



Security Council

Seventy-eighth year

9241st meeting

Thursday, 12 January 2023, 10 a.m.

New York

Provisional

President: Mr. Hayashi (Japan)

Members:

Albania	Mr. Hoxha
Brazil	Mr. Costa Filho
China	Mr. Zhang Jun
Ecuador	Mr. Holguín Maldonado
France	Mr. De Rivière
Gabon	Mr. Biang
Ghana	Mr. Agyeman
Malta	Mrs. Frazier
Mozambique	Mr. Afonso
Russian Federation	Mr. Nebenzia
Switzerland	Mr. Cassis
United Arab Emirates	Mr. Al Sayegh
United Kingdom of Great Britain and Northern Ireland	Mr. Rutley
United States of America	Mrs. Thomas-Greenfield

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 was called to order at 10.05 a.m.

Adoption of the agenda.

The agenda was adopted.

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)

The President: I would like to warmly welcome the Secretary-General and the Ministers and other high-level representatives. Their presence today underscores the importance of the subject matter under discussion.

In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Argentina, Armenia, Australia, Austria, Azerbaijan, Cabo Verde, Canada, Chile, Denmark, Egypt, Eritrea, Estonia, Georgia, Germany, Greece, Guatemala, India, Ireland, Indonesia, the Islamic Republic of Iran, Italy, Jordan, Kenya, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Mongolia, Morocco, Myanmar, Nepal, New Zealand, Nigeria, North Macedonia, Pakistan, Panama, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, Romania, Rwanda, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Thailand, Türkiye, Ukraine, Uruguay and Viet Nam to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Joan E. Donoghue, President of the International Court of Justice; and Mr. Dapo Akande, Professor of Public International Law, University of Oxford.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Olof Skoog, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

I propose that the Council invite the Permanent Observer of the Observer State of Palestine to the United Nations to participate in this meeting, in accordance

with the provisional rules of procedure and the previous practice in this regard.

There being no objection it is so decided.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2023/1, which contains the text of a letter dated 3 January 2023 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting a concept note on the item under consideration.

I now give the floor to His Excellency Secretary-General António Guterres.

The Secretary-General: I congratulate Japan on its presidency at the beginning of its tenure on the Security Council, and I thank you, Sir, for opening the new year with this debate on the rule of law. I also welcome my two fellow briefers — Judge Joan E. Donoghue, President of the International Court of Justice, and Professor Dapo Akande.

The rule of law is foundational to the United Nations and to our mission of peace; the Security Council has a vital role in upholding it. The cornerstone of the rule of law is that all people, institutions and entities, public and private, including the State itself, are accountable before the law. From the smallest village to the global stage, the rule of law is all that stands between peace and stability and a brutal struggle for power and resources. The rule of law protects the vulnerable. It prevents discrimination, harassment and other abuses. It is our first line of defence against atrocity crimes, including genocide. It creates and bolsters trust in institutions. It supports fair, inclusive economies and societies. And it is the basis of international cooperation and multilateralism. As the Charter states,

“We the peoples of the United Nations [are] determined ... to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

The 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and the 2012 Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels further develop the principles set out in the Charter. The body of

international humanitarian law saves lives and reduces suffering amid conflict. The Geneva Conventions, agreed after the horrors of the Second World War, demonstrate that even wars have laws. Today's debate sends a strong message that ensuring the rule of law is our priority and that all countries must adhere to international standards.

All stakeholders — Member States, regional organizations, civil society and the private sector — have a responsibility to contribute to building and upholding the rule of law. But the international situation shows that we still have far to go. We are at grave risk of the rule of lawlessness. In every region of the world, civilians suffer the effects of devastating conflicts, loss of human life, increasing poverty and hunger. From the illegal development of nuclear weapons to the illegal use of force, States continue to flout international law with impunity.

The Russian invasion of Ukraine has created a humanitarian and human rights catastrophe, traumatized a generation of children and accelerated the global food and energy crises. Any annexation of a State's territory by another State resulting from the threat or use of force is a violation of the Charter and of international law.

The year 2022 was a deadly one for both Palestinians and Israelis. We condemn all unlawful killings and acts by extremists. There is no justification for terrorism. At the same time, the expansion of settlements by Israel, as well as home demolitions and evictions, are driving anger and despair. I am also very concerned by the unilateral initiatives that we have seen in recent days. The rule of law is at the heart of achieving a just and comprehensive peace, based on a two-State solution, in line with United Nations resolutions, international law and previous agreements.

Unconstitutional changes in government — coups d'état — are regrettably back in fashion. They are particularly worrying in places that are already enduring conflict, terrorism and food insecurity, namely, in the Sahel. The United Nations is ready to support regional efforts to strengthen democratic governance, peace, security and sustainable development.

The unlawful nuclear weapons programme being pursued by the Democratic People's Republic of Korea is a clear and present danger, driving risks and geopolitical tensions to new heights. The onus is on the Democratic

People's Republic to comply with its international obligations and return to the negotiating table.

In Afghanistan, unprecedented systemic attacks on women's and girls' rights and the flouting of international obligations are creating gender-based apartheid. This deliberately undermines the development of a country that desperately needs the contributions of all in order to return to sustainable peace.

The breakdown of the rule of law in Myanmar since the military takeover in 2021 has led to a cycle of violence, repression and severe human rights violations. I urge the authorities to listen to their people and return to the democratic transition.

The situation in Haiti is characterized by a deep institutional crisis and weak rule of law, widespread human rights abuses, soaring crime rates, corruption and transnational crime. I call on Haitian stakeholders to work together to restore inclusive democratic institutions and the rule of law.

All those examples illustrate that adherence to the rule of law is more important than ever. All States Members of the United Nations have a responsibility to uphold it at every turn.

The rule of law is foundational to efforts by the United Nations to find peaceful solutions to all these conflicts, disasters and crises and more, and to support the most vulnerable people and communities around the world. The strong and mutually reinforcing relationship between the rule of law, accountability and human rights is reflected in my call to action on human rights.

Ending impunity is fundamental. From the International Court of Justice to the Human Rights Council and its fact-finding missions and commissions of inquiry, United Nations entities and mechanisms promote and implement the rule of law. With its unique mandate, the International Court of Justice occupies a special place. I note the importance of accepting the compulsory jurisdiction of the Court and call on all Member States to do so without any reservations. Members of the Security Council bear a special responsibility in that regard and should take a leading role.

Around the world, the United Nations is mobilized against impunity and is committed to holding perpetrators to account through fair, independent judicial proceedings. We also strengthen the rule of law by supporting victims and survivors and providing

access to justice, remedy and reparation. The courts and tribunals established by the Security Council in the 1990s and the International Residual Mechanism for Criminal Tribunals have held to account a number of those responsible for atrocity crimes in the former Yugoslavia and Rwanda. Today the International Criminal Court is the central institution of the international criminal justice system and embodies the aspiration for accountability for the most serious crimes.

I now turn to how Member States can further strengthen the United Nations and its organs with a view to promoting the rule of law. First and foremost, I urge all Member States to uphold the vision and the values of the United Nations Charter and the Universal Declaration of Human Rights and to abide by international law; to settle disputes peacefully, without recourse to the threat or use of force; to recognize and promote the equal rights of all people; and to commit to non-intervention in domestic affairs, the self-determination of peoples and the sovereign equality of Member States.

I count on Member States to support our efforts to promote the rule of law across the board, including in the Security Council. Disputes in one area must not prevent progress elsewhere. While the challenges are many, the primacy of the rule of law is essential to the maintenance of international peace and security and for peacebuilding efforts. This includes clear rules governing the threat or use of force, as set out in Article 2, paragraph 4, and in Chapter VII of the Charter.

Secondly, I urge Member States to make full use of the rule of law as a preventive tool. At the international level, the Charter devotes an entire chapter to the peaceful settlement of disputes, including through negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement (United Nations Charter, Chapter VI). This is prevention in action, rooted in international law.

At the national level, the rule of law builds trust between people and institutions. It reduces corruption and creates a level playing field. It enables societies and economies to run smoothly, for the benefit of all. Conversely, when the rule of law is weak, impunity prevails, organized crime flourishes, and there is a high risk of violent conflict.

Thirdly, I urge Member States to reinforce the rule of law as a key enabler to achieving the 2030 Agenda for Sustainable Development Agenda and the Sustainable Development Goals (SDGs). Goal 16, on

access to justice for all and effective, inclusive and accountable institutions is a critical enabler for the other SDGs. Poverty, injustice and exclusion can only be addressed through effective, non-discriminatory, inclusive public policies.

Democratic legitimacy can never be used as a rationale for measures that weaken or undermine the rule of law. Civil society and other stakeholders have an essential role to play in that regard. The United Nations stands ready to support Member States through our country teams around the world.

(spoke in French)

Looking to the future, my report entitled *Our Common Agenda* (A/75/982) proposes a new vision of the rule of law, which provides an opportunity to reaffirm and strengthen the centrality of the rule of law to all of our work. This new vision will set out the links between the rule of law, human rights and development, and advocate a people-centred approach that ensures that laws and justice are accessible to all. I will ensure that it is implemented throughout the Organization, including those elements that correspond to the work of the Security Council. The importance of respect for the rule of law will also be reflected in the new agenda for peace.

The rule of law is essential to meeting current and future challenges, from nuclear disarmament to the climate crisis, from the collapse of biodiversity to pandemics and dangerous diseases. Our rule-of-law efforts must adapt to a changing environment and technological advances.

The United Nations is uniquely positioned to promote innovation and progress under the rule of law. No other global organization has the legitimacy, convening power and normative authority of the United Nations. The Security Council has a critical role to play in advancing the rule of law through its efforts to maintain international peace and security, protect human rights and promote sustainable development.

Together, let us commit to advancing the rule of law to create a more stable and secure world for all.

The President: I thank the Secretary-General for his briefing.

I now give the floor to Judge Donoghue.

Judge Donoghue: I am grateful to Japan and Foreign Minister Hayashi in particular for convening

an open debate on the rule of law among nations, which I am honoured to join via video-teleconference from the seat of the International Court of Justice in the Hague, the Netherlands. I am particularly pleased to speak after the Secretary-General's informative briefing, for which I thank him.

My remarks today focus on the role of the peaceful settlement of international disputes in advancing the rule of law. Over the past several decades, Member States have made progressive efforts to articulate and affirm their commitment to the rule of law and the principles of the Charter of the United Nations. Notable among those efforts is the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly by consensus in 1970. Among other things, the Declaration expounded on the requirement that States:

“settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered”.
(*General Assembly resolution 2625 (XXV), annex*)

The relationship between the obligation to settle disputes peacefully and the prohibition on the threat or use of force was further addressed, 12 years later, in the Manila Declaration on the Peaceful Settlement of International Disputes, which states that:

“[n]either the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute.”
(*General Assembly resolution 37/10*)

A central objective of the General Assembly in adopting the Declaration on Friendly Relations was to:

“promot[e] the rule of law among nations and particularly the universal application of the principles embodied in the Charter”. (*General Assembly resolution 2625 (XXV), annex*)

Since then, the term “rule of law”, which did not appear in the Charter itself, has been used in numerous resolutions and reports produced within the Organization. The content of the rule of law has been rather well developed as applied at the national level, although, even in that context, competing definitions have been put forward. For example, some such definitions place emphasis on substantive norms, such as equality before the law, while others focus on

structural elements, such as the review of executive actions by an independent judiciary.

There is, however, broad agreement that the concept of the rule of law is not easily transposed from the national to the international level. That difficulty is especially obvious when one considers the role of adjudication in advancing the rule of law. At the national level, one well-recognized aspect of the rule of law is the constraint imposed on what has been called the “otherwise all-powerful governing authority” of the State by the existence and operation of a judiciary that is empowered to strike down acts that exceed the powers assigned to the executive organ.

Within a national system, of course, the executive organ and other entities cannot avoid the jurisdiction of national courts by refusing to consent to it. But at the international level, States can avoid compulsory and binding international dispute settlement by withholding consent to jurisdiction. That means that, as a structural constraint, international adjudication is far less robust than adjudication by independent national courts.

