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New York

President: Mr. Ishikane (Japan)

Members:

Albania	Mr. Laboti
Brazil	Mr. Muniz Pinto Sloboda
China	Mr. Tian Bingxu
Ecuador	Mr. Escobar Ullauri
France	Mrs. Meyer
Gabon	Ms. Betoé Ndojombouet
Ghana	Mr. Anyanah
Malta	Mr. Ciscaldi
Mozambique	Mr. Afonso
Russian Federation	Mr. Proskuryakov
Switzerland	Mrs. Chanda
United Arab Emirates	Mr. Azzam
United Kingdom of Great Britain and Northern Ireland ..	Mr. Hollis
United States of America	Mr. Simonoff

Agenda

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

The rule of law among nations

Letter dated 3 January 2023 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General (S/2023/1)

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The meeting resumed at 3.05 p.m.

The President: I would like to remind all speakers to limit their statements to no more than three minutes in order to enable the Council to carry out its work expeditiously. Flashing lights on the collars of the microphones will prompt speakers to bring their remarks to a close after three minutes.

I now give the floor to the representative of Jordan.

Mr. Hmoud (Jordan): At the outset, I would like to thank Japan for organizing this important meeting on the rule of law among nations and to welcome the Minister for Foreign Affairs of Japan to the United Nations.

The rule of law among nations and in international relations has faced many challenges over the decades since the establishment of the United Nations. Despite the fact that the Organization was established to promote and maintain international peace, security and development, based on respect for the rule of law, time and time again we have witnessed violations of the objectives and purposes of the Organization. The use of force and the threat of the use of force, as well as serious violations of international law, remain rampant. Sovereign equality is increasingly becoming an empty slogan. The right of peoples to self-determination is constantly being undermined and the expansive interpretation of the right to self-defence has been an affront to the sovereignty and territorial integrity of States. Furthermore, States in general remain reluctant to voluntarily submit their disputes to peaceful settlement mechanisms owing in part to the lengthy and costly proceedings that ensue.

Despite the development over the past few decades of the regime of international criminal law, international criminal justice remains hard to attain and perpetrators of international crimes are evading accountability. International criminal tribunals do not have the capacity to bring all perpetrators to justice and States are generally unable or unwilling to exercise national criminal jurisdiction over such international crimes.

Double standards are a core challenge in the application of the rule of law. That is becoming more obvious by the day. Some of those who call for respect for the principles and purposes of the Charter of the United Nations somehow forget such principles, including the right to self-determination, when it comes to the Palestinian question. The inviolability of the acquisition of territory by force has been a cardinal

principle of international law since the adoption of the Charter. Unfortunately, conquest, which has its roots in the era of colonialism, is the premise of Israel's occupation of Palestinian territory and of its unlawful settlement policy. The international community must take a firm stand against such a grave breach of international law.

The coronavirus disease (COVID-19) has exacerbated and exposed the deficiencies in the application of the rule of law, especially with regard to development, human rights and sovereign equality. The gap between developed and developing States and their peoples is growing larger as a result of COVID-19 and thereby undermining the purposes and principles of the Charter of the United Nations.

It is against that background that Jordan calls on other members of the international community to engage in meaningful discussions of the rules-based international order with a view to identifying the challenges and providing solutions. Jordan's understanding of the term is that it is synonymous with the term "the rule of international law". Do we need new rules? How do we implement and enforce the existing rules? Do we need structural changes, including to the United Nations system? And how can the United Nations be true to its objective of resolving conflicts and not merely managing them? Those are some of the questions that need to be answered. It is our hope that the Summit of the Future will be able to contribute to the debate on such questions and solutions. It is in our common interests to promote the rule of law and its application. Without joint action at all levels, the world will continue to depart from the principles and objectives that bind us together.

The President: I now give the floor to the representative of Egypt.

Mr. Mahmoud (Egypt) (*spoke in Arabic*): At the outset, I would like to congratulate you, Mr. President, and His Excellency Minister Hayashi Yoshimasa on Japan's assumption of the presidency of the Security Council for this month and on choosing the important topic that the Council is discussing today. Egypt also expresses its appreciation to the Secretary-General for his briefing at the beginning of this meeting, as well as to Mr. Dapo Akande for his valuable presentation and to the President of the International Court of Justice for her briefing.

Egypt agrees with what is stated in the concept note (S/2023/1, annex): the promotion of the rule of law and the maintenance of international peace and security are interlinked. In fact, establishing the rule of law among nations is the main guarantor for achieving the purposes and principles of the United Nations in general, foremost of which is the maintenance of international peace and security, which can be considered the main purpose of the establishment of the United Nations.

I would like to make few brief remarks on the topic of discussion in an attempt to explain Egypt's vision regarding some of the guiding questions contained in the concept note.

First, talking about the role of the rule of law among nations requires, first of all, a definition of that law. In that regard, Egypt believes that the principles of the United Nations contained in Article 2 of the Charter, and the Declaration on the Principles of International Law of 1970, are the basic reference for the rule of law at the international level, which enjoys unquestioned international consensus.

We are pleased to recall in that regard that Egypt has always been at the forefront of countries supporting the consolidation of the rule of law internationally, through its continuous alignment with the principles of the United Nations, which is confirmed by the pattern of Egypt's voting on various United Nations resolutions, in addition to the pioneering role that Egypt has played in all the work of the Special Committee that developed the Declaration of Principles of International Law of 1970, from its inception in 1963 until the adoption of General Assembly resolution 2625 (XXV).

Secondly, unfortunately, there are many challenges to achieving the rule of law at the international level, foremost of which is the questioning of the basic pillars of the rule of law at the international level, such as the principle of state sovereignty and other principles. However, I would like to highlight in particular the following two challenges: The first challenge is the continuous attempt by some countries to introduce concepts and standards that are not agreed upon and to impose them on the rest of the countries, while considering that collective adherence to them is an activation of the principle of the rule of law at the international level. In that context, we refer, for example, to the issue of the death penalty, which is addressed in the reports of the Secretary-General in the context of the rule of law. We affirm that what is

considered a component of the rule of law in some societies does not necessarily enjoy the same status in other societies, which have their own uniqueness and social and cultural development. We also affirm that such repeated attempts undermine, in fact, due respect for the rule of law at the international level.

The second challenge relates to double standards when talking about the application of the rule of law at the international level. It is obvious, if one follows the voting patterns of Member States on various United Nations resolutions, that they often vary according to subjective political considerations, despite the unity of principles that are supposed to be applied and adhered to collectively. In that regard, we refer, for example, to the adoption of inconsistent positions by many countries on issues of annexation of territory by force, aggression and violations of international humanitarian law, although it is assumed that principles are principles in all cases. Egypt stresses here the extreme danger of double standards in establishing and consolidating the rule of law internationally, as it wastes the credibility of international law and the system of multilateral collective action as a whole.

Thirdly, there remains, however, a glimmer of hope in the acknowledgment of a real problem facing multilateral collective action and the credibility of the United Nations, which is something that already exists and has been revealed by successive international crises, as stated in the Secretary-General's report entitled *Our Common Agenda* (A/75/982). We therefore agree on the importance of strengthening the role of the various organs of the United Nations based on the rule of law, foremost of which is the International Court of Justice, by activating its judicial and advisory jurisdiction in various matters to the maximum extent. As for the Security Council, it is difficult to talk about a real activation of its role in strengthening the rule of law without talking about reforming and expanding the Security Council, ensuring fair representation in it, lifting the historical injustice that has befallen Africa and achieving fair representation for it in accordance with the Ezulwini Consensus and the Sirte Declaration. There will be no meaningful and real reform of the Security Council without dealing with all the problems of the veto power, and what it allows: the upholding of the position of one permanent Member State over the will and position of the rest of the combined members of the international community.

The President: I now give the floor to the representative of Singapore.

Mr. Gafoor (Singapore): At the outset, I would like to congratulate Japan for assuming the presidency of the Security Council, and I commend it for its initiative in convening today's debate on the important topic of promoting and strengthening the rule of law. I also want to thank the Secretary-General, the President of the International Court of Justice and Professor Akande for their very important remarks this morning.

The Security Council has debated the topic of the rule of law several times over the course of the past two decades. Nevertheless, this debate is both relevant and timely because the context of peace and security today is vastly different. The events of the past year have shown us all that the rule of law cannot be taken for granted. Russia's invasion of Ukraine and annexation of sovereign Ukrainian territory have undermined international peace and security and violated the principles of the Charter of the United Nations and international law. The war in Ukraine poses a direct challenge to the multilateral system founded on the basis of the Charter and international law.

In a context of war and conflict, multilateralism and international law may very well be the first casualties. However, the international response to the invasion and annexation of Ukraine clearly shows that the world has overwhelmingly rejected the path of invasion, annexation and aggression. The adoption of resolutions in the General Assembly with an overwhelming majority condemning Russia's invasion and annexation is a clear demonstration that members of the United Nations want a multilateral system based on the Charter and international law. It is disappointing but not surprising that the Security Council has been unable to discharge its primary responsibility for the maintenance of international peace and security. It is therefore important that every United Nations Member State and every principal organ of the United Nations do their part for peace and security by upholding the rule of law. The rule of law cannot be replaced by the notion of "might is right", and the United Nations must always be the custodian of the rule of law at the international level. In that regard, please allow me to make a few points.

First, every Member of the United Nations has a responsibility to comply with its obligations under the Charter and international law at all times. However,

expressing support for the rule of law through statements is not good enough. Every State must be judged by its actions and by its adherence to and respect for its obligations under international law. We cannot allow United Nations Members, especially the large and powerful countries, to pick and choose which international law obligations they seek to uphold. A *la carte* multilateralism is not multilateralism. A selective or unilateral approach to international law will only weaken the multilateral system and undermine international peace and security.

Secondly, every Member of the United Nations must support preventive diplomacy and the peaceful settlement of disputes. The Secretary-General, too, has a crucial peace-making role, as reflected in Article 99 of the Charter, and must be fully supported in that regard. The means of peaceful settlement of disputes that are laid down in Article 33 of the Charter should be fully utilized.

Thirdly, the General Assembly, which is the main deliberative and the most representative organ of the United Nations, must continue to enhance its ability to contribute to the implementation of the obligations under the Charter of the United Nations and international law. By doing so, the Assembly can contribute materially to the maintenance of international peace and security, particularly when the Security Council is unable to act.

Finally, the rule of law applies at all levels. The rule of law at the international level cannot exist without the rule of law at the national and regional levels. That is why Singapore has been a strong advocate of regional organizations contributing, in accordance with Chapter VIII of the Charter of the United Nations. In Southeast Asia, the Association of Southeast Asian Nations (ASEAN) has played a crucial role in maintaining peace and security by providing a framework regional dialogue and cooperation. Later in this open debate, ASEAN as a group will deliver a statement, with which we entirely associate ourselves. The relative peace that the Southeast Asia region enjoys is also due to a regional commitment to the rule of law, as exemplified by the ASEAN Political-Security Community Blueprint.

The rule of law was, and remains, one of Singapore's foundational principles. As a small State, Singapore's ability to survive and thrive against the odds is in a large part due to our insistence on applying the rule of law, both in our domestic and foreign affairs. As a nation that stands for the rule of law, Singapore stands ready

to work with members of the Security Council and all other Members of the United Nations to strengthen the multilateral system and our collective commitment to the rule of law in order to build a more peaceful and secure world.

The President: I now give the floor to the representative of Romania.

Mr. Feruță (Romania): I commend the Japanese presidency of the Security Council for convening this open debate on such a highly important topic. I am also grateful to the Secretary-General, the President of the International Court of Justice and Professor Akande for setting the scene for this discussion.

Respect for the fundamental norms and principles of international law governing relations between States, many of which are reflected in the founding document of this Organization, provides a solid prerequisite for stable peace among nations. The opposite, that is, violation of those basic rules, triggers devastating consequences. While ensuring respect for international law and its rule is a task shared by all United Nations Members, the Charter of the United Nations has entrusted the States seated at this table with a special responsibility in the maintenance of international peace and security.

In a severe departure from its responsibilities, a permanent member of the Security Council, Russia, has for almost a year now been sustaining a brutal and unprovoked aggression against its neighbouring country, Ukraine. The scale of violations of international law has called into question the resilience of the global rule of law and the credibility of the United Nations system as a whole.

While much more is needed to address the impact of such a blatant violation, it is encouraging to see the renewed focus of the international community on accountability and justice. A key component of the international response was the involvement of the International Criminal Court (ICC) and the International Court of Justice within their respective mandates. Romania has full trust in the independent and impartial ability of the ICC and the International Court of Justice to bring about justice.

That brings me to the second major component of a well-functioning global rule-of-law system, namely, the crucial role of international judicial institutions in

the peaceful settlement of disputes and in support of maintaining peace and security worldwide.

Romania remains committed to supporting the International Court of Justice as the principal judicial organ of the United Nations and its role in promoting and reinforcing the rules-based international order. With the aim of encouraging a wider use of the Court, in 2021, Romania, together with a group of supporting countries, put forward an initiative promoting the broader recognition of the jurisdiction of the International Court of Justice. The declaration lists the main arguments for accepting the Court's contentious jurisdiction and encourages States to confer jurisdiction on the International Court of Justice by any of the means envisaged in its Statute, as deemed appropriate. The document reaffirms the important contribution of the International Court of Justice to the peaceful settlement of disputes and the promotion of the rule of law globally, while inviting States to make better use of that potential. We renew our invitation to all States Members of the United Nations to endorse the declaration.

Several defence measures could prove invaluable to address the current challenges to, and attacks on, the rule of law. Consistent support to and cooperation with international courts and tribunals are needed. In relation to the International Court of Justice, respect for its judgments and orders is paramount. States could build a predictable basis for accessing the Court's jurisdiction by making declarations recognizing the jurisdiction of the Court as compulsory and through the introduction of compromissory clauses in treaties. States should defer their disputes to the Court and engage third parties, if appropriate, by making interventions before the Court. All States are invited to send a strong signal of general support to the Court by endorsing our above-mentioned initiative.

In relation to the ICC, we should continue to strive for the universality of the Rome Statute. Continued political and financial support for the Court is also crucial, given its vital role in the fight against impunity and in providing assistance and reparations to victims of mass atrocities. The Security Council has a particular responsibility to ensure that outstanding arrest warrants issued in the situations that it deferred to the ICC are executed.

Finally, Romania stands ready to continue to play its part in all such efforts, living up to its own words

as a responsible actor in the international arena and a strong supporter of the global rule of law.

The President: I now give the floor to the representative of Italy.

Mr. Massari (Italy): Italy aligns itself with the statements to be delivered by the Head of Delegation of the European Union and by the representative of Austria on behalf of the Group of Friends of the Rule of Law.

Let me also commend Japan for assuming the presidency of the Security Council and for convening today's open debate. We welcome this opportunity to focus on the rule of law in international relations as a key ingredient to ensuring peaceful and just relations among nations and peoples.

Ten years have passed since our Heads of State and Government gathered at United Nations Headquarters to reaffirm their solemn commitment to the purposes and principles of the Charter of the United Nations, international law and justice and an international order based on the rule of law. Unfortunately, that solemn and unanimous pledge remains unfulfilled. In fact, as we gather today, those foundations are being shaken by the brutal war of aggression waged by Russia against Ukraine. Italy continues to stand firm in defence of the Charter of the United Nations, the sovereignty and territorial integrity of nations and the self-determination of peoples.

A multilateral system of peaceful relations among States based on the rule of law requires a constant and long-term commitment in five different respects.

First, it requires strict adherence to international legal obligations, whether derived from treaties or from customary international law. Compliance with international legal obligations is not a matter of choice; it is mandatory for all. That also applies to the obligations stemming from the Charter of the United Nations, including those of a procedural nature aimed at ensuring the proper functioning of the Security Council.

Secondly, breaches of international law committed by States, especially when related to peremptory norms, must bear consequences. The Charter of the United Nations, in particular its Chapter VII, as well as the customary law on international responsibility codified by the International Law Commission, sets out those legal consequences. It is our collective responsibility to ensure that they do not remain on paper.

Thirdly, individuals responsible for egregious violations of human rights and international humanitarian law must be held accountable. In that vein, Italy remains convinced that a universal, independent and impartial judicial institution, such as the International Criminal Court, complementing the efforts of the national authorities, is a key instrument in fighting impunity. Effective cooperation between the ICC and the Security Council is also essential if we want to end impunity.

Fourthly, disputes that are likely to endanger international peace and security must be settled peacefully in accordance with Article 33 of the Charter of the United Nations. That includes resorting to international courts and tribunals and abiding by their judgments and decisions. In particular, the International Court of Justice plays a critical role in promoting the peaceful settlement of international disputes, and it contributes to the development and strengthening of international law as a fundamental condition for stability. Therefore, cooperation between the International Court of Justice and the Security Council must also be strengthened in accordance with the Charter.

Fifthly and finally, the codification and progressive development of international law must be pursued as a means to achieve legal certainty and good governance and to adapt the law to the ever-changing realities of international relations. Italy continues to support the important work of the International Law Commission and of the Sixth Committee of the General Assembly in that respect, including in important areas such as the law of State responsibility.

Ten years have passed since we declared at the highest political level our commitment to the rule of law in international relations.

It is now time to act. The international community can continue to count on Italy in the collective effort to reinforce the rule of law in international relations, including through the reform of the United Nations aimed at making the Organization — and this very organ — more democratic, representative, accountable, transparent and effective.

The President: I now give the floor to the representative of Indonesia.

Mr. Nasir (Indonesia): We thank Japan for convening this important debate, and the briefers for their informative presentations.

Indonesia aligns with itself with the statement to be made by the representative of the Philippines on behalf of the Association of Southeast Asian Nations.

The current state of our world is worrisome. Crisis after crisis continues to unfold. Violations of international law have become the norm in the pursuit of narrow self-interests. The spirit of multilateralism, which is key to upholding the international rule of law, continues to fade. We are indeed heading towards a slippery slope to a world where the law of the jungle reigns. Against that backdrop, let me make three points.

First, the rule of law is critical to the maintenance of international peace and security. Adherence by all Members to the Charter of the United Nations and international law is therefore fundamental. Any effort to maintain international peace and security must also be founded on genuine respect and preservation of the rule of law among nations. The rule of great Powers or the rule of force must never triumph over the rule of law. All countries — big or small, developed or developing — have an equal responsibility to uphold the rule of law. As the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels states, the rule of law applies to all States equally.

Secondly, we must ensure a strong multilateralism that delivers and is underpinned by firm respect for the rule of law. We must work for a multilateralism that promotes dialogue and cooperation; a multilateralism that rejects a take-it-or-leave-it approach; and a multilateralism whereby the voices of all countries are heard and matter. In turn, a strong multilateralism will enable us to ensure that the rule of law is respected and upheld, which will contribute to the maintenance of international peace and security.

Thirdly, we must promote the pacific settlement of disputes. Indonesia condemns any threat or use of force to settle international disputes. As the guardian of international peace and security, the Security Council must play a key role to ensure that the rule of law is upheld. We also advocate that all countries settle their differences peacefully, including through the International Court of Justice. In that regard, the Security Council also needs to make use of all tools

to foster stronger relations with the Court to assist the Council in its work.

In conclusion, let me reaffirm Indonesia's commitment to ensuring that the rule of law will always guide our response to global challenges.

The President: I now give the floor to the representative of Austria.

Mr. Marschik (Austria): Let me commend Japan on assuming the presidency of the Security Council for January and convening today's debate. Let me also congratulate Ecuador, Japan, Malta, Mozambique and Switzerland on starting their terms as elected members of the Council.

Austria has the honour to deliver this statement on behalf of the 50 member States of the Group of Friends of the Rule of Law. For brevity's sake, I will refer everyone to the list of their names in my written statement. Since 2005, this cross-regional Group has devoted itself to standing up for international law and the rule of law. We welcome this opportunity to stress the relevance of the rule of law when it comes to fulfilling the purposes of the United Nations and upholding the Charter of the United Nations.

We thank you, Sir, for the concept note (S/2023/1, annex), and the briefers for setting the scene this morning.

In many ways, 2022 was a challenging year, especially for those who believe in the rule of law and who believe we should conduct our international relations in compliance with treaties and customary international law. As we heard this morning, the Charter is at the core of how nations should coexist peacefully. Through our ratification, all Member States agreed to be legally bound by the Charter. The key difference between a political commitment and a norm of international law is the binding, obligatory nature of the latter. If a State breaches an obligation under international law, it must bear the legal consequences of State responsibility, as elaborated in detail by the International Law Commission in its articles on responsibility of States for internationally wrongful acts.

Adherence to the rule of law is intended to ensure that the principles and norms that we agreed on are respected and implemented by all in good faith. That is in the interest of all States, large and small. By means of the Charter, the Member States agreed on the principles of sovereign equality and to refrain from the

threat or use of force against the territorial integrity or political independence of any State. Several General Assembly resolutions adopted last year reaffirmed the validity of those principles — for example, when they underlined the sovereignty and territorial integrity of Ukraine and rejected attempts to acquire territories by force, called for an end to violations of international law in Myanmar, reaffirmed the right of the Palestinian people to self-determination and recalled the obligations of Afghanistan under international law. Clearly, United Nations Member States continue to value those fundamental principles and the obligation to act in accordance with them.

Adherence to international law serves our collective security and guarantees the safety of our citizens. Many conflicts could be avoided if States showed respect for the rule of law and complied with their obligations under the law, especially the Charter. That includes the obligation to settle international disputes by peaceful means — an obligation that was complied with in several instances and practice — for example, by Italy and Austria with regard to the German-speaking minority 30 years ago and, more recently, by Canada and Denmark, together with Greenland, regarding their maritime and land-border dispute in the Arctic.

If States do not resolve a conflict peacefully, the Security Council has the responsibility to maintain or restore international peace and security, including by restoring compliance with the law. In that context, the misuse of the veto and the non-observance of Article 27, paragraph 3, of the Charter is a grave concern. We welcome ideas to limit the use of the veto in certain cases, such as the French-Mexican initiative on the suspension of the veto in cases of mass atrocities and the code of conduct of the Accountability, Coherence and Transparency group, as well as Liechtenstein's veto initiative, which was adopted by the General Assembly in its resolution 76/262. At the same time, the United Nations must not give up if the Security Council cannot deliver. We saw that in the General Assembly most recently, when members resorted to the "Uniting for peace" resolution, last resorted to in February 2022. Perhaps the time is right to consider further means of strengthening adherence to the Charter, reflecting better its legally binding nature. Perhaps we could explore possible ways to more effectively, consistently and directly respond to grave violations of the Charter when the Security Council does not act.

