



ODUMUNC 2013
Issue Brief for the
GA Third Committee: SOCHUM



Promoting the Rule of Law in Developing Nations

By: Davante Parries

Old Dominion University Model United Nations Society

"For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."

(S/2004/616)

Report of the Secretary-General on the
Rule of Law and Transitional Justice in
Conflict and Post-Conflict Societies

Introduction: Since the development of society itself, a form of order have always been needed. Therefore to fill full this need, governments were put into place. There are many forms of governments throughout the world. Yet, there is one trait common to all these governments, *The Rule of law*. The *rule of law* is one the most basic and important principle of government. The *rule of law* is defined by the United Nations as a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjusted, and which are consistent with international human rights norms and standards. It (*rule of law*) requires, as well, measures to ensure adherence to the principle of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law ,separation of powers, participation in decision-making, legal certainly, avoidance of arbitrariness and procedural and legal transparency. (N/A, 2004, p4) Rule of law is important to establish in developing nations because of the fact that this principle ensures equal treatment to all citizens under all nations' laws. Also, if developing nations take on the rule of law, the infusion of this principle into their individual government will promote accepts among the international community. The principle of the rule of law embedded in the Charter of the United Nations encompasses elements relevant to the State to State relations. (N/A, N/A, par 2)



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The Role of the United Nations: Promoting the *rule of law* has been part of the agenda of the United Nations for several years. The main objective of the United Nations is the effective interaction and coordination amongst nations for the continuation of peace, therefore promoting a common detonator in nations' governments is necessary. The United Nations' General Assembly has adopted a few resolutions related to the impact of the *rule of law* on the development of nations. In one of these resolutions, the General Assembly states it is "convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats," (N/A, 2006, p1). Therefore, weaving *rule of law* into the fabric of new nations (prospective members of the United Nations) is important to the continuation of global harmony. *The Rule of law* will be a concern of the United Nations for decades to come.

There are multiple resolutions adopted by the United Nations to advocate the function and need for *rule of law* in the international community. Some of these resolutions presented in the General Assembly call for the action of international governments and organizations to protect the global standard of human rights, which is a part of the *rule of law*. In a 2008 resolution, the General Assembly urges various humanitarian organizations and governments to do several things, such as "encouraging and facilitating the establishment and development of cooperatives, including taking measures aimed at enabling people living in poverty or belonging to vulnerable groups, including women, youth, persons with disabilities, older persons, and indigenous people, to fully participate, on a voluntary basis, in cooperatives and to address their social service needs." (N/A, 2008, p2) Resolutions like this serve as the tools that will allow the United Nations to ensure the support and employment of the *rule of law*.

The *rule of law* is important to all nations in the United Nations, including the permanent members of the Security Council. The United States, United Kingdom, France, Russian Federation, and People's Republic of China each have their interpretation of rule of law and its importance. For example, France has great respect for the *rule of law*. In a speech given October 13, 2008 by French legal advisor Hubert Renié, he states the EU (including France)



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believes “respect for the rule of law is the very foundation of peace coexistence between nations. It is also a precondition for guaranteeing individual freedom and respect for human rights.” (Renié, 2008, paragraph 3) The United Kingdom is a strong advocator of the basic parts of the *rule of law*, equality for all under law and an opportunity to have a say in its foundation. The United Kingdom has expressed its support for the United Nations’ program in promoting the concept. In 2010, Deputy Prime Minister Nick Clegg delivered a speech to the General Assembly, stating “We should never apologize for promoting the idea that women and men are equal; never flinch from insisting that governments chosen by their people are better; never shy away from our insistence that nobody should be silenced because of their religion or beliefs. The United Kingdom will therefore continue to push for human rights across the world.”(Clegg, 2010, paragraph 31) The United States shares the same views on rule of law as its European allies. The *rule of law* has lied at the very heart of the United States’ democratic government for several decades. Thus, the amount of support the United States awards towards promoting *rule of law* on the global scale is evident in the remarks made by Mary McLeod US Legal Counselor. “As a member of the Security Council, we have worked to ensure that the rule of law is an important component of peacemaking missions. We have brought that same commitment to the General Assembly committees responsible for operationalizing and financing peacekeeping. By integrating the rule of law into the mandates of peacekeeping and peacemaking missions and following through on those precepts, the Security Council and the United Nations can help to achieve more lasting, stable, and sustainable peace in nations emerging from conflicts.”(McLeod, 2010, paragraph 3)



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Bibliography

New global challenges require new responses. (2010) United Kingdom at the United Nations website. Retrieved July 11, 2012.

<http://ukun.fco.gov.uk/en/news/?view=Speech&id=22919548>

Remarks by Mary McLeod, U.S Legal Counselor, at a Security Council Debate on the Justice and the Rule of Law. (2010) United States mission to the United Nations. Retrieved July 12, 2012.

<http://usun.state.gov/briefing/statements/2010/143756.htm>

Resolution adopted by General Assembly: cooperatives in social development. (2008) United Nations. Retrieved July 09, 2012. [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/471/45/PDF/N0747145.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/N07/471/45/PDF/N0747145.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/471/45/PDF/N0747145.pdf?OpenElement)

Resolution adopted by General Assembly: the rule of law on the national and international levels. (2006) United Nations. Retrieved July 07, 2012. [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/496/77/PDF/N0649677.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/N06/496/77/PDF/N0649677.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/496/77/PDF/N0649677.pdf?OpenElement)

The Rule of Law at the national and international levels (item79). (2008) France at the United Nations website. Retrieved July 11, 2012. <http://www.franceonu.org/france-at-the-united-nations/press-room/statements-at-open-meetings/general-assembly/archives-1034/july-december-2008-french-850/sixth-committee/article/13-october-2008-the-rule-of-law-at>

United Nations Security Council; report of the secretary-general: the rule of law and transitional justice in conflict and post-conflict societies. (2004) United Nations. Retrieved June 27 2012.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement>

United Nations Rule of Law website and document repository. United Nations. Retrieved July 05 2012. <http://www.un.org/en/ruleoflaw/index.shtml>