

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

During the period under review, the Council held one meeting under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” in the form of a high-level open debate.⁹⁹⁶ More information about the meeting, including on the participants and speakers, is provided in the table below.

On 12 January, at the initiative of Japan, which held the presidency for the month,⁹⁹⁷ the Council held its first meeting under the item since 18 December 2020,⁹⁹⁸ under the sub-item entitled “The rule of law among nations”. At the meeting, the Council heard briefings by the Secretary-General, the President of the International Court of Justice and a professor of Public International Law at the University of Oxford.⁹⁹⁹

In his briefing, the Secretary-General stated that the rule of law was foundational to the United Nations and to its mission of peace, and that the Council had a vital role in upholding it.¹⁰⁰⁰ Citing several examples of conflict situations, he warned of a grave risk of the rule of lawlessness and mentioned several ways how Member States could strengthen the United Nations and its organs with a view to promoting the rule of law. First and foremost, he urged all Member States to uphold the vision and the values of the Charter and the Universal Declaration of Human Rights, as well as to abide by international law, settle disputes peacefully, without recourse to the threat or use of force, recognize and promote the equal rights of all people, and commit to non-intervention in domestic affairs, the self-determination of peoples and the sovereign equality of Member States. The Secretary-General urged Member States to make full use of the rule of law as a preventive tool and to reinforce it as a key enabler to achieving the 2030 Agenda for Sustainable Development Agenda and the Sustainable Development Goals. Finally, the Secretary-General recalled that his report, *Our Common Agenda*,¹⁰⁰¹ proposed a new vision of the rule of law, setting out the links between the rule of law, human rights and

⁹⁹⁶ For more information on the format of meetings, see part II, sect. I.

⁹⁹⁷ A concept note was circulated by a letter dated 3 January ([S/2023/1](#)).

⁹⁹⁸ For more information, see *Repertoire, Supplement 2020*, part I, sect. 31.

⁹⁹⁹ See [S/PV.9241](#) and [S/PV.9241 \(Resumption 1\)](#).

¹⁰⁰⁰ See [S/PV.9241](#).

¹⁰⁰¹ [A/75/982](#).

development, and advocating for a people-centred approach which ensured that laws and justice were accessible to all. He concluded by stressing that the United Nations was uniquely positioned to promote innovation and progress under the rule of law, and that the Council had a critical role to play in advancing it through its efforts to maintain international peace and security, protect human rights and promote sustainable development.

The President of the International Court of Justice focused her remarks on the role of the peaceful settlement of international disputes in advancing the rule of law.¹⁰⁰² She stated that the rule of law among nations demanded that States incorporated 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. In that regard, the President underscored that States which were truly committed to the rule of law had to entrust international courts and tribunals with the judicial settlement of legal disputes, as well as to participate in proceedings that may be brought against them and comply systematically with the decisions of international courts and tribunals that were binding on them, even if they disagreed with those decisions. According to the President, the rule of law at the international level demanded that States remained steadfast in their willingness to have their conduct judged by international courts and tribunals, even when adverse judicial decisions created pressure at home to retreat from their jurisdiction. Finally, she noted that the concept of the rule of law at the international level applied not only to States, but also to the organs of international organizations, including the International Court of Justice, and reaffirmed the Court's readiness to take those responsibilities seriously and the important role bestowed upon it by the Charter.

The professor of Public International Law at the University of Oxford stated that in order to ensure the rule of law in the maintenance of international peace and security, attention needed to be paid to the observance of international law by States and by the United Nations as a forum for advancing collective security. He stressed that States were the primary addressees of the rules of international law, which included the obligations under the Charter not to use force and to settle disputes by peaceful means. Noting that judicial bodies, including the International Court of Justice, could deal with inter-State disputes that involved questions of the law, the professor

¹⁰⁰² See [S/PV.9241](#). For a comprehensive overview of the discussion on the role of the rule of law and the International Court of Justice in the peaceful settlement of disputes, see part VI, sect IV.

stressed that international tribunals could act only where States provided consent to their jurisdiction. The professor emphasized that any failure by the Council to fulfil its responsibility to maintain peace and security undermined the rule of law, that in order to promote legitimacy, the Council needed to ensure that international law was complied with in relation to its own activities and that it had to ensure that the law was applied equally, namely, that like situations were treated alike. Finally, while arguing that the Council had an obligation to ensure observance with international law, the professor stressed that that responsibility ultimately fell on individual Council members to observe the law themselves and ensure that the Council collectively did too. He noted that where the Council collectively failed to fulfil its responsibilities, other organs of the United Nations had a secondary responsibility to contribute to the maintenance of international peace and thereby to the promotion of the rule of law.