Probably no other international institution embodies the principle of the rule of law among States better than the International Court of Justice. We emphasize our appreciation for the Court's work and reiterate the need for all States to fulfil their obligation to respect and implement the Court's judgments and other binding measures. Similarly, we have the highest regard for other international courts and tribunals, such as the Permanent Court of Arbitration, the International Tribunal for the Law of the Sea and the International Criminal Court. The Security Council should continue to draw upon the expertise of those institutions. When considering situations constituting a threat to international peace and security, the Council should consider whether they could be seized of the matter to enable the peaceful settlement of a dispute.

The number of challenges that the international community faces remains high. The rule of law must be part of the foundation on which we build our relationships and enable us to face those challenges together. Over the past years, many have complained about a lack of trust and a lack of confidence among United Nations Member States. Compliance with international law is an excellent way to establish such trust. If we can rely on each other to adhere to the law, we will have an excellent foundation for peaceful international relations. Let us not succumb to the temptations of power and force. Let us build on the power of law.

That concludes the statement on behalf of the Group of Friends of the Rule of Law. I have three additional sentences that I would like to say in my national capacity.

Since joining the United Nations in 1955, Austria's contribution has always been guided by the purposes and principles of the Charter, international law and the interests of the United Nations, as a whole. Our high regard for the rule of law is reflected in our report entitled "The United Nations Security Council and the rule of law: the role of the Security Council in strengthening a rules-based international system", which guided us during our previous term on the Council. Austria is fully committed to adhering to those principles for when we will next serve on the Council. And we will let our membership be guided by the rule of the law and international law and strive to focus discussions on strengthening them, especially adherence to the Charter.

The President: I now give the floor to the representative of India.

Mrs. Kamboj (India): At the outset, let me warmly congratulate Japan for its assumption of the presidency of the Security Council this month, and you, Mr. President, for taking this excellent initiative. I also thank the Secretary-General, the President of the International Court of Justice and Mr. Akande for their briefings earlier today.

As we have all agreed today, the rule of law is the foundational edifice of modern nation States. This foundation is underpinned by the United Nations Charter, where the principle of the sovereign equality of States is the basis for our collective actions. In the face of the interconnected challenges that we face today, the United Nations represents our collective recognition that only cooperative and effective multilateralism can ensure peace and stability. While we firmly believe in the principles of multilateralism and the peaceful settlement of disputes in accordance with principles of international law, this can succeed only if the interaction between States is based on rules that aspire to greater collective welfare.

In our view, a rules-based international order is one that is free from coercion and based on respect for sovereignty and territorial integrity, transparency and the peaceful resolution of disputes. In that regard, allow me to make three points that we believe are critical to ensuring and strengthening the rule of law in the conduct of international relations.

First, the peaceful settlement of disputes is the key factor. The rule of law necessitates that countries respect each other's sovereignty and territorial integrity, as they would expect their own sovereignty to be respected. The principle of *pacta sunt servanda* is a binding norm of the rule of law, requiring countries to respect agreements signed with others, bilateral or multilateral, and that they do not take unilateral measures to undermine or nullify those very arrangements.

Secondly, the application of the rule of law at the international level should protect the sovereignty and territorial integrity of States from aggression, including terrorism, and including cross-border terrorism. States that use cross-border terror to serve narrow political purposes must be held accountable. This is only feasible when all countries stand together against common threats such as terrorism and do not engage in double standards for political expediency.

Thirdly, strengthening the rule of law would also necessitate reforming international institutions of global governance, including those charged with the responsibility of maintaining international peace and security. Debates on strengthening the rule of law while holding on to anachronistic structures that lack representative legitimacy would serve little purpose in our endeavour to strengthen the rule of law.

The purpose and relevance of multilateral organizations is increasingly being put into question. We have a collective responsibility and obligation to enhance the credibility and legitimacy of the international order. Let us strive to achieve this end before it is too late.

The President: I now give the floor to the representative of Estonia.

Mr. Tammsaar (Estonia): Allow me first to congratulate the new elected members of the Council — Ecuador, Japan, Malta, Mozambique and Switzerland. I would also like to congratulate Japan for assuming the presidency of the Security Council this month and thank you, Mr. President, for convening this high-level open debate on the rule of law. I also thank the briefers for their insightful briefings.

Estonia aligns itself with the statement to be made by the representative of the European Union, in its capacity as observer, and I would like to add a few thoughts in my national capacity.

The rule of law is a core principle of governance fundamental to international peace and security and political stability. It is the backbone of protecting people's rights and fundamental freedoms and of achieving economic and social progress, development and prosperity. The rule of law ensures a context of justice and fairness in which all citizens and the State itself are accountable to publicly promulgated and equally enforced laws. In contrast to a Hobbesian world, the rule of law accords predictability and legitimacy to the actions of States, forming a fundamental framework for the conduct of peaceful and mutually beneficial relations between us. While most progress on the rule of law is achieved during the times of peace, it is most in demand during war times.

Unfortunately, one country is still pursuing the rule of force instead of the rule of law. Russia's barbaric war of aggression against the sovereign nation of Ukraine is the most blatant violation of the

United Nations Charter since the Second World War. The unanimously adopted United Nations Charter, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the General Assembly resolutions affirming the importance of the rule of law are not only being trampled upon, but they will also be flushed down the drain unless the global community reacts and holds those responsible accountable.

Lack of accountability in the era of global connectedness is a legitimate concern for the international community as a whole. The crime of aggression is the mother of all crimes in international law, as it sets the scene for war crimes, crimes against humanity and the crime of genocide. All these were unleashed by the Russian Federation in Ukraine.

In that context, I would like to highlight the importance of establishing an international tribunal for the crime of aggression in Ukraine, to guarantee that not only the perpetrators but also the masterminds of the aggression will not escape responsibility. Unfortunately, there is no judicial body that has jurisdiction over the crime of aggression in Ukraine because the International Criminal Court does not have jurisdiction in this case, and, in any case, Russia would veto a Security Council referral if one were proposed. An international tribunal would fill this void and send a clear signal to all potential aggressors that starting a war will be very costly and will not be tolerated, and that justice will be assured, and international law and the rule of law will always prevail.

The President: I now give the floor to the representative of Liechtenstein.

Ms. Oehri (Liechtenstein): The past year in particular has made it clear that the respect for the rule of law at the international level cannot be taken for granted. The brutal aggression by a permanent member of the Security Council against a founding Member of the United Nations is an unprecedented attack against the United Nations Charter, which is the very foundation of the international rules-based order we are discussing today. And it is a stark reminder of the need to stand up for this order at all times.

The United Nations Charter is clear on the prohibition of the illegal use of force and the peaceful settlement of conflicts. Aggression, as defined by the General Assembly by consensus in 1974 in the middle

of the Cold War, is one of the most blatant assaults on a rules-based international order and must be met with a clear response. The Security Council, with its primary responsibility for the maintenance of international peace and security on behalf of the United Nations membership as a whole has an obligation to act. In the case of Ukraine, the Security Council has delegated its responsibility to the General Assembly, as it was unable to make any meaningful decision owing to the veto power. Enforcement of the key provisions of the United Nations Charter also entails accountability where they are violated in a blatant manner, including through individual criminal responsibility for the crime of aggression, which falls on individuals in leadership positions. As a referral to the International Criminal Court by the Council, which would be the ideal course of action, seems very unlikely at best, we have the obligation to think about alternative paths to ensure accountability for the aggression against Ukraine.

When Council action is blocked by the veto, the General Assembly must step in, as it has done successfully on various occasions in the past year. The General Assembly is the only universal organ of this Organization, and the main guardian of the rule of law. Efforts to strengthen the Assembly's role thus remain crucial. General Assembly resolution 76/262, also known as the veto initiative, adopted last year by consensus, is an essential step towards that end. It has increased the accountability and transparency of the work of this Organization, including through its impact on the use of the veto itself. Going forward, we also see an urgent need to discuss the manner in which Article 27, paragraph 3, of the United Nations Charter, stipulating that a party to a dispute shall abstain from voting, is and should be applied.

Liechtenstein continues to support the efforts of the International Court of Justice to safeguard the rule of law at the international level, including its advisory role on legal questions. That is also exemplified by Liechtenstein's most recent declaration of intervention under Article 63, in the case of allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide — *Ukraine v. Russian Federation*. The Council too has the competence to ask the International Court of Justice for advisory opinions on any legal question.

Justice and peace necessarily go hand in hand and must be at the centre of our common efforts, especially

this year, including in the context of the *New Agenda For Peace*.

The President: I now give the floor to the representative of the Republic of Korea.

Mr. Hwang (Republic of Korea): My delegation appreciates Japan's convening of this open debate on this important and timely topic.

International peace and security can be maintained only when relations among nations are based on commonly agreed rules. After the Second World War, there was a common understanding on the need to have basic rules, which include the principles of respecting sovereign equality and refraining from the threat or use of force against the territorial integrity or political independence of any State. That became the basis of the Charter of the United Nations and the United Nations system — the fundamental framework of international relations for more than 75 years.

Unfortunately, in recent years, threats to basic international norms have been increasing. To address such challenges and promote the rule of law, I would like to highlight the following three points.

First, taking insufficient action or no action in response to plain breaches of the rule of law will allow violators and perpetrators to continue to threaten international peace and security and make rule by force more tempting. Therefore, in cases in which the fundamental norms of the international system are violated, the Security Council must act. If the Council fails to fulfil its primary responsibility owing to the exercise of veto powers, the General Assembly should be able to swiftly act with its recommendatory power under the Uniting for Peace resolution (General Assembly resolution 377 (V)).

Secondly, we would like to bring attention to the solemn obligation conferred to all of us by Article 25 of the United Nations Charter — to fully implement Security Council resolutions. In that light, it is simply appalling to witness that the Democratic People's Republic of Korea, a Member State, completely disregards and even derides its obligations under the United Nations Charter and continues unlawful provocations. The Democratic People's Republic of Korea launched countless ballistic missiles last year, in clear violation of multiple Security Council resolutions. Last week, Pyongyang even reaffirmed its reckless and extremely dangerous nuclear ambition by openly

declaring, at the meeting of its Central Committee of the Workers' Party, that it will "exponentially" increase its nuclear arsenal and develop another intercontinental ballistic missile system.

It is deplorable that the Council failed to respond properly to the plain, flagrant and repeated violations of multiple Security Council resolutions by the Democratic People's Republic of Korea, despite approximately 10 rounds of formal and informal Security Council meetings on this issue throughout last year.

The Republic of Korea would also like to bring the Council's attention to ongoing evasions of the Security Council sanctions by the Democratic People's Republic of Korea and other Member States. Such routine and daily breaches of the sanctions regime must be stopped by the Council.

Thirdly, the Council should closely monitor egregious human rights abuses and atrocity crimes across the world. Impunity for such crimes is in clear contravention of the rule of law. In that regard, my delegation would like to recall that the Council is seized of the situation in the Democratic People's Republic of Korea, including its human rights situation, as an agenda item separate from the country's non-proliferation issues. The Council must seriously consider ways to effectively deal with the abysmal human rights situation in the Democratic People's Republic of Korea.

Lastly, in the light of the rules-based international order, the international community should be vigilant about challenges to peace and security in new spheres, including cyberspace, outer space and new technology. The rule of law must be at the heart of any discussions on those emerging topics. The Council can and should play a role by deliberating on unfolding and potential threats to international peace and security in those fields, such as cyberattacks.

Over the past seven decades, the Republic of Korea has pursued economic and political development within the current international order based on the rule of law, including the United Nations Charter. That is why the President of the Republic of Korea emphasizes universal values, including freedom, human rights and the rule of law and, in September, reiterated the importance of global solidarity based on such values. Our recently announced strategy for a free, peaceful and prosperous Indo-Pacific region also demonstrates our commitment to the rule of law and the peaceful settlement of disputes in accordance with international

law. The Republic of Korea clearly opposes upsetting the international order and is unequivocally committed to upholding the United Nations Charter and the rule of law.

The President: I now give the floor to the representative of Armenia.

Mr. Margaryan (Armenia): I would like to congratulate Japan on its new membership in the Security Council and on assuming the presidency for the month of January. We express our appreciation for the presence of Minister for Foreign Affairs of Japan and also thank the Secretary-General, the President of the International Court of Justice and Professor Akande from Oxford University for their important contributions to today's debate.

As we reflect on the challenges for the promotion of the rule of law in the maintenance of international peace and security, we are reminded that upholding the rule of law is essential for the realization of the rights to truth, justice, reparation and guarantees of non-recurrence. We are equally reminded that, more often than not, it is the lack of accountability that breeds more violations. As the principal judicial organ of the United Nations, the International Court of Justice has a central role in promoting justice and accountability and upholding faith in the rule of law among nations.

Strengthening adherence to the norms and principles of international law requires concerted efforts to ensure that grave violations do not go unpunished. Armenia is committed to efforts to effectively address and combat impunity, having recently launched the process of ratifying the Rome Statute of the International Criminal Court. Likewise, Armenia supports the elaboration and adoption of a universally accepted treaty on preventing and punishing crimes against humanity, and we welcome the recent progress achieved in that regard in the Legal Committee of the General Assembly.

Time and again, Armenia has alerted the international community to instances of gross violations of international law in our part of the world. We have repeatedly brought to the attention of the Council that Azerbaijan has been engaging in the illegal practice of the acquisition of territories by force, having duly reported such acts of aggression under Article 51 of the Charter of the United Nations. We have consistently alerted the members of the Council that, emboldened by the results of the use of force in the past, Azerbaijan now seeks to normalize violence and aggression in the

imposition of unilateral solutions and the conduct of its policy of ethnic cleansing in Nagorno-Karabakh. The latest such example is the ongoing blockade of the Lachin corridor — the only supply route into and out of Nagorno-Karabakh — in grave violation of the existing obligations under the trilateral statement of 9 November 2020 and international humanitarian law. Among numerous violations of the norms of international law, the blockade of the corridor also challenges the order handed down by the International Court of Justice, a provisional measure requiring the parties to “refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

On 20 December, the Security Council held an emergency meeting to address the humanitarian situation in Nagorno-Karabakh (see S/PV.9228). We appreciate Council members' publicly expressed calls for the restoration of free and secure movement along the Lachin corridor, respect for agreements previously reached and a resolution of the differences through peaceful means. Obviously, the failure to adopt a unanimously agreed outcome following that Council meeting has prompted the serial violator of all norms of humanity and international law to brand it a “diplomatic success for Azerbaijan” and a “New Year's gift from the President of Azerbaijan to his people”, according to its official sources. Is that not an affront to the collective conscience of this organ responsible for the maintenance of international peace and security? For more than 30 days now the safe and unimpeded passage of people and goods has been denied. Children remain separated from their families, electricity and the Internet have been cut off and food stamps have been introduced to address the immediate needs of a besieged population of 120,000 people.

Whatever the deceptions or misconceptions that the leadership of Azerbaijan and their enablers may diligently fabricate, the fact of the matter is that there is only one side characterized by pervasive hate speech, with public figures and Government officials frequently inciting ethnic hatred against Armenians, as is reflected in the latest conclusions of the United Nations Committee on the Elimination of Racial Discrimination. Only one side has been recorded as having rewarded a hate criminal and opened an ethnic hatred park with racist mannequins on display. Only one side has failed to return prisoners of war, in flagrant violation of the Geneva Conventions, and continues to

harass and kidnap civilians. Only one side continues to violate the ceasefire and invade the other's territory. There is only one side whose military commits, cheers on and celebrates horrendous war crimes, as ever-mounting disturbing instances of atrocities, including against women, continue to surface on social networks.

Armenia believes in the United Nations and in the purposes and principles enshrined in its Charter. We believe in the basic principles of conflict resolution derived from international law, and we believe in the integrity and independence of the International Court of Justice and the International Criminal Court. We want to believe that the Security Council will live up to its mandate and responsibilities and that it will rise above ideological differences and conceptual disagreements for the benefit of justice, the rule of law and human rights and for the sake of freedom and peace and security. In order to prevent an imminent humanitarian catastrophe from happening, the United Nations should act in a decisive and timely manner to deny the brutal dictatorship of Azerbaijan's plans to suffocate and ethnically cleanse the Armenian people of Nagorno-Karabakh, whose only ambition is to live in dignity in their homeland, free from coercion and any form of foreign domination.

The President: I now give the floor to the representative of Lebanon.

Mr. Hitti (Lebanon) (*spoke in French*): Let me first congratulate Japan on its assumption of the presidency of the Security Council. I would also like to take this opportunity to welcome the new members of the Council and congratulate the outgoing members.

Today's debate is an opportunity to reaffirm that the rule of law must prevail over the rule of force, everywhere and at all times. It is also an opportunity to emphasize that the rules-based international order is a matter of ensuring sovereign equality among nations. The Charter of the United Nations is its cornerstone and the very reason why we are all here at Headquarters in this Chamber.

The consolidation of international law and justice are principles on which the rule of law rests and without which lasting peace and security cannot be built. Promoting the rule of law therefore cannot be contingent on circumstances. It cannot be invoked or defended when things are going well and suddenly set aside when things go wrong. If we apply certain principles on a partial basis and with selective indignation, the

very credibility of our multilateral structure is at stake. Strengthening the rule of law therefore requires respect for international norms and their consistent implementation. The Council must ensure the full implementation of all the resolutions it has adopted.

Justice goes hand in hand with peace. In that regard, the International Court of Justice is an essential component of the rule of law, as it promotes the peaceful settlement of disputes, anchored in the Charter of the United Nations. It is therefore appropriate to abide by the decisions rendered by the International Court of Justice. Recourse to the Court is never a hindrance or a barrier to peace, but rather serves its cause, and the Security Council should stand up to any iniquitous steps taken because a majority of Member States decided to turn to the judges, the law and the Court by submitting a request for an advisory opinion.

We cannot expect lasting peace and security if human rights, which are a pillar of the rule of law, continue to be violated. As this year marks the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights, it is appropriate to strongly reaffirm its fundamental character and to ensure that human rights guide United Nations decision-making processes. That implies ensuring the full participation of women and strengthening the participation of young people and civil society, whose contributions to the prevention and resolution of conflicts can no longer be denied. That is the core of the social contract sought by the Secretary-General in his report entitled *Our Common Agenda* (A/75/982). Lebanon fully supports those efforts, in which justice has a prominent place, given that the Secretary-General proposes a new vision of the rule of law in the report. Lebanon also supports the activities of the United Nations to strengthen the rule of law at the national and international levels.

My country knows how much it owes to the United Nations, which has stood by our side for so many decades to help us overcome crises. Lebanon has always believed that the rule of law is meant to protect all States, large and small. That is also why my country played a decisive role in the drafting of the Charter of the United Nations and the Universal Declaration of Human Rights. We will continue to defend that multilateral order, which while undoubtedly imperfect and in need of rebuilding, is still essential if we are to face the multiplication of existing and emerging challenges.

The President: I now give the floor to the representative of Greece.

Mr. Sekeris (Greece): We would like to congratulate you, Sir, on convening an open debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security and the rule of law among nations.

Greece aligns itself with the statement to be delivered later on behalf of the European Union and would like to add some remarks in its national capacity.

Greece firmly believes that the ideal of an international order that is based on international law can be pursued only through unwavering adherence to the Charter of the United Nations. Article 2, paragraph 4 of the Charter clearly states that all Member States shall refrain from the threat or use of force against the territorial integrity or political independence of any State. Moreover, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, as well as the report of the Secretary General entitled *Our Common Agenda* (A/75/982), reaffirm the significance of the rule of law in the maintenance of international peace and security.

Unfortunately, 77 years after the unanimous adoption of the Charter of the United Nations, we are seeing an unprecedented disregard for the founding principles of our international system. We are witnessing a number of crises, including the recent aggression against Ukraine. We believe it is of utmost importance to collectively uphold the principles enshrined in the Charter. In that respect, the judicial settlement of all disputes through the principal judicial body of the United Nations — the International Court of Justice — supports the cardinal importance of the rule of law regarding the resolution of disputes and the maintenance of international peace and security. Respect for the decisions of the Court, including its orders indicating provisional measures, is equally important. And lastly, accountability for heinous international crimes also remains a challenge as regards the rule of law at the international level. The only way forward concerning dispute settlement is to abide by the rule of law rather than the rule of force. To that end, we must also ensure that decision-making at the level of the United Nations becomes more efficient and transparent.

If Greece is elected as a non-permanent member of the Security Council for the period from 2025 to 2026, we will contribute to the promotion of full respect for

the rules and principles enshrined in the Charter and the values underpinning them. As a country that places respect for international law at the centre of its policies, Greece is determined to spare no effort to promote a Charter-compliant approach to all matters relating to international peace and security. We always stand ready to cooperate with all Members of the United Nations to uphold the collective security system established by the Charter.

Last but not least, we are deeply aware that peace and security should prevail not only through the rule of law, but also through sustainable development, in particular through the achievement of Sustainable Development Goal 16, meaning the achievement of peaceful and inclusive societies, by providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Hence Greece concentrates its development efforts and allocates its aid, including assistance through capacity-building, by means of the transfer of know-how and expertise, with the aim of providing developing countries with best practices and model laws enhancing and consolidating human rights, institutions and legislation at the domestic level and more generally by contributing to, among other objectives, the reduction of poverty and inequality in the world, the consolidation of peace and stability, the effective management of migration flows and respect for cultural heritage. In that context, Greece places particular emphasis on the implementation of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, as they provide an ambitious, visionary and transformative framework for a new, equitable and sustainable development path.

The President: I now give the floor to the representative of Denmark.

Mr. Hermann (Denmark): I have the honour to deliver this statement on behalf of Finland, Iceland, Norway, Sweden and, of course, my own country, Denmark.

The rule of law is a vital prerequisite for justice, peace and prosperity, and adherence to it has a significant and positive impact on the global community. It is a global public good and a powerful safeguard against the primitive doctrine that might is right. But the rule of law is under pressure. In the Secretary-General's most recent annual report on strengthening and coordinating United Nations rule of law activities (A/77/213), it is

abundantly clear that the rule of law must be protected on every front.

