31. The promotion and strengthening of the rule of law in the maintenance of international peace and security

During the period under review, the Security Council held no meetings in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”. Council members did, however, hold one videoconference in 2020. The Council also issued one presidential statement in connection with this item which was announced during a videoconference, according to the procedures established further to the outbreak of the COVID-19 pandemic. More information on the videoconferences is given in the table below.

On 18 December 2020, the members of the Council held a videoconference in connection with this item focused on “Strengthening the cooperation between the Security Council and the International Court of Justice”. At the videoconference, Council members heard a briefing by the President of the International Court of Justice, who emphasized the need to strengthen the partnership between the Council and the Court to uphold the rule of law at the international level. He pointed out that the Council had only once recommended that parties refer a dispute to the Court, in the Corfu Channel case, and had only once requested an advisory opinion, in the matter concerning the case of “Legal Consequences for States of the Continued Presence of South Africa in Namibia”. He indicated however, that the vitality of the relationship between the two principal organs could not be evaluated by the quantity, but rather by the quality, of their collaboration. Stating that the Court had consistently supported the mission of the Council to maintain international peace and security, the President of the Court made some recommendations that could further reinforce cooperation between the two organs. Firstly, he shared the view of the General Assembly that a request for an advisory opinion from the Court could play an important role in the Council’s work on the prevention of situations or disputes from becoming a threat to international peace and security, and expressed his belief that the

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846 For more information on the procedures working methods during the COVID-19 pandemic, see part II.
847 See A/75/2, part II, chap. 25.
848 See S/2020/1286. For further details on this discussion, see part IV, sect III.
Council could consider such a possibility more often. Secondly, he suggested the possibility of expanded dialogue between the Court and the Council in that, in addition to the annual briefing of the President of the Court to the Council, the Council could include in its schedule a visit to the Court once every three years, following the triennial change in the composition of the Court. Lastly, his third suggestion concerned the jurisdiction of the Court. In this regard, he drew attention to the presidential statements issued in 2006, 2010 and 2012,\(^{849}\) in which the Council had called upon States to consider accepting the jurisdiction of the Court in accordance with its Statute. He noted that in the previous eight years, no further presidential statements had been issued by the Council expressing the belief that such statements contributed to strengthening the relationship between the two organs, as well as the international rule of law and that they could be made periodically — every three to five years — starting from the date of the videoconference.

Following the briefing, Council members affirmed the important role of the International Court of Justice in promoting and strengthening the rule of law, including in preventing conflicts and facilitating lasting peace and stability. In accordance with the procedures agreed upon further to the outbreak of the COVID-19 pandemic, in addition to Council members, 11 delegations submitted written statements.\(^{850}\) Many participants noted the complementary nature of the mandates of the Court and the Council for the maintenance of international peace and security. In this connection, most participants called for strengthening the relationship between the Council and the Court to promote the peaceful settlement of disputes in accordance with international law. Many participants called for a greater involvement with the Court by, among other things, making use of the referral of legal disputes to the Court whenever necessary, in accordance with Article 36, paragraph 3, of the Charter.\(^{851}\) Participants at the videoconference made concrete proposals, such as inviting the President of the International Court of Justice to brief the Council when non-compliance with Court decisions could threaten international peace and security,


\(^{850}\) See S/2020/1286, Austria, Bangladesh, Brazil, Denmark, Japan, Liechtenstein, Mexico, Morocco, Myanmar, Peru and Portugal. For further details, see part II, sect. I.

\(^{851}\) See S/2020/1286, President of the International Court of Justice, Estonia, Niger, Tunisia, Austria, Bangladesh, Japan, Liechtenstein, Peru and Portugal. For further details on the discussion, see part VI, sect. IV.
having the Council more involved on following-up to provisional measures specified by the International Court of Justice\textsuperscript{852} or fully supporting the Court’s decisions,\textsuperscript{853} including by ensuring compliance with the Court’s judgments.\textsuperscript{854} At the videoconference, the representative of South Africa announced that his delegation had drafted and placed before the Council for its consideration a draft presidential statement addressing the aforementioned issues. He expressed hope of reaching an agreement on the text, which he said would help advance the peaceful resolution of conflicts and put an end to violent conflicts.

Further to the videoconference, on 21 December 2020, the Council issued a presidential statement in connection with this item, by which it noted the 75\textsuperscript{th} anniversary of the Charter and the 100\textsuperscript{th} anniversary of the Statute of the Permanent Court of International Justice.\textsuperscript{855} It reaffirmed its commitment to international law and the purposes and principles of the Charter including the importance of the International Court of Justice in the international architecture and the maintenance of international peace and security.\textsuperscript{856} The Council stressed the importance of all the provisions of the Charter regarding the peaceful settlement of disputes and the International Court of Justice, including those pertaining to the interaction between the Council and the International Court of Justice.\textsuperscript{857} The Council recognized the positive contribution of the Court to the rule of law at the international level, and its key role in adjudicating disputes among States, and the need to enhance efforts aimed at capacity building and assisting Member States.\textsuperscript{858} The Council also expressed its continued commitment to foster interaction between the International Court of Justice and the Council in accordance with their respective mandates under the Charter of the United Nations.\textsuperscript{859}

**Videoconferences: The promotion and strengthening of the rule of law in the maintenance of international peace and security**

\textsuperscript{852} See S/2020/1286, Belgium.
\textsuperscript{853} Ibid., Mexico.
\textsuperscript{854} Ibid., Saint Vincent and the Grenadines.
\textsuperscript{855} See S/PRST/2020/13, second paragraph.
\textsuperscript{856} Ibid., first and fifth paragraphs.
\textsuperscript{857} Ibid., third paragraph.
\textsuperscript{858} Ibid., sixth and eight paragraphs.
\textsuperscript{859} Ibid., tenth paragraph.
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