On the international plane, it is the behaviour of States that largely determines whether the rule of law is being respected. If States mean what they say when they proclaim their fidelity to the rule of law at the international level, it is incumbent on them to exercise restraint and forbearance. They may not settle their disputes by using or threatening force and must be prepared to have the legality of their conduct evaluated by international courts and tribunals.

The rule of law among nations demands that States incorporate systemic community priorities within their conceptions of self-interest, even when those broader priorities might seem to be in tension with short-term objectives in relation to a particular situation.

Every person in this Chamber today knows perfectly well that States prize their autonomy and strive to safeguard whatever levers of power they hold. We also know that national leaders often prioritize near-term and parochial objectives over broader and longer-term interests. At the international level, the concept of the rule of law is in a constant battle with those competing tendencies. However, this is not a time for the rule of law to wave the white flag of surrender. In particular, the ways in which Member States engage with international adjudication can have a significant impact on the realization of the rule of law at the

international level. I offer a few specific comments in that regard.

First, States that are truly committed to the rule of law must entrust international courts and tribunals with the judicial settlement of legal disputes. When a State avoids binding and compulsory third-party dispute settlement, its invocations of the rule of law sound hollow.

Secondly, engagement with international dispute settlement means more than accepting jurisdiction. States must also participate in proceedings that may be brought against them. If they believe that a particular body lacks the jurisdiction to decide a dispute, they should appear before that body and make that argument.

Thirdly, the rule of law requires States to comply systematically with the decisions of international courts and tribunals that are binding on them, even if they disagree with those decisions. It is encouraging to note that there has been compliance with the vast majority of cases decided by the International Court of Justice to date.

Finally, the rule of law at the international level demands that States remain steadfast in their willingness to have their conduct judged by international courts and tribunals, even when adverse judicial decisions create pressure at home to retreat from the jurisdiction of those courts and tribunals.

Concrete steps such as those that I suggest today may appear more difficult for national leaders than recitations of the importance of the rule of law. However, the long-term strategic interests of States committed to the rule of law are best served by maintaining and bolstering a robust system of international adjudication.

As a final remark, I note that the concept of the rule of law at the international level applies not only to States, but also to the organs of international organizations, including the International Court of Justice. I cannot call upon Member States to do more to align their conduct with the rule of law without also stressing that international courts and tribunals must also do their part by deciding disputes submitted to them in a conscientious and impartial manner, in accordance with international law and within the limits of the jurisdiction conferred upon them by the consent of States. The judges of the International Court of Justice take those responsibilities seriously and are mindful of the important role bestowed upon

them by the Charter in the pursuit of the Organization's fundamental objectives.

The President: I thank Judge Donoghue for her briefing.

I now give the floor to Professor Akande.

Mr. Akande: I congratulate you, Mr. President, and your delegation on assuming the presidency of the Council.

In many of our national societies, we aspire to observance of the rule of law. While there are many ideas as to what precisely the rule of law means, at least one thing is clear: the rule of law requires that those who exercise public power must act in accordance with the law. That, in turn, means that all those who are the subjects of the law are entitled to the protection of the law.

Those principles are equally true in the international community. The international community, particularly through the General Assembly and also in this organ, has time and again affirmed its commitment to the promotion of the rule of law in international affairs. We see clearly, in the preamble to the Charter of the United Nations, the determination of the drafters to:

“establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

One of the main purposes of the United Nations is the maintenance of international peace and security. Article 1 of the Charter clearly links that task of maintaining peace and security with the settlement of disputes and the adjustment of situations in conformity with principles of justice and international law. As the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by consensus, stresses, the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security.

In order to ensure the rule of law in the maintenance of international peace and security, attention needs to be paid to the observance of international law by States and also by the United Nations as forum for advancing collective security.

First, States are the primary addressees of the rules of international law that are aimed at upholding and securing peace. The central rules in that respect are those that seek to restrain the use of force by States. States are not permitted to seek to impose their will on other States by using force. Sadly, the world continues to bear witness to the immense suffering that the unlawful use of force brings to human beings.

The basic rules of international law on the use of force, as contained in the Charter and in customary international law, are clear. The threat or use of force in international relations is prohibited. Force may be used lawfully only in two circumstances — when authorized in accordance with the collective security scheme established by the Charter, or when used in the exercise of individual or collective self-defence. In particular, the Charter is clear that force may not be used against the territorial integrity or political independence of another State. The use of force in order to advance national policy and interests is clearly inimical to the maintenance of peace and to the rule of law. States have an obligation to fulfil their obligations, including those relating to the use of force, in good faith. While there is ambiguity about some aspects of the law relating to the use of force, it is important to ensure that those areas are not abused for purposes that undermine the rule of law.

Together with the obligation not to use force, States also have an obligation under the Charter to settle their disputes by peaceful means and, to cite the Charter again, “in such a manner that international peace and security, and justice, are not endangered”. States have a range of dispute settlement mechanisms available to them, but commitment to the rule of law involves a commitment to the idea expressed in Article 1 of the Charter that disputes are to be settled in accordance with international law. A willingness to settle disputes in accordance with international law should mean that in cases where those disputes involve disagreements relating to the application of the law, States should be prepared to submit their disputes to bodies that are able to pronounce on those legal questions.

Today, in addition to the International Court of Justice, we have a range of arbitral and judicial bodies that could, in principle, deal with inter-State disputes that involve questions of law. However, international tribunals can act only where States provide consent to their jurisdiction. It would be an important advance in the rule of law among nations for States to increase

the range of instruments by which they provide such consent. While many of those courts, including the International Court of Justice, are busier than they have ever been, there is, paradoxically, a declining tendency for States to provide consent to the jurisdiction of the Court. To date, only 73 States have made declarations recognizing the compulsory jurisdiction of the International Court of Justice. That is barely more than a third of the membership of the United Nations, and the number has hardly increased in the past couple of decades.

Similarly, while it used to be routine to include clauses in multilateral and bilateral treaties permitting each party to refer a dispute under the treaty to the International Court of Justice, that has become relatively rare in recent treaties. It has been a trend now for a couple of decades and unfortunately represents a retreat from the idea, emblematic of the rule of law, that disputes involving legal rights should be settled on the basis of law. While courts and tribunals may not be able to settle all aspects of international disputes, they can at least deal with the legal issues. The increased acceptance of the jurisdiction of the International Court of Justice and other tribunals would mark an important advance in the rule of law and contribute to the maintenance of peace. It is a positive sign for the rule of law that States seem more willing than ever to submit cases for adjudication, but it is also important that when courts and tribunals pronounce on those disputes, their decisions are respected and complied with. The notion that it is the law that rules, not arbitrariness or force, applies all the more in situations where one is not in full agreement with the outcome dictated by the law.

Let me now turn to the role of this organ and of the United Nations more generally in the promotion of the rule of law in the maintenance of international peace and security. Three points connect the rule of law to the activities of the Security Council.

First, the Council has a responsibility to maintain peace and security. Any failure by it to fulfil its responsibilities undermines the rule of law, since maintaining the peace creates conditions in which justice and international law are observed.

Secondly, in order to promote the legitimacy of its own activities, this organ needs to ensure that international law is complied with in relation to its own activities, the activities that it authorizes and the demands that it makes of others. In that

regard, the regular references to international law, including international humanitarian law and human rights, in resolutions regarding situations of conflict are encouraging.

Thirdly, the rule of law requires that the law be applied equally. To continue to be seen as legitimate, the Council must ensure that like situations are treated alike.

While there is an obligation on the Council to ensure observance with international law, that responsibility ultimately falls on individual Council members, who have a responsibility — together with all States — to observe the law themselves and ensure that the Council collectively does too. Where the Council collectively fails to fulfil its responsibilities, there is a secondary responsibility on the part of other organs of the United Nations to contribute to the maintenance of international peace and thereby to the promotion of the rule of law. States have an obligation under the Charter to cooperate with regard to the maintenance of peace. They also have an obligation under international law to cooperate in order to bring an end to serious violations of the most important obligations under international law. Even where States cannot engage in such cooperation in this organ, those obligations for cooperation remain.

The President: I thank Mr. Akande for his briefing.

I shall now make a statement in my capacity as Minister for Foreign Affairs of Japan.

I thank all Ministers, fellow Security Council members and States Members of the United Nations for their participation today. I also thank Secretary-General Guterres, Judge Donoghue, President of the International Court of Justice, and Mr. Akande, of the University of Oxford, for their informative and insightful briefings.

We live in a world that needs the Security Council more than ever. Today we are beset by a war of aggression in Europe and by conflict, violence, terrorism and geopolitical tensions ranging from Africa to the Middle East to Latin America to the Asia-Pacific. Those situations are further complicated by energy and food crises, fragile supply chains, climate change and global health challenges. Faced with all of those complex problems, the expectations that the Council has to live up to are much higher than before. Yet we sometimes hear voices questioning the relevance of the Council. The Permanent Representative of Kenya

said in this Chamber that “[m]ultilateralism lies on its deathbed” (*S/PV.8970, p.9*). But we must not let it die. Let us remind ourselves that this is not the first time that we have been divided. In the past we have always managed to find a path to overcome those divisions. We have accumulated wisdom that still resonates with us today. That is the significance of the rule of law among nations.

All Member States, large or small, can be free from the fear of brute force under the rule of law, but not under rule by force. The maintenance of international peace and security, as stipulated by the Charter of the United Nations in its very first Article, cannot be achieved unless international law is respected and implemented in good faith. That is the belief that brought me to this meeting today to listen to the voices of Member States. I believe that the rule of law is intrinsically linked with the responsibility of the Council. I believe that it is only through multilateralism that we can uphold the rule of law globally. I believe that the United Nations should be at the core of multilateralism. And I believe that the Security Council should be the guardian of multilateralism.

Allow me to make a call here: let us unite ourselves once again around the principle of the rule of law. Uniting for the rule of law must be the keyword for us.

The rule of law among nations is a universal concept. It is not about choosing camps. It is not about taking the middle ground between opposing camps. It is about returning to the unshakable principles that Member States have built upon since 1945. We can draw such principles, first and foremost, from the Charter of the United Nations. We can also turn to the landmark Declaration on Principles of Friendly Relations, adopted by the General Assembly in 1970 as resolution 2625 (XXV), and General Assembly resolution 66/102, on the rule of law adopted by our Heads of State and Government in 2012. From those fundamental documents, we can focus on the following three points as essential elements of the rule of law among nations.

First, the rule of law should be anchored in trust among nations. If agreements are not observed in good faith, then the rule of law does not exist and the world becomes a jungle of brute force and coercion. The same applies to the Charter of the United Nations, resolutions of the United Nations and judgments and awards by

international tribunals. They are not just pieces of waste paper; they must be implemented in good faith.

General Assembly resolution ES-11/1 entitled “Aggression against Ukraine” and adopted on the 2 March 2022, reflects the voices of the Member States seriously alarmed by the lack of good faith in observing rules of international law. Furthermore, the International Court of Justice order on provisional measures of 16 March 2022 must be implemented immediately, which includes the immediate, complete and unconditional withdrawal of Russia’s military forces from Ukraine.

Secondly, the rule of law never allows any country to rewrite borders by force or through the flexing of muscles. That applies to any coercion, including the deployment of armed personnel beyond internationally recognized borders, or to territory under the peaceful administration of another State to create a fait accompli. By no means can such actions be justified through arbitrary interpretations of the Charter of the United Nations and international law, including the right of self-defence.

Thirdly, we, the Member States, should unite for the rule of law and cooperate with each other to stand up against violations of the Charter, such as aggression against, or the acquisition of territory by force from, a Member State. Japan welcomes efforts by Member States in that regard and calls for further actions to end the aggression against Ukraine. Let us refrain from recognizing territorial acquisitions by force or supporting aggression, directly or indirectly.

The rule of law is strongly interrelated with national governance and development. They are mutually reinforcing. The rule of law leads to greater predictability, transparency and fairness in society, which in turn serves as the foundation of economic development and human security. That, in return, helps to strengthen the rule of law.

Japan is a proud supporter, when requested, of national efforts to build legal institutions and develop human resources around the world. I hope that Japan’s assistance has been helpful in the countries of the Association of Southeast Asian Nations of Bangladesh, Sri Lanka, Mongolia, Kenya and Côte d’Ivoire, just to name a few. Japan will continue to work together hand in hand with other States to let the rule of law permeate at the national and international levels.