International law, including the Charter of the United Nations, and its prohibition on the acquisition of territory by the use of force, applies to all States and must be respected by all States without exception. When Russia launched its full-scale invasion of Ukraine last year, it constituted a blatant violation of international law. While horrified by Russia's actions, we are encouraged to see how a vast majority of countries, across regions and continents, have stood by the Charter of the United Nations and the rule of law and rejected that violation of Ukrainian sovereignty and territorial integrity and the Charter of the United Nations in both words and deeds. The adoption of a series of General Assembly resolutions by an overwhelming majority, including as late as in October 2022, calling Russia's attempt to annex part of Ukraine out for what it is — illegal and in contravention of the Charter of the United Nations — are a testimony to our strong and collective response to Russia's attack on Ukraine and the international rules-based order.

To safeguard the rule of law, it is not enough to condemn the Russian aggression. Both the Russian Federation and those individuals responsible for committing international crimes must be held accountable for their brutal behaviour. The Security Council is entrusted with the primary responsibility to maintain international peace and security. And Russia's use of the veto and prevention of the Council in fulfilling its mandate is unacceptable. We fully support and urge other United Nations Members to join initiatives to limit the use of the veto, including the code of conduct of the Accountability, Coherence and Transparency group and the French-Mexican initiative on the suspension of veto powers in cases of mass atrocities. We also welcome the adoption of General Assembly resolution 76/262, on the veto initiative, which was a step in the right direction to create more transparency and accountability for the use of the veto.

We are further encouraged by the multiple accountability efforts, including the ongoing investigations into the situation in Ukraine by the International Criminal Court, the Independent International Commission of Inquiry on Ukraine and the current case at the International Court of Justice. Holding Russia accountable is paramount to preventing future breaches of international law.

The rule of law and accountability, including access to justice and accountability for sexual and gender-based violence, as mentioned by the Secretary-General in his most recent report on strengthening and coordinating United Nations rule of law activities, can of course not be achieved without substantial work on the part of international courts and institutions of the global community. But that work relies on our support, both politically and financially. During the recent United Nations annual budget negotiations, the Nordic countries underscored the need to uphold the rule of law and the protection of human rights through United Nations institutions. They are without a doubt a prerequisite for the rules-based international order that we are all committed to, and we need to put our money where our mouths are.

The President: I now give the floor to the representative of Pakistan.

Mr. Akram (Pakistan): I would like to congratulate Ecuador, Japan, Malta, Mozambique and Switzerland on their elections as non-permanent members of the Security Council. We also congratulate Japan and you, Mr. President, on assuming the presidency for this month and organizing today's debate. We thank the Secretary-General, the President of the International Court of Justice and Professor Akande for their briefings.

Great civilizations have always been built on the foundations of order created through laws. At the international level, laws and rules of conduct have been adopted to regulate the use of force, especially military force, in inter-State relations. Yet it was the Charter of the United Nations that, for the first time, placed explicit constraints on the use or threat of use of force except for self-defence or when collectively authorized by the Security Council.

The Charter of the United Nations also set out fundamental principles: the self-determination of peoples, the sovereign equality and territorial integrity of States, and non-interference in their internal affairs. Those Charter principles are the source and foundation for the world order that has enabled us for over seven decades to contain and resolve conflicts and prevent another world war. The Charter's principles have been further elaborated in various international agreements and declarations and are the most important source of international law in contemporary times.

The Security Council has a special responsibility to implement the Charter's purposes and principles. The

Council's resolutions and decisions, whether adopted under Chapter VI or Chapter VII of the Charter, are legally binding, since Member States are obliged under Article 25 of the Charter to implement the decisions of the Security Council.

The Security Council has been unable to ensure consistent and universal implementation and respect for the central principles of the Charter of the United Nations. It has, to its credit, never endorsed or authorized the unilateral use of force. Yet it was often unable to actively prevent the use of force, for example, in the Middle East in 1956, 1967 and 2003. The Security Council should act pre-emptively to prevent conflicts before they erupt. To that end, the Council should be enabled to meet automatically, without a procedural decision, on any item of the agenda.

The Council has also not been able to secure consistent implementation of its own resolutions, such as the resolutions relating to Palestine and Jammu and Kashmir. In these cases, the right to self-determination, a fundamental principle of the Charter, has been suppressed brutally, and foreign occupation has been allowed to persist over several decades. It is essential to elaborate the modalities through which the principle of self-determination can be implemented universally and consistently in the contemporary context.

The Security Council needs to actively promote the resolution of conflicts and disputes, not simply manage them, much less ignore them. It should fully utilize the several instruments for the peaceful settlement of disputes that are available under the Charter, and the Secretary-General should be less reticent in exercising his authority under Article 99 of the Charter. No party to a conflict or dispute should be able to refuse the Secretary-General's good offices or reject mediation and arbitration. And the remit of judicial mechanisms, especially the International Court of Justice, should be fully utilized, for example by making the Court's jurisdiction mandatory on issues that are on the agenda of the Security Council.

Today world peace and the international security architecture are under grave threat. We need to address how to promote universal and consistent respect for the fundamental principles of the Charter and international law. We need to find ways to empower and fully utilize the United Nations and its organs to build a durable structure of international peace and security.

The President: I now give the floor to Mr. Skoog.

Mr. Skoog: I congratulate Japan on assuming the presidency of the Security Council and commend it for organizing today's important debate.

I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova and Bosnia and Herzegovina, as well as Georgia and San Marino, align themselves with this statement.

The rule of law is a key component in the maintenance of international peace and security. A rules-based international order, one where norms of international law are adhered to and those who breach those norms are held accountable, is indeed essential for lasting peace and security. The rule of law protects people from the unchecked rule of the powerful, and I would say that a vast majority of the members of the United Nations would see the rule of international law as a first line of defence when it comes to their security, independence and sovereignty. The Charter of the United Nations and its core principles are very much at the heart of that system.

The EU and its member States therefore reaffirm their respect for the rule of law at the international and national levels. We support the call for a new vision for the rule of law by the Secretary-General, as expressed in *Our Common Agenda* (A/75/982). The rule of law must be upheld at all times, in time of peace and during times of crisis. It is indeed a main tool in the prevention of conflict, as the Secretary-General said this morning. No crisis can justify a departure from the rule of law. As the coronavirus disease pandemic and now Russia's war of aggression on Ukraine have proved, it is during times of crisis that we need more multilateralism, more recourse to the United Nations and more adherence to the rule of law. It is our belief that full respect for the rule of law at the national level reinforces the resilience of international rules during times of crisis. To address the questions put forward to steer today's debate, let me make three points.

First, as the Secretary-General said a month ago in the Council (see S/PV.9220), even during the darkest periods of the Cold War collective decision-making and continual dialogue in the Security Council maintained a functioning, if imperfect, system of collective security that prevented a military conflict between the major Powers. Yet it has not prevented Russia's cruel and senseless war of aggression against Ukraine. That

aggression is a blatant violation of international law and the rule of law at the international level, with severe consequences far beyond Ukraine's borders.

The permanent members of the Security Council have been vested with special privileges that should also mirror special responsibilities, foremost among them that of serving as models in implementing the Charter. How deep the disappointment resounds around the world when that right is so flagrantly and doubly violated, first by breaking the rules and then by misusing the veto for self-protection and to deter the Council from taking meaningful action, as Russia is currently doing. The use of the veto in cases of atrocity crimes, including for referrals to the International Criminal Court (ICC), remains a matter of serious concern for us. It prevents the Security Council from discharging the important function entrusted to it by the Charter. We need a stronger system of collective security, but we also need a stronger system of collective accountability. We therefore call on the permanent members of the Council to refrain from using their right of veto in cases of mass atrocities and to make use of the Council's right of referral, including in relation to the crime of aggression.

When fundamental tenets of the Charter, such as the principle that Member States shall refrain in their international relations from the use or threat of use of force, are blatantly breached, there must be accountability. International law cannot be a spiderweb that catches the small but misses the powerful. Those who commit wrongdoings, no matter their might or size, must be held to account. The ICC is central to accountability efforts.

Secondly, peace and friendship among nations can only be based on respect for international law. As the principal judicial organ of the United Nations, the International Court of Justice has a key role in that respect. The Court plays an important role in the settlement of international disputes by peaceful means. Through its judgments, advisory opinions and orders, it contributes significantly to a rules-based international order and to the maintenance of international peace. On 16 March of last year, the Court ordered Russia to immediately suspend its military operations in Ukraine. Its ruling, unfortunately, remains unimplemented, again in flagrant defiance of the rule of law.

My third point concerns disinformation, which has increasingly become a challenge to the rule of law,

human rights and the safeguarding of international peace and security across borders. Disinformation may destabilize the rule of law and cause broader societal harm. We are concerned about that worrying trend. Most significantly, disinformation has the potential to undermine the credibility of institutions that play an essential role in upholding the rule of law and maintaining international peace and security.

In conclusion, we need to redouble our commitment to the rule of law as a means of redoubling our commitment to a more peaceful and prosperous world. We look to all the members of the Security Council to shoulder their responsibilities, and we look forward to working with everyone to elaborate a new vision of the rule of law, as suggested by the Secretary-General.

The President: I now give the floor to the representative of the Philippines.

Mr. Lagdameo (Philippines): I have the honour to deliver this statement on behalf of the Association of Southeast Asian Nations (ASEAN).

We thank Japan for convening today's timely open debate. We welcome His Excellency Mr. Hayashi Yoshimasa, Minister for Foreign Affairs of Japan, which is an important dialogue partner of ASEAN. We believe that under his leadership, Japan will have a very successful month as president of the Security Council. We thank the briefers, including Secretary-General António Guterres, Judge Joan E. Donoghue, President of the International Court of Justice, and Mr. Dapo Akande for their statements on this issue.

Our world today is facing increasingly complex and cross-cutting challenges, including challenges to the rule of law among nations, on almost all fronts. The need to uphold the rule of law has never been more urgent. ASEAN member States are committed to upholding the principles stipulated in the Charter of the United Nations and on the basis of international law, which is the indispensable foundation of a more peaceful, prosperous and just world. We affirm our commitment to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, in accordance with the Charter of the United Nations.

ASEAN has embraced and continues to promote the rule of law in all its aspects and affirms its commitment to living in a region of lasting peace, security and stability, sustained economic growth, shared

prosperity, social progress and good governance, and to promoting and protecting human rights, in conformity with the fundamental principles and purposes of the ASEAN Charter. ASEAN affirms the importance of multilateralism and the significance of its partnerships with other external partners, including regional and international organizations such as the United Nations, to address global concerns, pursue shared goals and promote sustainable development and inclusive growth.

As a rules-based intergovernmental organization, ASEAN has long been committed to stability and security in the region. We continue to emphasize the need for a committed multilateral approach in responding to emerging opportunities and challenges and to actively shape a rules-based regional architecture that is capable of dealing with pressing common regional and global issues. That was further reaffirmed on the occasion of the 38th ASEAN Summit, held in Brunei Darussalam in October 2021, when ASEAN leaders issued the ASEAN Leaders' Declaration on Upholding Multilateralism.

Important treaties, declarations and instruments paved the way for our success, including ASEAN's founding document, the ASEAN declaration of 1967, the ASEAN Charter, which entered into force in 2008, the Treaty of Amity and Cooperation in Southeast Asia of 1976, the Treaty on the Southeast Asia Nuclear Weapon-Free Zone of 1995, the ASEAN Human Rights Declaration of 2012 and the Declaration on Conduct of Parties in the South China Sea of 2002. We remain committed to working towards the early conclusion of an effective and substantive code of conduct for the South China Sea, consistent with international law, including the 1982 United Nations Convention on the Law of the Sea, within a mutually agreed timeline. The importance of those treaties and instruments was reiterated at the recently concluded 40th and 41st ASEAN Summits, held in Phnom Penh.

ASEAN member States share a commitment to maintaining and promoting peace, security and stability in our region, including in maritime areas, such as the South China Sea, as well as to ensuring the peaceful resolution of disputes in accordance with international law. We observe and promote in good faith the Manila Declaration on the Peaceful Settlement of International Disputes.

Consequently, ASEAN member States believe that diplomacy, negotiations and peaceful means are critical to the maintenance and promotion of international

peace, security and stability. We hope that the United Nations will continue to afford primary importance to those important treaties and instruments in the conduct of mutually beneficial relations among nations.

We reiterate ASEAN's commitment to the rule of law. We commemorate the tenth anniversary of the adoption of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels in 2022. The ASEAN Political-Security Community Blueprint 2025 seeks to promote a rules-based, people-oriented and people-centred community and the rule of law at the national and international levels. ASEAN strives to achieve that by implementing instruments such as the 2030 Agenda for Sustainable Development, notably Goal 16, on peace, justice and strong institutions.

Country-driven capacity-building for Member States, including through the delivery of technical assistance and use of digital technologies, remains critical for the promotion of the rule of law, as well as for the purpose of ensuring effective, inclusive and accountable justice institutions. ASEAN reaffirms its commitment to good governance, accessible institutions, transparency, accountability and anti-corruption. That approach will further promote respect for the rule of law at the national and international levels, which will contribute to greater socioeconomic development, peace, justice and prosperity for all.

Finally, the ASEAN way of consensus-building, sustained constructive engagement, respect for the views of all the parties concerned and the fundamental principles of international law, including respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and the peaceful settlement of disputes, has served ASEAN for more than five decades, and we therefore believe that it is the most effective way to address the common challenges of humanity that achieves sustainable results.

I shall now deliver the following statement in my national capacity.

As a founding member of the Organization, the Philippines reaffirms its commitment to the Charter of the United Nations and adherence to the rule of law among nations. In his first address to the General Assembly, President Ferdinand Marcos Jr. said:

"[A]mid challenging global tides, an important ballast is the stabilization of our common vessel,

that is, our open, inclusive and rules-based international order, governed by international law and informed by the principles of equity and justice.” (A/77/PV.5, p.3)

The Philippines has made the utmost effort to reinforce the predictability and stability of international law — a great equalizer among States — in addressing challenges to peace and security. With the 1982 United Nations Convention on the Law of the Sea, we provided an example of how States should resolve their differences through reason and through right. The South China Sea arbitration case, along with the Convention, are twin anchors of our positions and actions on the South China Sea. That is in line with the landmark 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

We reiterate the call for the progressive development and codification of those principles to secure their more effective application and their contribution to realizing the purposes of the United Nations. We did that, with regard to the principle that States shall settle their international disputes by peaceful means, with the 1982 Manila Declaration on the Peaceful Settlement of International Disputes through the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The International Law Commission, along with the Special Committee, could be tasked by States to undertake similar work on principles under challenge.

The unprecedented crises of the recent past have indeed presented us with a breakdown, or breakthrough, scenario. The Secretary-General has invited us to have a new vision of the rule of law. The rule of law, while under challenge, is an indispensable element of our diplomatic toolkit. The rule of law applies to all States equally. To reimagine it, we need to carry out a stocktaking of what we have achieved — and there are many achievements — and move forward.

In that regard, the 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels is a milestone. Its essence is a people-centred rule of law at the national and international levels, to which we subscribe. At the centre of the efforts of the Philippines to promote an international rules-based order are our fisherfolk, seafarers and migrant workers. At the national level, it is an indispensable part of our Philippine Development

Plan, which recognizes that an efficient justice system and the rule of law are necessary for fostering a high-trust society, consistent with the renewal of a social contract, as envisioned in *Our Common Agenda* (A/75/982).

In conclusion, we renew our thanks to the Government of Japan, especially His Excellency Mr. Hayashi Yoshimasa, for highlighting the rule of law and the declaration of the high-level meeting of the General Assembly. The Summit of the Future, to be held in 2024, is an opportunity to reaffirm that global consensus on the rule of law as a precondition to the future we want.

The President: As there are still 40 speakers remaining on my list for this meeting, I wish to remind speakers to make their statements to as short as possible.

I now give the floor to the representative of Türkiye.

Mr. Kayalar (Türkiye): We thank the Japanese presidency of the Security Council for organizing this important debate.

The Charter of the United Nations has served as the Constitution for the functioning of the international system for more than seven decades, authoritatively guiding the international community in preserving and ensuring peace, security, freedom, justice and development. Strong and effective multilateralism, based on the purposes and principles of the Charter, is a prerequisite for security, stability, peace and prosperity, as is the rule of law.

It is those fundamental notions that pre-empt arbitrariness and destruction, promote justice and accountability, foster dialogue and trust among nations and facilitate the proper management of security challenges. Indeed, the rule of law is foundational to the United Nations, and the Security Council has a special role to play in ensuring that it is respected. Unfortunately, that key principle is disregarded much too often. The current dynamics in the Council do not allow the organ to duly assert itself in upholding the rule of law among nations.

In discharging its responsibility, the Security Council acts on behalf of all Member States, and it must do so in accordance with the Charter. The use of the veto for the sake of protecting narrow national interests when mass atrocities are at issue strongly contradicts the spirit of the Charter. When the veto is used in that manner, it prevents the Council from

adequately delivering on its primary responsibility for the maintenance of international peace and security. In that vein, we commend the initiatives aimed at limiting recourse to the veto in the Council.

The rule of law cannot be considered separately from accountability. Ensuring accountability for acts that blatantly violate international law and the Charter is vital not only for the delivery of justice, but also for preventing a recurrence of similar acts in the future. That is how the international community can demonstrate that the rule of law prevails over rule by force. Where serious international crimes are concerned, it is inarguable that the primary responsibility for ensuring their effective investigation and prosecution lies with national justice systems. However, when national systems fail, the international community, and particularly the Security Council, has to step up to promote and ensure the rule of law. The Council has indeed taken decisive steps in that regard in the past. In instances where the Council has failed, the General Assembly has sought out alternatives, and it should continue to do so in line with its own responsibilities, as the only fully representative organ of the United Nations. Past practice under the auspices of the United Nations and its main organs offers solid examples of the international community's commitment to ensuring the rule of law and accountability, which can provide best practices that can be replicated as appropriate in relation to documenting and addressing serious violations of international law.

In conclusion, let me reiterate Türkiye's strong commitment to safeguarding and promoting an equitable multilateral order, underpinned by the rule of law and thereby ensuring international peace and security. That has been, and will remain, the key foreign policy priority for Türkiye.

The President: I now give the floor to the representative of Germany.

Ms. Leendertse (Germany): Let me commend Japan for convening today's debate on the critical role of the rule of law in maintaining peace and security among nations.

Germany believes that the rule of law among nations lies at the core of our national interests, but more importantly, we believe that they are in the interests of all countries and of the international community as a whole. In a world order based only on power and the exercise of power, those who hold the most power

and use it most ruthlessly will win. International law offers a fundamentally different approach, based on the sovereign equality of States, and international law places boundaries on arbitrary power politics. The prohibition of the use of force enshrined in the Charter of the United Nations is paramount in that regard. It embodies the aspiration and the promise that as a matter of principle, countries can and will deal with one another without the use of force or violence.

Law creates peace. It provides countries with procedures for resolving conflicts in peaceful ways. The rise in the number of cases before the International Court of Justice shows that more and more countries are making use of the opportunities for the peaceful settlement of conflicts that international law offers. Moreover, developments in the area of international criminal law are a testament to the need for judicial proceedings in the defence of international law. Multilateralism works only if it and all of us are guided by the rule of law among nations, not by the rule of force. The recent rise in the rule of force brings new urgency to the issue of reforming the Security Council as the main guarantor of international peace and security. Russia's aggression against Ukraine points to the use of the veto as one of the main challenges and problems in that regard. The use of the veto is being abused as an instrument to undermine the rule of law. That is why Germany fully supports Liechtenstein's veto initiative and strongly advocates for restricting the use of the veto.

A new vision of the rule of law, as evoked in *Our Common Agenda* (A/75/982), is a critical element in our thrust to re-energize and renew the way multilateralism works. This is why the debate that Japan has initiated today is also a timely contribution to the work of focusing our minds on preparations for the Summit of the Future. Strengthening the rule of law is an objective that cannot be separated from the various strands of the *Our Common Agenda* process. As one of the co-facilitators of the Summit, I will therefore try to work to tap the full potential of *Our Common Agenda* in order to strengthen the rule of law internationally and within societies across the world.

Promoting the rule of law is a priority for Germany, and we collaborate closely with our partners to identify and address rule-of-law needs, as we believe that enjoying the rule of law within States will have an immediate impact on the prevalence of the rule of law among States. The rule of law is a cornerstone for

development and peace. Germany therefore pursues the promotion of the rule of law and, in particular, a people-centred approach to justice in our international cooperation, as well as in our integrated engagement for peace. To that end, Germany has provided combined funding for programmes to promote the rule of law amounting to more than €50 million last year alone. We consider that a worthwhile investment in peace and security at the national, regional and global levels.

The President: I now give the floor to the Permanent Observer of the Observer State of Palestine.

Mr. Mansour (Palestine): Let me at the outset thank Japan, for organizing this important high-level meeting on a critical matter for our international-law-based order, and the Secretary-General, for his powerful remarks and for addressing the situation in Palestine. We also would like to express our appreciation to the President of the International Court of Justice and Mr. Akande for their important contributions.

While humankind was elaborating the fundamental rules at the heart of our international-law-based order — the Charter of the United Nations, the Universal Declaration of Human Rights and the Geneva Conventions — the Palestinian people were being deprived of the very rights that those instruments were enacted to guarantee. Seventy-five years later, the dispossession and displacement of the Palestinian people, and the denial of their rights, continue.

At the heart of our international law order are two cardinal principles — the right of peoples to self-determination and the inadmissibility of the acquisition of land by force. Palestine exemplifies the violation of those two principles. Aggression, annexation and apartheid are under way in Palestine as we speak. They deserve the Security Council's immediate attention and action. Where is the rule of international law when it comes to Palestine? All the members of the Council, all the members of these United Nations, recognize that international law is being violated in Palestine. Does the role of the Council end with its diagnosis, or with addressing the illness once it is diagnosed?

The rule of law cannot coexist with impunity. It exists where there is accountability. Every representative of a State who has spoken here has stressed the importance of accountability. I therefore ask everybody to explain what illegal actions Israel has been held accountable for. The forced displacement of Palestinians? The unlawful annexation of Jerusalem?

