

Statement by Mrs. Preneet Kaur, Minister of State for External Affairs, in the Security Council Open Debate on Peace and Justice on October 17, 2012

Thank you.

At the outset, I would like to welcome you, Mr. President, to the Security Council and thank you for presiding over this meeting. I would also like to thank the Guatemalan delegation for convening this debate, which is very important and timely. I would like to thank Secretary-General Ban Ki-moon, ICC President Judge Song Sang-Hyun, and Mr. Phakiso Mochochoko for their valuable statements.

2. Mr. President, peace and justice are intertwined. There is no peace without justice and there is no justice without peace. To be just implies acting in accordance with the rule of law. A coherent application of the rule of law at all levels of governance is a precondition of avoiding conflicts and ensuring peace and justice. This applies to both international and national affairs.

3. India believes that the advancement of the rule of law at the national level is essential for the protection of democracy and of human rights and fundamental freedoms, as well as for socio-economic growth. And this should be the primary objective of States.

4. Similarly, the rule of law at the international level is a *sine quo non* for ensuring peace and justice among States. We recall the wisdom of world leaders who, in the 2005 World Summit Outcome document, recognized the need for universal adherence to and implementation of the rule of law at the national and international levels. Since then, this topic has been on the agenda of the Sixth Committee of the General Assembly. The High Level Meeting on the Rule of Law recently held during the 67th Session of the UNGA reaffirmed the commitment of the international community to implement the rule of law at the national and international level with a view to achieving the objective of the maintenance of international peace and security, peaceful co-existence and development.

5. Mr. President, peaceful settlement of disputes is an important tool in the maintenance of international peace and security and in the promotion of the rule of law. The International Court of Justice, being the principal judicial organ of the United Nations, has played an important and critical role in the maintenance of international

peace and security by adjudicating disputes between States peacefully. The Security Council needs to take more frequent recourse to the Court under Chapter VI of the UN Charter so as to promote judicial settlement of disputes rather than take coercive measures.

6. Mr President, since the rule of law serves as a key element in the conflict prevention and peacekeeping as well as conflict resolution and peacebuilding, India has always supported international cooperation for the development and codification of international criminal law. India has also been a supporter of international cooperation to suppress and deter heinous crimes of international concern through the relevant judicial instruments. India firmly opposes impunity for serious violations of international humanitarian and human rights law. Denial of impunity is the only way to ensure truth and reconciliation and establishing peace and justice.

7. At the same time, Mr. President, India firmly believes that international efforts to address the issues of serious crimes of international concern and impunity should be anchored in the UN Charter and international law. We need to strengthen the rule of law at the international level by avoiding selectivity, partiality, and double standards as well as by freeing the international criminal justice institutions from the clutches of political considerations. There is also a need to promote the rule of law as a core value across the UN system. For this, we have to reform the architecture of international governance, including the Security Council, so that it may be reflective of the contemporary reality.

8. Mr. President, India's reservations on the Rome Statute and the International Criminal Court are well known. Suffice to say that the role given to a political body like the Security Council in its work has prevented the ICC from becoming a universal institution, and three of the five permanent members of this Council are not party to the ICC.

9. Under these circumstances, the solution to ensure peace and justice at the national and international level is not the ICC or the establishment of ad hoc international criminal tribunals. The solution lies in building national institutions through capacity building efforts so that they can function consistent with the rule of law.

10. In conclusion, Mr. President, this Council needs to promote pacific settlement of disputes through greater recourse to the International Court of Justice. The UN system and international judicial institutions have to promote the rule of law in their work and avoid political biases. And the international community has to provide greater resources for empowerment – empowering States so that they can build institutions that promote the rule of law and help their citizens realize their legitimate aspirations. This alone will

ensure that the world community is able to meet the challenges that face us today at the national and international level, including resolution of conflict situations as well as post-conflict peacebuilding.

I thank you.

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