Confidence in the United Nations is now eroding. But as Dag Hammarskjöld once said,

“We need [the United Nations] as a foundation and a framework for arduous and time-consuming attempts to find norms in which an extra-national—or perhaps even supranational— influence may be brought to bear in the prevention of future conflicts.” (*Public Papers of the Secretaries-General of The United Nations, vol. IV, p. 374*)

No other organization can, or should, replace the United Nations. We need to enhance the functions of the whole United Nations as the bulwark of multilateralism and the rule of law. That includes strengthening the roles of the General Assembly, the Secretary-General and other organs.

The most pressing aspect of that effort is Security Council reform. The Council should be enlarged, in both the permanent and non-permanent categories, to better reflect the realities of the current world, not that of 78 years ago. That is especially true for Africa.

The International Court of Justice is the final gatekeeper of the rule of law, and we should reinforce its role. I call upon all States that have not yet done so to accept the compulsory jurisdiction of the International Court of Justice.

I hope that today’s open debate can be an opportunity for Member States to share concrete ideas and proposals to strengthen the rule of law. I look forward to a vibrant discussion.

I now resume my functions as President of the Council.

I shall now give the floor to those members of the Council who wish to make statements.

Mr. Cassis (Switzerland) (*spoke in French*): Switzerland congratulates Japan on its presidency and thanks it for organizing this debate. In my capacity as Minister for Foreign Affairs, I would also like to thank the Secretary-General, the President of the International Court of Justice and Professor Dapo Akande for their valuable contributions.

This is the first time I have the honour to speak as an elected member of this organ. I would like to stress that Switzerland looks forward to working for international peace and security with all the members of the Security Council.

Today international law governs the fundamental aspects of our coexistence. As an international community, we have succeeded over the past decades in building together a multilateral system based on universal rules. The rule of law is the backbone of that system, which is based on the Charter of the United Nations. It is the duty of every State to respect the norms and principles set out in it. The Charter prohibits the use or the threat of the use of force against the territorial integrity or political independence of another State. It obliges States to settle their disputes peacefully. And it is also in the Charter of the United Nations that fundamental human rights and fundamental freedoms are anchored. It is our duty, as members of the Security Council, to ensure that those rules are respected.

The principles of the Charter are being put to the test today. They have been flagrantly violated in the case of the Russian military aggression against Ukraine.

A key principle of the rule of law is respect for due process. In order for the Council to strengthen its credibility, it must itself respect those standards and act in a transparent and consistent manner. In that regard, Switzerland welcomes the work of the Ombudsperson to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), concerning the Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, to ensure the rule of law in United Nations sanctions. We intend to work with all Council members to ensure that other sanctions regimes also benefit from such a mechanism.

International humanitarian law continues to be violated in many armed conflicts. Serious violations of human rights take place every day. Switzerland condemns those serious violations of international law, wherever they occur in the world. Moreover, international criminal law and accountability are not being adequately implemented. Against that backdrop, we must not give up but should rather all support the work of international bodies such as the Human Rights Council, the International Court of Justice, the International Criminal Court and the various United Nations investigation and fact-finding mechanisms. It is crucial that all States, as well as the Security Council, cooperate fully with those bodies. It should also be borne in mind at the national level that the erosion of the rule of law and human rights violations can often be early indicators of violence or armed conflict. The Security Council should take that into account, for

instance, in its decisions on peacekeeping and special political missions.

The Swiss Constitution states that the strength of a people is measured by the well-being of its weakest members. The rule of law protects us all. It protects our States, whether they are small or large, and us as individuals, whether we are weak or strong. In 2010, Joseph Deiss of Switzerland, the then President of the General Assembly, said that the Charter must remain our ultimate guide and that peace and security are our primary calling. I wholeheartedly endorse those sentiments.

The President: I now call on the Minister for Foreign Affairs and Human Mobility of Ecuador.

Mr. Holguín Maldonado (Ecuador) (*spoke in Spanish*): I thank Japan for organizing today's open debate, which reminds us of the importance of promoting, strengthening and respecting the rule of law in the maintenance of international peace and security. I acknowledge the briefings by Secretary-General António Guterres, President Joan E. Donoghue of the International Court of Justice, and Mr. Dapo Akande. Several of the elements that they raised are key to addressing the current state of international conflicts.

The last time Ecuador held a seat on the Security Council, we were involved in a border dispute with a neighbouring country that took the form of a war. The peace negotiations were successful, and in October we will mark 25 years since the signing of the peace agreements between Ecuador and Peru — a peace in favour of the rule of law between nations — with which we are moving forward in a relationship based on respect, friendship, cooperation and the common good.

After the outbreak of the pandemic, the Secretary-General called for a global ceasefire as a first step towards permanent peace. Ecuador is well aware of the benefits of peace and the costs of war in terms of human lives and collateral damage and deplores the fact that armed conflicts continue to increase rather than diminish. In addition, we are seeing the proliferation of hate speech, anti-multilateralism narratives, radicalization, violent extremism, corruption that destroys the social fabric and threatens democratic institutions, transnational organized crime and terrorism, all of which take us further away from achieving the central objective we set ourselves in 1945, which was to save succeeding generations from the scourge of war, as proclaimed in the Charter of the United Nations, an instrument

for world peace signed by my country as a founding member of the Organization.

We must coordinate efforts, particularly in the Security Council, to support States in their attempts to combat transnational organized crime and arms trafficking, whose adverse effects undermine security at all levels, diminishing the scope and effectiveness of actions aimed at ensuring peace, undermining the rule of law and democratic institutions and their values, promoting inequity and, worst of all, discouraging prosperity and entrepreneurship. The world needs the Council and its members to be the first to defend and respect the purposes of the Charter and to refrain from resorting to the threat or use of force against the territorial integrity or political independence of any State. I therefore emphasize the urgency of putting an end to the aggression against Ukraine, which has caused pain, destruction and death and has exacerbated the nuclear threat. It is a flagrant violation of the principles and norms of international law established in the Charter and an attack on the entire system of international relations, undermining the foundations of global stability. I reiterate Ecuador's belief that nuclear weapons have no place in a world order based on the rule of law among nations and its rejection of threats of their use.

While recognizing the central role of the Security Council in the maintenance of international peace and security, I reiterate how important it is to strengthen it with more inclusive, modern and effective working methods. In the current biennium, as a member of the Accountability, Coherence and Transparency group, Ecuador will support efforts to achieve greater accountability, coherence and transparency. We will continue to support the progressive development of international law and its codification, as well as the strengthening of international judicial institutions, especially the International Court of Justice. As the President of the Court said today, we need a strong system of international arbitration. I also reaffirm our full support for the work of the International Criminal Court and its mandate to end impunity for those responsible for international crimes, including genocide, war crimes and crimes against humanity. We will continue to promote the universalization of the Court and the strengthening of its relationship with the Council.

As the Secretary-General said, peace is a global public good that we must protect and manage. Ecuador

agrees with that assessment. I want to assure you, Mr. President, that multilateralism is not on its deathbed. While some may want to attack and diminish it, those of us in the Council today have the utmost confidence that through the rule of law we can prevent the world from becoming a jungle of conflict. Rest assured, Sir, that in every decision and opportunity to contribute to stability and peace, Ecuador will be there to contribute with enthusiasm and determination.

The President: I now call on the Permanent Representative of the United States of America and member of President Biden's Cabinet.

Mrs. Thomas-Greenfield (United States of America): I would like to thank you, Mr. President, for convening today's urgent open debate on how we can collectively strengthen the rule of law. We are pleased that the Government of Japan has chosen to highlight this important topic during its presidency and at a critical moment. I thank Secretary-General Guterres for his very cogent and strong statement on the importance of the rule of law. I also thank Judge Donoghue, the President of the International Court of Justice, and Mr. Akande, for their thoughtful presentations.

We heard from Mr. Akande that the Charter of the United Nations was forged, as it says, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. In short, the rule of law is what brought us together. In those famous words of former Secretary-General Hammarskjöld, it is what saves us from hell. No person, prime minister, president, State or country is above the law.

That is an ironclad commitment for the United States and a fundamental principle of the United Nations. We are committed to upholding and acting strictly in accordance with the United Nations Charter, which offers legal protections that benefit all States. Instead of elevating some provisions over others, the United States embraces its obligations under the United Nations Charter as a whole. Not least among them is the Charter's prohibition on the threat or use of force and the promotion of respect for human rights and fundamental freedoms. Yet, despite the unparalleled advancements that we have made towards peace and prosperity since the founding of the United Nations, today certain States are flagging or are failing in their commitment to the principles of the United Nations Charter, or enabling rule-breakers to carry on without accountability.

The most glaring example is sitting right here in this Chamber. There is no international legal basis for Russia's invasion of Ukraine. Russia is in violation of the United Nations Charter, and members of its forces have committed war crimes in Ukraine. The General Assembly resoundingly adopted a resolution that clearly and unequivocally condemns Russia's illegal so-called referendums (resolution ES-11/4). It is no wonder that many people see a crisis of confidence when it comes to upholding the Charter and the founding promise and principles of the United Nations.

We must hold Russia accountable, just as we must hold accountable all those who do not respect sovereignty, territorial integrity, human rights and fundamental freedoms.

In Russia, the Democratic People's Republic of Korea, Iran, Nicaragua and Syria, horrifying reports detail how Governments are unjustly detaining, torturing or killing political opponents, activists, human rights defenders and journalists. In Burma, Belarus, Cuba, Iran and the Sudan, we have seen peace protesters — people demanding their basic human rights — attacked and abused. Right now the Taliban are undermining the right to education enshrined in the Universal Declaration of Human Rights. It makes Afghanistan a pariah and the only country in the world where half the population is barred from access to education beyond the sixth grade.

The United States will continue to defend, protect and advance respect for human rights and fundamental freedoms. We continue to fight against discrimination, inequity and inequality in all its forms. That is why we worked collectively, through the General Assembly, to suspend Russia from the Human Rights Council and why we worked with partners to remove Iran from the Commission on the Status of Women. It is why we are calling for the recommendations contained in the report of the Office of the United Nations High Commissioner for Human Rights regarding human rights abuses in China to be implemented, and it is why we are raising the Democratic People's Republic of Korea's human rights abuses in the Security Council as an unequivocal issue of international peace and security.

As members of the Security Council, we must address such issues, and the permanent members in particular must live up to their special responsibility to serve, not dominate, the people of the world. That

means meeting, at the very least, the basic and most fundamental standards of international law.

Let us take, for example, non-proliferation and arms control. Together, many nations of the world established rules and norms of behaviour regarding non-proliferation and arms control in order to foster stability and help to prevent the outbreak of nuclear war. That work has been enormously successful. We must continue to strengthen and advance the international non-proliferation and arms control regimes.

To that end, the United States promotes the highest possible standards of nuclear safety, security and safeguards worldwide, and it helps partners to build capacity to reduce proliferation risks. But last year, the Democratic People's Republic of Korea launched an unprecedented 69 ballistic missiles, all of which violated multiple Security Council resolutions, and earlier this year, it reaffirmed its intent to mass-produce tactical nuclear weapons to exponentially increase its nuclear arsenal this year. Many people have raised the very real concern that the Democratic People's Republic of Korea is prepared to conduct a seventh nuclear test. The Democratic People's Republic of Korea is clearly and grossly disregarding international obligations, but so are those who protect and abet it.

China and Russia repeatedly stopped the Security Council from condemning the Democratic People's Republic of Korea's unlawful actions in 2022 by forcing the Council to stay silent, blocking the rest of the Council's attempts to carry out its responsibility to maintain peace and security. All such violations and abuses of international law require accountability. If there is no justice, there will be no peace.

Fortunately, the international system has many tools at its disposal to enforce international law. In the light of all the violations of international law that we see today, we have to ask ourselves if we are using those tools effectively.

For its part, the United States will continue to advance the rule of law, both internationally and domestically, and we are willing to work with anyone seeking to do the same. We have not always been perfect, but we are holding ourselves to a higher standard and are working with our partner nations to contribute to a stable international system. Together, we are improving prosecutorial and judicial effectiveness, bolstering accountability and the transparency of criminal justice agencies and promoting criminal defence and legal

aid. We will continue to do everything in our power to institutionalize respect for human rights and the rule of law at all levels. International law can save us from hell. With any luck, it will bring us closer to peace.