The building of settlements? The unlawful killing of Palestinians, including children? The mass arbitrary arrests of Palestinians, alive and dead? The inhumane and illegal blockade of the Gaza Strip? The demolition of homes? Has a single Israeli official, general, soldier or settler been held accountable? It is no surprise, then, that Israel continues to choose colonial occupation over peace. It is betting that it will get away with it.

There is no rule of international law if the rules change depending on the identity of the perpetrators and the identity of the victims. Double standards constitute an attack on the credibility and authority of international law and undermine its protection everywhere. Now we are facing an absurd situation in which there is impunity for those who violate the law and collective punishment for those entitled to its protection. In response to the General Assembly's adoption of its resolution 77/247 to request an advisory opinion from the International Court of Justice, the main judicial organ of the United Nations, Israel has imposed far-reaching sanctions on the Palestinian people, civil society and leadership. Before that, Israel designated highly respected Palestinian non-governmental organizations (NGOs) cooperating with the International Criminal Court (ICC) as terrorist organizations. And despite the international rejection of that designation, it has refused to reverse it. Israel has insulted and attacked the Council, the General Assembly, the Human Rights Council, United Nations independent experts and commissioners, the ICC, the International Court of Justice and international and Israeli human rights NGOs in responding to any criticism of its illegal actions and crimes. Without deterrence, one must expect the recurrence of crimes. Where is the deterrence?

This entire international order was designed to rid the world of aggression, colonialism, annexation and apartheid — the very evils now in place in Palestine. If any country wishes to be recognized as a champion of international law and human rights, to advance the rule of international law or to pursue justice to achieve peace, it cannot overlook Palestine. The concept of the exception that proves the rule does not apply in this context. We endure the exception that challenges the rule. If the Security Council wants the rule of international law to prevail, ending the Palestinian exception and Israeli exceptionalism is long overdue.

The President: I now give the floor to the representative of Rwanda.

Mr. Gatete (Rwanda): Since it is my first time speaking in the Security Council during Japan's presidency, Mr. President, allow me to congratulate you and your team and commend you for the way you are presiding over the Council. I can assure you, Sir, of Rwanda's support throughout the month, and for the remaining time your country serves in the Council.

Rwanda commends Japan for reviving consideration of this important topic in the Security Council. As we debate this issue, we should not forget that the Council should also be an instance that promotes the rule of law as enshrined in the United Nations Charter, which governs it. The rule of law among nations is an important thematic area in strengthening peaceful coexistence among nations.

The United Nations is an organization that was born from the conviction that animosity and discord can indeed be put to rest and that nations can rise above their differences to build a shared future. We have come far in 77 years, but much more remains to be done, which requires a collective response that must be guided by the rule of law.

Fifty-two years ago, we adopted the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Based on that Declaration, we must strive to make those principles a living reality in the life of the States because they lie at the very heart of peace and justice. All States Members of the United Nations have a responsibility to uphold these principles, especially at this critical junction where fundamental foundations of our multilateralism are increasingly under threat.

The rule of law is rooted in the conviction that international behaviour must be governed not by the whims of a few powerful States but by strict adherence to the purposes and principles of the United Nations Charter. To preserve the centrality of the United Nations Charter and the rules-based international order, there must be sovereign equality of States, the peaceful settlement of disputes, refraining from the threat or use of force, and non-interference in internal affairs. One lesson to be readily drawn from the disheartening failures of the international community in recent years is not the lack of legal principles but, instead, the lack of political will to follow the rule of law, at both national and international levels.

In our declaration on the commemoration of the seventy-fifth anniversary of the United Nations, we committed to abiding by international law to ensure justice and enhance the rule of law by strengthening transparent and accountable governance as well as independent judicial institutions. As we embark on aspirations contained in the report of the Secretary-General entitled *Our Common Agenda* (A/76/982) and look ahead to the Summit of the Future in 2024, Rwanda believes that the best measure of our commitment to the rule of law is to recommit ourselves to the abiding values of the United Nations Charter, which includes the promotion of fundamental human rights and addressing the root causes and drivers of conflict among States or within States.

My delegation welcomes the increasing trust of the international community in the independence, fairness, impartiality and effectiveness of the International Court of Justice.

As a global family, we must recognize that the future depends on our solidarity, trust and ability to work together to achieve common goals based on respect for one other. Rwanda is committed to being a country characterized by the rule of law that promotes the sovereign equality of all Member States as well as good-neighbourliness, as espoused in the Charters of the United Nations and of the African Union, and, in particular, the peaceful settlement of disputes.

In pursuit of the promotion of the rule of law through judicial processes, my delegation continues to be alarmed by foreign interference by some developed countries in judicial matters and court processes of developing countries, including Rwanda. My delegation strongly condemns this behaviour. This foreign interference in judicial processes and the independence of the courts has an overarching impact on the effective promotion of the rule of law and is in sharp contradiction to it.

There is a need to address this alarming behaviour and act decisively to safeguard the democratic institutions of developing countries. Rwanda believes that respect for international law is founded on the conviction that international behaviour must be governed through a set of universally applicable rules and international law that all Member States have a responsibility to uphold.

Given our experience, promoting the rule of law is a core value of the Rwandan Government. Rwanda

has laid a foundation for promoting a culture of accountability and zero tolerance for impunity. Rwanda strongly believes that accountability and zero tolerance for impunity are essential precursors to ensuring the rule of law and sustainable peace.

While we celebrate our shared commitment to accountability, in conjunction with our pledge to protect future generations from mass atrocities, it is our collective obligation to acknowledge that the wounds of the survivors of the genocide against the Tutsi in Rwanda will not heal when Member States shelter remaining fugitives instead of bringing them to justice. It is disheartening that some Member States continue to fail to honour their legal obligations under international law to cooperate in bringing genocide fugitives to justice. For a long time, Rwanda's prosecutors have struggled to obtain the cooperation of Member States in apprehending fugitives, even where there were clear leads and evidence of those individuals' presence in those countries. It is imperative that we continue to seek justice for survivors of the genocide against the Tutsi as we strive to heal our nation, and the lack of cooperation hinders these procedures.

Finally, strengthening the rule of law involves respect for the norms of international law and recognition of the primary responsibility of States to protect their populations from genocide, crimes against humanity, ethnic cleansing and war crimes. Rwanda strongly believes that laws are as good as their implementation.

The President: I now give the floor to the representative of Sierra Leone.

Mr. Kanu (Sierra Leone): I thank Japan for convening today's important open debate of the Security Council. The delegation of Sierra Leone congratulates you, Mr. President, on assuming the presidency of the Security Council and on the election of Japan to the Council. I also thank the briefers for their important briefings.

Sierra Leone reiterate its unwavering commitment to the rule of law as an enabler to advance and sustain global peace and security, promote and protect human rights, and cooperate in order to achieve sustainable development. In this debate we wish to underscore four points.

First, the convening of a debate on the rule of law among nations with a focus on promoting and strengthening the rule of law is as relevant today as

it was 77 years ago when the United Nations Charter, the Organization's sacrosanct founding and guiding instrument, was adopted. Examining how we uphold the rule of law is relevant not only for maintaining international peace and security, promoting and protecting fundamental human rights and addressing persistent challenges, including terrorism and violent extremism, but also for addressing emerging challenges like the adverse effects of climate change and climate justice. The periodic examination of the rule of law in all of its aspects is therefore appropriate.

Secondly, Sierra Leone places a high premium on upholding the rule of law and has therefore prioritized maintaining peace, human rights and accountability in our bid for a non-permanent seat in the Security Council for the term 2024–2025. We once again reiterate that respect for the rule of law through accountability and the protection and promotion of human rights builds confidence in democratic governance and international cooperation and helps bridge divides by ingraining a sense of common values and shared humanity and, at the same time, promotes the peaceful resolution of conflicts grounded in respect for the rights and dignity of all. We are therefore committed to join in all efforts to reconfirm the importance of the Charter of the United Nations in the promotion of the rule of law among nations for peace, stability and prosperity, as well as in supporting the mandate of the International Criminal Court and the work of the Security Council.

Thirdly, Sierra Leone welcomes the growing use of peaceful means to settle disputes, including the use of the contentious and advisory jurisdictions of international courts and tribunals, particularly the International Court of Justice, which has been instrumental in resolving legal disputes submitted to it by States and lending its authoritative voice on matters of international peace and security, the environment and human rights in the exercise of its advisory jurisdiction. We note the increase in the submission of contentious legal disputes and requests for advisory opinions. We view that not as the judicialization of political disputes, for instance, but rather as growing trust in the international judicial architecture to peacefully resolve legal disputes. In our view, that is part of States being guided by the rule of law. Advisory opinions have proven valuable in providing legal clarity and preventing the unwanted regress to the rule by force. We therefore urge the strengthening of the international judicial system and

bodies in the exercise of their competent contentious and advisory jurisdictions.

Sierra Leone continues to emphasize the fundamental importance of ensuring consistency in the application of international law for legitimacy. Legitimacy through pluralism in the development and codification of international law and consistency in its application and compliance are vital components in promoting and strengthening the rule of law among nations.

Let me conclude by expressing Sierra Leone's commitment to engage in the deliberations on the new vision for the rule of law as part of the 12 commitments outlined by the Secretary-General in the *Our Common Agenda* (A/75/982) and in the context of the Summit of the Future.

The President: I now give the floor to the representative of Uruguay.

Mr. Amorin (Uruguay) (*spoke in Spanish*): First, let me thank you, Mr. President, and the Japanese presidency for the initiative to hold this meeting. We underline the importance of this opportunity to express the relevance for us of the rule of law for the realization of the purposes of the United Nations and, especially its Charter.

Last year posed challenges to the international community, especially for those of us who believe in the rule of law and that we must conduct our international relations in accordance with international law. The Charter of the United Nations is at the heart of the obligations of States to coexist peacefully. Among its purposes and principles are the maintenance of international peace and security and the peaceful settlement of disputes. For the benefit of all our States, we agreed to those rules of law through our ratification of the Charter and our commitment to be bound by its provisions.

All States Members of the United Nations committed to resolve conflicts peacefully by following certain pre-established norms and rules. Actions that contradict the United Nations Charter are unacceptable and give rise to international responsibility. That is especially true for the most important provisions of the Charter, such as the obligation not to use force against the territorial integrity and political independence of another State — Article 2, paragraph 4 — as well

as respect for the principle of the sovereign equality of States.

Through a binding international agreement, the Charter, the Member States have agreed on the principles of sovereign equality and of refraining from the threat or use of force against the territorial integrity and political independence of any State. It is in the interest of all States, large or small, to uphold the rule of law. That means that we must ensure that the principles we have agreed are respected and applied by all. If a treaty or other international norms are violated, the non-complying State must be held accountable and face consequences.

An important set of General Assembly resolutions adopted over the past year reaffirm those principles, in particular as they underline the need for full respect for the sovereignty and territorial integrity of all States and call for a halt to violations of international human rights and humanitarian law by Member State Governments. That is a reaffirmation that Member States continue to value those principles as legally binding and as fundamental elements of international law to be adhered to and complied with.

Adherence to international law serves our collective security and ensures the safety of our citizens. Many conflicts could be avoided if States complied with their obligations under international law. Among them is the principle of the peaceful settlement of disputes. If States fail or are unwilling to resolve conflicts by peaceful means, the Security Council has a responsibility to maintain or restore international peace and security, as enshrined in the Charter. That means applying the means to restore the rule of law.

The abusive use of the veto in that context raises serious concerns. That is why we support proposals to limit the use of the veto in certain cases, such as the Franco-Mexican initiative in cases of massive human rights violations. Likewise, the adoption by the General Assembly of the so-called veto initiative is a step in that direction. The United Nations must not fail to act when the Security Council cannot act. We saw that in the implementation of the Uniting for Peace resolutions since February 2022 and the adoption of a set of resolutions that, as we mentioned, were adopted by the vast majority of the General Assembly.

We understand, moreover, that only the International Court of Justice, and no other institution, represents the principle of the rule of law among Member States. We

therefore emphasize our support for the work of the Court and reiterate our common duty to respect and implement the Court's decisions and judgments.

The international community's efforts to ensure the rule of law at the national and international levels must include disarmament policies and consider the importance of respecting human rights, protecting the most vulnerable, upholding the right to access impartial, fair and depoliticized justice, respecting and supporting international tribunals and delivering justice and preventing impunity for perpetrators of international crimes.

Adherence to the principles of international law implies a commitment to comply with both treaty and customary norms. The domestic legislation of States must therefore be compatible with those norms and reflect the commitments made at the international level. Moreover, States cannot seek to avoid their international obligations by claiming that they have not been incorporated into domestic law.

By way of example, we would like to cite the case of our country, which since 2006 has had a law on the books that implements the Rome Statute of the International Criminal Court through cooperation with that jurisdictional body in order to combat genocide, war crimes and crimes against humanity. Moreover, Uruguay was one of the first States to recognize the compulsory jurisdiction of the International Court of Justice, even before the existence of the United Nations, in the era of the Permanent Court of International Justice.

The challenges facing the international community are numerous. The validity of the rule of law must be the fundamental basis on which we build our relations and face all of those challenges together. International law, international treaties and the rules we have established to govern our relations — including, most importantly, the Charter of the United Nations itself and its application under the concept of the rule of law — are the best vehicle for promoting the emergence of genuine trust among all members of the international community. We must rely on compliance with the rule of law as the foundation of a new spirit of trust on which to build our relations. The rule of law is the best guarantee for ensuring respect for the sovereignty and equality of all States, large and small. For less powerful States, in particular, it is the only shield we have for the defence of our rights.

The President: I now give the floor to the representative of Viet Nam.

Mr. Dang (Viet Nam): Viet Nam welcomes the convening of this open debate and appreciates the Security Council's continued attention to the place of the rule of law in the maintenance of international peace and security.

Viet Nam aligns itself with the statement just made by the Permanent Representative of the Philippines on behalf of the Association of Southeast Asian Nations (ASEAN).

The rule of law among nations is the bedrock on which the modern international order rests and constitutes the foundation of a peaceful, prosperous and just world. International law, multilateralism and international peace and security are therefore closely associated. We need to rely on multilateralism to protect the international rules-based order and adhere to the rule of law to maintain and strengthen international peace and security. Nevertheless, we have witnessed with concern various challenges to the rule of law and multilateralism that have serious implications for the international legal rules-based order and international peace and security.

Against that backdrop, Viet Nam has time and again underscored the importance of respect for the Charter of the United Nations and the principles of international law. They include the principles of respect for the independence and territorial integrity of States; non-interference in the internal affairs of States; refraining from the threat or use of force; the peaceful settlement of disputes; and the fulfilment in good faith of international obligations. All States, large and small, bear the primary responsibility for adhering to those principles. Our actions, both individually and collectively, must be guided by and in accordance with international law and the Charter.

The United Nations and its main organs, including the General Assembly, the Security Council and the International Court of Justice, must continue to play a central role in promoting cooperation, dialogue and solidarity for the sake of international peace and security through the rule of law and multilateralism. The Security Council must be at the forefront of ensuring respect for the Charter of the United Nations and the rule of law so as to find peaceful and lasting solutions to all conflicts. Council members themselves must take the lead by setting a good example in that regard.

Viet Nam fully commits to working closely with Member States and other partners to promote and ensure stronger adherence to the Charter of the United Nations and the rule of law among nations. During Viet Nam's presidency of the Security Council in January 2020, the Council adopted a presidential statement on upholding the Charter in order to maintain international peace and security (S/PRST/2020/1). In 2021, Viet Nam co-founded the Group of Friends of the United Nations Convention on the Law of the Sea (UNCLOS). Members of the Group of Friends — of which there are now nearly 120, including a number of Council members — seek to renew our collective commitment to promoting the understanding and implementation of UNCLOS.

At the regional level, both within ASEAN and between ASEAN and its partners, Viet Nam has taken an active part in various initiatives to maintain peace and security and to promote the rule of law in the region, particularly in the implementation of the Declaration on the Conduct of Parties in the South China Sea and the negotiation of a code of conduct in the South China Sea in accordance with UNCLOS.

In conclusion, Viet Nam strongly believes that only by working together to ensure respect for the rule of law can we secure peace, prosperity and justice, thereby achieving the purposes of the United Nations.

The President: I now give the floor to the representative of Slovenia.

Mr. Malovrh (Slovenia): Slovenia aligns itself with the statements delivered on behalf of the European Union and by the representative of Austria on behalf of the Group of Friends of the Rule of Law, and would like to add some remarks in its national capacity.

We thank Japan for convening today's pertinent debate, as well as the briefers for their valuable contributions.

The rule of law is in the interests of us all. Its purpose is to ensure that the principles we have agreed on are respected and implemented by all. It has been 77 years since the Charter of the United Nations was adopted. Since then, we — the international community — have achieved so much. At the same time, however, on so many fundamental issues, we are too often taking steps backwards rather than forward. With our external environment becoming more dangerous and unpredictable, respect for international

law and upholding the multilateral rules-based system are key to maintaining peace and security and stability.

Slovenia has always called for full and unconditional respect for international law and has been a vocal advocate of all international courts and tribunals. Adhering to their judgments is a key element in ensuring the international rule of law. We have recently seen and experienced first-hand how the available mechanisms of international law can and must be put into action swiftly and efficiently. It is the Security Council's responsibility to maintain that level of commitment and hold more debates on the challenges that contribute to conflict and insecurity, including on the subject of atrocities and related issues. We also support a hands-on approach to the creation of investigative mechanisms. Similarly, the responsibility to protect against mass atrocity crimes and addressing the processes that lead to them remain priority areas for Slovenia's action.

Slovenia strongly supports the idea that the Security Council should hold closed meetings with members of the International Law Commission for discussions on the most pressing issues of international law. Furthermore, we believe we should pay special attention to the implementation of the concept of accountability, with an emphasis on the most serious violations of international criminal law. The Security Council can do more in that regard, especially in the context of the referral of international crimes to the International Criminal Court.

As we have witnessed, the use of the "Uniting for peace" resolution of the General Assembly calls for further reflection on the working methods of the Security Council with regard to bridging the status quo based on the use of the veto. In that context, Slovenia supports the proposal to limit the use of the veto in certain cases, such as the French-Mexican initiative on the suspension of veto powers in cases of mass atrocities or the code of conduct of the Accountability, Coherence and Transparency group.

Given that the implementation of international law lies in the hands of individual States and that enforcement mechanisms are limited, it is all the more important to realize that the international community can overcome its differences and achieve peace and security everywhere only through joint efforts and an integrated approach. That is why regional, bilateral and multilateral cooperation is crucial. We are pleased

to inform the Council that, in May, Slovenia will host a diplomatic conference to negotiate and hopefully adopt a new convention on mutual legal assistance and extradition between States to ensure the effective domestic investigation and prosecution of atrocities and further cooperation between States in that regard.

In conclusion, it is high time that world leaders and all of us worked harder and worked together, using all available forums to come to solutions and not deepen disagreements. Above all, we must make sure we do not regress to a world where might makes right. After all, that is what Member States signed up for and continue to stand up for today.

The President: I now give the floor to the representative of Thailand.

Mr. Chindawongse (Thailand): I congratulate Japan on its assumption of the presidency of the Security Council and I thank you, Sir, for organizing this very important and timely open debate on the rule of law. Our appreciation also goes to the Secretary-General, the President of the International Court of Justice and Mr. Dapo Akande for their valuable insights.

Thailand aligns itself with the statement delivered by the representative of the Philippines on behalf of the Association of Southeast Asian Nations and would like to make the following remarks in its national capacity.

The rule of law is the bedrock of the Westphalian system and multilateralism. It is fundamental to the maintenance of international peace, security and stability and to peaceful relations and cooperation among States. It ensures justice, fairness and predictability in inter-State relations, interactions with the private sector and engagements involving stakeholders, and it remains a key guarantor of the security of small States, the survival of fragile economies and the welfare of marginalized peoples. Amid the global challenges that we are all facing, the rule of law assumes even greater importance and remains both a critical framework and an indispensable instrument for helping to address those challenges. In that regard, Thailand would like to highlight the following four points.

First, the maintenance of international peace, security and stability must be guided by the rule of law and the relevant international legal frameworks, including the principles enshrined in our Charter of the United Nations. Fundamental in that regard is the sacred notion that the rule of law and legal frameworks

apply to all and in an equal manner — that there can be no differentiated treatment.

Secondly, the rule of law must have as its primary focus the bolstering of peaceful means, whether diplomacy or dialogue, conciliation or mediation. Peace and achieving it peacefully is what the United Nations is all about. It is what the Council is all about.

Thirdly, the rule of law must be anchored in inclusivity. All of us must have a say, because all of us have a stake. That is key to generating trust and legitimacy and ensuring acceptable, sustainable outcomes rather than temporary respites and interludes of non-conflict.

Fourthly, sustaining international peace and security and stability through the rule of law requires the collective efforts of the international community. It is thus essential that we join hands through the platforms and architecture provided by the United Nations to find effective, sustainable and peaceful solutions that address both the short and long term by dealing with immediate concerns, such as humanitarian situations, and by preventing problems that could flare up if we neglect long-standing grievances or injustice.

With those four points, Thailand is determined to work with the international community to help to maintain international peace, security and stability, realize sustainable development and promote human security in accordance with the purposes and principles of the Charter and through respect for the rule of law. We also stand ready to support the United Nations to advance the rule of law — including through the work of the Sixth Committee and the International Law Commission, among other institutions — and we will support legal capacity-building, because it is also through greater awareness and universal grass-roots support for the rule of law that we can reinforce it at the global level.

Looking forward to our work at the United Nations, Thailand is pleased that the Secretary-General's report *Our Common Agenda* (A/75/982) also incorporates the issue of the rule of law. We are of the view that a new vision for the rule of law should put people at the centre. Putting people first — at the centre — is not new. It is at the heart of human security, the most recent vision of which was developed by the United Nations Development Programme last year with important contributions from Japan. For it is through promoting and respecting a people-centred rule of law that we

can more effectively steer towards peaceful, inclusive and just societies where no one will be left behind and everyone's human security will be ensured.

In conclusion, the path ahead is to strengthen multilateralism, international cooperation and peaceful means while adhering to international legal obligations, including the principles enshrined in our Charter. It is that path, we believe, that will lead to a peaceful, stable and enabling environment that provides the best chance for States to prosper, communities to flourish and people and their families to live in dignity and with hope. In all of that, the rule of law is not only a critical ingredient but also a powerful game changer. Let us work to make that happen.

