

## **THE SECRETARY-GENERAL**

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### **REMARKS TO THE SECURITY COUNCIL OPEN DEBATE “PROMOTION AND STRENGTHENING OF THE RULE OF LAW IN THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY: THE RULE OF LAW AMONG NATIONS”**

**New York, 12 January 2023**

**[all-English]**

I congratulate Japan on its Presidency at the beginning of your tenure on the Security Council and thank you for opening the new year with this debate on the rule of law.

I also welcome my two fellow briefers, Judge Joan 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 says: “We the people 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 Co-operation among States, and the 2012 Declaration on the rule of law at the national and international levels, further develop the principles stated in the Charter.

The body of international humanitarian law saves lives and reduces suffering amid conflict. The Geneva Conventions, agreed after the horror 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, rising 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.

2022 was a deadly year 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 UN 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 DPRK 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.

As these examples illustrate, adherence to the rule of law is more important than ever. All Member States 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.

The International Court of Justice, with its unique mandate, 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 here and should take a leading role.

Around the world, the United Nations is mobilized against impunity and 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 this 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; an 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.

To commit to non-intervention in domestic affairs, 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 on this 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 Chapter VII of the Charter.

Second, 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 Pacific Settlement of disputes, including through negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement.

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.

Third, I urge Member States to reinforce the rule of law as a key enabler to achieve the 2030 Agenda and the Sustainable Development Goals.

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 here.

The United Nations stands ready to support Member States through our Country Teams around the world.

Mr. President,

Looking ahead, my report on Our Common Agenda calls for a New Vision for the Rule of Law that is an opportunity to reset and reinforce the centrality of the rule of law in all activities of our Organization.

The New Vision will set out the links between the rule of law, human rights and development, and call for a people-centred approach that ensures laws and justice are accessible to all.

I will ensure that it is implemented throughout the Organization, including the elements that are aligned with the agenda of this Council.

The importance of upholding the rule of law will also be reflected in the New Agenda for Peace.

The rule of law is key to addressing existing and future challenges, from nuclear disarmament to the climate crisis, the collapse of biodiversity, pandemics and dangerous diseases.

Our rule of law efforts must adapt to the changing environment and technological advancements.

Mr. President,

The United Nations is uniquely positioned to lead in promoting innovation and progress in accordance with the rule of law.

There is no other global organization with our legitimacy, convening power and normative impact.

The Security Council has a critical role 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.

Thank you.