Mr. Al Sayegh (United Arab Emirates): At the outset, we welcome your presence, Mr. Foreign Minister, and your country's decision to highlight this important topic for the first signature event of your Security Council presidency. I am grateful to the Secretary-General, Mr. António Guterres, for his valuable briefing and to Judge Joan E. Donoghue, President of the International Court of Justice, for her detailed briefing and for the critical work of the Court, the principal judicial organ of the United Nations, particularly in the promotion of the rule of law at the global level. Allow me to also thank Professor Dapo Akande for his thoughtful briefing.

The rule of law plays a crucial role in the smooth functioning of an international system that is largely characterized by deep inequalities in power, influence and opportunity. The Charter of the United Nations provides an essential foundation in that regard. However, it is only by consistently applying the norms and values enshrined in the Charter, including sovereign equality, territorial integrity and the prohibition of the use of force, that the rule of law offers the promise of stable peace as the alternative to destabilizing conflict. The rule of law provides the basis for sustainable development, international trade and investment, which promotes stability and peaceful relations among States. Because of its importance, there is a tendency to refer to the rule of law in lofty terms or appeal to it in the most urgent circumstances. Its selective application cannot serve our shared goal of consistent adherence to the rule of law. That requires constant nurturing and cultivation. The rule of law is strongest when regularly defined by our interactions.

In that context, I would like to highlight the following three points on how we can all work together to strengthen the rule of law.

The first is the commitment to consistency in the invocation and application of the rule of law, no matter the region or interests involved. For the rule of law to exist at all, it must mean that all are held to the same standard. Respect for core principles, foremost among them those enshrined by the Charter of the United Nations, must not be protected only when they involve the interests of the strongest among us. Our

international system can function only for all States—large and small, weak and strong—when it binds everyone to the same rules. In addition to undermining faith in the rule of law, an uneven approach leads to its erosion. It incentivizes those that have the means to pick and choose when to champion the rule of law.

The second is the commitment to the peaceful resolution of disputes. When there are differences among States, there is the responsibility to acknowledge such differences and engage in good-faith efforts to resolve them peacefully. There is a range of international dispute resolution mechanisms available for those purposes, of which the International Court of Justice is a key example. The United Arab Emirates is, and will continue to be, steadfast in its dedication to prioritizing dialogue and the peaceful resolution of disputes. That is my country's consistent approach to matters of the highest significance to our nation. The United Arab Emirates, for instance, has been constantly calling for a peaceful resolution of the dispute with Iran over the three United Arab Emirates islands of the Greater Tunb, Lesser Tunb and Abu Musa.

The third is the practical commitment to building capacity for compliance. We have seen the tendency of establishing rules or standards without sufficient consideration of the ability of some States to meet them. In addition to questions of basic fairness, such an approach, which inevitably leads to non-compliance, undermines the functioning of the rule of law. The international community, including through regional and international organizations, should work with States to identify needs and help build capacity—for instance, by raising awareness and strengthening institutions. We see, in that regard, the importance of efforts to develop a new vision for the rule of law as we work towards realizing *Our Common Agenda* (A/75/982), set out by the Secretary-General.

Let me to conclude by reiterating once again the fundamental importance of the rule of law and respect for the Charter in the maintenance of international peace and security. For the United Arab Emirates, those principles are the pillars of the international system, and we will continue to uphold and promote them.

Mr. Rutley (United Kingdom): I am grateful to our briefers for their valuable contributions today.

The United Kingdom has long been an advocate for the rules-based international order as the foundation of international peace, development and human

advancement, and we remain deeply committed to it today. At the heart of the order is the Charter of the United Nations. Since its inception in 1945, 193 countries have ratified the Charter, committing to work together to save future generations from the scourge of war, promote human rights and uphold international law. Within the Charter, Articles 1 and 2 are of particular importance to today's Security Council discussion. They provide the foundations for global peace and security. They include the express commitment by Member States not to threaten or use force against the territorial integrity or political independence of any State. And they oblige Member States to settle disputes by exclusively peaceful means.

We have all made a commitment to these principles. For all the tragedies and bloodshed of the past eight decades, the remarkable truth is that the global commitment has made a difference, with the number of deaths in State conflicts as a percentage of the global population falling by 95 per cent between 1946 and 2020. Yet while many countries — indeed the vast majority of them — have demonstrated how seriously they take their commitments under the Charter, a handful continue to show their disregard for the rules-based international order and the rule of law.

Russia's illegal invasion of Ukraine is a particularly stark example. Through its unprovoked invasion, sham referendums and illegal attempted annexations, Russia has shown clear contempt for its obligations under the Charter. Russia has clearly violated the prohibition on the use of force and the principle of non-intervention in its contravention of Ukraine's sovereignty and territorial integrity. That is made all the more egregious by the fact that Russia is a permanent member of the Council, which brings with it a particular responsibility.

Elsewhere too, we continue to see certain Member States act in a way that demonstrates a disregard for the rules-based international order. Iran's nuclear programme has never been more advanced than it is today. It is threatening international peace and security and undermining the global non-proliferation system. In North Korea, the unprecedented launching of 70 ballistic missiles in 2022 violates multiple Security Council resolutions, as well as continues to threaten international peace and security. And, in Syria, the targeting of schools, hospitals and emergency first responders by the regime and Russia constitutes flagrant violations of international law and indeed

basic human decency. Sadly, rape and sexual violence have also been widely used as a weapon of war.

Today's discussion is timely. Any breach of the Charter and its fundamental principles, which underpin global peace and security, represents a threat to us all. Therefore, more than ever, the international community must come together to reiterate our support for the Charter and the rule of law; commit to work together to strengthen the rules-based international order and the rule of law; and send a clear signal that we will not tolerate efforts to undermine the rules-based international order. The United Kingdom looks forward to working with everyone to that end.

Mrs. Frazier (Malta): I thank you, Mr. President, for your presence in the Security Council Chamber today, and the Japanese presidency for convening this open debate. I also thank the Secretary-General and the President of the International Court of Justice for their work in promoting the rule of law, and Mr. Akande for enriching this discussion with his views and insights.

Seventy-seven years ago, the world pledged to uphold a rules-based order, which we solemnly enshrined in the United Nations Charter. By defending the Charter and the multilateral system, we are reiterating our commitment to its principles. I would like to make two points.

First, the Security Council must uphold the rule of law and make concrete efforts when the Charter's principles are violated by wars of aggression, nuclear threats or attacks on civilians, in particular women and children. Furthermore, we must strengthen our efforts against threats to peace and security resulting from climate change.

I reiterate Malta's strong support for General Assembly resolution 76/262, which is a significant step towards increasing scrutiny of veto use. Malta also fully supports the political declaration on suspension of veto powers launched by France and Mexico, as well as the Code of Conduct promoted by the Accountability, Coherence And Transparency group. We firmly believe that the veto should not be used in cases of genocide, crimes against humanity or war crimes.

In addition, we must enhance partnerships between the Council and other bodies within the United Nations system to ensure full respect of international human rights law and international humanitarian law. Restoring our citizens' trust in institutions at all

levels is possible only if the rule of law is guaranteed and if unhindered access to political and public life by all is safeguarded and protected. United Nations peacekeeping must continue to assist conflict-affected countries in strengthening the rule of law.

My second point focuses on the key role of international courts and tribunals in ensuring respect for the rule of law. The cooperation of the Security Council with the International Court of Justice and the International Criminal Court (ICC) must be strengthened. The Security Council should promote the jurisdiction of the International Court of Justice as a basis for the settlement of disputes.

The Rome Statute empowers the Security Council to refer situations to the Court to ensure accountability, and in that regard we must be consistent. The Council has acted by referring the situation in Libya and Darfur to the ICC, and by establishing the Tribunals for Rwanda and the former Yugoslavia. Taking similar decisive approaches towards current major conflicts would enhance the Security Council's legitimacy, credibility and effectiveness. Moreover, we must also ensure follow-up when referrals are made, and we call on relevant States to cooperate with the ICC and the International Residual Mechanism for Criminal Tribunals in line with relevant Security Council resolutions.

Malta recognizes the essential role of international courts in our efforts towards peace and security. This is why, in view of Russia's aggression against Ukraine, we joined States Parties to the Rome Statute in referring Ukraine's case to the ICC Prosecutor, and we recently made a declaration of intervention in the International Court of Justice proceedings on the allegations of genocide. As stated by the International Court of Justice, the international community shares the obligation to not recognize as lawful a situation created by a serious breach of the law.

This year marks 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. In 2012, we recognized that the rule of law is key for the further development of the three pillars of the United Nations.

As stated by the Secretary-General in his report entitled *Our Common Agenda* (A/75/982), the Charter is based on enduring values and principles, but it is also flexible and dynamic, allowing for adjustments to address new challenges. We must spare no effort

to make sure that we live up to those values and principles. We must endeavour to be remembered not for the promises we broke, but for all the promises that we strived to uphold.

Mr. Hoxha (Albania): I thank you, Mr. President, for convening today's meeting on such an important topic, and we welcome you as you preside over this open debate. I also thank the Secretary-General, the President of the International Court of Justice, Judge Donoghue, and Mr. Akande, for their valuable insights.

As of late, hardly any other subject would be timelier or a more worthy use of our time in the Security Council. Strengthening the rule of law at national and international levels remains a key goal of the international community to ensure peace and security. Member States confirm that idea every September in their statements at the plenary opening of the General Assembly but also in other high-level meetings, including in the Security Council Chamber. As we all know, developing an international order based upon the international rule of law is also a core objective of the United Nations Charter and is rightly considered to be the centrepiece of the modern international order.

The rule of law is not just a wish or a mere political commitment. It has continuously been codified in countless important and binding documents, including Security Council resolutions. Our security and prosperity depend on having and upholding agreed rules. The last seven decades have shown that it is a deliberate and rational choice to be guided by right rather than might, to live by the rule of law and not rule by force. We have decided to live by common rules because they have been adopted and agreed upon by all and for all. That is the basic and unquestionable premise of sovereign equality, territorial integrity and the independence of all States, without exception.

All States, especially those that seek greater responsibility in world affairs, have a direct interest in the observance of the rule of law. It goes without saying that this also applies to permanent members of the Security Council who enjoy unique privilege that come with permanent membership, but with that membership comes the special responsibility to exercise due diligence. This is why the unprovoked Russian aggression against Ukraine is a flagrant aberration that embodies a complete repudiation of our common rules and the necessity to live by them. Indeed, it represents what all of us together have committed to

leaving behind as a lesson learned from past mistakes; it cannot be served as a cold meal on the menu of an imperial appetite in the twenty-first century. That is why this aggression has been universally denounced and rejected.

We must continue to stand up collectively to abuses because it is our duty to cooperate and act in concert to safeguard international peace and security through multilateralism, instead of giving in to the faits accomplis, annexations of territory by force and blatant crimes. By tolerating transgressive behaviours, we run the risk of having them become guidelines for others to follow. We run the risk of empowering strongmen to overthrow constitutional order, violate international law, threaten peace and security, and deny their own citizens their elementary rights. Persistent and flagrant violators of common rules must not be condoned; they must only be condemned.

The rule of law and development are strongly interrelated and mutually reinforcing. The rule of law supports growth and sustainability through rules and regulations, institutions that are citizen-centred and citizen-driven, and which protect and enforce environmental rights. The rule of law promotes economic growth and sustainability. It contributes to a more inclusive and equitable development, and by doing so it helps fight poverty and inequality by promoting social advancement.

Equally, when the rule of law is infringed upon, when rights and equality are not ensured for all, when laws discriminate against women and deprive them of their contribution, when corruption, bribery and segregation distort access to basic services, when the law is selectively enforced, when poor people are evicted from their land without the possibility of redress, that is when poverty deepens, inequality thrives, and conflicts erupt. This is exactly why the rule of law is not an option, but a must. By providing certainty and predictability, the rule of law ensures justice. By upholding universal principles, the rule of law is key to promoting and protecting human rights in order to bridge the gap between human rights aspirations and human rights realities.