The President: I now give the floor to the representative of Australia.

Mr. Fifield (Australia): Australia thanks Japan, and in particular the Minister for Foreign Affairs, for convening this important debate.

The rule of law lies at the heart of the international rules-based system. It provides an essential foundation for a peaceful and secure world in which all countries and persons can cooperate, trade and thrive, where nations can prosper on the basis of fairness, stability and predictability, and where small and medium-sized countries are able to maintain their sovereign choices, protected by rules. For more than 75 years, the Charter of the United Nations has underpinned international law and supported global stability, and the International Court of Justice has played a vital role in facilitating the peaceful settlement of disputes. Yet the international legal order is under great strain. Russia's illegal and immoral invasion of Ukraine is a gross violation of international law, including the Charter of the United Nations.

Over the past year we have seen Russia contort and abuse fundamental principles of international law, including through its attempts to justify its war of aggression against Ukraine under the Convention on the Prevention and Punishment of the Crime of Genocide and to legitimize the so-called referendums in eastern and southern Ukraine with references to self-determination. That is why Australia has supported accountability for Russia's actions through established legal processes, including the International Criminal Court and the International Court of Justice, and why we continue to call for Russia to comply with the International Court of Justice's legally binding order

and immediately withdraw its military forces from Ukraine. We reaffirm General Assembly resolution ES-11/5, adopted on 14 November 2022, which recognizes that Ukraine's injuries require full reparation by Russia, in accordance with the international law of State responsibility.

In the Indo-Pacific, Australia strives to support a region that is open, stable, prosperous and respectful of sovereignty; where disputes are guided by international law, not power or size, and where the agency and leadership of regional institutions, such as the Pacific Islands Forum and the Association of Southeast Asian Nations, are respected. Australia reaffirms the universal and unified nature of the United Nations Convention on the Law of the Sea (UNCLOS) as the legal framework within which all activities in the oceans and seas must be carried out. It is the legal regime for establishing all maritime zones, protecting our oceans and maintaining peace and security in the maritime domain. We maintain that any maritime disputes, including those in the South China Sea, should be resolved peacefully in accordance with international law, particularly UNCLOS.

As we look towards the future, Australia aspires to shape outcomes that support our collective interest — a world where the rules are clear, mutually negotiated and consistently followed. Today I am pleased to announce that Australia will be joining the Group of Friends of the Rule of Law to reaffirm our commitment, and I encourage other States to support that initiative.

The President: I now give the floor to the representative of South Africa.

Ms. Joyini (South Africa): We congratulate Japan on convening this debate on promoting and strengthening the rule of law in the maintenance of international peace and security. And we thank the Secretary-General and all the briefers for their insightful remarks. It is a timely debate, as we continue to witness an increasing disregard and blatant breaches of the rule of law.

The rule of law, as we all know, is fundamental to the maintenance of international peace and security. It is also a critical component in our ability to achieve the 2030 Agenda for Sustainable Development. *Our Common Agenda* (A/75/982) reminds us that the purposes and principles of the Charter of the United Nations remain timeless, universal and an indispensable foundation for a more peaceful, prosperous and just world. The Charter was born out of experience of war and conflict to be the basis for friendly relations among

States, the maintenance of international peace and security, and the promotion of better standards of living for all. Since the adoption of the Charter the world has seen many positive advances, including decolonization, the spread of self-determination and the promotion of human rights, the rule of law and democracy. While that progress is commendable, we are concerned about the fact that some people are still living under conditions of foreign occupation and are denied their right to self-determination.

South Africa stresses the critical importance of respect for the rule of law as part of the maintenance of international peace and security and political stability. We urge all States to abide by their international obligations and desist from actions that violate the Charter of the United Nations and international law. International law is a global public good and works to the benefit of all when all States respect it. It is particularly at times when the world is facing uncertainties that we need to resort to the rule of law as a basis for a world order that can be characterized by predictability in the relations between States.

South Africa reaffirms the importance of Article 2, paragraph 4, of the Charter, which prohibits the use or threat of use of force, and we call on all members of our Organization to respect the sovereignty, territorial integrity and political independence of other States. We also call for resolving conflicts through diplomacy, dialogue and negotiations. The experience of history shows that there are no winners in wars. We reiterate our belief that it remains crucial for the Security Council to pursue unity and consensus in the consistent promotion of the rule of law as it executes its primary mandate of the maintenance of international peace and security. That is vital to enhancing the credibility of the Council and improving accountability.

The rule of law has been the founding value of the democratic system in South Africa since the end of apartheid. Chapter 1 of our Constitution provides that the Republic of South Africa is founded on the supremacy of the Constitution and the rule of law. Our adoption of the Constitution created a pathway to a society deeply grounded in a constitutional democracy. At the centre of our Constitution is the importance of the independence of the judiciary. Our judiciary protects the rule of law and safeguards the rights and freedoms of people, as well as South Africa's democracy.

In conclusion, we commend and support the United Nations for its initiative to promote the rule of law at national and international levels. Upholding the rule of law and justice systems that are responsive to people's needs remains an important priority for South Africa and should be for all Member States, as signatories to the Charter of the United Nations.

The President: I now give the floor to the representative of the Islamic Republic of Iran.

Mr. Jalil Iravani (Islamic Republic of Iran): I thank you, Mr. President, for organizing today's high-level open debate on this important issue. I also thank the briefers for their insightful briefings.

The rule of law is essential to maintaining international peace and security, as it promotes predictability, stability and justice in an international legal-based order. The Charter of the United Nations sets forth the norms and principles for Member States, which have pledged to follow them in order to maintain international peace, security and the rule of law. The fundamental principles of the Charter, such as the sovereign equality of all members of the Organization, the prohibition of the use or threat of use of force in international relations and the peaceful settlement of disputes, should act as a framework for advancing the rule of law within the United Nations.

Some Member States, in particular the United States, consistently misuse the authority and power of the United Nations, using it as a tool to exert pressure on sovereign States in pursuit of their own illegal political agendas and to further their unilateral actions. When it comes to the decisions of the Security Council, such illegal actions can have a detrimental impact on international peace and security. That is especially evident in the Middle East, where the Council has failed to take the necessary action to address the ongoing atrocities and human rights violations committed by the Israeli regime in the occupied Palestine territory, including its continued violations of United Nations resolutions and international law. In addition, the Council has failed to address the acts of aggression, occupation and infringement of national sovereignty and territorial integrity committed in the Syrian Arab Republic. In Afghanistan, the International Criminal Court has neglected to open an investigation into crimes committed there by foreign forces during their 20-year presence. Meanwhile, the Security Council has not addressed the consequences of the hasty and

irresponsible withdrawal of the United States and NATO forces from Afghanistan, which has left the country facing severe challenges.

Unilateralism poses a serious threat to the rule of law and the Charter of the United Nations and creates obstacles to international cooperation and peace and security. The ongoing illegal unilateral acts by the United States, a permanent member of the Security Council, against sovereign Member States such as Iran, as well as its coercion of other Member States to participate in those illegal actions or face repercussions, undermine the rule of law and violate the Charter. The United States' withdrawal from the Joint Comprehensive Plan of Action and reimposition of unilateral coercive measures, a flagrant violation of resolution 2231 (2015), as well as its illegal action in depriving Iran of its rights as an elected member of the Commission on the Status of Women and its open defiance of the International Court of Justice's provisional order to lift sanctions on humanitarian goods, are clear examples of how the United States undermines the rule of law within the United Nations system — and that is only the surface of the issue.

To promote the rule of law in the maintenance of international peace and security, all Member States must fulfil their obligations under international law and the Charter, uphold their commitments to international treaties and agreements, use diplomatic means and dialogue to resolve conflicts and disputes peacefully and work with other States to find solutions that uphold and respect the rules and principles of international peace and security. All United Nations bodies should abide by their Charter-mandated responsibilities and prioritize transparency and accountability in their work, which would facilitate trust and collaboration among the United Nations organs.

Finally, regarding the unjustified mention and unfounded claim made in his statement today by the Minister of State of the United Arab Emirates regarding the three Iranian islands in the Persian Gulf, I would like to point out that such unfounded claims, which we categorically reject, are inconsistent with the principles of international law, including the principles of good neighbourliness and non-interference in the domestic affairs of other sovereign States. Respect for those principles is essential to the promotion of the rule of law at the United Nations. We also reject the allegation made by the representative of the United Kingdom about Iran's peaceful nuclear programme. Our nuclear

activities are peaceful and consistent with our rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

The President: I now give the floor to the representative of Portugal.

Ms. Zacarias (Portugal): I would like to thank Japan for convening this important open debate, and I also thank all of today's briefers. And I want to take this opportunity to wish Japan every success during its tenure as President of the Security Council.

Portugal aligns itself with the statement delivered on behalf of the European Union.

We are strongly committed to the work of the United Nations to respond to the multiple challenges that we all face as an international community. In that regard, I would also like to commend Secretary-General António Guterres for his briefing this morning and for his leadership in the promotion and strengthening of the rule of law.

Respect for the rule of law is a cornerstone of the peaceful coexistence of nations and an essential prerequisite for relations among States, international organizations and individuals. We must stand firm in our belief that multilateralism must be guided by this principle in order to ensure a better future for all. In a globalized world, the rule of law at the national and international levels is a necessary condition for interaction among States and for the existence of peaceful societies. It is also an essential tool for promoting and upholding international peace and security. Russia's ongoing invasion of Ukraine has clearly and dramatically demonstrated the need to reaffirm our commitment to upholding the rule of law at the international level.

The peaceful settlement of disputes is established in the Charter of the United Nations, and international and hybrid courts and tribunals play a vital role in strengthening the rule of law. Portugal appeals to the Security Council to make better use of the International Court of Justice, the principal judicial organ of the United Nations, in order to settle disputes affecting international peace and security by peaceful means. In that vein, we call on the Security Council to take a proactive role in ensuring compliance with the Court's judgments.

Adherence to rule of law is also critical to conflict prevention and to ensuring the stabilization, recovery

and reconstruction of fragile and conflict-affected environments, as well as their long-term sustainable development. Moreover, there is a strong and mutually reinforcing relationship between the rule of law, accountability and human rights, which we must preserve and uphold.

Finally, the rule of law is also key to addressing, adapting and responding to future challenges, including with a view to ensuring that emerging technologies and innovations are consistent with the defence of human dignity, the promotion of international peace and security and the strengthening of our common institutions.

In conclusion, I reiterate our firm commitment to a rules-based international order, with the United Nations at its core. We hope that this debate will further contribute to enhancing the crucial role of the United Nations and the Security Council in the promotion and strengthening of the rule of law.

The President: I now give the floor to the representative of Luxembourg.

Mr. Maes (Luxembourg): I have the honour to deliver this statement on behalf of the Benelux countries — Belgium, the Kingdom of the Netherlands and my own country, Luxembourg. We subscribe to the statement made on behalf of the European Union. We thank Japan and Minister Hayashi for convening this open debate.

At the outset of the modern age, the Dutch jurist Grotius argued that, in order to end war and create peace, States are required to submit to common rules, restrain their use of force and take responsibility for humankind as a whole. That rule of law was at the very core of the foundation of the Benelux Union, comprising a group of small countries, surrounded by larger neighbours, in a region historically subject to war. When all of us adhere to the rule of law, it is our best guarantee for common security and prosperity and the best conflict-prevention tool available.

However, there is a fragility to the rule of law throughout the world. Among other situations, that is exemplified by Russia's war of aggression against Ukraine, which started in 2014 with Russia's illegal annexation of Crimea, the attacks in eastern Ukraine and the downing of Malaysia Airlines flight MH-17, and which culminated in a full-scale invasion of Ukraine, facilitated by Belarus, last year. It has not only caused immense suffering in Ukraine. but it has

also made the entire world less safe, less food secure and less prosperous.

For decades, the international community has worked to develop legal frameworks aimed at securing peace, justice and human rights. With political will, we can collectively enforce those frameworks and preserve the rule of law. Allow me to highlight three avenues of action for all situations in which the rule of law is breached.

First, the international community must continue to speak out against all grave violations of the Charter of the United Nations wherever they occur. Last year, the General Assembly took unprecedented action. It condemned Russia's war of aggression, it underlined the fact that Russia's attempted illegal annexation of four regions of Ukraine had no validity under international law, and it called for Russia to pay war reparations to Ukraine.

When it comes to the Security Council, it is unacceptable that a permanent member exercises its veto to defend its own acts of aggression. That is why the Benelux countries strongly support the resolution establishing a standing mandate for a General Assembly debate when a Council member casts a veto.

Secondly, we need to pursue justice and accountability and use all the legal instruments that we have at our disposal. That includes the peaceful settlement of disputes and the use of courts. Clear examples are the Special Criminal Court in the Central African Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

We also fully support the work of the Independent International Commission of Inquiry on Ukraine and the investigations of the International Criminal Court into possible war crimes, crimes against humanity and genocide in Ukraine. We support calls for the establishment of an international tribunal to prosecute the leaders responsible for the crime of aggression against Ukraine. We call on Russia to comply with the order of the International Court of Justice on provisional measures, which is legally binding.

Thirdly, history taught us there would be no lasting peace if aggression is rewarded and the rule by force wins over the rule of law. Supporting Ukraine means

supporting the international rule of law. That is why the Benelux countries will continue to support Ukraine to help it to defend itself and overcome the Russian aggression for as long as is needed. We call on the international community to do the same.

In conclusion, a dependable, rules-based legal order is a prerequisite for security, stability, economic growth and, lastly, peace in Europe and in all regions of the world.

The President: I now give the floor to the representative of Guatemala.

Ms. Rodríguez Mancía (Guatemala) (*spoke in Spanish*): We welcome the call by His Excellency the Minister for Foreign Affairs of Japan this morning to unite for the rule of law.

Guatemala strongly believes that the Charter of the United Nations is the mainstay of international peace and security, representing a rules-based international order firmly rooted in the principles of sovereign equality and non-intervention, the prohibition of the threat and use of force and respect for human rights. The Charter of the United Nations and the collective security system established under it therefore constitute the foundation of the rule of law at the international level. We emphasize the inherent relationship between the rule of law at the national and international levels.

At the national level, the State of Guatemala upholds the principles of the rule of law, democratic values and judicial independence. All its actions must be based on the Political Constitution of the Republic of Guatemala and the constitutional laws, which require it to ensure not only freedom, but also justice and the overall development of the individual.

The rule of law is the basis for the existence of a just and equitable society, in addition to being an essential element of peace, security and sustainable development. We recognize the global efforts to promote the achievement of Sustainable Development Goal 16, which involves strengthening internal State institutions and a renewed commitment to international bodies entrusted with maintaining peace and administering justice among States.

The International Court of Justice plays a fundamental role in the maintenance of international peace and security and the establishment of a rules-based international order. Its very existence denotes the principle that disputes between States should be

settled on the basis of international law and diplomacy, not by resorting to armed force. That principle is an inalienable element of the rule of law and is of particular importance given the illegal aggression by the Russian Federation against Ukraine, which is contrary to the purposes for which this Organization was established.

Guatemala places great importance on the settlement of disputes by peaceful means. As evidence of our trust in the international justice system, Guatemala has therefore submitted the territorial, insular and maritime dispute with Belize to the International Court of Justice.

The role that the Security Council must play in promoting and strengthening the rule of law cannot be avoided. States Members of the United Nations have conferred upon the Council the mandate to maintain international peace and security, which is an attribution of responsibility that must not be allowed to be impeded by the irresponsible exercise of the right of veto. The International Court of Justice itself has recognized that the discretionary powers conferred in treaties must be exercised in accordance with the principle of good faith, not for the purpose of frustrating their goal and purpose. We also acknowledge the important work of the International Criminal Court in the fight against impunity, the complementary role of which is to support national justice systems when they are unable or unwilling to prosecute the most serious crimes of concern to the entire international community. Without the International Criminal Court, the promise of the rule of law at the international level would be in vain, the protection of human rights would be lacking and the maintenance of international peace and security would be impossible.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Pieris (Sri Lanka): Sri Lanka congratulates Japan on its assumption of the presidency of the Security Council for the first month of the new year. We also thank Foreign Minister Hayashi Yoshimasa and you, Sir, for convening this meeting in a year of renewed hopes and dreams — a time when we will build back better a world structured on the social contract that Hobbes' *Leviathan* recognized as the cornerstone of democratic political philosophy founded on the rule of law.

As we have been hearing throughout the day, and the cornerstone of governance. The modern concept

of the rule of law is fairly wide and therefore sets up an ideal for any nation to achieve. The concept was developed by the International Commission of Jurists in 1959 and issued as the Declaration of Delhi, which was later reaffirmed in Lagos in 1961. According to that formulation, the rule of law implies that the functions of the Government in a free society should be so exercised as to create conditions in which the dignity of man as an individual is upheld. Such dignity requires not only the recognition of certain civil or political rights, but also the creation of certain political, social, economic, educational and cultural conditions that are essential to the full development of his personality. I am compelled, however, to pose the question of whether, in this day and age, the rule of law is simply rhetoric or a universal principle?

We know that international law is an existing and indestructible reality and offers the only hopeful foundation for an organized community of nations within the framework of the rule of law. That is well founded and true. Those who best know the deficiencies of international law are those who also know the diversity and permanence of its accomplishments and its indispensability to a world that plans to live in peace. Our recent experiences cannot fail to arouse among the community of nations a broader or deeper interest in the methods by which conflicts between States may be settled without wars or aggression. We thirst for freedom. We have twice in our lifetime disrupted our way of living, demoralized our economies and threatened the security of life, liberty and property on our planet, our only home, and we are currently on the brink of a third such occasion. The assurance of our fundamental laws that a citizen's life may not be taken without due process of law is of little avail against aggression or the necessities of war.

Is it not now clear that personal freedom — at least of the kind and degree we have known — is inconsistent with the necessities of total war and incompatible with a state of militarization that requires remaining in constant readiness for war? Awareness of the effect of war on the fundamental laws of our nations should make clear to the peoples of the world the imperative and practical nature of our striving for the rule of law among nations.

Everything we do will fail unless we devise instruments of adjustment, adjudication and conciliation that nations will find reasonable and acceptable so that future Governments will always have an honourable

alternative to war. It has been said that the advancement of civilization does not diminish, but that it rather multiplies the occasions and causes of serious dispute among States. But war is less likely to break out among peoples whose habit is to regard peaceful ways of settlement as honourable and customary. We must encourage nations in time of threat and crisis to find it possible to accept alternatives to war only if their people consider that the peaceful alternative causes no loss of face. Governments in emotional times are particularly susceptible to passionate attacks in which such emotion is appealed to — sometimes by an emotional appeal to the notion of an impairment of sovereignty.

It has been observed that the work of the International Court of Justice has been appreciated in only but a few of the important cases that have been submitted to it. But to most of the nations and their people, such international tribunals, as we have had heard, were inaccessible professionally, as well as geographically, and bore little on the profession's day-to-day work and problems. While private claims based on alleged violations of international law or treaties are numerous, no permanent judicial machinery has been available for their adjudication. We still leave the traveller, the businessman or the owner of property in a foreign country who suffers a violation of international law or treaty rights in the unhappy position of having no sure or easy remedy. And the legal fraternity still thinks of them as matters only for us diplomats.

It has been said, it seems, that much hinges on the acceptance of the concept of the Court as an independent body above obligation to any nation or interest. We must appreciate that we, as a global body, cannot see how we, or any nation of like philosophy, could submit a dispute to a court otherwise conceived or concede any measure of compulsory jurisdiction to it. Jurists have observed that we can have nothing in common with the cynics who would have us avoid disillusionment by having no ideals and who think that, because they do not believe in anything, they cannot be fooled. We must keep the faith. As Lord Chief Justice Coke observed, even the King is under God and the law; for it is the law that makes him a king.

Let me briefly turn to our courts. We must bear in mind that it is futile to think that we can have international courts that will always render the decisions we want to promote our interests. We cannot successfully cooperate with the rest of the world in establishing a regime of law unless and until we are

prepared to have that law sometimes operate against what would be to our national advantage. In our internal affairs, we have come to rely on the judicial process to settle individual controversies and grievances and even those between nations, not because courts always render the right judgments, but because the consequences of wrong or unwise decisions are not nearly as evil as the anarchy that results from having no way to obtain any decision on such questions.

The alternative is to take case law into our own hands. And, in a somewhat similar spirit of accommodation, we must look upon any international tribunal, not as one whose decisions will always be welcome, but always right or wise. But the worst settlement of international disputes by adjudication or arbitration is likely to be less disastrous to the loser and less destructive to the world than no other settlement than war. And we will not suffer the worst of decisions but will benefit from the judicial process at its best if we insist on the independence and intellectual integrity of any international tribunal that seeks to adjudicate or arbitrate between States.

The General Assembly is entrusted with the crucial responsibility of promoting the steady advancement of international law and its codification under Article 13 of the Charter of the United Nations. The United Nations has been successful in significantly strengthening the rule of law on a global scale. We stress that laws are only as effective as their implementation. In addition, their implementation is only as good as the fairness on which it is based. Sri Lanka therefore reiterates its call for systems to ensure a fair and just application of laws and principles agreed on by United Nations Member States, including the principles enshrined in the Charter. It is said that Governments can easily exist without laws, but laws cannot exist without good responsible Government. It is confidence in the men and women who administer the judicial system that is the true bedrock of the rule of law. It is incumbent on all States that seek to establish and entrench the rule of law to develop, sustain and nourish the human resources vital to ensuring the rule of law among nations. Let us today pledge to commit ourselves to that ultimate goal.

The President: I now give the floor to the representative of Slovakia.

Mr. Mlynár (Slovakia): At the outset, allow me to congratulate Japan, and you personally, Mr. President, for assuming the presidency of the Security Council

for this month. We warmly commend you, Sir, for convening today's critical and timely debate on a very important topic. We would also like to thank the Secretary-General, the President of the International Court of Justice and Mr. Akande for their briefings.

Slovakia fully aligns itself with the statements made on behalf of the European Union and its member States and on behalf of the Group of Friends of the Rule of Law.

