

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 Sir Mark Lyall Grant, United Kingdom to the United Nations

The United Kingdom welcomes this debate and is grateful to the South African mission for taking the initiative to hold it. We are also grateful to the Secretary-General for his important report, for his statement today, and for the strong personal lead that he has taken on this issue.

The rule of law is a term that was coined by the great British constitutionalist A.V. Dicey in the nineteenth century. It is a concept that lies at the heart of the unwritten Constitution of the United Kingdom. Our reforming ancestors recognized that the fairness inherent in the rule of law was preferable to the rule of man.

Since 1945, that principle has been systematically extended into almost all areas of the international sphere. In some matters that were once fertile sources of potential conflict, the rules-based approach has been comprehensively and universally adopted. Issues related to diplomatic protection, maritime navigation and trade tariffs are now almost exclusively settled in negotiations guided by international law or, when that fails, by international processes and tribunals. That success should spur us to work harder in other fields, such as climate change, where agreement is possible on extending the reach of the rule of law in the international sphere. For the United Kingdom, a rules-based approach is at the heart of our foreign policy. We are the only permanent member of the Security Council to have accepted the compulsory jurisdiction of the International Court of Justice. We are also strong supporters of the International Criminal Court (ICC) and one of only two permanent members of the Council, alongside France, to subject ourselves to its jurisdiction wherever we act in the world. Together with the other international tribunals, the ICC has ushered in a new era of accountability, which should make some — including those acting in Syria right now — think twice before ordering or committing atrocities. We call on all members of the Security Council that have not yet done so to become States parties to the Rome Statute of the ICC, as 120 United Nations Members have already done. It is particularly disappointing that some Council members that express a commitment to the rule of law are even now unwilling to recognize the achievements of the ICC in the fight against impunity for the most serious crimes of international concern.

The United Kingdom warmly welcomes the focus of the Secretary-General's report on the rule of law in conflict and post-conflict countries. A defining feature of the Arab Spring is the revolutionaries' clear demand for the rule of law and justice, instead of the arbitrary rule of autocrats. Across the world, ordinary people cite insecurity and lack of access to justice as one of the main impediments to a better life. Collective efforts to strengthen rule of law systems in countries affected by conflict are critical. It is the bedrock of sustainable development. The United Kingdom considers security and justice as a basic service, on a par with health and education, and a fundamental right, as recognized in the Universal Declaration of Human Rights.

The United Kingdom is committed to spending 30 per cent of its growing development assistance in countries affected by conflict, which among other things will help 12 million women to access justice through the courts, the police and legal assistance. The United Nations is uniquely placed to play a central role in strengthening the rule of law in countries affected by conflict. The World Bank's 2011 World Development Report provided evidence that there are crucial gaps in the international system in support of the rule of law, specifically in police, justice and corrections support. Those continued gaps mean that countries emerging from conflict are often unable to access the support they need in those critical sectors.

The United Kingdom recognizes the Secretary-General's efforts to address those challenges. We welcome the Secretary-General's report on civilian capacity in the immediate aftermath of conflict. That initiative has the potential to improve the United Nations rule of law assistance to countries emerging from conflict by broadening and deepening its pool of deployable civilian experts. The United Kingdom urges the Secretary-General to use that process to delineate more clearly roles and responsibilities within the United Nations system for rule of law activities, and to develop better ways of objectively measuring their impact on the ground. National ownership is critical to the success of any international assistance to strengthen rule of law systems. The United Kingdom recognizes that building national capacities and independent national institutions is essential, and that local ownership and leadership in that process should be encouraged. There is

no one correct way of implementing the rule of law. There is much to be learned from the experience of other traditions. That is why the United Kingdom strongly supports the recent launch of the “new deal” proposed by countries affected themselves by conflict to guide the way in which the international community works in fragile and conflict-affected countries. We encourage the whole United Nations system to adhere to its principles. Those issues demonstrate the need to make greater strides towards a common understanding of the need to build and entrench respect for the rule of law in post-conflict countries. As the Secretary-General has reminded us today, this autumn’s high-level meeting on the rule of law will provide an opportunity to take action to address those challenges.