For Albania, human rights and security are intimately linked. Rights that are not properly observed remain mere words, worthless paper. While we strive to strengthen the existing normative framework, we must work hard and do everything in our power

to ensure effective implementation of the law and accountability for serious breaches of international law, especially with regard to war crimes and crimes against humanity. Renewed resolve, continued commitment and concerted cooperation are all necessary for us to fight impunity, which we must do with all our might, to restore faith in our solemn commitment to upholding the United Nations Charter and international law and to build a world where nations meet in peace and are not confronted with war and conflict.

Mr. De Rivière (France) (*spoke in French*): I thank the Secretary-General, the President of the International Court of Justice and Professor Akande for their briefings.

As we just celebrated 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 (General Assembly resolution 67/1), I would like to thank you, Mr. President, for organizing this debate.

On 24 September 2012, our leaders reaffirmed their commitment to the rule of law. The States Members of the United Nations then decided to reaffirm their adherence to the founding principles of the Charter of the United Nations, namely respect for the independence, sovereignty and territorial integrity of all countries.

In doing so, all Member States, including the members of the Security Council, undertook to refrain from the threat or use of force against the territorial integrity or political independence of any State. Any breach of those obligations, such as Russia's continued aggression against Ukraine, is a serious violation of the United Nations Charter and a denial of the rule of law.

Strengthening the rule of law also enables action in the face of the financial, climate and health crises that have aggravated inequality, injustice and discrimination around the world. Such cooperation is fundamental to ending conflicts.

The Security Council clearly has a central role to play in restoring the rule of law. Following the 2012 declaration, it assumed its responsibilities by integrating the promotion and restoration of the rule of law in several of its resolutions, such as in resolution 2631 (2022), concerning Iraq. Support for the rule of law and judicial institutions and a responsible security sector are part of the mandates of several peacekeeping

operations. Recently, the Security Council, in resolution 2669 (2022), on Burma, urged all parties to respect human rights, fundamental freedoms and the rule of law.

As we celebrate the seventy-fifth anniversary of the Universal Declaration of Human Rights, France reaffirms its commitment to democratic values and respect for the rule of law by all States. It defends the rigorous respect of the principles of international law relating to friendly relations and cooperation between States, which are essential to the maintenance of international peace and security, for which the Security Council is the guarantor.

The increasing number of attacks and challenges to the rule of law should encourage us to take further action.

First, the Security Council must protect the rule of law in its resolutions, including by guaranteeing the participation of all components of society, particularly women and young people, in peace processes. More broadly, it must act and live up to its responsibilities. That is the meaning of our initiative, in partnership with Mexico, on the use of the veto in cases of mass atrocities, which already has 106 supporters. I invite the Member States that have not yet done so to join it.

Secondly, access to justice for all is an imperative. To that end, we must support and invest in actions to strengthen national judicial systems. We must also fight against impunity by bringing to justice the perpetrators of serious violations of international humanitarian law and human rights. Where national jurisdictions cannot act alone, the Council must reinforce the role of the International Criminal Court. It is also essential that all Member States respect the decisions of the International Court of Justice.

Thirdly, we must also fight against the growing violations of international humanitarian law and attacks on civilian populations. That is the meaning of the call for humanitarian action that France launched with Germany in 2019 and of the ministerial meeting organized under our presidency in July 2021 (see S/PV.8822). I reiterate our unwavering support for the mechanisms put in place by the Council to prevent abuses against children and the perpetration of sexual violence in times of conflict.

Finally, we must firmly support the action of the United Nations, the Office of the United Nations High Commissioner for Human Rights, UN-Women and

the entire United Nations family, which, under the authority of the Secretary-General, play a decisive role in protecting and promoting the rule of law. France recognizes the central importance of *Our Common Agenda* (A/75/982) in promoting a multilateral order based on the rule of law. Let us work together to implement the Secretary-General's recommendations on strengthening and coordinating United Nations action in this field.

Mr. Zhang Jun (China) (*spoke in Chinese*): I thank the Japanese presidency for the initiative to hold today's meeting. I also thank Secretary-General Guterres, Judge Joan E. Donoghue, President of the International Court of Justice, and Professor Akande for their briefings.

Our world is in the grips of interlocking changes and turbulence. While old issues and tensions remain, new challenges are rapidly emerging, with a mounting governance deficit, making it all the more relevant to bolster the rule of law at the international level. Doing so is a shared responsibility for all countries.

I would like to share our views and observations in that regard.

In order to strengthen the rule of law at the international level, the first order of business is to uphold the authority of international law. The Charter of the United Nations establishes the basic norms governing modern international relations. Its purposes and principles form the cornerstone of modern international law.

Regrettably, however, the purposes and principles of the Charter have not been fully implemented. A scant few countries have willfully backed out of international treaties and agreements, applied international law selectively and pursued double standards and a utilitarian approach of applying it when it suits their interests and discarding it when it does not. Such acts trample upon the authority of international law, chip away at the foundation of the rule of law at the international level and undermine the harmony and stability of international relations. That approach must be abandoned.

Strengthening the rule of law at the international level means encouraging dialogue and consultation in order to settle all disputes. Closer interaction between States will inevitably lead to occasional hiccups and friction. The important thing is to find appropriate ways

to handle those differences properly. Direct dialogue and consultation between the parties is customary in dealing with international disputes. That is in line with the spirit of international law and has proved to be the most effective and feasible means of dispute settlement.

Instead of resorting to third-party mechanisms, we encourage the countries concerned to do more with negotiation, good offices and mediation and to resolve their disputes through dialogue and consultation. The principle of national consent is a fundamental principle of international law, which should be followed when resorting to international judicial organs to settle disputes. The International Court of Justice, as the principal judicial organ of the United Nations, should play an active role in the peaceful settlement of international disputes, as mandated.

To strengthen the rule of law at the international level, we should ensure that all countries are engaged in creating international law. All countries — regardless of their size, power or wealth — are equal members of the international community. International rule-making is not the prerogative or privilege of a few countries and is by no means a case of obeying the strongest. International affairs should be addressed jointly, through consultation, and the future of the world should be decided by all countries, which ought to participate equally in international law-making. And international rules should reflect the concerns of all countries in a balanced manner. Every effort should be made to seek consensus in international law-making and rule-making under the United Nations framework. That is consistent with the spirit of democratic law-making and is the essence of multilateralism.

To strengthen the rule of law at the international level, we must resolutely reject unilateral sanctions. No country can place its domestic law above international law. Unilateral sanctions have no basis in international law. Whatever banner they fly under, it cannot conceal the illegality of such sanctions. Some countries have indiscriminately imposed unilateral sanctions that go beyond the pale of international law, hindering the economic and social development of other countries and creating grave humanitarian disasters. In violation of the principles of fair competition and market economy and multilateral trade rules, some countries — the United States in particular — hamstring other countries' high-tech enterprises on all sorts of trumped-up charges and artificially destabilize the global industrial and supply chains. Their behaviour not only undermines other

countries' legitimate right to development, as well as the common interests of the international community, it also runs completely counter to the spirit of the rule of law at the international level.

There is a new phrase that we often hear these days, "the rules-based international order". It is an ambiguous formulation that is not found in the Charter of the United Nations, in any of the leaders' declarations adopted by the United Nations or in any Security Council or General Assembly resolutions. We have been meaning to ask what kind of rules the so-called rules-based international order is based on. Who creates those rules, and how are those rules related to the international order? We have yet to hear a definitive, unambiguous answer to those questions. What we have seen instead, in reality, is how the so-called rules-based approach pursued by some countries has plunged the world into immense trouble and chaos. If the rules referred to in that formulation are the universally recognized norms of international law and the purposes and principles of the Charter of the United Nations, then why not be upfront about it and call a spade a spade? If there are other rules that universally recognize international law and can serve as the basis of the international order, may I ask what those rules are? Can they be listed, one by one? Why do those countries chant the rules-based mantra at every opportunity yet equivocate on the specifics of those rules?

We therefore have reason to suspect that the true intention of that handful of countries touting a rules-based international order is to create an alternative to the existing system of international law in order to impose their own standards and will on others, putting their own narrow interests at the centre of the universe and opening a back door to double standards and exceptionalism. The statement by the representative of the United States earlier today further convinces us that our suspicion is fully justified. If we let that dangerous trend continue unchecked, our world will regress into an age where the law of the jungle and power politics rule the day. All peace-loving peoples of the world should and must be very wary of that.

We hope that this meeting provides a pivotal opportunity for all countries to unequivocally affirm that there is only one system in the world, which is the international system with the United Nations at its core. There is only one order, which is the international order based on international law, and there is only one set of rules, made up of the basic norms governing

international relations that are anchored in the purposes and principles of the Charter of the United Nations.

As a permanent member of the Security Council and the world's largest developing country, China will continue to stand by and behind true multilateralism in order to safeguard the purposes and principles of the Charter of the United Nations. We will take the lead in implementing the rule of law at the international level, upholding international justice and fairness and advocating humankind's shared values. We will work unremittingly to advance global governance in a more just and reasonable direction in order to build a shared future for all countries while maintaining common security and promoting common development.

Mr. Costa Filho (Brazil): I would like to thank the Japanese presidency for organizing a debate on such a pressing topic on the international agenda. I would also like to thank the Secretary-General, Mr. António Guterres, Judge Joan E. Donoghue, President of the International Court of Justice, and Mr. Dapo Akande for their insightful remarks.

The rule of law among nations is the basis for the successful pursuit of the goal of maintaining international peace and security. It is not an accident that the rule of law underpins the Charter of the United Nations and is the object of landmark United Nations documents such as the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, as both Judge Donoghue and you yourself referred to, Mr. President.

Article 2, paragraph 4, of the Charter is commonly regarded as one of its most important provisions, as it states the primacy of international law over force. It is worth recalling the history behind the fundamental principle of the prohibition of the threat or use of force, especially in the face of the unilateralism and unlawful military interventions that have marked recent decades. That principle, alongside the juridical equality of States, emerged after the two Hague Peace Conferences of 1899 and 1907. Latin American States made a decisive contribution to the outcome of those conferences and to the wide recognition of those principles. Brazil is proud of the Latin-American legacy in international law and in particular of the role played by the Brazilian internationalist Ruy Barbosa, who firmly promoted the principle of equality among States.

The prohibition of the use of force is considered to be a *jus cogens* norm and therefore leaves no room

for derogation, either by treaty or by unilateral acts. No rights can ever arise from its violation. The only exception to that prohibition — the right to individual or collective self-defence enshrined in Article 51 of the Charter — must be interpreted in a restrictive manner, as has already been decided by the International Court of Justice. All acts of aggression against sovereign States and any individual or collective use of force without the Council's approval, as well as the use of unilateral coercive measures, are all expressions of disregard for the norms and principles of the Charter.

International law alone cannot prevent conflict — that requires the commitment of all countries. Tragically, we are witnessing the return of inter-State conflicts. The conflict in Ukraine, for example, confronts us with the harsh reality that if the international community does not decisively engage in good faith with a view to achieving a cessation of hostilities and peace negotiations, more instability will follow. Concerns about food security have grown, especially among developing countries. Only collective action has been able to avoid crises. In that connection, I would like to point to paragraph 14 of resolution ES-11/1 — the first to be adopted by the General Assembly after the establishment of the “uniting for peace” mechanism for the situation in Ukraine — which urges for an immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means.

The declaration adopted at the 2012 high-level meeting of the General Assembly on the rule of law at the national and international levels recognized the rule of law as

“the foundation of friendly and equitable relations between States and the basis on which just and fair societies are built” (*General Assembly resolution 67/1*).

It acknowledges that the rule of law at the international level requires not only peaceful coexistence among subjects of international law, but also their coordination and cooperation towards a just and fair order based on international law.

Let us not forget that Sustainable Development Goal 16 is closely related to the idea of the rule of law, not only domestically but also internationally, as recalled by the Secretary-General earlier this morning. One of its targets is to broaden and strengthen the participation

of developing countries in the institutions of global governance. Strengthening the rule of law in the United Nations largely depends on reforming the Organization in order to make it fit for purpose.

Despite the overwhelming support of the membership for the reform of the Security Council, little progress has been made in the past 57 years. The lack of representativeness of the Council is becoming more and more acute, thereby affecting its ability to uphold the rule of law among nations and, consequently, to discharge its primary responsibility — the maintenance of international peace and security. A reform that encompasses the enlargement of both categories of seats and the review of its working methods is urgent. We highlight that there will be no full respect for the rule of law among nations if developing countries are not permanently represented in the decision-making process in the field of peace and security.