While we cannot overestimate the importance of accountability for violations of international law and the key role of such institutions as the International Court of Justice and the International Criminal Court for the strengthening of the rule of law among nations, these and other elements were well covered in the aforementioned statements to which we fully subscribe. In the light of the limited time available, I will restrict myself to only one, but, from our perspective, most alarming and most important, point related to today's discussion.

The rule of law as we know it today is under attack, mostly by one Member State, which is also a permanent member of the Security Council. More forcefully since last February, the Russian Federation has been promoting an alternative concept of the rule of law. It is a concept under which an aggression is allegedly self-defence and where the principle of the peaceful settlement of disputes is implemented by a full-scale military invasion aimed at changing internationally recognized borders and legitimate political leadership; a concept under which deliberate strikes against civilian infrastructure are allegedly not violating international humanitarian law, and any damage or suffering are alleged to be caused by the victim-State daring to simply defend itself or by States providing support in exercise of its right to self-defence; a concept under which the respect for human rights and accountability for the violations thereof are subject to justification of political interest; and a concept under which rulings of the International Court of Justice can be ignored just because they do not further imperialistic appetites.

I could continue along these lines, unfortunately, but I trust that the main point has been made clear. This alternative concept promoted by Russia empowers the rule of force over the rule of law and constitutes, in our view, the most alarming challenge to the purposes and principles underpinning the functioning of the United Nations and to the current international legal order. It is therefore crucial — for the future of the United Nations

system anchored in the Charter, for its credibility and for the binding force of international law — that we all become vocal when violations occur and that accountability therefore be triggered.

We must all resubscribe to the principles of the United Nations Charter and international law not only in our statements, but mostly —and most importantly — in all our practical actions. Otherwise, what is an existential question for Ukraine today may easily become an existential question for any other Member State tomorrow.

The President: I now give the floor to the representative of Mexico.

Mr. Ochoa Martínez (Mexico) (*spoke in Spanish*): My delegation wishes Japan every success in its presidency of the Security Council for the month of January

As we have reiterated on many occasions, respect for international law and the rule of law is a *sine qua non* for sustainable peace. This is the premise that also guarantees equality among all States, regardless of their size or geographic location.

Virtually all conflicts and situations on the agenda of the Security Council have the breakdown in the rule of law as a component. With regard to the questions included in the concept note (S/2023/1, annex), Mexico notes that there have been occasions where invocations of Article 51 against non-State actors in a third State under the so-called doctrine of unwillingness and inability have gone beyond the provisions of that Article and constitute an abuse of the principle of the right to self-defence, an abuse that in turn exacerbates conflicts by fuelling hatred and extremism.

On the other hand, we continue to witness how the principle of the prohibition of the use of force against the political independence and integrity of States, reflected in Article 2, paragraph 4 of the Charter, is violated. This is perhaps the greatest challenge facing the Security Council, which is unfortunately and recurrently paralysed by political divisions, lack of will and abuse of the veto. We once again invite States to join the Franco-Mexican initiative on veto restraint in cases of mass atrocities, which already has 106 signatories.

It is essential to strengthen all the principal organs of the United Nations in their preventive and peaceful dispute-settlement functions. The International Court of Justice represents the force of reason and

international law over the power to make war, and its work is crucial in resolving disputes and preventing the escalation of conflicts. This includes both its judicial and advisory functions.

In that regard, Mexico reiterates that it would be beneficial to authorize the Secretary-General to request advisory opinions from the Court, which would result in greater mediation capacity. Furthermore, the General Assembly, despite its limitations, has great impact as the United Nations body with universal representation. General Assembly resolution 76/262 is a clear example of how the relationship, transparency and accountability between the Assembly and the Security Council can be strengthened and improved. We should not underestimate the impact of collective participation in situations that threaten international peace and security.

The President: I now give the floor to the representative of Latvia.

Mr. Pildegovičs (Latvia): Latvia warmly welcomes Japan's initiative of convening today's debate. I thank the Secretary-General, Mr. António Guterres, the President of the International Court of Justice, Judge Joan E. Donoghue, and Mr. Akande for their insightful briefings.

As we face new and complex threats and challenges to international peace and security, and as we see new levels of atrocities, brutality and suffering, all Member States must remember that our collective response to threats to international peace and security must be guided by the rule of law at both the national and international levels. The rule of law is fundamental to ensuring international peace and security and political stability. As we reaffirm the commitment to respecting the rule of law, we also witness that the implementation of international law is being challenged more than ever before.

Latvia remains committed to strengthening the rules-based international order because at the core of this order is respect for the sovereignty of States and the prohibition of the use of force. We believe that no State can be above the law — no matter how large or small. Yet today we are experiencing violations of international law that aim to undermine a system, which, ultimately, is there to protect us all.

Russia's ongoing aggression against Ukraine is currently the most serious breach of international law.

The redrawing of the borders using military power represents a threat that goes beyond Ukraine. It is a brazen assault on the international legal order and the United Nations Charter as such. While the Security Council essentially has all the tools necessary to respond and maintain peace in accordance with the United Nations Charter, it is unable to do so because it is being hijacked by Russia and its abuse of the veto.

It is essential to do everything possible to settle disputes between Member States by peaceful means. In that regard, Latvia underlines the key role of the International Court of Justice in the strengthening of the international rule of law. Through its work, it helps us to understand that the rule of law cannot be applied in a vacuum, but must be interpreted in the light of the realities of the international community in order to remain relevant and effective. We again urge Russia to immediately suspend its military operation in Ukraine, as ordered by the International Court of Justice.

Latvia strongly supports the investigation launched by the Prosecutor of the International Criminal Court regarding atrocity crimes. Regrettably, the International Criminal Court is unable to exercise jurisdiction over the crime of Russia's aggression committed against Ukraine. Latvia is therefore dedicated to strengthening accountability and fighting impunity by supporting the establishment of an ad hoc special tribunal for the crime of aggression.

Ensuring accountability for the crime of aggression committed against Ukraine would signal that waging blatantly unlawful colonizing wars will not go unpunished — not now, not ever. The response of the international community against this brazen aggression, this mother of all crimes, including through prosecution, is therefore of crucial importance for the restoration of justice and for the future of the international legal order.

The President: I now give the floor to the representative of Chile.

Mr. Ruidíaz Pérez (Chile) (*spoke in Spanish*): Chile appreciates the holding of this debate and welcomes the participation of the Minister for Foreign Affairs of Japan. A full version of this statement will be sent in writing.

The rule of law is fundamental in the international order, especially in matters of peace and security. Its observance is a critical element for the peaceful

development of relations among peoples and the peace and stability of nations. We need to cooperate in order to strengthen the international legal order and the rule of law, which are also essential for ensuring good governance, human rights and economic and social progress.

The rule of law, translated into respect for international law and international treaties, in particular, as well as the peaceful settlement of disputes, is the essence of international coexistence. For Chile, the promotion of, and respect for, the rule of law implies the progressive and universal acceptance of international law by States and the fulfilment in good faith of international obligations.

In line with the *Our Common Agenda* (A/75/982), which reflects the spirit of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, we agree on the need to put people at the centre of the rule of law. For Chile, the rule of law at the international level has an intrinsic link with the rule of law at the domestic level.

Chile wishes to highlight the contribution made to the international rule of law by the Human Rights Council, the universal and regional human rights treaty mechanisms and the advancement of international humanitarian law, with the establishment of international tribunals with international criminal jurisdiction, in particular the International Criminal Court.

The principles proclaimed by the Charter of the United Nations must be strengthened. We are concerned about their non-observance by some States. States are the first that are called upon to fulfil the purposes of maintaining international peace and security and the principles of the Charter, especially through the prevention of crises or breaches of the peace, threats to peace or aggression. States have an obligation to resort to the peaceful settlement of disputes, to respect the principle of sovereign equality and to fulfil international obligations in good faith. The principle of refraining from the threat or use of force against another State is fundamental.

There are threats that do not recognize borders, such as climate change, pandemics, famine, organized crime, human trafficking, terrorism and, in tragic cases, misogyny.

Chile values the role of the International Court of Justice as one of the cornerstones of the international

rule of law. Article 94, paragraph 2, of the Charter attributes powers to the Security Council in the event of non-compliance with the Court's rulings, a remedy that has not been used regularly.

In the same vein, it is also the duty of the General Assembly and the Council to consider matters in which they have competence, consistently applying international law, with a view to contributing to the promotion and consolidation of permanent institutions that have universal impact and validity.

The United Nations and the General Assembly, in particular, must continue to promote conditions, means and mechanisms for respect for the rule of law, including through the promotion of dialogue and cooperation among States.

The President: I now give the floor to the representative of Ireland.

Mr. Mythen (Ireland): As this is my first time returning to the Security Council, I wish to congratulate Japan on its presidency and on organizing today's open debate.

Ireland aligns itself with the statement delivered by the representative of the European Union.

Ireland is committed and dedicated to the rule of law, which lies at the very heart of international peace and security and of the United Nations. In 1945, in the Charter of the United Nations, we proclaimed that "we the peoples" were determined "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

Our Charter underlines that this Organization is based on the sovereign equality of all States, that we shall settle our disputes by peaceful means and that we shall refrain from the threat or use of force. And yet the lines set out in the Charter have been crossed repeatedly. As we consider the many crises on the Council's agenda, it is clear that promoting the international rule of law remains an urgent duty and a moral imperative.

All States are equal under international law, and every sovereign State has the right to coexist in peace, free from outside interference. We all understand that rules developed through negotiation are far more effective in the settlement of disputes than rules imposed by the powerful. That is a central feature of the international rule of law, because rules developed

through negotiation and agreement are accepted as legitimate, and they are based on consent.

Ireland's engagement in, and support of, a rules-based international order founded on the rule of law is illustrated by our active support for the institutions that safeguard it. We are, therefore, a strong supporter of the International Court of Justice. That Court is strengthened when States accept its compulsory jurisdiction, as Ireland has done.

Ireland is firmly committed to accountability and to the role of the rule of law in building an effective international criminal justice system. And Ireland is firmly committed to the International Criminal Court and its role in seeking to ensure that those responsible for the most serious crimes of international concern cannot do so with impunity. Ireland also firmly supports all efforts aimed at the elaboration of a convention on crimes against humanity.

As we reflect here today on the Security Council and the rule of law, we cannot ignore the veto. At a minimum, all permanent members of the Council should commit to refraining from using the veto when dealing with atrocity crimes. That should be an absolute minimum.

As we gather here, Ireland encourages the Council and all States to defend a rules-based international order. It is a truly vital and indispensable component if we are to effectively address the grave international security challenges faced by our world today.

The President: I now give the floor to the representative of Maldives.

Ms. Hussain (Maldives): The United Nations was founded upon the principles of sovereign equality, equal rights, self-determination and settling international disputes by peaceful means, as enshrined in the Charter of the United Nations. Since our admission to the United Nations in 1965, the Maldives has accepted those principles, embraced the international order and adhered to the rule of law nationally and internationally. The rule of law has been key to my country's nation-building and progress as we make democratic gains anchored in justice and equality.

The Maldives knows that, in the face of a mightier adversary, we cannot rely on force, but instead we must rely on international law, the United Nations Charter and our multilateral system to protect us from potential threats. We know that we do not possess powerful

weapons of destruction. Instead, we rely on our principles and the solidarity of nations that comes from unwavering adherence to those principles. We rely on dialogue and diplomacy, and we believe in the power of multilateralism.

As a small State, the Maldives has always taken a principled stand on violations of the territorial integrity of a sovereign country, and our record in the General Assembly reflects that fact. We reaffirm that the rule of law should be respected by all States, irrespective of their size or might. We have always advocated for the rule of law to ensure that the most vulnerable are protected and the rights of all are respected.

In 1989, the Maldives proposed and advocated for General Assembly resolution 46/43, on the protection and security of small States. Our position flowed from our bedrock belief in the equality of all States and unconditional respect for all principles of the Charter of the United Nations, including the principles of sovereign equality, territorial integrity and non-interference in the internal affairs of other countries, as well as the peaceful settlement of disputes, and their consistent application. The smallest nations in the international system deserve and must be accorded the full protection that adherence to the rule of law internationally can afford.

We are currently living in a world marred by multiple conflicts and humanitarian crises. The report (S/2022/381) of the Secretary-General on the protection of civilians in armed conflict issued on 10 May 2022 records 11,075 civilian deaths in 2021 across 12 armed conflicts. That was before the war in Ukraine, which has the potential for the further escalation of political instability and unrest around the globe. In addition, United Nations experts have underscored that 2022 was the deadliest year for Palestinians due to Israeli violence across the occupied Palestinian territory.

The Maldives believes that the rule of law should be applied equally across the board to all countries. It is critical that the perpetrators of blatant violations of international law and international humanitarian law — regardless of the conflict in question, the side of the conflict they fought on or whether it is an active or post-conflict situation — be held accountable for their actions.

Yet here at the United Nations discussions on the most pressing security issues have been relegated to a small group of Member States, while the authority for absolute decision-making has been consolidated in

even fewer hands. Therefore, the Maldives believes that the reform of the Security Council is critical to make the Council more democratic in composition, more effective in its decision-making and more accountable to the general membership. Last year, we co-sponsored the veto initiative to show support for increasing the substantial role and moral authority of the General Assembly to ensure that there is increased transparency in the work of the Council.

A strong commitment to upholding international law is one of the cornerstones of the foreign policy of the Maldives. The Maldives recognizes the invaluable contribution of peaceful dispute settlement in upholding the rule of law in the international order. The prospect of the escalation of military conflicts is troubling and will certainly bring about greater human suffering, destruction and damage. Therefore, the Maldives has and will continue to raise its voice to resolve conflict through diplomatic means, to exercise extreme restraint and caution and to take constructive steps to diffuse tensions through dialogue.

The President: I now give the floor to the representative of Nepal.

Mr. Rai (Nepal): I thank the Japanese presidency for convening this important debate.

The rule of law among nations is an essential condition for international peace, stability and development. The moment rules are violated, threats to international peace and security befall us. Nepal is a staunch supporter of the rules-based international order. The Charter of the United Nations provides a normative foundation for a rules-based multilateral order grounded on sovereign equality, territorial integrity, political independence, non-aggression and the peaceful settlement of disputes, where all nations — big or small, powerful or weak, rich or poor — enjoy equal rights, dignity and recognition. Therefore, the principles of the Charter of the United Nations are sacrosanct and must be respected and upheld by all nations at all times.

Disputes should be resolved peacefully, as set forth in Chapter VI of the Charter of the United Nations. The use of force against another country, as well as unilateral sanctions, constitutes a flagrant violation of the Charter of the United Nations. We acknowledge the significance of multilateral judicial mechanisms such as the International Court of Justice and the International Criminal Court in promoting the rule of law among nations.

By the Charter of the United Nations, the Security Council is the main guarantor of international peace and security and must shoulder its responsibility. However, the polarization in the Council and the involvement of Council members themselves in conflict have failed the Security Council. The spectre of nuclear catastrophe is looming. Humanitarian crises and the economic consequences of ongoing conflict are imponderable. Although far away from it, people from all poorer countries are destined to pay a very high price for that conflict with poverty, hunger and destitution. Due to the Council's failure to serve peace, the United Nations system is losing its credibility and legitimacy.

It is unfortunate that powerful players in international relations choose to play by the power of arms, not the power of rules. As the host of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, Nepal has always advocated for arms control and disarmament, as well as promoting dialogue for peace and stability. As one of the largest troop- and police-contributing countries and a member of the Peacebuilding Commission, Nepal recognizes that justice and the rule of law are the building blocks of conflict prevention, conflict resolution and sustainable peace. A more concerted effort is necessary to enable Member States to achieve the rule of law and the related goals of the 2030 Agenda for sustainable peace.

In conclusion, adherence to the purposes and principles of the Charter of the United Nations is the legal, moral and ethical obligation of all Member States to promote the rule of law among nations. Only respect for the rule of law among nations can guarantee perpetual peace, stability and development.

The President: I now give the floor to the representative of Lithuania.

Mr. Paulauskas (Lithuania): I would like to thank you, Sir, for convening today's discussion on the rule of law among nations, with a particular focus on the maintenance of international peace and security. I also wish to thank the Secretary-General, the President of the International Court of Justice and Mr. Dapo Akande of Oxford University for their briefings at the beginning of the debate.

Lithuania aligns itself with the statement delivered on behalf of the European Union and would like to underline the following in its national capacity.

My country is firmly committed to the international rules-based order, including human rights law and the rule of law. The rule of law is one of the fundamental principles that must underpin international relations and promote peace and security and prosperity throughout the world. It is up to all of us not only to promote, but also to strengthen the rule of law.

The tenth anniversary of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels provides an opportune occasion to renew our dedication to the purposes and principles of the Charter of the United Nations, as well as to reflect on the importance and challenges of the international order based on the rule of law. We note that the declaration clearly establishes the main principles of the rule of law and reaffirms the rule of law as indispensable for upholding peace and security, as well as sustainable development and respect for human rights.

Lithuania supports the Secretary-General's efforts in promoting the rule of law and mainstreaming it in United Nations activities. We also welcome the call in *Our Common Agenda* (A/75/982) for a new vision for the rule of law that seeks to put people at the centre of justice systems and ensure equal access to justice for all.

As for reinforcing the rule of law and building sustainable peace, accountability in the aftermath of grave violations of international law is critical. In the recent report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/77/213), it is highlighted that international and hybrid courts and tribunals are key actors that strengthen the rule of law. In that regard, the role of the International Court of Justice in promoting the rule of law, ensuring respect for international law and maintaining international peace is of particular importance. Therefore, we call on all Member States that have not yet done so to accept the jurisdiction of the Court, to enhance its universal reach.

All Member States have an obligation to abide by the Charter. Unfortunately, today one of the main challenges to the rule of law among nations is the lack of adherence to the Charter.

The Security Council is assigned the great responsibility of taking decisions on the measures that are needed to maintain or restore international peace and security. The unprovoked and brutal war against

Ukraine waged by the Russian Federation in blatant violation of the Charter clearly exposed the structural and procedural weaknesses of the Security Council. With that war, Russia is not only disregarding its permanent membership duties, but is also continuing to block the Security Council as a whole from implementing its mandate with regard to maintaining international peace and security.

The General Assembly overwhelmingly established that Russia's war is an aggression against Ukraine, a breach of the Charter and a violation of the peremptory norms of international law.

Accountability is a basic principle of the rule of law. The rules-based international order cannot survive if there is impunity for its most blatant violations — genocide, war crimes, crimes against humanity and the crime of aggression. The International Criminal Court plays a crucial role in investigating Russia's atrocity crimes in Ukraine. Unfortunately, the crime of aggression is beyond the jurisdiction of the International Criminal Court in this case. Therefore, the international community should be ready to use the full range of international legal tools to fill that jurisdictional loophole by establishing a special tribunal for the crime of aggression in Ukraine.

Moreover, we have repeatedly urged Russia to comply with the International Court of Justice's legally binding order of 16 March 2022 to immediately cease its military actions, which it commenced on 24 February 2022, in the territory of Ukraine.

We are convinced that, in this particularly challenging moment for the entire international rules-based order, strengthening the rule of law is vital for ensuring international peace and security and making the world more stable.

The President: I now give the floor to the representative of Myanmar.

Mr. Tun (Myanmar): At the outset, I wish to congratulate Japan for its presidency of the Security Council for this month and to applaud you, Mr. President, for convening today's open debate. I also thank the Secretary-General, the President of the International Court of Justice and Professor Dapo Akande for their comprehensive briefings.

Myanmar aligns itself with the statement made on behalf of the Association of Southeast Asian Nations.

The Charter of the United Nations has been the foundation of international law and the framework for peaceful relations among nations for nearly eight decades. The rule of law at the international level, underpinned by the Charter, is largely dependent on the determination and resolve of this Organization's principal organs and its Member States to uphold its purposes and principles, as well as their actual conduct.

It is in particular the Security Council, carrying the primary responsibility for the maintenance of international peace and security, that must represent and deliver a collective adherence to those purposes and principles. Members States of the Security Council, especially the five permanent members, have a shared responsibility, entrusted by the entire membership, to maintain international peace and security. The Council's failure, inability or unwillingness to fulfil its responsibilities under the Charter, as well as the overstepping of its authority, can undermine the rule of law at the international level. History teaches us that wars and destruction became inevitable when relations among nations were guided by the rule by force or the threat of force. That becomes far more dangerous in a world overshadowed by the destructive power of nuclear weapons.

The erosion of the rule of law at the international level affects the domestic rule of law in various ways, especially in transitional situations in which the principles of the rule of law are struggling to become rooted in societies. The most obvious result of that erosion is the sense of impunity gained by perpetrators of serious international crimes.

In my country, Myanmar, the fascist military leaders committed treason in February 2021 by staging an illegal coup against the democratically elected Government. The illegal military junta has completely dismantled the rule of law, with desperately serious consequences both in the country and across the region. The Secretary-General this morning rightly pointed out the breakdown of rule of law in Myanmar after the illegal military coup. The junta has been waging a campaign of violence and brutality against the people of Myanmar by all means, including arbitrary detentions, torture to death in custody, repeated massacres, indiscriminate aerial bombings and wholesale torching of residential homes and villages, the displacement of over a million civilians and summary execution of political prisoners. Those atrocities have been committed in such a coordinated, widespread and systematic manner that

the Independent Investigative Mechanism for Myanmar has concluded, based on its analysis of collected evidence, that they amount to crimes against humanity.

Moreover, it is vividly clear that the military does not guarantee the stability of the nation; instead, it poses a threat to regional peace and security. The fascist military has created safe havens for transnational organized crime. According to recent news reports, in February and March 2022 alone, the military junta enabled some 15 criminal zones to be built along a 40-kilometer stretch of the Thaung Yin River, also known as the “Moei River”, in south-east Myanmar, where the military’s affiliated militia is in control. Such criminal zones present a real and serious threat to global security for neighbouring countries and for the world. Innocent people from at least 30 countries across the globe have been trafficked into that area, lured by false promises of work. Those people are victims of an unjust and criminal coup in my country, a consequence of the breakdown of the rule of law and the failure to observe the principles of the United Nations. I urge the international community and relevant United Nations agencies to pay serious attention to that human trafficking crisis and to address it in a timely and effective manner.

In conclusion, the deteriorating situation in Myanmar shows mounting evidence of crimes against humanity and war crimes being committed by the military machine. The spillover effects of the military violence in Myanmar are now the greatest single source of instability in the region.

