



Statement by Ambassador Munir Akram, Permanent Representative of Pakistan to the United Nations, in the Security Council on “the Rule of Law among Nations” under the item “Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security”

(12 January 2023)

Mr. President,

I would like to congratulate Ecuador, Japan, Malta, Mozambique and Switzerland on their election as a non-permanent member of the Security Council. We also congratulate Japan on assuming the Presidency for this month and organizing today's debate chaired by Japan's Minister for Foreign Affairs.

2. We thank the Secretary General, the President of the ICJ and Prof. Akande for their briefings.

Mr. President,

3. Great civilizations have always been built the foundations of order created through laws. The Rule of Law is critical for the maintenance of interpersonal, societal institutional relations at the national and international level.

4. At the international level, the adoption of laws and rules of conduct have been adopted to regulate the use of force, especially military force, in inter-State relations. Yet, it was the UN Charter which, for the first time, placed explicit constraints on the use or threat of use of force except for self-defence or when collectively authorized by the Security Council.

5. The UN Charter also set out fundamental principles – self-determination of peoples, sovereignty equality and territorial integrity of States and non-interference in their internal affairs. These Charter principles are the source and foundation for the world order that has enabled the world for over 7 decades to contain and resolve conflicts and prevent another world war. The Charter's principles have been further elaborated in various international agreements and declarations and are the most important source of international law in contemporary times. Within the framework of the Charter, international law can be best developed through inclusive negotiations and acceptance by the widest possible majority of Member States in the UN General Assembly.

6. The Security Council has a special responsibility to implement the Charter's purposes and principles. The Council's resolutions and decisions, whether adopted under Chapter VI or VII of the Charter, are legally binding since Member States are obliged, under the Article 25 of the Charter, to implement the decisions of the Security Council.

Mr. President,

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

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

9. The Security Council needs to actively promote the resolution of conflicts and disputes, not simply manage them, much less ignore them. It should fully utilize the several instrumentalities available under Charter for the pacific settlement of disputes. The Secretary-General should be less reticent in exercising his authority under Article 99 of the Charter. No party to a conflict or dispute should be able to refuse the Secretary-General's "good offices"; nor reject mediation and arbitration. And, the remit of judicial mechanisms, especially the ICJ, should be fully utilized e.g. by making the Court's jurisdiction mandatory on issues that are on the agenda of the Security Council.

Mr. President,

10. Today, world peace, and the international security architecture, is under grave threat. We need to address several issues:

- how to promote universal and consistent respect for fundamental principles of the UN Charter;
- how to address the underlying causes of conflicts and disputes;

- how to contain great power tensions, which often paralyze the Council;
- how to halt the escalating new arms race, including in new weapons and domains; and
- how to empower and fully utilize the United Nations and its organs to build a durable structure of international peace and security.

I thank you.