

Lunch time panel discussion
(Tuesday, 17 November 2009, 1:15-2:30, UN Delegates Dining Room 6)
“Linking up the rule of law community”

Keynote address by the Legal Counsel

Distinguished delegates,

Ladies and gentlemen,

- It is my great pleasure to be with you today to take the floor in this panel on the theme “Linking up the rule of law community” and I would like to thank the Rule of Law Unit for giving me the opportunity to share some thoughts with you on this topic;

- I am also very pleased to participate in the launching of the *United Nations Rule of Law Website and Document Repository* – The website is no doubt an illustration of the persistent and fruitful efforts of the Rule of Law Unit to develop a better understanding of the Rule of Law and to promote its activities. I am confident that this will provide a crucial outreach tool to assist in linking up the rule of law community, including the various UN actors involved in promoting the rule of law;

Ladies and Gentlemen,

- Over the past decade, the United Nations has repeatedly affirmed the centrality of the rule of law to the Organization. It has also seen tremendous growth in its activities to provide support to Member States in strengthening this principle. Over the past few years, important work has been conducted to foster system-wide attention to the rule of law;
- The question of the rule of law can be considered from various angles and perspectives;
- All of these angles and perspectives – whether of a policy or of an operational nature – are important for the Office of Legal Affairs which, as you may imagine, is called upon to provide advice or assistance on a multiple range of issues in various contexts;
- From one angle, which is particularly relevant to my office, the rule of law refers to the elaboration of, the implementation of and the compliance with international law obligations, whether flowing from treaty law or from customary international law;
- From another – although related – angle, is the recourse to mechanisms established under international law to peacefully settle disputes. I refer, in particular, to the special position of the International Court of Justice in this regard as the principal judicial organ of the United Nations – As you may know, my office performs statutory liaison functions with the Court.

This is, of course, not to mention the very important developments we have witnessed in the past decades in the field of international criminal law, in which my office is also heavily involved;

- If I might take a moment to mention the recent report of the Secretary-General on Responsibility to Protect. In compiling this report, the Secretary-General was very concerned to ensure that the Rule of Law should weave its way through the report. Of course, as we all know, R2P stressed the value of prevention of the crimes which are the subject of these principles and the establishment and commitment to Rule of Law is an important element to enhance and prevent the possibility of these crimes occurring.
- I would also refer to the various activities – whether related to the teaching and dissemination of international law or to the assistance in the domestic implementation of international law – that my office carries out and that are also particularly relevant to the promotion of the rule of law;
- Finally, before I close this short address, allow me to use today's opportunity to give you a brief update on two issues:
- Firstly, I would like to touch upon the latest developments in the Sixth (Legal) Committee. You will recall that the “rule of law at the national and international levels” has been on the agenda of that Committee since 2006. Further to the introduction, in the Committee this year, of the first annual report of the Secretary-General on “Strengthening and Coordinating United Nations Rule of Law Activities” by the Deputy-

Secretary-General, this topic has given rise to a lively and unprecedented debate among Member States. The draft resolution that ensued (A/C.6/64/L.14 of 3 November 2009) calls for the *continuation of the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit* with Member States with a view to fostering the rule of law at the international level. It also invites the Rule of Law Coordination and Resource Group and the Rule of Law Unit to *continue to interact* with Member States *on a regular basis*, in particular in informal briefings – In other words, Member States clearly wish to keep the momentum on this issue, and it is our duty not to disappoint them;

- Second and lastly, I would like to inform you that my office recently prepared a draft “Guidance Note of the Secretary-General on the UN Approach to Assistance for Strengthening the Rule of Law at the International Level”. It is my understanding that this draft Note will soon be shared with members of the Rule of Law Coordination and Resource Group for consideration – while I am aware that this is not an isolated contribution to the joint efforts undertaken system-wide to develop substantive guidance on rule of law matters, it is a way to assure you of OLA’s commitment to participate actively in the promotion of the rule of law.
- On this note, I wish the best success to the *United Nations Rule of Law Website and Document Repository*.