

High-level Meeting on the Rule of Law at the National and International Levels

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It is important that we are discussing how to make the rule of law more effective domestically and internationally, and I am pleased to participate. In that endeavour, let me propose that we consider three points relating directly to the subject of the rule of law, with the aim of addressing present-day realities.

We can begin with the important principle of universal justice, an ideal that I believe we would all like to see realized. The rule of law internationally is premised on the principle that equality before the law is universal. This, however, is not always the case. In actual fact, what many countries can attest to is that in its application justice is often not pursued fairly or without favour. What may be overlooked in one situation can meet with aggressive sanctions in another. Some national jurisdictions have assumed priority over others without any legal or other justification, resulting in the law being applied selectively. What is more useful is for people to work together towards a form of universal justice that is meaningful to all concerned. In that way, the rule of law will uphold equality among nations, guarantee fairness and recognize and respect sovereignty without discrimination.

Secondly, as a global community we should be alert to the dangers of politicizing justice at both the national and the international levels, since, ultimately, this undermines the rule of law. We see principles such as universal jurisdiction often being used selectively and in one direction as a political tool in the arena of international affairs for the purpose of control and domination. Rwanda has first-hand experience of the importance of the rule of law and, more specifically, of the implications of its absence, disregard or unequal application. That absence destroyed our country in the decades after independence, leading up to the genocide of 1994 and followed by unjust treatment in the name of universal jurisdiction, where it has been very clear that motives veer closer to the political than the legal.

To turn to my third point, these two issues of justice and politics are complex and closely intertwined, requiring a contextual and balanced approach. A purely punitive course of action is not always the best, even when grievances are legitimate and obvious. In fact, the single pursuit of either justice or political imperatives may aggravate the situation.

Rwanda's experience following the genocide is a stark example. From a purely legal perspective, there were hundreds of thousands of perpetrators and a strong case for a punitive approach. However, to best serve our priorities of both justice and social harmony, we sought to balance the strict application of the punitive provisions of the law with restorative alternatives. That home-grown solution through the gacaca courts process served us better than any other system could have.