ombudsperson would be strengthened.

He encouraged the Council to consider the recommendations of the document "Introduction and Implementation of Sanctions by the United Nations", annexed to General Assembly resolution 64/115, when imposing and implementing sanctions. He called upon the Council to take appropriate action to ensure implementation of the advisory opinions on the "Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory" and the "Western Sahara opinion". In the adoption of the definition and trigger mechanism for crimes of aggression, the Council's role had become the single biggest sticking point. It was unnecessary to rehash the debate on whether the Council's mandate in maintaining international peace and security was primary or exclusive. It was indeed primary. The idea that, as currently constituted, the Council could not faithfully fulfil its mandate and would, for political reasons unrelated to the maintenance of peace and security, prevent the International Criminal Court from exercising jurisdiction over those crimes, showed the urgent need for reforming the Council. The Council must be more representative. It needed expansion in both membership categories.

PEDRO SERRANO, Acting Head of the European Union delegation to the United Nations, said the rule of law should be mainstreamed throughout all peace- and State-building institutions, particularly concerning transitional justice and the integration of justice in external support to security sector reform. He welcomed creation of the Rule of Law Coordination and Resource Group supported by the Rule of Law Unit and called for greater efforts by the two bodies to ensure a

coordinated, coherent United Nations response in that field. He supported the Secretary-General's proposed update report to take stock of implementation of recommendations in his 2004 report and to make proposals for further actions. Reforming the security sector in post-conflict environments was critical to consolidating peace and reducing poverty.

He said that cooperation with the United Nations and other international actors such as the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe was essential for effectively promoting the rule of law, particularly in post-conflict situations. The scope of European Union civilian missions had expanded from a concentration on law enforcement to broader rule of law aspects and wider security sector reform. More than 4,000 European Union civilian experts were currently deployed in nine European Union missions; 1,700 of them were posted in Kosovo. Governance was at the core of European Union development cooperation with the African, Caribbean and Pacific Group of States. The Governance Incentive Tranche gave the Group's partner countries greater access to additional funding, according to their commitments to achieve concrete results in democratic governance. The rule of law was part of the Copenhagen political criteria for European Union membership.

He supported mediation as a peaceful, efficient and cost-effective instrument of conflict prevention and resolution, in line with the Secretary-General's April 2009 report. The European Union was in the process of strengthening and making professional its own mediation-support capacity, in order to use that tool more effectively. He thanked the Mediation Support Unit for its backing in that endeavour. He supported the principle of restrictive measures with clear objectives targeted at persons or entities deemed responsible for policies and actions that warranted the imposition of sanctions. Such measures must be implemented in accordance with international law and respect for human rights. The European Union had conducted a thorough review and consolidation of its implementation procedures, which had led to concrete improvements.

PETER WITTIG (Germany) said differences could be expected in a world of 192 States, and the international community had developed a wide range of mechanisms to address disputes by peaceful means. But it was up to the individual States to make use of that system and to submit their disputes to those procedures. As a first step to advancing rule of law, more States should accept the compulsory jurisdiction of the International Court of Justice and of other independent tribunals. International treaties could, as a rule, include dispute settlement clauses that provided for an independent adjudication of disputes, and the Council could further encourage States to make use of existing judicial institutions, in particular the International Court of Justice.

He added that the rule of law entailed the obligation of international organizations to act in accordance with international law, internally and in their relations with other Member States and the international community at large. One important example was respect for the rule of law in international sanctions regimes, in particular, in the combat against international terrorism. Germany, which was active in advocating for a focal point for de-listing and the creation of an Ombudsperson, was confident that the resulting Office of the Ombudsperson would enhance the credibility of the regime.

He also addressed the rule of law in the context of peacebuilding, saying its promotion in the field faced a number of political and operational challenges. Firstly, the often limited life-span of a peacekeeping operation made it difficult to truly establish a functioning rule of law system that could continue on its own once the mission had left. Secondly, the very different circumstances on the ground usually required a specific solution. True rule of law support required the consistent and long-term engagement of the entire international community, and the Security Council would do well to focus on peacebuilding earlier in the peacekeeping process, thereby allowing it to enhance the scope of, and add value to, peacekeeping mandates in the areas of rule of law.

COLLIN BECK (Solomon Islands) emphasized the importance of close relations among the General Assembly, the Security Council and treaty bodies, which he hoped would be addressed by the Security Council reform process. In his opinion, instability came about because of the lack of application of international law by the Council. Respect for the law was "a must", which, in turn, raised the question of what to do with countries that operated outside the law. Indeed, allowing countries to act in such ways undermined the very foundation of multilateralism and led other countries to look within for protection, including by empowering non-State actors to carry out State

responsibilities.

He remarked that the post-conflict capacity-building mechanisms of the Peacebuilding Commission were "not holistic". The Solomon Islands, which itself had emerged from conflict, remained outside that mechanism. It had been fortunate to receive assistance from its regional neighbours, led by Australia and New Zealand, whom he thanked. The Security Council should support multilateral and regional mechanisms to solidify peace, so as to ensure that home-grown strategies took root. In addition, the International Court of Justice's advisory opinions should be upheld, and in that respect, "States with absolute power" should play a stronger leadership role. As for sanctions, they "built fences" around targeted States and were more harmful than constructive. Dialogue was better than punishment, but required patience. Sanctions, once applied, required close monitoring by the international community to assess how well they were working.

