



**ADDRESS  
BY  
PRESIDENT JACOB ZUMA  
OF THE REPUBLIC OF SOUTH AFRICA**

**TO THE  
HIGH-LEVEL MEETING OF THE  
67<sup>TH</sup> SESSION OF THE GENERAL ASSEMBLY  
ON THE RULE OF LAW AT THE NATIONAL  
AND INTERNATIONAL LEVELS**

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Mr President,

Thank you for this opportunity to participate in this important discussion.

South Africa's foreign policy is geared towards the vision of creating a better South Africa and contributing to a better Africa and a better world.

It is our assertion that the above may only be fully realized where there is a global commitment to the promotion of the rule of law and the realization of human rights worldwide.

We feel at home in this discussion because South Africa is a sovereign democratic state founded on specific values, which include the supremacy of the Constitution, the rule of law, human dignity, equality and freedom.

The rule of law requires adherence to a number of principles.

These include the supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law and separation of powers.

It also entails participation in decision-making, legal certainty and the avoidance of arbitrariness, as well as procedural and legal transparency.

The rule of law is an integral concept in the work of the Security Council.

Since 2003, the Council has held regular thematic debates on the rule of law in the context of international peace and security.

Several Presidential Statements have recognized the crucial relevance of the Rule of law across the full spectrum of the Council's agenda.

Thematic and country-specific resolutions adopted by the Council since 2003 have also regularly addressed issues related to the rule of law, both in its international and national dimensions.

The rule of law and human development are inextricably linked.

In this regard, in our efforts to promote the rule of law, we continuously strive to uplift the standard of living of the disadvantaged in society, through the provision of essential services and the fulfilment of the socio-economic rights.

South Africa continues to play an active role in the kind of peace and harmony that is dependent on the rule of law.

We do this in a number of ways, including through bilateral and trilateral agreements as well as through mediation efforts in various parts of the world.

Mr President,

We are also of the view that while exerting efforts to promote the rule of law at the national level, including the promotion of accountability mechanisms, equal attention must also be paid to the rule of law at the international level.

If not, the United Nations runs the risk of being accused of double standards and hypocrisy.

In this regard, we need to consider the fairness of the rules of international law.

We need to ask whether the international community can be said to be governed by a system in which all role players are accountable under law which is equally enforced and independently adjudicated.

Secondly Mr President, we need to look at the composition of the UN Security Council, and how this may impact on the promotion of international law, and the rule of law in particular.

We are concerned that given the undemocratic and unrepresentative nature of the UN Security Council, its decisions will constantly be attacked for lack of legitimacy – regardless of the content of the decision.

It is common cause that the current configuration of the Council is unfair. It does not reflect the contemporary geo-political realities especially with respect to Africa.

The African continent is both generally under-represented and specifically un-represented in the permanent category.

Adherence to the international rule of law will continue to elude us as long as the organ with the primary responsibility for the maintenance of international peace and security is unrepresentative and undemocratic.

But we also have to ask whether the content of the decisions themselves are fair.

Over the past year we have seen both inspiring improvements and spectacular disappointments in the promotion of the rule of law through the Council's work.

The adoption of Resolution 1989, bringing the Al Qaida regime closer to human rights and due process standards, is a noteworthy illustration of the Council's willingness to adhere to the rule of law.

The resolution had been severely criticised for lack of due process in the listing and delisting of individuals. The resolution was an improvement in that it provided individuals with recourse to challenge unfounded listing.

However, as we noted during the Security Council's debate on the rule of law in January 2012, there is a need to ensure greater accountability for action taken in the name of the Security Council.

Mr President,

Perhaps nothing reflects adherence to the rule of law like the judicial settlement of disputes.

We continue, in this regard, to encourage the organs of the United Nations, including the Council, to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, by making requests for Advisory Opinions when confronted with complex legal questions.

Esteemed participants,

We welcome this important decision as we need to reflect on all these critical points from time to time, in order to further strengthen multilateralism.

Let me emphasise that South Africa remains committed to the global promotion of the rule of law, and will continue cooperating with the UN system to ensure success of the international human rights architecture.

I thank you.

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