

THE SECURITY COUNCIL AND THE RULE OF LAW

The role of the Security Council in strengthening a rules-based international system

I. The Initiative:

At the 59th General Assembly Austria launched an initiative on “The role of the Security Council in strengthening a rules-based international system”. Starting in November 2004 the Austrian Mission, in cooperation with the Institute for International Law and Justice at New York University School of Law, convened a series of panel discussions on various aspects of the central theme (for reports of previous panels see <http://www.iilj.org/research/UNSecurityCouncil.html>). As a result of this process, we intend to publish a report on “The Security Council and the Rule of Law” with specific recommendations how the Security Council could support the rule of law in its various fields of activity in order to strengthen an international system based on rules. The report will be prepared by our Rapporteur Mr. Simon Chesterman, Global Professor and Director of the New York University School of Law Singapore Programme.

II. Panel Discussions:

4 Nov. 2004 Panel 1 “The Security Council as World Legislator? – Theoretical and practical aspects of law-making by the Security Council”

Panelists: Prof. Georges Abi-Saab (Graduate Institute of International Studies, Geneva)
Ms. Carol Bellamy (Executive Director, UNICEF)
Prof. Thomas Franck (New York University School of Law)
Prof. Martti Koskenniemi (University of Helsinki, International Law Commission)

Discussant: Dr. Pemmaraju Sreenivasa Rao (International Law Commission)

5 May 2005 Panel 2 “Who needs rules? – The prospects of a rules-based international system”

Panelists: Professor Martha Finnemore (George Washington University)
Professor Benedict Kingsbury (New York University School of Law)
Professor Gerhard Hafner (University of Vienna, Austria)
Dr. Abiodun Williams (Director, Strategic Planning, EOSG)

27 Oct. 2005 Panel 3 “The Security Council as World Judge? – The powers and limits of the Security Council in relation to judicial functions”

Panelists: Professor David Caron (University of California at Berkeley)
Justice Richard J. Goldstone (former Chief Prosecutor of ICTY and ICTR)
Professor Paula Escarameia (International Law Commission)
Judge Nabil Elaraby (International Court of Justice)

26 Oct. 2006 Panel 4 “The Security Council as World Executive? – The implementation and enforcement of rules by the Security Council”

Panelists: Professor Alain Pellet (University of Paris X – Nanterre)
Sir Kieran Prendergast (former Under-Secretary-General for Political Affairs)
H.E. Ms. Ellen Løj (Chair of the CTC; Permanent Representative of Denmark)

27 March 2007 Panel 5 “The Security Council and the Individual – Rights and Responsibilities”

Panelists: Mr. Nicolas Michel (Under-Secretary-General for Legal Affairs)
Ms. Louise Fréchette (former Deputy Secretary-General)
Professor Hélène Ruiz Fabri (University Paris 1 – Panthéon Sorbonne)
Ms. Radhika Coomaraswamy (Special Representative of the Secretary-General for Children and Armed Conflict)

1 Nov. 2007 Wrap-up Panel 6 “The Security Council and the Rule of Law”