Following the briefings, participants highlighted the crucial role of the rule of law and the need to recommit to the principles of the Charter of the United Nations, for the rules-based international order against the backdrop of increasing threats to the basic international norms. Speakers underscored the importance of abiding by the basic rules of international law, including those of self-determination and the prohibition of the threat or use of force.¹⁰⁰³ Many delegations advocated for strengthening international courts, tribunals and legal mechanisms to ensure respect for the rule of law and further reinforcing the role of the International Criminal Court and the Council's cooperation with the General Assembly and the International Court of Justice,¹⁰⁰⁴ particularly in the pacific settlement of disputes.¹⁰⁰⁵ Several participants emphasized the role of regional and subregional organizations, such as the Association of Southeast Asian Nations

¹⁰⁰³ For further information on the principles of self-determination under Article 1 (2) and the prohibition of the use or the threat of the use of force under Article 2 (4) of the Charter, see part III, sects. I.B. and II.B.

¹⁰⁰⁴ See [S/PV.9241](#), United Arab Emirates, Malta, France, China, and Brazil, ; [S/PV.9241 \(Resumption 1\)](#), for example, Egypt, Romania, Italy, Indonesia, Austria (on behalf of the Group of Friends of the Rule of Law), Liechtenstein, Armenia, Greece, Pakistan and Germany. For further information on the relations between the Council and the General Assembly and relations between the Council and the International Court of Justice, see part IV, sects. I.A, I.C and III.

¹⁰⁰⁵ For further information on the referral of disputes to the International Court of Justice in the light of Article 36 (3) of the Charter, see part VI, sect. IV.B.

(ASEAN) and the European Union, in bolstering the principles of international law and human rights.¹⁰⁰⁶

Meetings: The promotion and strengthening of the rule of law in the maintenance of international peace and security, 2023

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.9241 and S/PV.9241 (Resumption 1) 12 January	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)		60 Member States ^a	President of the International Court of Justice; Professor of Public International Law, University of Oxford; Head of the Delegation of the European Union to the United Nations, Permanent Observer of the State of Palestine to the United Nations	Secretary-General, all Council members ^b , all invitees ^c	

^a Argentina, Armenia, Australia, Austria, Azerbaijan, Cabo Verde, Canada, Chile, Denmark, Egypt, Eritrea, Estonia, Georgia, Germany, Greece, Guatemala, India, Ireland, Indonesia, Iran (Islamic Republic of), 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.

^b Ecuador was represented by its Minister for Foreign Affairs and Human Mobility; Japan (President of the Council) was represented by its Minister for Foreign Affairs; Switzerland was represented by its Head of the Federal Department of Foreign Affairs; the United Arab Emirates was represented by its Minister of State; the United Kingdom was represented by its Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office; and the United States was represented by its Permanent Representative and Member of the President's Cabinet.

^c Cabo Verde was represented by its Minister for Foreign Affairs; Panama was represented by its Vice Minister of Multilateral Affairs and International Cooperation; Poland was represented by its Deputy Minister for Foreign Affairs; Ukraine was represented by its First Deputy Foreign Minister. The representative of Austria spoke on behalf of the Group of Friends of the Rule of Law; the representative of Denmark spoke also on behalf of Finland, Iceland, Norway and Sweden; the representative of Luxembourg spoke also on behalf of Belgium and the Kingdom of the Netherlands; and the representative of the Philippines spoke on behalf of the Association of Southeast Asian Nations (ASEAN). The President of the International Court of Justice participated in the meeting by videoconference.

¹⁰⁰⁶ See [S/PV.9241](#), United Arab Emirates; [S/PV.9241 \(Resumption 1\)](#), Singapore, European Union (also on behalf of Albania, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova, San Marino and Ukraine), Philippines (on behalf of the Association of Southeast Asian Nations), Viet Nam, Australia, Chile, and North Macedonia. For further information on regional arrangements, see part VIII, sect. I.