



Repertoire of the Practice of the Security Council

17th Supplement

2010-2011

Department of Political Affairs - Security Council Affairs Division
Security Council Practices and Charter Research Branch

The promotion and strengthening of the rule of law in the maintenance of international peace and security

Overview

During the period under review, the Security Council held one meeting in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security,” and adopted one presidential statement.

A table lists the meeting held in consideration of this agenda item, as well as related information, including invitees, speakers and the decision adopted.

29 June 2010: debate and adoption of presidential statement on the promotion and strengthening of the rule of law in the maintenance of international peace and security

On 29 June 2010, the Council held an open debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security. The speakers focused on the three main topics recommended by the President (Mexico) in his concept note¹: the promotion of the rule of law in conflict and post-conflict

¹ [S/2010/322](http://www.un.org/en/sc/repertoire/S/2010/322).

situations; international justice and the peaceful settlement of disputes; and the efficiency and credibility of sanctions regimes.

The Deputy Secretary-General stated that the United Nations had a broad and ambitious agenda in the area of the rule of law. The debate in the Council was expanding from a focus on the rule of law in war-torn societies to also include the strengthening of the rule of law at the international level. In this regard, she emphasized the special role of the International Court of Justice in the peaceful settlement of disputes, and the importance of strengthening the Court's relationship with the Council. She further outlined several initiatives being undertaken within the United Nations system in the area of the rule of law, including the creation of a deployable team of rule of law experts to assist national authorities, the establishment of the Rule of Law and Security Institutions within the Department of Peacekeeping Operations (DPKO) and the Rule of Law Coordination and Resource Group, which brought together the United Nations departments and agencies most engaged in rule of law activities. However, she noted that the Organization was also facing major challenges and constraints, including the need to recruit high-quality personnel, inadequate financial resources, and a crowded and fragmented external environment, spanning the legal, development, security and political disciplines.²

The Under Secretary-General for Legal Affairs and Legal Counsel of the United Nations stated that establishing respect for the rule of law at the international level was essential not only to maintain peace, but also to enable sustained economic progress and development. She noted that the Charter of the United Nations had envisaged a system of settling disputes peacefully before conflicts arose, but that the links between the General Assembly, the Council and the International Court of Justice towards that goal had not been fully used to coordinate and complement their respective actions. In that regard, she encouraged the Council to follow up on the 2006 recommendation by the President of the Council to refer, as a general rule, legal disputes to the International Court of Justice.³

Regarding the promotion and strengthening of the rule of law, speakers generally agreed that it was crucial to the maintenance of international peace and security, being an

² [S/PV.6347](#), pp. 2-4.

³ *Ibid.*, pp. 4-6.

important element in both conflict and post-conflict situations. Many speakers welcomed the Council's role in incorporating rule of law components to the mandates of peacekeeping missions.⁴ Other speakers emphasized the need for concerted efforts by relevant actors in this regard.⁵

Many speakers acknowledged that the International Court of Justice was a key mechanism in the peaceful settlement of disputes. Several speakers encouraged Member States that had not yet done so to accept the compulsory jurisdiction of the Court.⁶ On the issue of combating impunity, several speakers expressed hope for the emerging role of the International Criminal Court.⁷ Others also noted the importance of international criminal tribunals and special courts, such as the International Criminal Tribunal for the former Yugoslavia and the Special Court for Sierra Leone.⁸

Many speakers also noted the role of sanctions regimes with regard to the promotion and strengthening of the rule of law. Many speakers welcomed the progress made in strengthening the legal framework for targeted sanctions, including the appointment of the Ombudsperson responsible for considering the de-listing requests made by Member States. Several speakers emphasized the need for such measures to be carefully implemented and reviewed.⁹

At the conclusion of the meeting, the Council adopted a presidential statement¹⁰ that, inter alia, reiterated its call upon Member States to settle disputes peacefully as set forth in Chapter VI of the Charter, and emphasized the key role of the International Court of Justice in adjudicating disputes among States. The Council also recognized that

⁴ Ibid., p. 12 (Nigeria); p. 14 (France); and p. 27 (Gabon); [S/PV.6347 \(Resumption 1\)](#), p. 8 (Australia); and p. 12 (Norway).

⁵ [S/PV.6347](#), p. 17 (Austria); and p. 25 (United States); [S/PV.6347 \(Resumption 1\)](#), p. 5 (Italy); and p. 15 (Peru).

⁶ [S/PV.6347](#), p. 8 (Mexico); p. 17 (Austria); p. 18 (United Kingdom); and p. 23 (Japan); [S/PV.6347 \(Resumption 1\)](#), p. 13 (Norway); and p. 19 (Germany).

⁷ [S/PV.6347](#), p. 10 (Bosnia and Herzegovina); p. 11 (Uganda); p. 14 (France), p. 16 (Brazil); p. 17 (Austria); p. 18 (United Kingdom); p. 23 (Japan); and p. 26 (Turkey); [S/PV.6347 \(Resumption 1\)](#), p. 2 (Denmark); p. 4 (Finland); p. 6 (Italy); p. 7 (Liechtenstein); p. 9 (Republic of Korea); p. 11 (Argentina); and p. 15 (Peru).

⁸ [S/PV.6347](#), p. 9 (Bosnia and Herzegovina), p. 17 (Austria); p. 25 (United States); and p. 28 (Gabon); [S/PV.6347 \(Resumption 1\)](#), p. 11 (Argentina); p. 12 (Norway); and p. 15 (Peru).

⁹ [S/PV.6347](#), p. 11 (Bosnia and Herzegovina); p. 16 (Brazil), p. 23 (Russian Federation); and p. 26 (Turkey); [S/PV.6347 \(Resumption 1\)](#), p. 3 (Switzerland); p. 5 (Finland); p. 8 (Australia); p. 16 (South Africa); p. 18 (European Union); and p. 20 (Solomon Islands).

¹⁰ [S/PRST/2010/11](#).

sustainable peacebuilding required an integrated approach, which strengthened coherence between political, security, development, human rights and rule of law activities, and in this regard reiterated the urgency of peacebuilding efforts, including assisting national authorities uphold the rule law.

Meetings: the promotion and strengthening of the rule of law in the maintenance of international peace and security

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6347 29 June 2010	Letter dated 18 June 2010 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General (S/2010/322)	18 countries ^a	Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, Head of the Delegation of the European Union	Deputy Secretary-General, all Council members and all invitees ^b	S/PRST/2010/11

^aArgentina, Armenia, Azerbaijan, Australia, Botswana, Canada, Denmark, Finland, Germany, Guatemala, Italy, Liechtenstein, Norway, Peru, Republic of Korea, Solomon Islands, South Africa and Switzerland.

^bMexico was represented by its Deputy Minister for Multilateral Affairs and Human Rights.