



THE PERMANENT MISSION
OF MALTA TO THE UN NEW YORK



Malta
2023-2024

UNITED NATIONS
SECURITY COUNCIL

Security Council Open Debate: The promotion and strengthening of the rule of law in the maintenance of international peace and security: the Rule of Law among Nations, 12 January 2023

Malta Statement delivered by Her Excellency Ambassador Vanessa Frazier
Permanent Representative of Malta to the United Nations, New York

Your Excellency

I thank you for your presence here 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 Professor Akande for enriching this discussion with his views and insights.

President

77 years ago, the world pledged to a rules-based order, which we solemnly enshrined in the UN 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, this Council must uphold the Rule of Law and take concrete action when the Charter's principles are violated by wars of aggression, nuclear threats, and 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 UN General Assembly Resolution 76/262, which is a significant step towards increased 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. We firmly believe that the veto should not be used in cases of genocide, crimes against humanity, and war crimes.

In addition, we must enhance partnerships between the Council and other bodies within the UN system, to ensure full respect of international human rights law and international humanitarian law. Restoring our citizens' trust in institutions, at all levels, is only possible if the Rule of Law is guaranteed, and unhindered access to political and public life by all is safeguarded and protected. UN peacekeeping must continue to assist conflict-affected countries in strengthening the rule of law.



President

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 must be strengthened.

This Council should promote the jurisdiction of the ICJ 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 here we must be consistent. The Council has acted by referring the situation in Libya and Darfur to the ICC, and by establishing Tribunals for Rwanda and Ex-Yugoslavia. Taking similar decisive approaches towards current major conflicts would enhance this Council's legitimacy, credibility, and effectiveness. Moreover, we must also ensure follow-up when referrals are made, and call on relevant States to cooperate with the ICC or the IRMCT in line with relevant Security Council Resolutions.



Malta recognises this 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 which referred Ukraine's case to the ICC Prosecutor, and we recently made a Declaration of Intervention in the ICJ proceedings on the Allegations of Genocide.

As stated by the ICJ, the international community shares the obligation to not recognise as lawful a situation created by a serious breach of the law.

President

This year marks the 10th 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 recognised that the rule of law is key for the further development of the UN's three pillars.

As stated by the Secretary-General in his report 'Our Common Agenda', the Charter is based on enduring values and principles, but it is also flexible and dynamic, allowing for adjustment 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.

I thank you.