

**Security Council open debate on
'Upholding International Law within the context of
the maintenance of international peace and security'**

17 May 2018

Statement by Ireland

Mr President,

Thank you for convening today's important debate. I would like to align myself with the statement delivered earlier on behalf of the European Union.

The preamble to the Charter of the United Nations identifies one of the aims of the UN as *“to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”*. The Charter, the foundation stone of this organisation, recognises that the rule of law must be at the heart of our shared efforts to create a peaceful world. It is important that, as we strive collectively to abide by the UN Charter, we are vigilant in differentiating between the rule of law and rule by law. The difference is human rights, the universal freedoms and rights of individuals. Rule by law can negate these rights, whereas the rule of law operationalises them, ensuring their promotion and protection in peace or in war.

Ireland's commitment to an international order based on the rule of law is enshrined in its Constitution and reflected in Ireland's acceptance of the compulsory jurisdiction of the International Court of Justice. Ireland is party to the core international and European human rights treaties and strongly supports strengthening the multilateral human rights framework and the importance of respect for international humanitarian law in all circumstances.

However, legal norms, without enforcement, are clearly insufficient. Thus Ireland supports, amongst other measures, universal adherence to the Rome Statute establishing the International Criminal Court. We seek to ensure

accountability for the perpetrators of the most serious crimes of concern to the international community, to deliver justice for the victims, and ultimately we seek to prevent these crimes being committed. 2018 is particularly important as it marks the 20th anniversary of the adoption of the Statute as well as the coming into effect of the Court's jurisdiction with respect to the crime of aggression. Ireland is working to ensure ratification of the Kampala amendment on the crime of aggression, which is a key foreign policy priority.

Ongoing violations of international law, including international humanitarian law and human rights law, in situations of conflict, are of grave concern. These violations – which include attacks by both state forces and non-state armed groups against health facilities and personnel – are unacceptable.

The regularity and severity of these attacks risks the normalisation of such action and the disruption of the delivery of humanitarian aid to those in most need. The deliberate denial of humanitarian aid to vulnerable populations, or the use of humanitarian access as a bargaining chip in peace negotiations, is never acceptable.

The Security Council must play its role in referring violations to the ICC, and the Council must work to ensure that any referral is accompanied by ongoing support to the Court, particularly with respect to the execution of arrest warrants and the provision of adequate financial support.

Ireland continues to support reform of the Security Council veto and believes that, at a minimum, the use of the veto must be restricted, in accordance with

the France/Mexico initiative, and the ACT Code of Conduct regarding genocide, crimes against humanity and war crimes.

Where the Security Council is unable to act, and thus to fulfil its primary responsibility to work towards the purpose and principles of the UN, other organs, including the General Assembly, must act. In this context, Ireland also wishes to reiterate its continuing political and financial support for the International Impartial and Independent Mechanism to assist in the investigation and prosecution of the most serious crimes under international law committed in Syria.

Mr President,

At a time when serious violations of international law and international humanitarian law are all too common, and where the multilateral rules-based system itself is under threat, we call on all states to support the purposes and principles of the UN Charter, uphold international law, and strictly abide by the decisions of the Security Council and other relevant organs.

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