International justice also plays a crucial role in keeping the rule of law among nations. Brazil calls upon all Member States to fully cooperate with the International Court of Justice in line with Article 94 of the Charter of the United Nations. In the same vein, as a founding member of the International Criminal Court, Brazil supports the work of the Court to promote accountability at the international level, under the principle of complementarity. We take this opportunity to invite those members that are not yet parties to the Rome Statute to ratify or accede to it and, by doing so, contribute to the realization of international justice.

Brazil will continue to advocate for the peaceful settlement of disputes and equality among States, principles inscribed in our national Constitution. A genuine and lasting peace can be achieved only through respect for the international norms and principles that guide contemporary international relations.

Mr. Afonso (Mozambique): Mozambique wishes to heartily commend His Excellency the Foreign Minister of Japan, President of the Security Council, for convening this open debate on a very timely and important subject. We wish to express our gratitude to the Secretary-General for his comprehensive and insightful statement. And we thank the President of the International Court of Justice and Professor Dapo Akande for their excellent and enlightened briefings.

The concept of the rule of law among nations is the bedrock on which the Charter of the United Nations was written. It was later developed and expounded with

the adoption by the General Assembly, on 24 October 1970, of the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. In fact, that Declaration was an important restatement of the provisions of the Charter itself. In that connection, the rule of law is embedded in the letter and spirit of the Charter, and it constitutes the foundation of a rules based international order.

The rule of law in international relations is thus strongly linked to the fulfilment of the purposes and principles of the United Nations, as prescribed in Articles 1 and 2 of the Charter, respectively. The Charter outlines and defines four main purposes for the Organization, which are, in a nutshell: first, to maintain international peace and security; secondly, to develop friendly relations among nations; thirdly, to achieve international cooperation in solving international problems; and fourthly, to be a centre for harmonizing the actions of nations in the attainment of common goals. It is therefore clear that, in a world without the rule of law, no peace and security are feasible, no friendly relations can be developed among nations, no international cooperation is achievable and no understanding whatsoever can be attainable.

It was, to a large extent, thanks to the Charter, to international law in general and to the liberation struggles of peace- and freedom-loving peoples that, since 1945, humankind has made significant progress in expanding the realm of the rule of law. We have been able to define and reach new frontiers of our liberty and to affirm the right of self-determination of peoples and countries under foreign yoke with the momentous adoption of resolution 1514 (XV), entitled “Declaration on the granting of independence to colonial countries and peoples”, of 14 December 1960. We dared to overcome colonialism, to defeat apartheid and to make huge progress in human rights and fundamental freedoms as never before in human history.

Therefore, the rule of law at the international level means that all nations, large and small, are duty bound to uphold the law of the United Nations embodied in the Charter and, more important, in its purposes and principles. They contain peremptory norms of international law accepted and recognized by the international community of States as a whole and that serve the interests of peace and security. In that context, it is our strong belief that, for the rule of law to be more effective, it needs to benefit from a strong

culture of multilateralism and oppose selectivity and unilateralism in our State actions.

The Charter is a legally binding instrument that impels nations to live together in peace and to unite our strength to maintain international peace and security. That means that peace and security are a common and global good of humankind. It means that peace and security are premised on a collective security, and they require a collective effort to prosper. And it means that we must unite our efforts to uproot terrorism, the modern scourge of war that affects the international community. Terrorism is a grave threat to State and human security. We believe that more collective security measures should be taken to improve the fate of nations around the world and consolidate the rule of law among nations.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): We thank the briefers for their statements. For today's meeting, our Japanese colleagues have focused our attention on issues related to the rule of law, which is indeed a very relevant and important topic that should be addressed systematically and impartially. However, the concept note (S/2023/1, annex) for our meeting today makes it clear that the organizers have no such intention. The statements we have heard today confirm that in addressing the question of the rule of law, our former Western partners only want to put forward a narrative about Russia's alleged responsibility for emerging threats to international peace and security while ignoring their own egregious violations.

Of course, such an approach is fully in line with the Western concept of a rules-based world order whose rules are formulated by the West itself, and it is something we cannot agree with. It does not correspond to the truth or to the norms of international law, including the Charter of the United Nations. The West's latest example of the arbitrary creation of rules to suit itself is the decision that has been mentioned today to remove Iran from the Commission on the Status of Women. Legally speaking, it should not have been possible, but the United States and its allies were not deterred. They just went ahead and removed Iran. Yet they want to teach us about international law?

The main theme of our Western colleagues' statements lately is that the start of Russia's special military operation in Ukraine on 24 February 2022 crossed a kind of Rubicon in international law. That might give one the impression that nothing illegal

had ever happened in the world until then. Needless to say, that is not the case. International law has been repeatedly flouted and violated long before that, and certainly not by Russia. Let me look at a few examples.

The true origins of the Ukraine crisis lie in the hypocrisy of the West and its utter unwillingness to consider the interests of others, even when it comes to issues as important as State security. There is simply no other explanation as to why the NATO countries, in violation of basic principles of the Organization for Security and Cooperation in Europe, have decided that it is their absolute right to expand their bloc, even if that goes against the principle of the indivisibility of security. The origins of the difficult situation in which we all find ourselves today also lie in Washington's irrepressible desire to play the role of global policeman that it has single-handedly taken upon itself. According to a document prepared in 2022 by the Congressional Research Service, in the years since 1991, when the United States declared itself the victor in the Cold War, 251 cases of the use of the United States Armed Forces abroad have been recorded. According to data from the United States Census Bureau, as of 2022 there were more than 16 million veterans in the United States — people who were had been directly engaged in armed combat — despite the fact that no one has attacked the United States in two centuries. Think about that.

International law and the public order based on its supremacy were grossly flouted by the collective West when the first NATO bombs were dropped on Yugoslavia, if not even earlier. The same countries that today like to refer to the Ukraine crisis as the first conflict in Europe since the end of the Second World War and an infringement of the principle of the inviolability of borders bombed and dismembered a sovereign country in the 1990s, in violation of international law and the Charter of the United Nations, tearing away a part of its territory. Their actions, which amounted to a commonplace aggression through a war of choice, were conducted under the fig leaf of the concept of so-called humanitarian intervention, which has nothing to do with international law. The same countries then sent comments to the International Court of Justice in support of the legality of the unilateral declaration of independence of so-called Kosovo. And now they tell us about the uniqueness of the Kosovo precedent and the inapplicability of their arguments and position to

the referendums in Crimea and the liberated territories in Ukraine.

Next was the concept of the war on terror, which led to the destruction and long-term occupation of Afghanistan, along with numerous unpunished war crimes committed by NATO soldiers, the deaths of tens of thousands of civilians and record increases in drug production and trafficking. Afghanistan is still reeling from the consequences of those events. Meanwhile, the United States and its allies have developed a practice of broadly interpreting of Article 51 of the Charter as allowing self-defence against non-State actors on the territory of third countries. In other words, if Washington and its allies need to invade somewhere or bomb someone, all they have to do is declare that terrorists are there. We all remember the NATO aggression against Iraq launched on the utterly false pretext of the presence of weapons of mass destruction. Of course, they never found any. Instead, they invaded the country, destroyed its economy and industry, killed its national leader and hundreds of thousands of civilians and established a multi-year occupation while appropriating Iraq's national and natural resources. That, too, was a perfect example of the rules-based world order.

Then there was Libya, where the concept of humanitarian intervention was also applied, but under a new name — the responsibility to protect. Resolution 1973 (2011), which authorized a no-fly zone, was interpreted by the United States and its satellites as *carte blanche* to carpet-bomb the country in yet another commonplace aggression in violation of international law and the Charter. The result was predictable. The national wealth was plundered, the leader was killed without trial or consequences and a once-prosperous country was plunged into chaos and a civil war that is now in its second decade.

The International Criminal Court (ICC), an instrument that is allegedly tasked with upholding the rule of law, also got involved in the case of Libya. In a matter of days the Prosecutor at the time, Luis Moreno Ocampo, fabricated a case against Muammar Al-Qadhafi, citing as evidence crude fakes about Viagra being handed out to soldiers for mass rapes and about hiring Black mercenaries to commit heinous abuses. Now the ICC, having successfully dehumanized the Libyan leader and his entourage, has become a fig leaf for Western aggression. Incidentally, the Court's real duties regarding the case of Libya are much

more dismal, with years of feverish work producing zero results. Needless to say, the ICC has failed to apprehend or punish those responsible for war crimes and civilian deaths, just as it has failed to punish those who assassinated Mr. Al-Qadhafi.

Yet another country that has suffered from the American-style rule of law is Syria. There again we have seen direct military aggression by the United States and NATO, with the occupation of significant parts of the country, which continues to this day, and with support provided to foreign fighters, who are essentially terrorists. Finally, since the organizers of today's meeting are paying particular attention to Article 51 of the Charter, we should note that in Syria the United States has achieved yet another record in expanding its interpretation of its provisions. It has notified the Security Council about action in collective self-defence with Syrian Kurds against the Syrian army. In other words, it has claimed that it is self-defence to work with a non-State actor against the armed forces of the very country in which that actor is located.

One wonders where in that regard the organizers of today's meeting see the use of Article 51, and I quote from the concept note for today's meeting, "only against an armed attack and within the requirements of necessity and proportionality" (*S/2023/1, annex*) and not "speciously... as a pretext" (*ibid.*).

The human-made Ukrainian crisis that I already mentioned fits very well into the chain of such events, which are the result of Western colonial thinking and hegemony. Those who are not biased are well aware that Russia's special military operation in Ukraine is a consequence, not the root cause, of the Ukrainian crisis. It has actually been going on for at least nine years. February 2014, when the collective West prepared, financed and supported a bloody, anti-constitutional armed coup d'état in the country, hypocritically called the revolution of dignity, can very roughly be taken as the starting point.

American politicians do not even hide their involvement in the event. Ms. Nuland even gave the amount spent on regime change: \$5 billion. She also shuffled the future Ukrainian leaders like a pack of cards in her telephone conversations in 2014.

International law was dealt a mortal blow when, the very next day, the leaders of European countries trampled on the guarantees that they had given to incumbent and democratically elected President

Yanukovych. The Ukrainian leader himself, who was still in the country, was declared absent and removed from office in violation of the Ukrainian Constitution at the time.

The five judges of the Constitutional Court who resisted such arbitrariness were simply kicked out and replaced with the so-called right people — again, contrary to the basic law of the country, with the claim that the oath of office of a judge had been violated. In case anyone did not understand, that violation was allegiance to the spirit and the letter of the Ukrainian Constitution at the time.

The blatant violation of every conceivable procedure under Ukrainian law did not embarrass the United States or the European Union (EU) in the slightest. They hastened to recognize as the only legitimate leadership of Ukraine a clique of nationalists, who had declared themselves to be in power as a result of the Maidan coup. Such are the high standards of democracy and the rule of law. Encouraged by their support, in April 2014 the self-proclaimed Acting President Turchynov, by ordering the launching of a so-called anti-terrorist operation, unleashed a full-scale civil war against the people of Donbas, who refused to put up with such lawlessness and live under the thumb of radicals. The culmination of such lawlessness was the setting on fire of anti-radical protesters in the Trade Union House in Odesa on 2 May 2014. The West turned a blind eye to that, making it clear that it was giving the Kyiv regime *carte blanche* to commit any crimes. Turchynov's undertaking was continued by the oligarch Poroshenko, who was put in the presidential seat under the guise of fighting corruption.

The civil war against its own people was to continue in Ukraine for another eight years, resulting in a real nightmare for the Donbas and the loss of many thousands of civilian lives, including children. All of that took place under the clichéd statements of Western politicians about the desire for a settlement and there being no alternative to the Minsk agreements. That was again a shameless lie. As we learned from the recent revelations of the direct participants in the events Ms. Merkel and Mr. Hollande, the West initially did not intend to settle anything. The Minsk agreements, by their own admission, were needed only to pump Ukraine with foreign weapons and mercenaries and to prepare it for military operations. Mr. Poroshenko also spoke about that. Against the background of such a systemic and monstrous deception, no one should be surprised

that Zelenskyy, who came to power under the slogan of achieving peace, continued along the path assigned to him and plunged his country into a real disaster.

