



Permanent Mission of Australia
to the United Nations



United Nations
Rule of Law Coordination
and Resource Group



Permanent Mission of Japan
to the United Nations

Dialogue with Member States on the rule of law at the international level

The Permanent Mission of Australia, Permanent Mission of Japan, and the Rule of Law Unit,
on behalf of the UN Rule of Law Coordination and Resource Group,
invite you to a discussion on:

Strengthening the Rule of Law through the United Nations Security Council

Friday 11 March 2016, 1.15 – 2.30 pm

Conference Room 7, UN Headquarters, New York

Introduction

Mr. Edric Selous

Director, Rule of Law Unit, Executive Office of the Secretary-General

Opening remarks and moderation

H.E. Ambassador Gillian Bird

Permanent Representative of Australia to the United Nations

Presentation of policy recommendations

Dr. Jeremy Farrall

Fellow, Asia-Pacific College of Diplomacy, the Australian National University

Prof. Hilary Charlesworth

Director, Centre for International Governance and Justice, the Australian National University

Discussant

Prof. Terence Halliday

Co-Director, Center on Law and Globalization, American Bar Foundation

Closing remarks from the perspective of a current UN Security Council member

H.E. Ambassador Motohide Yoshikawa

Permanent Representative of Japan to the United Nations

***Concept note: “Strengthening the Rule of Law
through the United Nations Security Council”***

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The Dialogue Series on the Rule of Law at the International Level provides a platform to Member States to exchange knowledge, information and experiences in support of their efforts to strengthen international norms and standards, including their national implementation. It was initiated by the Rule of Law Unit in response to the Secretary-General’s recommendation included in his report *Strengthening and coordinating United Nations rule of law activities (A/63/226)*.

The 2012 *Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels* reaffirms the commitment of Member States to an international order based on the rule of law, as an indispensable foundation for a more peaceful, prosperous and just world. Member States recognized “that the rule of law applies to all States equally, and to international organizations, including the United Nations and its principal organs, and that respect for and promotion of the rule of law and justice should guide all of their activities and accord predictability and legitimacy to their actions.”

In its Presidential Statements of 2012 and 2014, under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the Security Council reaffirmed “its continued recognition of the need for universal adherence to and implementation of the rule of law, as well as emphasis on the vital importance it attaches to promoting justice and the rule of law as an indispensable element for peaceful coexistence and the prevention of armed conflict.”

To complement these efforts, the Australian National University’s Centre for International Governance and Justice and the Australian Civil-Military Centre undertook a study, supported by the Australian Research Council, to develop policy proposals to enhance the capacity of the Security Council to strengthen the rule of law when it deploys peace operations, applies sanctions and authorises the use of force.

The policy proposals promote a responsive model of decision-making designed to increase the Council’s capacity to strengthen the rule of law, based on four basic principles: transparency, consistency, accountability and engagement. The rationale underpinning this model is that the more these principles are respected and promoted in both the Council’s decision-making and in the implementation of Council decisions, the more the rule of law will be strengthened. This model is designed to inform the actions of the Council, but may also serve as a tool of analysis and evaluation for non-Council Member States, civil society actors and researchers.

While not necessarily endorsing the report’s recommendations, on 11 March 2016, the Rule of Law Unit, on behalf of the UN Rule of Law Coordination and Resource Group, the Permanent Mission of Australia and the Permanent Mission of Japan will co-host a launch of the report in order to provide an opportunity to reflect on the recommendations of the study, as well as to further discuss Member States’ views on how the Security Council can better promote the rule of law.

The authors will present the policy recommendations of the study, followed by observations of Professor Terence Halliday of the American Bar Foundation, who will focus on the implications of the policy proposals for the Security Council’s efforts to promote the rule of law at the international and national levels. Following the presentations, there will be an opportunity to hear comments and/or questions from the floor.