The Council has, in the past, addressed accountability for the violations of serious international crimes, which led to long-term positive impacts on the ground. The Council has tools at its disposal to do the same with regard to Myanmar.

We thank the Security Council for its adoption of the first-ever resolution on the situation in Myanmar (resolution 2669 (2022)). The Security Council now has a unique opportunity to help to re-establish the rule of law in Myanmar. I urge the Security Council and Member States to implement the provisions in its resolution and take concrete and decisive action that will prevent further military atrocities and address the pervasive military impunity.

The President: I now give the floor to the representative of Kenya.

Mr. Kimani (Kenya): It is a privilege to be back in the Chamber. I thank His Excellency Mr. Yoshimasa Hayashi for convening today’s timely open debate and congratulate Japan on starting its membership of the Security Council, with the heavy responsibility of holding the presidency for the month of January. I also thank the Secretary-General, the President of the International Court of Justice and Professor Akande for giving us their perspectives earlier today.

Respecting the rule of law is essential to meeting our obligations as members of the United Nations in promoting peaceful coexistence and cooperation. Without international law to constrain the conduct of States, no matter their level of economic, military and geopolitical power and influence, we will continue to struggle to attain peaceful coexistence and cooperation. I fully agree with the sentiment Mr. Hayashi shared this morning when he said that although multilateralism may be on its deathbed, we should not allow it to die. And we believe that the rule of law is what will rescue and protect it.

The Charter of the United Nations sets the guiding principles and provisions for the maintenance of international peace and security among States. Unfortunately, some States are breaking international law through unilateralism and militarism in the pursuit of national interests while rejecting dialogue and diplomacy. The result is armed conflicts, the threat of use of weapons of mass destruction and threats to the territorial integrity and sovereignty of other States. To promote the rule of law to the benefit of international peace and security, I would like to offer the following four recommendations.

First, Member States must unite in defence of the United Nations Charter by having the conviction to hold all members, without exception, to the same standard in faithfully adhering to all of its provisions. In particular, we must unite to insist that all Member States refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the Charter and commit to settling their international disputes by peaceful means, including through negotiations, inquiry, good offices, mediation, conciliation, arbitration and judicial settlement.

Secondly, the review and progressive development of international law and its codification should be encouraged, with the aim of clearly defining and communicating consequences for actions that

undermine the rule of law, including violations of the Charter by Member States. There should also be continuing efforts to clearly assign State responsibility for emerging threats, such as climate change. That calls for enhanced the utilization of the mandate of the International Law Commission and the advisory role of the International Court of Justice.

Thirdly, there is a need for more support to Member States in the implementation of their international obligations through enhanced technical assistance and capacity-building. Special attention should be accorded to countries in or emerging from conflict situations.

Fourthly and finally, the reform of Security Council is required to make it regionally inclusive and representative and would confer on it the necessary legitimacy and efficacy in dealing with threats to international peace and security. That includes Africa occupying its rightful place in the Security Council, as called for in the Ezulwini Consensus.

In conclusion, I reaffirm Kenya's commitment to the letter and the spirit of the Charter of the United Nations, including the rule of law among nations, as applicable to all Member States, in all situations.

The President: I now give the floor to the representative of Argentina.

Ms. Squeff (Argentina) (*spoke in Spanish*): First, let me commend Japan on assuming the presidency of the Security Council for the month of January and for convening today's open debate. We welcome this opportunity to emphasize the importance of the rule of law as a pillar of the international system created through the establishment of the United Nations.

In 1970, the General Assembly adopted by consensus the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, in accordance with the Charter of the United Nations. This document enshrined a conclusive set of principles for the rule of law among nations. The Declaration was a milestone in the promotion of the rule of law and, in particular, in the universal application of the principles enshrined in the Charter.

Adherence to the rule of law is intended to ensure that the principles and norms to which we agree are respected and applied in good faith by all. And that is in the interest of all States, large and small. Yet more than 50 years after the adoption of the Declaration, challenges to the rule of law persist on almost every

front, with conflicts spreading across the globe, violations of international law and impunity for such violations. Without the rule of law there are no just societies, and there is no peace and development.

States have the primary role in the development of international law, and the United Nations has contributed to creating the settings in which that normative development can take be advanced. In that regard, we commend the work of the International Law Commission in identifying and addressing the international law issues most relevant to the international community.

The peaceful settlement of disputes is a pillar of the rule of law in the international order. As outlined in the Charter, the International Court of Justice plays a central role as the judicial organ for the resolution of inter-State disputes. We emphasize our appreciation for the work of the Court and reiterate the need for all States to comply with their obligation to respect and implement its judgments and other binding measures. In addition to the International Court of Justice, the role of other specialized courts that deal with specific branches of international law, such as the International Tribunal on the Law of the Sea, whose work contributes to the consolidation of the rule of law among nations, should also be highlighted.

But there are other methods for the settlement of international disputes to which the Charter also refers. In that regard, my country believes it is important to emphasize the need for parties to conflicts to respond in good faith to the calls for negotiations that are being made or have been made by organs of our Organization, including the General Assembly, in order to contribute to the peaceful settlement of their disputes.

Among the means of peaceful settlement available to the United Nations and its Member States, we wish to highlight in particular the role of the good offices of the Secretary-General that can be entrusted to him by the Organization. The success of a good-offices mission or any other means of peaceful settlement in fulfilling its objective and purpose is contingent on the parties concerned in those procedures complying in good faith with their obligations.

In conclusion, strengthening the rule of law at the national and international levels is the obligation of all States and is essential for achieving sustained and inclusive economic growth, sustainable development,

poverty eradication and the full realization of human rights and fundamental freedoms.

The President: I now give the floor to the representative of Eritrea.

Ms. Tesfamariam (Eritrea): At the outset, let me express my delegation's profound appreciation to Japan for organizing today's open debate, which provides Member States the opportunity to share their perspectives on an immensely crucial theme, "The promotion and strengthening of the rule of law in the maintenance of international peace and security: the rule of law among nations". I would like to congratulate Japan for assuming the presidency of the Security Council for the month of January, as well as the other newly elected members of the Council — Ecuador, Malta, Mozambique and Switzerland. I also want to thank the briefers from this morning: the Secretary-General; Judge Joan E. Donoghue, President of the International Court of Justice; and Professor Akande for their insightful interventions in the Council.

As enshrined in the Charter of the Organization, pertinent United Nations declarations and principles of international law, the rule of law essentially entails, inter alia, respect for sovereign equality, territorial integrity, political independence, non-interference in domestic affairs, the peaceful settlement of disputes and the prohibition on the threat or use of force. Those cardinal principles were agreed upon by the entire international community — nations of all sizes and strengths, big or small, rich or poor — in conducting their relations. As such, they shall be equally respected by all in order to ensure international peace and security, socioeconomic prosperity and justice.

Contrary to those ideals, the promotion of the rule of law has been weathered away owing to the arbitrary unilateral policies and measures adopted by certain Powers against those that do not conform to their self-professed rules-based order. In utter disregard for the United Nations Charter, such actors have been intervening in the internal affairs of sovereign nations and instigating chaos, imposing illegal unilateral coercive sanctions, waging proxy wars, intensifying geopolitical tensions, politicizing human rights and exacerbating inequalities. Developing countries such as mine, and the global South in general, have borne the brunt of such ill-conceived and unfair policies and practices. Those must be rectified, and the community of nations should collectively endeavour to ensure a

secure, stable global order and a shared future based on the rule of law in adherence to the principles of the United Nations Charter.

To briefly share my country's experience, guided by a safe and cooperative regional policy, Eritrea's resolve with regard to the peaceful settlement of disputes and adherence to the principles of international law are matters of public record. Even regarding those disputes imposed upon it, Eritrea consistently sought peaceful settlements and faithfully and invariably implemented the decisions of international arbitration. The Eritrea/Yemen arbitration decision of 1998/1999 and the Eritrea-Ethiopia Boundary Commission delimitation and demarcation decisions of 2002 and 2007 are cases for reference. Indeed, for the people of Eritrea, who fought for decades to achieve and defend its sovereignty and independence, upholding the rule of law is not a policy choice, but rather a strategic imperative.

In conclusion, with a view to promoting and strengthening the rule of law in the maintenance of international peace and security, allow me to share my delegation's modest perspectives. The sovereign equality and political independence of all nations of all sizes and strengths must be uniformly upheld. Secondly, all forms of unilateral coercive measures ought to be immediately annulled. The existing international security architecture and institutional set-up must be rigorously reformed to ensure inclusive multilateral decision-making processes that safeguard a peaceful, prosperous and just international order.

The President: I now give the floor to the representative of New Zealand.

Ms. Schwalger (New Zealand): New Zealand welcomes the Security Council's focus today on promoting and strengthening the rule of law, which underpins the international rules-based system and the peace and security of all nations. We call on all countries to reaffirm our shared commitment to that goal and to uphold the fundamental principles of the Charter of the United Nations.

A world founded on respect for the international rule of law is the only world where all nations can thrive and prosper — a world founded on respect for fundamental human rights and freedoms, the prohibition on the use of force, compliance with international legal obligations and respect for the decisions of international courts.

The international system faces a range of global issues, which require concerted international cooperation in order to be addressed. In recognition that no country, however powerful, can solve those challenges alone, it is vital that we can rely on the cooperation and commitment of all States. Only an international system where States can rely on each other to meet their commitments, comply with their obligations in good faith and respect the decisions of our judicial institutions will be able to meet the challenges facing us all.

We thank the Secretary-General for his report on recommendations to advance *Our Common Agenda* (A/75/982), which identifies a road map to accelerate the implementation of our existing international agreements and commitments, underpinned by respect for human rights and the rule of law. Member States, including Council members, must work in genuine partnership and in good faith to implement that vision.

Respect for the rule of law at the international level is possible only where States commit to respecting the rule of law domestically. Respect for fundamental human rights and freedoms in our domestic systems is crucial to demonstrating our commitment to implementing the core principles underpinning the rule of law at the international level.

Despite Russia's aggression against Ukraine, in blatant violation of the Charter, the General Assembly has remained steadfast in its commitment to upholding the international rule of law and condemning Russia's actions. New Zealand encourages the Security Council to leave no stone unturned in fulfilling its responsibilities for maintaining international peace and security, and we continue to call on permanent members to restrain themselves from using their inherently undemocratic vetoes.

Finally, New Zealand observes that strengthening our international legal institutions, particularly the International Court of Justice, remains critical to upholding the rule of law and facilitating the peaceful settlement of disputes. We call on all countries that have not done so to accept the compulsory jurisdiction of the International Court of Justice. We call on all countries to comply with the Court's decisions, including orders for provisional measures. The International Criminal Court (ICC) plays a vital role in ensuring that those individuals responsible for serious international crimes

are held to account. We call on all Members to support the work of the ICC.

Today's debate, convened under Japan's leadership, for which we are very grateful, provides an opportunity to reaffirm our collective commitment to the values, rules and institutions that underpin the rule of law. New Zealand is pleased to join many others in doing so.

The President: I now give the floor to the representative of Malaysia.

Mrs. Zin Zawawi (Malaysia): At the outset, I would like to congratulate Japan on its presidency for the month of January and for hosting this important open debate. My appreciation also goes to the briefers for their invaluable insights.

Malaysia aligns itself with the statement made by the representative of the Philippines on behalf of the Association of Southeast Asian Nations.

As we are all aware, respecting and upholding the rule of law is one of the pillars of the United Nations. Today's meeting serves as a timely reminder of our common responsibility to uphold the rule of law in international relations. At the United Nations, the main responsibility for upholding the rule of law in the maintenance of international peace and security lies with the Security Council. For small and vulnerable countries, the Security Council is the protector and guardian against abuses of international law in the conduct of friendly relations and cooperation among Member States.

Malaysia is pleased to hear the strong support expressed in this Chamber for the vital importance of upholding the rule of law at the national, regional and international levels. We are also gratified by the strong commitment to defending the Charter of the United Nations, especially with regard to the sacrosanct principles of independence, territorial integrity, non-interference in domestic affairs and the pacific settlement of disputes.

In Malaysia's view, consistency is a prerequisite to better promote and strengthen the rule of law. Unfortunately, more often than not, what we see today is the application of the rule of law only where and as convenient, mainly to suit the agenda of a select few countries. That unhealthy practice of double standards must end. Otherwise, it will only embolden the perpetrators to continue flouting and abusing international law, international humanitarian law and

the Charter. If not rectified and addressed, the culture of impunity will continue to cast a dark shadow that threatens to hinder the success of the United Nations. The continuation of the culture of impunity threatens the culture of peace. It also threatens the achievement of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. That will be made possible only by ensuring the peaceful settlement of disputes, justice and accountability for all. In that respect, the Security Council has a special responsibility to guarantee justice and accountability, including by ensuring respect for and the full implementation of its own resolutions.

For more than seven decades, Israel had openly and proudly committed actions that are in clear violation of the Charter, international law and numerous United Nations resolutions. It is shocking to see peace-loving nations and human rights champions that condemned apartheid practices in the past remain silent on the subject of Israel. The Council must overcome its own paralysis and address the many injustices and gross violations committed by the occupying Power in the occupied Palestinian territory. It is incumbent upon the Council to fulfil its Charter-mandated responsibility and take meaningful action that goes beyond mere words. Equally important is the need to strengthen existing mechanisms for combating internationally wrongful acts through the International Court of Justice and other international instruments. The Security Council plays a crucial role in defending the Charter, promoting respect for international law and advancing the rules-based international order.

Malaysia remains committed to the maintenance of international peace and security through the promotion and strengthening of the rule of law. Our steadfast support of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations is a further testament of our commitment. Malaysia stands ready to work constructively with the members of the Security Council and the larger United Nations membership in upholding the rule of law, including in the work process of the Summit of the Future to be held in 2024.

The President: I now give the floor to the representative of Nigeria.

Ms. Dakwak (Nigeria): I thank Japan for organizing this important debate on a subject that is at the heart of the Charter of United Nations. We thank the Secretary-General, the President of the International Court of Justice and Professor Dapo Akande for their insightful briefings this morning.

Respect for, and the observance of, the rule of law, as enshrined in the Charter, is a fundamental article of both national and international jurisprudence. In the international system, adherence to the rule of law is necessary to guide States' actions and hold them accountable for their action or inaction, in accordance with established laws and regulations. That is a crucial element, as enshrined in the Charter. As we mark the tenth anniversary of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, it is important to take stock. The declaration recognizes that the rule of law applies to all States equally and to international organizations, and that respect for, and promotion of, the rule of law and justice should guide all of their activities and accord predictability and legitimacy to their actions. The declaration, adopted by Heads of States and Government, reaffirms the core values and principles of the rule of law that there should be no derogation from them and that they should not be applied selectively or on a discriminatory basis.

The strengthening of the rule of law at both the national and international levels is the shared responsibility of States and international and multinational entities. It is undoubtedly a necessary condition for peaceful cooperation and coexistence among States and is critical to addressing global challenges in accordance with the principles of the Charter and international law. Nigeria therefore subscribes to the view that it is only an international system based on the rule of law that can guarantee the protection of the rights of both States and individuals and the legitimate interests of all in the global arena. Nigeria envisions the promotion of the rule of law at the international level as a vital means of strengthening cooperation and promoting enduring peace and security among States.

Nigeria has consistently demonstrated strong political will to fulfil its international obligations with respect to the rule of law and to promote due process through the enactment of laws that accord with international best practices and judicial pronouncements. We recognize the close connection

between the rule of law and democracy and the primacy of the rule of law as a prerequisite for the promotion and protection of democracy, good governance and sustainable development. Nigeria anchors its foreign policy on the promotion and achievement of global security, as well as the protection of the dignity of all persons, as enshrined in the Charter.

It is imperative for the rule of law to be strengthened at the national and international levels in order to ensure equity and fairness. The rule of law at the international level must be based on a number of principles of the United Nations, which were further reaffirmed in the 2005 World Summit Outcome. That implies that States must in good faith honour their international obligations, including the obligation to refrain from the threat or use of force, the obligation to settle disputes through peaceful means and the obligation to protect human rights and fundamental freedoms and abide by international humanitarian law. The principle of equality among States must remain an important element of the promotion of the rule of law at the international level. The international community should therefore discourage any semblance of selective observance or enforcement of international law.

Violations of international law and the Charter should be an issue of great concern to all members of the international community. In accordance with international law, we believe that the borders of countries are sacrosanct and that their sanctity must always be upheld. That is a fundamental issue from which there should be no derogation. The authority of the Charter and the fundamental principles of international law should be upheld. The Council should be at the forefront of efforts to combat the violation of international law. At the United Nations itself, every effort should be made to ensure the equal treatment of Member States, in accordance with the agreed rules and regulations. Respect for the rule of law at all levels is essential to the maintenance of international peace and security. The aspiration for a global system that is based on the rule of law, in which accountability and social justice provide the foundations for a durable peace, should be a source of inspiration for all. To that end, addressing the global rule-of-law deficit should be a priority for both national communities and the international community.

The President: I now give the floor to the representative of Georgia.

Mr. Bakradze (Georgia): Let me congratulate Japan on starting its membership of the Security Council as President for the month of January. I also thank you, Sir, for organizing this debate on such an important and timely topic.

My delegation aligns itself with the statement made on behalf of the European Union, and I would like to make the following statement in my national capacity.

We share the view of the Secretary-General, as expressed in his report on strengthening and coordinating United Nations rule of law activities (A/77/213), that the rule of law is a core component of peace, security and sustainable development. Therefore, we believe that the need for the protection and promotion of the rule of law unconditionally applies to all States equally and should guide States' activities at both the national and international levels. We also believe that the protection and promotion of the rule of law can bring us closer to the realization of the 2030 Agenda for Sustainable Development.

Regretfully, 78 years after the foundation of the United Nations, the main principles of international law, including the principles of sovereignty, territorial integrity, the inviolability of borders and the non-interference in the internal affairs of other States, continue to be flagrantly violated and consequently threaten international peace and security, the Charter of the United Nations, the rules-based order and multilateralism. Given the latter, the list of challenges facing States runs long. In that connection, I would like to mention an example in my own country, where the Georgian regions of Abkhazia and Tskhinvali are under illegal occupation by Russia. Their residents continue to face various types of human rights violations and discrimination.

Grave disregard for the norms and principles of international law also continues in the context of Russia's military aggression against Ukraine, which Georgia deplores in the strongest possible terms. It is deeply alarming that the norms and principles of international law, which we are all bound to uphold, are repeatedly violated by a permanent member of the Security Council, whose primary responsibility is — and should be — to contribute to peace and security. We call on the Russian Federation to comply with the provisional measures order of the International Court of Justice of 16 March 2022 to immediately cease the aggression and

withdraw all of its troops and military equipment from the entire territory of Ukraine.

To conclude, let me reiterate Georgia's firm stance that enhancing the rule of law is of the utmost importance in order to ensure international peace and security.

The President: I now give the floor to the representative of Kuwait.

Mr. Alajmi (Kuwait) (*spoke in Arabic*): At the outset, I congratulate you, Mr. President, on Japan's assumption of the presidency of the Security Council for this month. We sincerely wish Japan every success during its non-permanent membership in the Council.

I also thank the Secretary-General and the President of the International Court of Justice for their briefings this morning.

Nearly 52 years have passed since reaching consensus on the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, and 10 years have passed since the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, through which Heads of State and Government reaffirmed their commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States, as well as promoting and establishing the three core pillars on which the United Nations was established, namely, international peace and security, human rights and development. However, facts so far have failed to meet the very minimum of what was hoped for in those international consensual documents.

The historic experience that took place more than 33 years ago, namely, the invasion and liberation of my country, constituted a decisive phase that demonstrated the benefit of international commitment to the Charter of the United Nations, which rejects the use or threat of use of force and promotes the rule of law through the full and practical implementation of the relevant resolutions adopted through the international legitimacy of the General Assembly and the Security Council.

That indeed was a difficult and bitter experience, but it strengthened the commitment of the State of Kuwait to promoting the rule of law at the international level, as demonstrated in many international forums and stances by supporting all the principles and measures adopted

by the United Nations to strengthen the rule of law during and after conflict; initiatives for judicial reform; capacity-building and counter-corruption initiatives; strengthening security and preventing crime; reducing violence and armed violence; promoting transitional justice; and drafting consensual constitutions. We have also supported the efforts of the United Nations geared towards enhancing access to justice by delivering necessary support to the States that are in dire need of it. At the national level, the State of Kuwait enjoys a democratic constitutional system that reflects respect for the rule of law through the principle of separation among the three branches and the need to cooperating among them; non-discrimination among individuals concerning their rights and duties; and ensuring that they enjoy freedom and equality.

Although there are bright phases experienced by the United Nations, there is a need to reiterate that persistent violations of international law constitute the main reason behind weakening the political will and undermining international resolutions with regard to complying with the law. The Israeli occupation of occupied Arab territories, including Palestinian territory, for more than five decades has been a flagrant violation of international treaties and norms. Israeli practices such as the expansion of settlements clearly reflect the zero-mentality of the occupation Government. In that regard, the State of Kuwait welcomes General Assembly resolution 77/247, which calls on the International Court of Justice to issue an advisory opinion on the legal consequences of persistent violations by the occupation authorities against the Palestinian people regarding self-determination, their prolonged occupation of Palestinian territory since 1967, building settlements and the annexation of territory, including measures to change the demographic status of the city of Al-Quads Al-Sharif.

The unprecedented violence and tensions that have plagued the world make it less possible to achieve peaceful settlements at the political, humanitarian, economic and environmental levels. That has made the current juncture historically critical, subjecting multilateralism to a real test of either being sustainable or facing stagnation.

The Organization has played the most prominent role in addressing a number of growing urgent and chronic risks through its rich historic legacy demonstrated by accumulated experience, various tools and multiple mechanisms that have been reflected in

the Secretary-General's report entitled *Our Common Agenda* (A/75/982). That report presents an organized assessment of the elements of breakdown as well as elements of recovery through suggestions worth considering, including strengthening international cooperation as a fundamental asset that enables us to tackle challenges and disasters at all levels — nationally, regionally and internationally. The history of international multilateralism has proved that lack or regression of solidarity has had a very negative effect, whether by urgently not addressing tensions or by showing weakness in the implementation of resolutions of international legitimacy. That important report also includes a proposal that was adopted by the General Assembly on holding the Summit of the Future in 2024 as a rare opportunity to revitalise world action to better address various crises and increased global conflicts.

