Throughout the world [...] the victims of violence and injustice are waiting. They are waiting for us to keep our word. They notice when we use words to mask inaction. They notice when laws that should protect them are not applied.1

I. INTRODUCTION

The atrocities committed during the Second World War led the international community to wish for more peace and security, a task ascribed to the United Nations, which soon realized that its guidance was mostly required in states that had suffered from internal conflicts or wars of national liberation and that peacekeeping had to include peacebuilding elements.2 In its involvement in post-conflict rebuilding of states, two concepts transcend the UN activities, namely the rule of law and human rights because "[t]he rule of law is the foundation of a civilised society."3 Hence, it quickly became a widespread tru-

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ism that post-conflict states in the process of rebuilding their institutions need the rule of law and that "today the rule of law is at risk around the world." As Kofi Annan explains "[i]t is by reintroducing the rule of law, and confidence in its impartial application, that we can hope to resuscitate societies shattered by conflict." The basic idea is that "[the] rule of law [is] a prerequisite for maintaining and building peace, consolidating democracy and promoting sustainable development." With this view, for the last few decades, the United Nations has considered itself a benevolent promoter of the rule of law, but this does not mean that it has always regarded the rule of law as a core function of all its post-conflict peace operations.

Besides, as of now, the issue concerning the obligation of the United Nations to ensure that all its peace-building programs conform to the rule of law has not been raised. The logic demands that if the United Nations is to promote the rule of law it should also abide by its standards. However, this question has yet not found any definite legal answer despite the fact that undoubtedly the United Nations affects the conception as well as the implementation methods of the rule of law of the state institutions that it attempts to rebuild.

It is true that "the Achilles’ heel of post-conflict peace operations is that of justice/rule of law [...] ." Nevertheless, simply establishing programs in field of the rule of law is not sufficient as it does not necessarily foster the population's confidence in this concept. In this regard it is of utmost importance that in its endeavor to set up mechanisms that comply with the rule of law, the United Nations ensures that the bodies it helped create are successful and are seen as such by the local population.

The first part of this chapter briefly discusses the definition of the rule of law and in particular that espoused by the United Nations in its post-conflict rebuilding activities. The second part examines whether the United Nations is

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