Many people here, including the Secretary-General, who left the Chamber, like to talk about prevention. If resolution 2202 (2015), which endorsed the Minsk package of measures, had been implemented in good faith, including by Security Council members present in the Chamber today, we would not be in the situation in which we now find ourselves. There we have compliance with the agreements that you, Mr. President, spoke about today, and there is a clear example of prevention.

Right now we are witnessing another brazen attack by the West on international law in the form of unprecedented abuse of Article 63 of the Statute of the International Court of Justice in order to put blatant pressure on a principal organ of the United Nations. We are talking about the intention of approximately 50 States, mainly members of the EU and NATO, to side with Ukraine in the case before the Court regarding the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Many of those countries freely say that they are doing so for political reasons — to show support for Kyiv.

However, we firmly believe that international law and the purposes and principles laid down in the Charter of the United Nations will still prevail over quasi-legal concepts, such as the rules-based world order, and frameworks such as the various so-called summits of democracies, NATO, Australia, the United Kingdom and the United States (AUKUS) and other supposedly purely defensive alliances and systems of dividing States into right and wrong.

We are counting on a more active role of the world Organization and its Secretary-General in such matters. It is disappointing that incomprehensible concepts, such the new vision for the rule of law advanced by the Secretariat, are very much along the lines of the rules-based world order. They do not emphasize the importance of taking into account the national, cultural and religious particularities of each State. Rather, they attempt to impose a pattern of behaviour and guidelines on the State and the societal structure of States Members of the United Nations.

Instead of wasting budgetary money on such dubious speculative concepts, we would recommend focusing on preserving and protecting the system

of international law, framed by the United Nations Charter. The International Court of Justice should play a key role in that regard. We hope that that principal organ of the world Organization will not succumb to the unprecedented political blackmail that it has had to face. The sustainability and credibility of the international system of the administration of justice as a whole ultimately depend on its strength and consistency.

Mr. Biang (Gabon) (*spoke in French*): I would like to congratulate Japan on the initiative of this important debate on the need to ensure that the rule of law prevails in relations among nations. I thank the Secretary-General for having so clearly outlined our debate. I would also like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, and Professor Dapo Akande for their enlightening briefings.

Ensuring the rule of law in society has always been a haven and a rallying cry of those who are oppressed, dispossessed and aggrieved. Today we are clearly fortunate not to live at a time when the African people were reduced to slavery and placed beyond any legal order and when African empires, kingdoms and States were considered not as subjects of international law, but as territories without a master to be conquered and occupied at will. That was an era when the laws and policies of the greatest Powers prevailed in the international order and when the law was of no avail in defending the humanity of chained, deported and enslaved peoples.

Since 1945, States that emerged from the Second World War made a fundamental choice in adopting the Charter of the United Nations. They chose to make respect for the primacy of international law the rule governing international relations. Since then, respect for the rule of law internationally and respect for the principles of equality of the rights of peoples, the prohibition on the use of force between States under the Charter of the United Nations, the prohibition of genocide and the protection of human rights have been synonymous with freedom, independence, shared prosperity and peace among nations.

In his Millennium Report (A/54/2000), former Secretary-General Kofi Annan emphasized that, from a long-term perspective, the expansion of the rule of law had been the foundation for much of the economic, social and political progress achieved in the past millennium, while recalling that that vision remained incomplete,

especially at the international level, and that our efforts to deepen and consolidate it must continue.

The rule of law implies that, within a State, the exercise of power in the public domain must be carried out in full compliance with the applicable laws. That means that everyone, without exception, must act within the limits set by the law. In international relations, the rule of law rests on the Charter as its legal foundation. The Preamble clearly states that the peoples of the United Nations are determined,

“to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

In addition, Article 1, paragraph 1, of the Charter states that one of the four purposes of the United Nations is,

“to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.

In that context, it is undoubtedly fair to say that one of the goals of the United Nations is to contribute to the establishment of the rule of law in international relations. That is certainly the reason that States show their utmost concern when they are alleged to be violating international law. Consequently, States take measures to defend themselves in every forum. Being suspected or accused of a violation of international law has become a source of disgrace. When it happens, it often leads to criticism of the Government concerned at both the domestic and international levels. That is certainly also the reason that the international community is making multidimensional efforts to set up an appropriate legal framework for a new international society. The United Nations is playing a central role in the process. The declaration of the United Nations Decade of International Law for the years 1990 to 1999 in General Assembly resolution 44/23, of 17 November 1989, has contributed significantly to strengthening the rule of law at the international level.

My country is particularly committed to upholding the rule of law. We are convinced that it is incumbent upon all of us to maintain and renew our commitment to upholding international law through a multilateral system based on respect for the universally established rules to save humankind from re-experiencing the pain

of its past. Ensuring the predictability, stability and legal certainty of the rule of law is impossible without a streamlined and effective multilateral system. The shared interests of humankind depend on multilateral instruments. As long as certain nations remain poised to take unilateral measures for their own prosperity and security, our collective security system will remain a pipe dream.

Let me highlight several fundamental principles that the Organization has established as a template for the development of the rule of law among nations.

First, we must make the United Nations more effective in the peaceful settlement of disputes; secondly, ensure States' implementation of arms control and disarmament treaties; thirdly, take concerted measures against international terrorism; fourthly, reduce the adverse effects of economic sanctions on innocent populations; and, lastly, promote democracy and respect for all human rights and fundamental freedoms, including the right to development.

Humankind has too often suffered from the adverse effects of the lawless exercise of power. We must become more committed to international law. We must do so without double standards, while bearing in mind that the rule of law is not an à la carte menu by which we can pick and choose. Each and every segment of humankind must be protected by international law, with the knowledge that there is no contradiction between State sovereignty and international law. The obligations that States commit to within the framework of international conventions are not incompatible with their sovereignty.

History teaches us that the way humankind applies international law depends on the nature and the scope of the problems facing it. Confronted by the cruelty and inhumanity of slavery during the nineteenth century, States adopted binding legal instruments in 1890 and 1926 to prohibit it and work together to eliminate its practice. After witnessing the loss of 75 million civilian lives during the Second World War, States adopted in 1949 the Fourth Geneva Convention, dedicated to the protection of civilians in times of international armed conflict. When they saw the peoples of the world rise up against, oppose and rebel against the practices of colonialism, States declared the right of peoples to self-determination, which facilitated the process of decolonization. When non-international armed conflicts took precedence over

others, States adopted the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, extending the benefits based on the same fundamental human needs to that type of conflict. And, in the face of the rising nuclear threat, the Treaty on the Non-Proliferation of Nuclear Weapons and, more recently, the Comprehensive Nuclear-Test-Ban Treaty were adopted.

Similarly, we must overcome current challenges, including climate change, the loss of biodiversity, international terrorism, the predatory exploitation of developing countries' natural resources and health- and cyber-related threats, all of which are becoming increasingly serious challenges to the aspirations of the world's peoples for security, dignity and prosperity.

All calls for strengthening the rule of law must also take into account the need to build economic capacity in fragile countries. Unless socioeconomic rights are promoted, our goal of building an institutional framework that respects the rule of law at the national and international levels will be difficult to achieve.

In conclusion, let me underscore an important point. The rule of law at the international level does not mean encouraging maintaining the status quo. Like many other human endeavours, international law and the international order that it underpins are perfectible and must constantly be adapted to changing realities over time. The reliability of the framework of international rules must be constantly consolidated by constructive updates and broadening its scope in order to respond effectively to humankind's contemporary challenges. In the light of this continuous reinvention, we must be ready to act collectively, and the Security Council must be able to reform itself without further delay. Ensuring our coexistence and sustainably shaping our common future are at stake.

Mr. Agyeman (Ghana): I warmly welcome your leadership of this open debate, Sir, and thank Japan for focusing the attention of the Security Council on the rule of law among nations, a subject that has acquired great significance in recent years. I also thank Secretary-General António Guterres for his statement and the President of the International Court of Justice, Judge Joan E. Donoghue, and Professor Dapo Akande for their enriching contributions.

History is replete with the tragedies that accompanied the efforts of States to impose their

will on others and manage inter-State relations only on their own terms. In the post-1945 era, however, the world has settled on an order framed by the rule of law, based on mutual recognition and respect for the sovereign equality of States, as well as respect for the rights of people everywhere. The options we have chosen in favour of the values and principles that underpin our rules-based international system have been fundamental to the maintenance of peace and security, the enjoyment of human rights and individual well-being and sustainable development.

Indeed, the application of the rule of law among nations has come with significant benefits. It has helped to deliver more than 100 nations from oppressive colonial rule and foreign domination — although a few remain — and provided constraints on the use of force, except in limited circumstances prescribed by the Charter of the United Nations. It has fostered important international arrangements for pursuing diplomatic relations, implementing sustainable development objectives, addressing environmental, climate and universal health concerns, and creating reasonable conditions for progress in all countries.

However, understandably, the rules-based order is not perfect. For instance, it has not been able to prevent the dysfunctional aspects of the present global political and security environment characterized by violent conflicts, humanitarian crises, systematic human rights violations, threats of nuclear proliferation and use of nuclear weapons, and a worsening climate crisis that threatens our very existence. Developing countries are also still seeking systemic changes to the international trade and financial systems and effective arrangements of development cooperation necessary for building the resilience critical for international peace and security. Regrettably, we have also seen examples of powerful States projecting parochial national interests onto the global stage and selectively applying or disregarding the fundamental principles of international law and the values that underpin the United Nations Charter.

While some have evoked these unacceptable exceptions to the rule of law among nations or the existing gaps between principle and practice as justification for violations of international law, many more, and rightly so, have chosen to stand up for the Charter and international law. For Ghana, we have no doubt that it is precisely because of the authoritative influence of the rule of law among nations that most Member States see violations clearly when they occur

and remain dissatisfied when rules persist in serving the interest of a few rather than the aspirations of all.

We therefore support the strengthening of the rule of law among nations and endorse the continuing focus of the United Nations in support of the rule of law at national and international levels. Like many others, we are resolved in our ambition to achieve a just, fair and equitable rules-based order that provides a balance between peace, development and human rights. In that regard, we welcome the Secretary-General's new vision of a people-centred approach to the rule of law outlined in his report entitled *Our Common Agenda* (A/75/982) and remain encouraged by the reaffirmation of commitments expressed in the landmark 2012 declaration on the rule of law contained in General Assembly resolution 67/1.

We believe the present period to be an important moment to go beyond familiar rhetoric and adopt practical measures that can enhance the chances for a stable global environment. In that regard, we would like to highlight the following additional four points.

First, amid weakened bonds of friendship and peaceful coexistence among States, we must remind ourselves of the common obligations to respect international law and uphold the Charter of the United Nations, which, collectively, support a peaceful and stable international order. We must remind ourselves of the benefits that accrue to all when, in their relations with each other, States constrain their actions within the limits of international law and the fundamental principles of self-determination, sovereignty, territorial integrity, non-aggression of States and the prohibition of the threat or use of force.

As the ongoing war in Ukraine and elsewhere show, when the agreed rules are violated, we all suffer, even if in varying degrees. We must therefore recommit to the pacific settlement of disputes. We must understand that while unilateral actions may, in the short term, bring us closer to our preferred outcomes, in reality, they place us further from the reach of our desired aspirations, as our actions can trigger counteractions that make no one better off.

Secondly, in strengthening the rule of law of nations, it is important that key global institutions, organs and processes, including the Security Council, which is entrusted with the primary responsibility of maintaining international peace and security, should be urgently reformed. We cannot fight new evils with

old tools and, undoubtedly, the post-1945 construct of the Security Council no longer supports the effective execution of its mandate, leading many to question the Council's very relevance.

We believe that the Security Council must be representative of the international community as a whole and should reflect present geopolitical realities. On this matter, Ghana has consistently called for the acceleration of reforms on the basis of the widely supported African position espoused in the Ezulwini Consensus. The reform of the Council is a herculean task but, nonetheless, it is one that we must embark on without undue delay. We hope that during the upcoming intergovernmental negotiations process, real progress will be made in the scope and depth of the reform of this important organ.

