11 – 12 September 2014

The Rule of Law and Its Application to the United Nations

Program
The Rule of Law
and Its Application to the United Nations

A comprehensive look at the meaning and the consequences of the rule of law for the UN and its specialized agencies concerning their own actions and activities

“[T]he rule of law applies to [...] the United Nations and [...] should guide all of [its] activities.” This is a statement that sounds like a wonderful and far-flung promise: Many States that were addressees of UN sanctions might have wished more than once to find a convincing argument to stop the Security Council from adopting measures which in their view were unfair or inappropriate. Others wanted to hold the Security Council accountable for actions under a UN mandate that caused damage to innocent people. Again others have hoped to find a way to “democratize” the composition of and procedure in the Security Council. UN staff, in turn, had and have an interest in an internal justice mechanism against the UN as an employer since the UN is not subject to national jurisdiction. And, most strikingly, individuals listed as terrorist suspects long for due process and legal protection.

The “Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels” adopted as a resolution by the UN General Assembly on 24 September 2012 (UN Declaration) declares – with the words cited above - the rule of law applicable to the UN itself and its principal organs. That raises many questions: What is the legal basis of the rule of law on the international level? Which parts of the Declaration apply to whom? What are the concrete contents of the rule of law? What does the rule of law mean for sanctions, peace-keeping and development activities of the UN with external effects? What is its significance for administration and procedures as well as for legal protection and dispute settlement at the UN internally?

The conference will address these questions and take a comprehensive look at the meaning and the consequences of the rule of law for the UN and its specialized agencies concerning their own actions and activities. To that end, the conference gathers scholars and legal advisors of the UN in order to provide both the academic view and the reality of practice to allow for discussions that hopefully lead to practicable results which might indeed be realizable in everyday life of the UN.
Thursday 11th September

11.00  Welcome Address
Burkhard Hess, Executive Director, Max Planck Institute Luxembourg
Asaël Rouby, Legal Advisor, Fonds National de la Recherche Luxembourg

Introductory Address
Stephen Mathias, Assistant Secretary-General for Legal Affairs, UN, New York

11.30  1st panel:
The Concept of the Rule of Law in the UN-Legal Basis, Definition and Binding Force
Chair: Gian Luca Burci, Legal Counsel, WHO, Geneva

I. The Debate on the Rule of Law in the UN up to the UN Declaration
Edric Selous, Director, Rule of Law Unit, UN, New York

II. Theoretical Approaches to the Rule of Law and Its Application to the UN
Clemens A. Feinäugle, Max Planck Institute Luxembourg

III. The Rule of Law Internationally
Robert McCorquodale, British Institute of International and Comparative Law, London

Discussion

13.00  Lunch

14.00  2nd panel:
UN pillar I: International Peace and Security and the Rule of Law (I)
Chair: Robert McCorquodale, British Institute of International and Comparative Law, London

I. UN Sanctions
Matthew Happold, University of Luxembourg
Comment by:
Stephen Mathias, Assistant Secretary-General for Legal Affairs, UN, New York

II. UN Peace-Keeping
Stephen Mathias, Assistant Secretary-General for Legal Affairs, UN, New York
Comment by:
Holger P. Hestermeyer, King’s College, London

Discussion
15.30  Coffee break

16.00  3rd panel:
   UN pillar I: International Peace and Security and the Rule of Law (2)
   Chair: Holger P. Hestermeyer, King’s College, London

   III. UN Administration of Territories
   Ernst Tschoepke, Chief Legal Officer, UNMIK, Kosovo
   Comment by:
   Erika de Wet, University of Pretoria

   Discussion

16.45  4th panel:
   UN pillar II: Human Rights and the Rule of Law
   Chair: Matthew Happold, University of Luxembourg

   Erika de Wet, University of Pretoria
   Comment by:
   Janelle Diller, Senior Counsellor to the Deputy Director-General for Policy, ILO, Geneva

   5th panel:
   UN pillar III: Development and the Rule of Law

   Edric Selous, Director, Rule of Law Unit, UN, New York
   Comment by:
   Tilmann J. Röder, Managing Director, Max Planck Foundation for International Peace
   and the Rule of Law, Heidelberg

   Discussion

18.15  Reception

19.30  Dinner (Speakers and Commentators)
Friday, 12th September

9.00 6th panel:
The UN and the Rule of Law: Responsibility and Enforcement
Chair: Erika de Wet, University of Pretoria

I. Responsibility of the UN
Janelle Diller, Senior Counsellor to the Deputy Director-General for Policy, ILO, Geneva
Comment by:
Matthew Happold, University of Luxembourg

II. Enforcement v. Immunity in the UN
Gian Luca Burci, Legal Counsel, WHO, Geneva
Comment by:
Edith Wagner, Max Planck Institute Luxembourg

Discussion

10.30 Coffee Break

11.00 7th panel:
The UN and the (Internal) Administration and Justice
Chair: Janelle Diller, Senior Counsellor to the Deputy Director-General for Policy, ILO, Geneva

Thomas Laker, Judge and former President, United Nations Dispute Tribunal, Geneva
Comment by:
Georgios Dimitropoulos, Max Planck Institute Luxembourg

Discussion

11.45 Closing Round Table:
Which Insights with Regard to the Rule of Law and Its Application to the UN?
Chair: Ernst Tschoepke, Chief Legal Officer, UNMIK, Kosovo

Gian Luca Burci, Legal Counsel, WHO, Geneva
Erika de Wet, University of Pretoria
Edric Selous, Director, Rule of Law Unit, UN, New York
Clemens A. Feinäugle, Max Planck Institute Luxembourg

Discussion

13.00 Closing

Lunch