

B. The situation in Afghanistan

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 invitations</i>	<i>Speakers</i>
6351 30 June 2011	Report of the Secretary-General pursuant to paragraph 40 of resolution 1917 (2010) (S/2010/318)	Letter from the President of the Security Council to the Secretary-General containing the terms of reference of the mission to Afghanistan (S/2010/325)	Afghanistan, Australia, Canada, Germany, India, Italy, Norway, Pakistan	Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (UNAMA), Acting Head of the Delegation of the European Union to the United Nations	All Council members and all invitees

37. 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.

29 June 2010: adoption of a presidential statement

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 note:⁸³⁵ the promotion of the rule of law in conflict and post-conflict 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 include the strengthening of the rule of law at the international level as well. In that 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 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 experts to assist national authorities, the establishment of the Office of Rule of Law and Security Institutions within the Department of Peacekeeping Operations 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.⁸³⁶

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

⁸³⁵ S/2010/322, annex.

⁸³⁶ S/PV.6347, pp. 2-4.

the President of the Council to refer, as a general rule, legal disputes to the International Court of Justice.⁸³⁷

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 important element in both conflict and post-conflict situations. Many speakers welcomed the Council's role in incorporating rule of law components into the mandates of peacekeeping missions.⁸³⁸ Other speakers emphasized the need for concerted efforts by relevant actors in this regard.⁸³⁹

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.⁸⁴⁰ On the issue of combating impunity, several speakers expressed hope for the emerging role of the International Criminal Court.⁸⁴¹ Others also noted the importance of international criminal tribunals and special courts, such as the International

Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone.⁸⁴²

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 delisting requests made by Member States. Several speakers emphasized the need for such measures to be carefully implemented and reviewed.⁸⁴⁷

At the conclusion of the meeting, the Council adopted a presidential statement in which it, inter alia, reiterated its call upon Member States to settle disputes by peaceful means 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 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 to uphold the rule of law.⁸⁴⁴

⁸³⁷ Ibid., pp. 4-6.

⁸³⁸ Ibid., p. 12 (Nigeria); p. 14 (France); and p. 27 (Gabon); [S/PV.6347 \(Resumption 1\)](#), p. 8 (Australia); and p. 12 (Norway).

⁸³⁹ [S/PV.6347](#), p. 17 (Austria); and p. 25 (United States); [S/PV.6347 \(Resumption 1\)](#), p. 5 (Italy); and p. 15 (Peru).

⁸⁴⁰ [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).

⁸⁴¹ [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).

⁸⁴² [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).

⁸⁴⁷ [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).

⁸⁴⁴ [S/PRST/2010/11](#).

Meeting: 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, Acting Head of the Delegation of the European Union to the United Nations	Deputy Secretary-General, all Council members, ^b all invitees	S/PRST/2010/11

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

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

38. Items relating to non-proliferation

A. Non-proliferation of weapons of mass destruction

Overview

During the period under review, the Security Council held one meeting in connection with the item entitled “Non-proliferation of weapons of mass destruction”, and adopted a resolution to extend the mandate of the Committee established pursuant to resolution 1540 (2004) for a period of 10 years.

20 April 2011: extension of mandate of Committee established pursuant to resolution 1540 (2004)

On 20 April 2011, the Council unanimously adopted resolution 1977 (2011), in which it reaffirmed that it was gravely concerned by the threat of terrorism and the risk that non-State actors may acquire, develop, traffic in, or use nuclear, chemical and biological weapons and their means of delivery. The Council, acting under Chapter VII of the Charter, decided to extend the mandate of the 1540 Committee for a period of 10 years, until 25 April 2021. In addition, the Council requested the Secretary-General to establish, in consultation with the Committee, a group of up to eight experts (“group of experts”) acting under the

direction and purview of the Committee, to assist it in carrying out its mandate.⁸⁴⁵

Following the adoption of the resolution, the representative of Brazil emphasized that, while her Government strongly supported an effective and well-coordinated group of experts, it did not favour the idea that the group should have a leadership position on a par with, or superseding, the authority of the 1540 Committee.⁸⁴⁶ The representative of India emphasized that the international community should join hands in eliminating the risks related to sensitive materials and technologies falling into the hands of terrorists and non-State actors. He stated that the focus on non-State actors should in no way diminish State accountability in combating terrorism and dismantling its support infrastructure and its linkages with weapons of mass destruction. He pointed out that after the adoption of resolution 1540 (2004), his Government had taken additional steps to further strengthen its existing legislative and regulatory mechanism for exercising

⁸⁴⁵ For more information on the sanctions measures, see part VII, sect. III, “Measures not involving the use of armed force in accordance with Article 41 of the Charter”. For information on the mandate of the Committee established pursuant to resolution 1540 (2004) and the mandate of the Group of Experts concerning resolution 1540 (2004), see part IX, sect. I.B, “Committees established under Chapter VII of the Charter”.

⁸⁴⁶ S/PV.6518, p. 2.