Thirdly, it is important to recognize that the distinct mandates of the principal organs of the United Nations are mutually re-enforcing. Strengthening coordination and cooperation among the organs and coherence with other international institutions should therefore form part of the efforts to strengthen the operation of the rule of law among nations. While it is true that many of the successes of the United Nations in ensuring relative global stability can be credited to the Security Council, it is equally true that the effectiveness of the work of the Council is impeded by the lack of convergence of actions outside the Council, including the absence of global solidarity for addressing several emerging crises that require global cooperation to be successful.

Lastly, I wish to focus attention on accountability as a central tenet of the rule of law and on the continuing need for the Security Council to support effective international accountability mechanisms in the global fight against impunity. As it has done in the past in relation to international crimes committed in the former Yugoslavia and Rwanda, the Council, through the instruments available to it, can support efforts to strengthen the international accountability and justice system. In addition, we must be mindful of avoiding the politicization of sanctions, as this tends to weaken their effectiveness as a behaviour-modification tool. We must seek to be transparent and consistent in application of sanctions in all relevant situations.

In bringing our statement to a close, allow me to reiterate Ghana's firm commitment to multilateralism and the rule of law. Ghana fully embraces the responsibility that our membership of the Council

entrusts upon us and remains committed to doing the work that is needed to help deliver the promise of international peace and security.

The President: I now give the floor to the Minister for Foreign Affairs, Communities and Defence of the Republic of Cabo Verde.

Mr. Soares (Cabo Verde) (*spoke in French*): Allow me, Mr. President, first of all, to extend to you warm and cordial greetings from our West African and Sahelian islands of Cabo Verde. I would like to express my feelings of honour and pleasure to be in the Security Council Chamber, at the centre of global multilateral security diplomacy, at this crucial moment in contemporary history, where current geopolitical events and trends are jeopardizing and threatening the validity and relevance of the global rule-of-law achievements reached so far.

Allow me also to thank Japan for this very welcome initiative, as we express our wishes for its success in its presidency of the Security Council for the month of January. We would also like to thank the Secretary-General, the President of the International Court of Justice and Mr. Akande for their valuable briefings.

It is indeed timely to reflect in depth on the growing and new challenges to the rule of law that are emerging before us, on a global scale, in order to ensure that it prevails, as it is a sine qua non condition for the consecration of international peace and stability, sustainable development, human rights and democracy.

In my country, Cabo Verde, the primacy of the rule of law was consolidated by the establishment of representative democracy in 1991 and the 1992 Constitution, thus placing the rule of law at the centre of our political system and guaranteeing respect for human rights and fundamental freedoms, democracy and sustainable development. Furthermore, in its foreign policy, despite our condition as a small island developing State, we have always firmly and staunchly supported the rule of law — be it through our conduct in the United Nations system or by being active in our continent — for the final triumph of the achievement of the rule of law in the regional bodies of which we are members.

In the face of growing trends of polarization and lack of geopolitical dialogue among the great Powers, we urgently need transformative solutions in the short term, without which all the experience and work

accumulated within the United Nations over the past 77 years would become useless and invalid.

It is therefore urgent to make every effort to strengthen the responses necessary to safeguard and strengthen the rule of law in the world, all while ensuring legality among nations. We are all called upon to undertake this immense, but absolutely imperative task in order to give new content and life to the words, objectives and principles of the Charter of the United Nations, as well as to the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and the 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels.

In doing so and looking towards the 2024 Summit of the Future, we will be sowing the seeds for the lasting consecration of the rule of law at the global level. This year, the foundations of multilateralism have been sorely tested. That is why the rule of law is urgently needed at the international level. Let us therefore act together and without delay in order to ensure our common future.

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

Ms. Otero (Panama) (*spoke in Spanish*): The world is facing a global crisis on a scale not seen since the Second World War. We must therefore redouble our efforts to bring about peace and to re-establish the conditions for its sustainability. Against that backdrop, Panama is convinced that international peace and security are based on full respect for human rights, as well as the promotion of dialogue and cooperation among States.

Following the pandemic, which has had devastating impacts on the global market, and, more recently, the effects of the war in Ukraine, my country has been able to manage governance and stability only through dialogue, and that has translated into sustainable peace and progressive recovery in our nation. Understandably, the above-mentioned situations have had a profound impact on a population that had already been affected by post-pandemic restrictions that dealt a severe blow to countries' economy and income. Today we must urgently take stock and reflect upon the internal Panamanian dialogue process that led to the appeasement of the protests, which began with just demands that were the consequence of a very distant war, with local repercussions.

Those recent events brought about a very difficult — and, perhaps, the most complex ever — political situation. In order to address the situation, the Government, led by President Laurentino Cortizo Cohen and Vice President José Gabriel Carrizo Jaén, established a dialogue table where they never succumbed to the pressure to use violence against their own population. From those exchanges, which took place in such a complex context, certain dynamics of inclusive dialogue were generated. Those can be replicated for the entire continent and are the best example of governance in the twenty-first century.

By not succumbing to the pressure of using violence, our country demonstrated that dialogue is the only sustainable way of achieving recovery and development, while maintaining social peace. We urge the countries of the region to see that process of negotiation and dialogue as an element of unification in the face of the polarization that exists in our continent.

Panama reaffirms its attachment to the principles contained in the Charter of the United Nations, which gave rise to a world built on dialogue and cooperation. The rule of law is based on a vast international institutional order, in which the effectiveness of multilateralism rests on fair and stable legal frameworks. Strengthening it requires us to apply new approaches in line with our times, such as the indispensable participation of women to achieve lasting peace, based on resolution 1325 (2000), on women and peace and security.

At the United Nations, we are building key structures to strengthen an international justice system and a universal system for the protection of human rights. Dialogues are under way to strengthen and reform the Security Council, bolster the General Assembly and consolidate peacekeeping operations in pursuit of new governance.

Humankind will continue to face challenges, but only together can we achieve a just, legitimate and true peace.

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

Ms. Dzhaparova (Ukraine): Ukraine highly appreciates the initiative of the presidency of Japan to hold this important debate.

As is rightly pointed out in the concept note for this meeting (S/2023/1, annex), “[w]e need to remind

ourselves that we should pursue the rule of law, instead of rule by force”.

In his statement at the beginning of today’s debate, the Secretary-General said that the rule of law is the very basis of our interactions and culture of interactions. For my country, it is evident that, if it is a culture, the rule of law always goes with other notions, such as responsibility and accountability. In my country, it is very clear — it is black and white — who is responsible for the harsh times that we are living through and that this country, which is responsible for the crimes that we see, should be held accountable.

The law of force that Russia has been barbarically practicing today against Ukraine gives a clear signal to everyone in this Chamber that no one is secure anymore. If a country that abuses the rights and privileges of a permanent member of the Security Council attacks another Member State, it means one thing only — security has been ruined, international peace has been called into question and the rule of law has been brutally abused.

As our open debate is taking place here in New York, people in Bakhmut, in Soledar, in Mykolaiv, in Kherson and many other Ukrainian cities are dying every day. Ukrainians spend days and nights in basements because of Russian shelling. We have no basic things — no electricity, no water supply and no heating in the winter. For example, I packed my suitcase for New York by candlelight. Instead of the nine hours that the trip from Kyiv to New York used to take, it now takes 36 hours to reach United Nations Headquarters. That is not the worst of what we are suffering. Since 24 February, the occupiers have cut short the lives of 453 children for nothing. Every day, as I enter my office in the Ministry, I see photographs of Crimean Tatar girls and boys whose fathers have been illegally sentenced by the Russian occupiers in revenge for their pro-Ukrainian stance, allegedly for being Muslim extremists. It is my everyday personal reminder that we must restore justice and security.

It is precisely to that end that President Volodymyr Zelenskyy of Ukraine has initiated the peace formula. We believe that its 10 points can restore security and justice not only to Ukraine but to the entire world. More than 77 years ago, the founders of this Organization developed a document that underpins a world order based on rules. However, we all have to work every day to make that document operational. That is why all 10

points of the peace plan are based on the principles of the Charter of the United Nations, with one of them specifically about its implementation.

The world needs nuclear safety. We cannot allow countries to further resort to nuclear blackmail. That will be possible only once Russia withdraws all its troops from the Zaporizhzhya nuclear power plant and completes its demilitarization.

I am sure that no one in this Chamber can deny the urgency of food security in guaranteeing one of the fundamental human rights, the right to food. Even while under unprecedented attack, we launched the “Grain from Ukraine” initiative, which is a humanitarian effort to protect those most in need. We invite all nations to join efforts to contribute to restoring peace and the rule of law by facilitating and promoting the implementation of the peace formula plan.

The topic of this debate is the promotion and strengthening of the rule of law, but how can we talk about the rule of law without justice? Imagine a mother who has just lost her newborn baby, as happened in the Zaporizhzhya region in November when Russia attacked a maternity hospital. She obviously needs justice. She needs answers to her questions. She needs to know that those who are responsible for that horrific crime will be punished. Accountability and the restoration of justice are a key point of our peace formula. The only way to achieve that goal is to hold Russia accountable for its war crimes, just as the Nazi leadership was.

Almost 78 years ago, the United States, the United Kingdom, France and the Soviet Union signed the London Agreement and the Charter of the International Military Tribunal. Those documents paved the way for the Nuremberg process. That is exactly what we should be doing today, establishing a special tribunal for the crime of aggression. We call on Member States to support a specific draft resolution on the establishment of a special international mechanism, which we are calling a special tribunal, a draft resolution that we are going to submit for the consideration of the General Assembly later this year.

In conclusion, I believe that standing with Ukraine today — and with our amazing, incredibly brave people — is standing on the right side of the history. It means protecting the most basic, universal things. That is also a matter of justice and accountability, and I believe that to be the kind of world in which most of humankind wants to live.

The President: I now give the floor to the Deputy Minister for Foreign Affairs of Poland.

Mr. Gerwel (Poland): Poland commends Japan for facilitating the discussion on the promotion and strengthening of the rule of law in the maintenance of international peace and security. We also express our appreciation to the briefers for their valuable and thought-provoking remarks.

For the rule of law to be effective in maintaining international peace and security, it is crucial to comply with the old but still legally valid Latin principle of *bona fide*. Article 2, paragraph 2, of the Charter states that

“All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.”

The principle of good faith obliges States to meet their duties under international law in a reasonable manner that allows the purposes of those laws to be achieved. It serves as a necessary corrective for preventing States from abusing contractual rights. Respecting international legal commitments in good faith requires States to abstain from acts calculated to frustrate the object and purpose of those specific obligations. Invoking legal rules or terms to justify certain conduct, without any real connection to the facts on the ground, is therefore an obvious contravention of good faith. That is precisely what Russia did when initiating its aggression against Ukraine.

From a Polish perspective, the topic of today’s debate is of particular importance. One of our neighbours — the Russian Federation, through its aggression against Ukraine, also our neighbour — has been violating the principles of the Charter of the United Nations openly, flagrantly and persistently. Russia’s conduct is a clear example of the rule of force, which stands in radical opposition to the rule of law, as expressed in the letter and spirit of the Charter of

the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. The Russian aggression, its scale and the means and methods used could not be more distant from the notion of friendly relations and cooperation. It is especially disturbing that the atrocities are committed by a permanent member of the Security Council, whose responsibility for maintaining peace and security is even greater.

For the rule of law to be effective, we also need accountability. Without accountability, human rights will be denied, crime will flourish and impunity for conflict-related crimes will persist, undermining legitimacy and the prospects for peace. That is why Poland believes that the perpetrators of all the international crimes committed on Ukrainian territory should be prosecuted and tried by a competent court. That is of fundamental importance. Every day of the conflict brings us new information about possible war crimes committed on the territory of Ukraine. In that regard, Poland not only supports the involvement of the Prosecutor of the International Criminal Court (ICC) but has also launched its own criminal investigation, and is working with its European Union partners and the ICC Prosecutor as part of a joint investigation team. Poland is also engaging in other efforts aimed at ensuring accountability, including with respect to the crime of aggression.

International peace and security depend on respect for international law on the part of all States Members of the United Nations. Poland, as one of the founding members of the United Nations, is fully committed to strengthening the rule of law and accountability in order to improve global security.

The President: There are still a number of speakers remaining on my list for this meeting. Given the lateness of the hour, with the concurrence of the members of the Council, I intend to suspend the meeting until 3 p.m.

The meeting was suspended at 1 p.m.