In conclusion, the State of Kuwait reiterates its commitment to the international multilateral order and the purposes and the principles of the Charter of the United Nations as an agreed international covenant that must not be subject to concessions or that its provisions must not be undermined.

God Almighty said, "Fulfil the covenant; surely the covenant shall be questioned of" (*The Holy Qur'an, XVII:34*).

The President: I now give the floor to the representative of Qatar.

Mr. Al-Maawda (Qatar) (*spoke in Arabic*): At the outset, I would like to congratulate Ecuador, Japan, Malta, Mozambique and Switzerland on joining the Security Council, and to specifically congratulate your friendly country, Mr. President, on assuming the presidency of the Council this month and on holding this thematic open debate. We also express our appreciation to the valuable statements and briefings this morning by the Secretary-General, the President of the International Court of Justice and Mr. Akande, member of the International Law Commission.

The rule of law is one of the fundamental pillars that underpins the foreign policy of the State of Qatar. We have spared no effort to shore up that vital principle as the basis for inter-State relations within the United Nations framework. The Charter of the United Nations constitutes the corner stone of international law, and we therefore cannot talk about the rule of law without stressing the importance of commitment to the purposes of that historic document.

The accepted principles enshrined in the Charter and international law include sovereign equality among all States, non-interference in their internal affairs and refraining from the use or threat of use of force against the territorial integrity or the political independence of States, as well as respecting the right of peoples to self-determination and resolving international disputes by peaceful means pursuant to international law.

In the declaration on the commemoration of the seventy-fifth anniversary of the United Nations, Heads of State and Government reaffirmed their commitment to the provisions of international law and justice. They also stressed that the principles of the Charter and of international law are universal in nature and constitute the indispensable bedrock for a more peaceful, more equitable and more just world.

The rule of law among States is a fundamental factor in ensuring the maintenance of international and regional peace and security as well as achieving sustainable development and advancing human rights. Those are the essential purposes of the Charter that are reaffirmed by all States Members of the United Nations. As divisions and all kinds of threats to international peace and security are currently on the rise, there is a need more than ever to commit to international legal frameworks as well as to support international bodies that contribute to promoting the law. There is no doubt that the United Nations system, including the International Court of Justice, is the central international Organization and common forum to coordinate all the activities and views of Member States.

The State of Qatar has effectively sought to advance the United Nations and has supported the comprehensive reform of this international Organization, where it was among the core groups that introduced a number of draft resolutions to revitalize the work of the General Assembly, the most recent of which was adopted as Assembly resolution 76/262, on convening a meeting by the General Assembly each time a veto is exercised at the Security Council. During previous years, the State of Qatar has spared no effort to advance the implementation of Goal 16 of the Sustainable Development Goals, to establish peaceful societies free of conflicts. That constitutes the new vision of preserving the law as included in the report of the Secretary-General entitled *Our Common Agenda* (A/75/982).

The State of Qatar contributes to strengthening the principle of the rule of law and countering corruption at the regional level through the Rule of Law and Anti-Corruption Centre, which was established in Doha in cooperation with the United Nations.

In conclusion, we take this opportunity to reaffirm the commitment of the State of Qatar, as an effective member of the international community, to continuing our efforts towards upholding justice and the rule of law among all States.

The President: I now give the floor to the representative of Serbia.

Mr. Holovka (Serbia): At the outset, I wish to commend Japan's initiative to hold this ministerial-level debate on one of the crucial issues within the scope of the topic of the maintenance of international peace and security.

Almost eight decades following the adoption of the constitution of the contemporary international community, namely, the Charter of the United Nations, its lofty goals have yet to be achieved. The preconditions for maintaining international peace and security are not only the absence of the use of force, but also the creation of conditions for the maintenance of permanent peace through respect for the rule of law and the norms and principles of international law. All of that is set out in the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

It is an undeniable fact that, 77 years since the adoption of the Charter and 52 years since the adoption of the Declaration, we have seen great achievements, but also major breaches of the ideals of the much-desired rules-based world order. Therefore, our main challenge today is to face the situations arising out of those breaches and to act in line with the imperative that no condition in contravention of the Charter, as most explicitly defined in Article 1, may be considered legally acceptable or politically or morally justifiable.

My country, the Republic of Serbia, has had a bitter experience in past decades and is today faced with permanent and major breaches of the Charter of the United Nations. Our experience clearly testifies to the fact that the prevention of the threat or use of armed force against the territorial integrity and political independence of any State; the obligation to peacefully

resolve disputes; the principle of the self-determination of peoples; respect for obligations under international law; and non-interference in the internal affairs of States have far greater significance than being merely legal obligations.

I wish to point out that my country has consistently and unconditionally respected the sovereignty and territorial integrity of all States. It has amply demonstrated in its activities at the United Nations how dialogue and a willingness to embrace realistic and acceptable compromises serve as a viable basis for achieving peace and stability and economic development.

It is for that very reason that we always advocate and urge for respect for international law, the Charter of the United Nations and the legally binding resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of the Republic of Serbia. While constantly insisting on the role of the United Nations Mission in Kosovo and other international presences in Kosovo and Metohija, we attach great importance to the conduct of regular Security Council meetings on the work of the Mission, as it is the most appropriate way of keeping the international community informed of the political and security situation in the province, particularly with regard to the status of Serbs and other non-majority communities; the state of the rule of law and respect for human rights; the sustainable return of internally displaced persons; and the protection of cultural and religious heritage.

In conclusion, let me say that we consider principled and unconditional respect for existing norms and adherence to the rule of law to be the basis for the central role of the Charter of the United Nations and for more effective work of the main United Nations organs. The Charter of the United Nations has the capacity to remain the key instrument for resolving international disputes and a rallying point for the international community, thereby mitigating the perils of further armed conflicts and the other threats and challenges facing our civilization.

The President: I now give the floor to the representative of Mongolia.

Mr. Vorshilov (Mongolia): I thank you, Sir, for convening this important and timely open debate. I also wish to commend the delegation of Japan for assuming the presidency of the Security Council for the month of January.

I would like to begin by reaffirming Mongolia's unwavering support for the rule of law and the Charter of the United Nations. As a landlocked developing country, the rule of law and the Charter of the United Nations are fundamental for Mongolia and its people. We strongly believe that they provide a solid foundation for a strong international legal order, which is essential for a just, peaceful and prosperous world. Therefore, we stand firm on the purposes and principles of the Charter. We particularly believe that the rule of law is essential for the maintenance of international peace and security. In that regard, Mongolia welcomes a new vision of the rule of law that puts people at the centre, as set out in the Secretary-General's report *Our Common Agenda* (A/75/982).

The rule of law is embedded in the Constitution of Mongolia, which declares that democracy, justice, freedom, equality and national unity are fundamental principles of State activities in Mongolia. Furthermore, Mongolia's foreign policy concept recognizes the universally recognized principles and norms of international law as defined in the Charter of the United Nations. My delegation also believes that the implementation of Security Council resolutions is an essential part of the rule of law. To that end, the Government of Mongolia organized a national round table on prioritizing items found in Mongolia's national action plan on resolution 1540 (2004) in December in Ulaanbaatar. The round table contributed to setting in motion the requisite inter-agency coordination among the relevant entities involved in weapons of mass destruction non-proliferation matters, with a particular focus on strengthening Mongolia's strategic trade control in full alignment with the country's national action plan.

Furthermore, Mongolia has out in place a policy to increase the percentage of its female peacekeepers in United Nations peacekeeping operations to 15 per cent, in line with resolution 1325 (2000), on women and peace and security.

Mongolia pursues a peace-loving, open, multi-pillar and independent foreign policy. We believe that strengthened multilateralism is the way forward to promote international peace and security. In that regard, my country put forward several proposals and initiatives, including one on a dialogue mechanism in North-East Asia that will contribute significantly to peace and security in the subregion. In June 2022, Mongolia successfully hosted the seventh international

conference of the Ulaanbaatar Dialogue on Northeast Asian Security. The declaration of Mongolia's territory as a single-State nuclear-weapon-free zone, which continues to contribute to achieving the objectives of nuclear disarmament and nuclear non-proliferation, is another important initiative. Last year marked the thirtieth anniversary of Mongolia's nuclear-weapon-free status. Given the current international situation, our initiative is particularly pertinent today in North-East Asia.

The Security Council has been central to strengthening the rule of law and defending the Charter of the United Nations. However, the Security Council should be reformed in order to reflect the contemporary geopolitical realities and to uphold and protect the values and principles of the Charter. The world is looking to the United Nations and its Member States for that reform.

I wish to conclude by expressing Mongolia's determination to further contribute to promoting and strengthening the rule of law in maintaining international peace and security.

The President: I now give the floor to the representative of Morocco.

Ms. Lahmiri (Morocco) (spoke in French): Allow me, at the outset, to congratulate you, Sir, on your delegation's election as a non-permanent member of the Security Council for the 2023–2024 period, as well as on your presidency during the month of January. The Kingdom of Morocco is convinced that Japan, with the strength of its long diplomatic tradition and its wisdom, will contribute positively and substantially to the work of the Council. I would also like to thank the Secretary-General, the President of the International Court of Justice and Mr. Dapo Akande for their respective briefings.

The spirit and the action of the United Nations is based on its founding text — the Charter of the United Nations, the backbone of has been and remains, first and foremost, the maintenance of international peace and security. It is precisely the Security Council, as the guarantor of peace and security in the world, that bears the primary competency in that area. In that context, Morocco reiterates its commitment to respecting the mandates of the Organization's main organs as established in the Charter. Full respect for that separation of powers represents a sine qua non condition for the achievement of their respective mandates.

Peace and security are reinforced when the pre-eminence of the Charter of the United Nations is respected. In that regard, Morocco reaffirms the requirement to respect and implement the sacrosanct principles enshrined therein, including the sovereignty of States, their territorial integrity and national unity. Furthermore, it goes without saying that the rule of law goes hand in hand with respect for the primacy of the role of the United Nations in the prevention, mediation and peaceful and political settlement of disputes. Parties to conflict are also bound to respect international law, in particular international humanitarian law and international human rights law.

Morocco believes that peacekeeping operations are a fundamental tool of the United Nations to assist, where mandated, in strengthening the rule of law, contributing to the establishment and maintenance of security, opening the way for peacebuilding efforts, protecting civilians and rebuilding communities, as well as creating favourable conditions for lasting peace. The rule of law is also a driver for peacebuilding and the emergence of a lasting peace, particularly in post-conflict situations.

As Chair of the Central African Republic configuration of the Peacebuilding Commission, Morocco continues to work to offer the due attention, support and advocacy at the international level to the Central African Republic's institutions and to peacebuilding processes in line with the priorities identified by and with the approval of that country, including to strengthen the rule of law and to tackle impunity. Thanks to the combined efforts of all stakeholders, including the Central African authorities and international partners, the Special Criminal Court handed down its first ruling on 31 October 2022, convicting three people of war crimes and crimes against humanity.

Furthermore, Morocco supports the new vision for the rule of law of the Secretary-General, as set out in his report entitled *Our Common Agenda* (A/75/982), aimed at strengthening the central role of the rule of law in all of the Organization's activities, highlighting in particular the link between the rule of law, human rights and development.

Finally, Morocco remains convinced that, in both their individual and collective action aimed at addressing the multiple challenges to international peace and security, Member States must be guided

by a will to peacefully resolve their differences by working towards political solutions through dialogue, by encouraging recourse to mediation, reconciliation, conflict prevention and by adopting peaceful solutions that are both pragmatic and achievable in line with the resolutions of the Security Council, as the United Nations organ responsible for the maintenance of international peace and security.

The President: I now give the floor to the representative of Azerbaijan.

Mr. Aliyev (Azerbaijan): Allow me to begin by congratulating Ecuador, Japan, Malta, Mozambique and Switzerland on assuming membership of the Security Council and wishing them every success in discharging their highly responsible mandate. We are also grateful to the Japanese presidency for having organized this important open debate.

The United Nations was established to prevent war and human suffering by binding all its Members through a common international legal order. As one distinguished scholar has emphasized, the Charter of the United Nations is not only the multilateral treaty that created the Organization and outlined the rights and obligations of its Member States — it is also the constitution of the United Nations, laying down its functions and prescribing its limitations. However, despite their universal acceptance and binding character, the purposes and principles of the Charter continue to be overtly neglected, resulting in the disruption of the sovereignty and territorial integrity of States, the increased brutality of armed conflicts, identity-based intolerance and growing terrorist and separatist threats.

At the time of joining the United Nations in May 1992, Azerbaijan had already been facing an armed aggression from neighbouring Armenia for several years, with a notorious ethno-nationalist ideology, fabricated historical narratives and groundless territorial claims at its core. Contrary to Armenia's solemn commitment to uphold the purposes and principles of the Charter of the United Nations, in particular the principles relating to the peaceful settlement of disputes and the non-use of force, it seized and has held a significant part of Azerbaijan's sovereign territory under occupation for nearly 30 years.

The consequences of the aggression are shocking — tens of thousands of people were killed; all occupied territories were ethnically cleansed of more than 700,000 Azerbaijanis; hundreds of cities, towns

and villages in my country were razed to the ground and tremendous losses were inflicted on Azerbaijan's cultural and religious heritage and its environment. The condemnation and binding demands contained in resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), unanimously adopted in 1993, were simply ignored by Armenia, while mediation, led by the Organization for Security and Cooperation in Europe, failed to facilitate a negotiated settlement.

The lack of an adequate response from relevant international institutions and double standards and selectivity with regard to universally recognized obligations only encouraged Armenia to continue sticking to its guns and contributed to its sense of permissiveness. The resumption of hostilities in the fall of 2020 became a logical consequence of Armenia's decades-long impunity. Armenia's direct and indiscriminate attacks against populated areas in Azerbaijan caused numerous civilian casualties and considerable damage to civilian infrastructure. Azerbaijan resolutely responded to protect its people and liberate its occupied territories, acting exclusively on its sovereign soil, in full conformity with the Charter of the United Nations and international law.

After the end of the war, domestically, Azerbaijan prioritized the rehabilitation and reconstruction of the liberated territories and their reintegration into the country's economy to ensure the safe return of the displaced population and a high standard of living. To that end, by the decree of 7 July 2021, the President of Azerbaijan established the Karabakh and East Zangazur economic regions. Large-scale work continues in those regions.

To ensure accountability for egregious violations of international law, Azerbaijan instituted legal proceedings within the International Court of Justice and the European Court of Human Rights. In addition, several individuals were prosecuted and punished for war crimes and terrorist and mercenary activities.

At the same time, Azerbaijan initiated the process of normalizing inter-State relations with Armenia, based on mutual recognition and respect for each other's sovereignty and territorial integrity within their internationally recognized borders. Despite broad international support for that initiative and the principles of normalization proposed by Azerbaijan, as well as intense diplomatic efforts over the past year, Armenia's approaches and actions in promoting

the agreed commitments have not been faithful or straightforward.

We resolutely reject as false and misleading the statements made by the representative of Armenia at today's meeting. Hackneyed fabrications and deliberate deception are part of Armenia's long-standing policy of disinformation, carried out against the background of its decades-long blatant violation of international law. It is paradoxical that Armenia, a country that unleashed aggression against Azerbaijan, held the sovereign territories of my country under occupation for almost 30 years, carried out ethnic cleansing on a massive scale and committed other heinous crimes during the war, now appeals to the Charter of the United Nations and international law. However, it would be naive to believe that Armenia suddenly realized the imperative of respecting the norms and principles of civilized behaviour and reconsidered its deeply rooted stereotypes of racial hatred and superiority.

Armenia must abide by its international obligations, completely withdraw its armed forces and illegal armed formations from the territory of Azerbaijan, cease and desist from territorial claims and illegal activities, put an end to mine terrorism, shed light on the fate of several thousand Azerbaijanis who went missing during the conflict, redress the harm caused to Azerbaijan and its people and concentrate on direct negotiations, with a view to finding diplomatic solutions pertaining to inter-State relations as soon as possible.

It is more important than ever for the entire international community to support bilateral and results-oriented talks between Armenia and Azerbaijan, based on agreed principles and commitments. The opportunity that still exists to turn the page on enmity and establish sustainable and lasting peace must not be missed.

The President: I now give the floor to the representative of Canada.

Mrs. Maille (Canada) (*spoke in French*): I would like to thank Japan for convening today's debate, as its Prime Minister pays a visit to the Prime Minister of Canada.

As it is the first time this year that my delegation takes the floor in the Chamber, allow me to congratulate the new members of the Security Council.

The fact that we are still here, late in the evening, reflects the international community's interest in respect

for the rule of law. As many speakers so eloquently said today, the rule of law underpins the international rules-based system, which is indispensable to international peace and security. We all aspire to a future that is shaped not by force but rather by peaceful relations that benefit all our peoples. Our common vision, as stipulated in the Charter of the United Nations, is that respect for international law will prevent us from living in a world where the strongest govern by force without any regard for what would benefit everyone.

(spoke in English)

As Supreme Court of Canada Justice Rosalie Abella recently said, we serve the law best when we do so spontaneously, in our own way, with our own voice. At a time when the rules-based international order is under threat, it is more important than ever for each of us to raise our voice. We need to speak loudly for the rule of law, instead of rule by force, to strengthen the bonds among all our nations in the pursuit of our common goal of peace.

Justice remains an essential dimension of any social contract. The 2030 Agenda for Sustainable Development promises to promote the rule of law and provide access to justice for all. It is in our common interests to build a world where laws are publicly promulgated, equally enforced and independently adjudicated via fair, transparent, effective, non-discriminatory and accountable justice services that are consistent with international law and human rights obligations.

Putting people at the centre of the justice system is a cornerstone in achieving economic and social progress and development, while protecting people's rights and fundamental freedoms. Canada's commitment to the rule of law starts at home, but also extends internationally.

In a global era where terrorism knows no borders, where consequences to the environment may be global, where some members of the Council disregard the Charter of the United Nations — after all, Russia seeks to destroy Ukraine's identity as a sovereign and independent nation — where powerful non-State or para-State actors threaten development, Canada raises its voice to stand by its commitment to respecting and defending the rules that we have collectively developed over generations to maintain international peace and security.

First, Canada takes seriously its duty to fulfil in good faith its obligations under international law, such as the duty to settle disputes over territories through peaceful means rather than through force or coercion. The agreement reached between Canada and Denmark, together with Greenland, on a long-standing maritime and land border dispute in the Arctic, known by some members as the Whiskey War, is a significant historic milestone in relations between neighbours.

Secondly, Canada continues to work to promote respect for, and protect the rights of, peoples everywhere, as well as to advocate for accountability for the most serious international crimes and chart a path to justice for the victims of such atrocities. At its essence, the rule of law also requires all persons, institutions, private corporations, States and even non-State actors to be accountable before the law, whether in times of peace or conflict. As such, we remain a steadfast supporter of international criminal justice mechanisms, such as the International Court of Justice, the International Criminal Court and international tribunals.

Together with the Netherlands, Canada recently filed a joint declaration of intervention in the *Ukraine v. Russian Federation* case that is before the International Court of Justice. Canada has also stated its intention to intervene in the *Gambia v. Myanmar* case, in which both countries allege violation of the Convention on the Prevention and Punishment of the Crime of Genocide. In addition, Canada and the Netherlands have also invoked Syria's responsibility for human rights violations, holding Syria responsible for torture under the Convention Against Torture. We also support the various fact-finding missions and international investigative mechanisms that are gathering reliable evidence to support fair trials. Those processes can contribute to the eradication of impunity.

Thirdly, Canada continues to support or pursue efforts to protect civilians in situations of armed conflict to better protect the people we are all meant to serve. While we aim for peace, we have set rules in times of war. Despite such a robust legal and policy framework to protect civilians from the excesses of war, civilians, particularly women and girls, continue to bear the brunt of armed conflicts. The unwillingness of some to respect and implement those rules, as well as their disregard for the content and application of those rules, has a devastating impact. Scrupulous adherence to international humanitarian law, international

human rights law and international refugee law is urgently needed.

Looking towards the future as we start a new year, and as I am one of the last speakers at this forum, let me ask members the real question: Will the Council come together this year to raise its voice and stand up for the rule of law?

The President: I now give the floor to the representative of North Macedonia.

Mr. Danailov Frchkoski (North Macedonia): At the end of this long day, I will try to be as brief as possible.

I thank the Permanent Mission of Japan for organizing today's meeting and for giving us an opportunity to say a few words about an important issue on the Security Council's agenda.

My intervention today will touch upon the linkages among emerging crises in international relations and possible further development of international law. It must be noted that the issues of conflict and development are at the centre of the recent crisis caused by the Russian Federation's aggression against Ukraine. It is of course a crisis that was initiated by a permanent member of the Security Council against another country and undermines the basic principles of international law and the Charter of United Nations.

It has eroded the core of international order and decision-making mechanisms of the United Nations and the Security Council, threatened to undermine the mechanisms of the Organization for Security and Cooperation in Europe and other regional organizations and caused considerable suffering, shock and misery in Ukraine and Europe. The 1946 Nuremberg Tribunal

called the crime of aggression a supreme crime, as it contains within itself the accumulated evil of the whole, and its consequences are devastating. The question now is, how might the aggression and legal crisis be addressed as a condition for the development of international law and, in particular, the rule of law? It can and will be addressed as such if certain conditions are met.

The primary condition is the decisive and persistent will of the international community to ensure accountability for the crime of aggression and all other crimes, such as crimes against humanity and war crimes, and their legal consequences. In that vein and with regard to the recent crisis, the international community and, the Members of the United Nations in particular, show impressive solidarity and unity in condemning the aggression against Ukraine, annexation of part of Ukraine's territory and the devastation in the country. But critical questions remain. Will we successfully improve international law and order to ensure justice for Ukraine and its people and bring the perpetrators of the war of aggression before international courts — be it the International Criminal Court or a special tribunal for Ukraine?

Lastly, it is important to mention that accountability for the war of aggression and other crimes should rule out any compromise being made at the table when brokering a political agreement about ending the war. Accountability is important for all of us, and it is now a critical issue for measuring rule of law and the credibility of international law.

I again thank the Permanent Mission of Japan for organizing today's successful meeting.

The meeting rose at 7.55 p.m.