

Security Council Open Debate on The promotion and strengthening of the rule of law in the maintenance of international peace and security
19th of January 2012, Security Council Chamber

Statement by Mr. Román-Morey, Peru to the United Nations

As this is the first time that my delegation addresses the Security Council this year, I would like to take this opportunity to warmly welcome the new non-permanent members of the Council and to wish them every success during their term. We reiterate to them Peru's commitment to make a solid contribution to the vital task of maintaining international peace and security, which is the primary goal of this United Nations organ. Today's debate is focused on the rule of law and transitional justice in conflict and post-conflict societies. In his report, the Secretary-General judiciously outlines a number of fundamental aspects to be addressed in that regard, such as security sector reform and civilian protection, placing particular emphasis on the most vulnerable groups, such as children and women, as well as the need to bring to justice the perpetrators of international crimes. As is well known, Peru was affected by domestic terrorism and political violence during the 1980s and 1990s. That triggered a process of internal reflection and reform, as well as the establishment of a truth and reconciliation commission. Judicial proceedings have also been carried out to try the perpetrators in accordance with due process. Now that nearly two decades have passed since the violence ended, we continue to adopt measures that enable us to provide care and make reparations to the victims.

Strengthening the rule of law is undoubtedly a fundamental prerequisite if we are to truly speak of inclusive societies. If we fail to strengthen the rule of law, the living conditions of our peoples and the institutional structures of the State, as well as proper administration, will be undermined. That, in turn, can have an impact by jeopardizing international peace and security. Furthermore, we must reaffirm our commitment to the fight against impunity, in terms of both national and complementary international actions. In that regard, we wish to underscore the work accomplished by the international tribunals established by the Security Council and the work of the International Criminal Court. In that context, we must ensure that the perpetrators of the most serious crimes that affect the international community as a whole are duly tried and punished. As part of that task, the Rome Statute of the International Criminal Court establishes the fundamental role to be played by the Security Council. All States must unambiguously adopt respective measures with regard to the provisions of the Rome Statute and the Charter of the United Nations in order to respond to requests for cooperation and assistance and to execute the arrest warrants issued by the Court. I would like to address two fundamental aspects in the field of strengthening the rule of law at the international level, namely, the obligation of States to refrain from the threat or use of force and the central role of peaceful dispute settlement mechanisms. In order to preserve future generations from the scourge and consequences of war, States are compelled to refrain from having recourse to the threat or use of force in any manner that is incompatible with the Charter of the United Nations. That obligation means that States are to resolve their disputes, including territorial disputes, by peaceful means in order to avoid jeopardizing international peace and security. In that regard, we must underscore the work of the International Court of Justice, as the principal judicial organ of the United Nations system, to resolve disputes between States. The General Assembly has reiterated that point in several resolutions and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. Moreover, given the ongoing situations of conflict, in particular those arising from the arms race, the General Assembly adopted resolution 37/10 by consensus on the Manila Declaration on the Peaceful Settlement of International Disputes, in which it stated that the referral of a case to the International Court of Justice should not be deemed an unfriendly act between States. The General Assembly subsequently adopted the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (General Assembly resolution 43/51). That resolution calls for States to act so as to prevent in their international relations the emergence or aggravation of disputes or situations, in particular by fulfilling in good faith their obligations under international law. With regard to the International Court of Justice, there are two factors that this Council must always bear in mind. On the one hand is recognition of the Court's contentious jurisdiction, and on the other, the recognition of and full compliance with its rulings. There is no doubt that those two factors, especially the second, are a clear way of gauging the contribution and commitment of States to the maintenance of international peace and security, as well as to the other purposes of this Organization. We should highlight that States are obligated to implement the decisions of the International Court of Justice in all disputes to which they are parties. That was one of the main objectives that the General Assembly entrusted to States in the framework of the United Nations Decade of International Law, from 1990 to 1999, one of the principal

objectives of which was the promotion of ways and means for the peaceful settlement of disputes between States, including recourse to the International Court of Justice and full and unequivocal respect for and compliance with its rulings. The Secretary-General's report entitled "An Agenda for Peace" (S/24111), presented to both the General Assembly and the Security Council, recommended that all Member States accept the general jurisdiction of the Court without reservation before the end of 2000. However, to date only 66 States, including Peru, have submitted statements that they recognize the compulsory jurisdiction of the Court — although in a number of cases they have done so with reservations. We therefore call on all States that have not done so to recognize the Court's jurisdiction as soon as possible. It is worth stressing that the ideal framework for the full implementation of the rule of law is democracy. We tend to distinguish between measures intended to strengthen the rule of law on the international level and on the internal level. However, it is clear that that is an artificial dichotomy and that actions have effects on both levels. We recognize that many States are facing a serious economic crisis, but that situation cannot be used as a pretext for not carrying out or applying measures to strengthen the rule of law. Such measures constitute a mechanism that makes it possible to reduce economic costs, to legitimize the actions of the State and, more importantly, to prevent the loss of innocent lives. International cooperation, at its various levels and in its various methods of operation, must guide those activities. To that end, we must strive to better coordinate and streamline initiatives in this field in order to use resources as efficiently as possible. We wish to conclude by recognizing the efforts that have been made in this undertaking by the Rule of Law Assistance Unit and the Rule of Law Coordination and Research Group. We look forward with optimism to the high-level meeting to take place next September alongside the general debate.