CHARLES T. NTWAAGAE ( Botswana ) said the adoption of the Charter and the creation of the United Nations, as well as the creation of its various organs, such as the Security Council, had ushered in a new era where States could no longer resort to unilateral armed force in the pursuit of national interests. However, there was a minority of States whose attitude of "taking advantage of the inadequacies of the international judicial system" undermined that legal framework. In order to strengthen the rule of law, Member States should strive to uphold related norms and standards. "We need not be fearful of the law to an extent that constructive enhancement of various provisions of international legal instruments is replaced by preoccupation with how best to unshackle the law."

He noted that the collapse of national institutions was often a catalyst for conflict and the destruction of socio-economic infrastructure. The United Nations was the only multilateral platform for developing and codifying international law. It should continue to apply the provisions of its various conventions to safeguard the Charter's call to "save succeeding generations from the scourge of war", by mobilizing the will of its membership to maintain peace and security.

AGSHIN MEHDIYEV ( Azerbaijan ) said that since the Council's 2006 debate on the rule of law, there had been important developments in strengthening and promoting the international order based on generally accepted legal norms and principles. In several situations, successful efforts had reduced tensions and ensured that peace processes moved forward. But more should be done to address the major threats and challenges that continued to affect the basic elements of legal order, undermined national unity, territorial integrity and State stability, and regenerated contempt for human rights. States must respect each other's territorial integrity and political independence, refrain from using force, and instead resolve their disputes in accordance with international law. Reference to the principle of peaceful settlement of disputes could in no way impair the inherent right of individual or collective self-defence if any armed attack occurred against a Member State, until the Council had taken the necessary steps to maintain international peace and security.

He said that States acting in contravention of the Charter and international law, undermining other States' sovereignty and territorial integrity, violating international humanitarian and human rights law and ignoring Council resolutions explicitly condemning such behaviour could only avoid countermeasures if they promptly ended their illegal activities and negotiated in good faith. The fact that illegal situations continued because of illegal circumstances did not mean they were legal or could go on forever. Law and justice were more important than force. Measures to ensure strict compliance by parties to armed conflict to international humanitarian law, respect for human rights and refugees must be a priority. Ending impunity was essential for ensuring individual responsibility for serious crimes and for sustainable peace, truth, reconciliation, the rights of victims and the well-being of society at large.

JOHN McNEE ( Canada ) said his country had engaged actively with the international community to prevent crises, promote human rights and the rule of law and respond to humanitarian emergencies. It was committed to encouraging respect for, and implementation of, international humanitarian law as agreed in the Geneva Conventions. Yet, despite the existence of multiple international legal instruments pertaining to the protection of civilians and the conduct of armed conflict, the past two decades had seen States and non-State actors "shockingly and deliberately" violate those core international principles. Attacks on aid workers or restrictions on access by civilians to aid constituted new challenges to the collective commitment of States to ensure the effective implementation of international humanitarian law.

He said that the Security Council, as part of its effort to call for adherence to international law, could better use its own field missions to monitor respect for international law and draw on the range of tools at its disposal when those laws were flouted, such as prosecutions and targeted sanctions. It also had a role to play in encouraging States to hold violators accountable. It was the duty of every State to exercise its criminal jurisdiction over those responsible for serious crimes. The International Criminal Court was a crucial part of the international criminal justice system, but it was also a court of last resort. Where such crimes had occurred, States must ensure accountability at the national level. For that reason, it was important to strengthen the domestic capacity of States to investigate and prosecute those crimes.

For its part, Canada had supported the work of the International Criminal Tribunals for Rwanda and the Former Yugoslavia, the Special Court for Sierra Leone, the Special Tribunal for Lebanon, the Extraordinary Chambers of the Courts of Cambodia and the International Criminal Court.

GAREN NAZARIAN ([Armenia](#)) stressed the importance of promoting justice and the rule of law. Full and fair implementation of norms and principles of human rights, such as the free exercise of democratic values, should be encouraged by Member States and should not be conditioned on the current status of the territory where people chose to live democratically. Core United Nations values and principles could not be compromised or ignored in relation to people living in conflict and post-conflict situations. In the case of Nagorno Karabakh, the people had exercised their inalienable right to self-determination in full compliance with international law. He emphasized the need for interaction with the representative authorities legitimately elected by the people in conflict regions during settlement negotiations. Armenia pursued an approach through dialogue, negotiations and mutual compromise, and it strongly rejected language of force, threats and militaristic rhetoric.

He said that conflict resolution was inevitably based on the resolve and will of all concerned parties, first and foremost by those who would be directly influenced and affected by the settlement. Any conflict resolution should impartially and fully address the root causes of conflicts under discussion, in order to prevent their recurrence, and should provide reliable and adequate security guarantees to the populations concerned to ensure regional sustainable peace and development. Since 1992, OSCE had been providing a forum for settling the Nagorno Karabakh issue, and it had adequate capacity to maintain its lead in the negotiation process. He expressed confidence that continuous negotiations within the framework of the OSCE Minsk Group were a major prerequisite for maintaining the 1994 ceasefire and for a just lasting resolution.

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