



PEOPLE'S REPUBLIC OF CHINA
MISSION TO THE UNITED NATIONS

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(translation)

Statement by H.E. Ambassador Wang Min
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to the United Nations

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On Agenda Item 85

The Rule of Law at the National and International Levels

New York, 10 October 2013

Mr. Chairman,

The Chinese delegation welcomes the discussion of the sub-topic of “the rule of law and peaceful settlement of international disputes” under the agenda item of “the rule of law at the national and international levels”. The Chinese government actively upholds peaceful settlement of disputes, proposes to settle international disputes properly through negotiation, dialogue and consultation, thus maintaining international peace and security. On the rule of law and peaceful settlement of international disputes, China wishes to stress the following:

First, the rule of law is the common goal pursued by states. The Chinese government is of the view that, in terms of the rule of law at the national level, there is no such a model in the world which suits for all states. Each state is entitled to pursue a way of the rule of law suitable for its own national conditions. Meanwhile, states can learn from each other and benefit mutually from the best practices of the rule of law and thus realize the joint development in this regard. In terms of the rule of law at the international level, we hold that all states should maintain the authority of the UN Charter, strictly observe the rules of international law, adhere to its universal application, progressively improve the international legislation and advance the democratization of international relations.

Second, UN Charter is the starting point and touchstone of building the rule of law at the international level. UN Charter and its established rules of international law are at the core of the contemporary international legal order. While dealing with the international relations, all states should bear in mind the objectives and principles of the Charter, maintain such basic principles of international law as the sovereign equality of states, fulfilling the international responsibility in good faith, peaceful settlement of disputes, in order to strengthen the rule of law at the international level and maintain the world peace and security.

Third, peaceful settlement of international disputes is inherent to the principle of the rule of law. Peaceful settlement of international disputes is a basic principle of international law and is inseparable from international rule of law. The UN Charter and multiple GA resolutions all emphasize that states should "bring about by peaceful means and in conformity with the principles of justice and international law" settlement of international disputes. In the meantime, peaceful settlement of international disputes means no use or threat of force in international relations. As pointed out by the *GA Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations*, "states shall abide by their commitment to the principle of peaceful settlement of disputes, which is inseparable from the principle of refraining from the threat or use of force in their international relations." The principles of peaceful settlement of international disputes and no use of force are inherent components of international rule of law. They constitute the core of the UN Charter and the foundation of contemporary international order and are international legal obligations that all states must abide by.

Fourth, the freedom of states concerned to choose means of peaceful settlement of international disputes must be respected according to law. International law establishes different means, both political and legal, for peaceful settlement of international disputes. Chapter VI of the UN Charter is dedicated to "peaceful settlement of disputes". Article 33 provides for specific means of dispute settlement, including "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements". Chapter VIII of the Charter is specifically about "regional arrangements to peacefully settle international disputes." Meanwhile, principles of international rule of law should be observed in choosing means of peaceful settlement. The *GA Declaration on Principles of International Law concerning Friendly Relations and Cooperation among*

States in accordance with the Charter of the UN clearly states that "states shall settle international disputes on the basis of sovereign equality and in accordance with the principle of free choice of means." Hence, the choice and application of means to settle international disputes should strictly abide by the principle of sovereign equality fully respect the will of states concerned and must not be imposed upon any state.

The Chinese delegation believes that the decision to resort to arbitrary or judicial institutions to settle international disputes should be based on the principles of international rule of law and premised on equality and free will of states concerned. Any action to willfully refer disputes to arbitrary or judicial institutions in defiance of the will of the states concerned or provisions of international treaties constitutes a violation of the principles of international rule of law and is thus unacceptable to the Chinese government.

Mr. Chairman,

China firmly maintains and promotes international rule of law and the principle of peaceful settlement of international disputes. The Chinese government has all along pursued an independent foreign policy of peace. China stands for peaceful settlement of international disputes in accordance with the purpose and principles of the UN Charter, respect for states' legitimate right to freely choose means of peaceful settlement of disputes and rejection of use of force except with the Security Council authorization and in case of self-defense.

Bilaterally, China has insisted on resolving differences through peaceful negotiations and consultations. In the 1950s, China and its neighbors jointly proposed "the Five Principles of Peaceful Co-existence", which advocated peaceful settlement of international disputes and were widely accepted by countries. In the 1980s, China resolved the questions of Hong Kong and Macau through peaceful negotiations, which became success stories of

peaceful resolution of major historical problems. China has also reached settlement regarding land borders with twelve neighboring countries through consultations on an equal footing. With regard to territorial and maritime disputes with its neighbors, China has demonstrated a constructive spirit and proposed to "shelve differences and go for common development". We sincerely hope to seek appropriate solution through negotiations and consultations with states directly concerned. As for matters that cannot be resolved now, they can be put aside for later. At the same time, China will always firmly defend its state sovereignty, territorial integrity and legitimate rights and interests.

Multilaterally, as a permanent member of the Security Council, China is committed to peaceful settlement of international and regional disputes and is opposed to wanton use or threat of force, unilateral use of force by sidestepping the Security Council, use of force by arbitrary expansion of the interpretation of the right to self-defense, and hegemony and power politics. In dealing with international hot spot issues, China upholds and puts into practice the above-mentioned principles and has pushed for peaceful negotiations among parties concerned with a view to reaching political solutions, thus playing a constructive role in maintaining international peace and security.

Mr. Chairman,

The rule of law and peaceful settlement of international disputes are interconnected and mutually reinforcing; and they form an integrated whole. The Chinese delegation stands ready to strengthen communication and exchanges with all parties on this topic and make unremitting efforts to promote peaceful settlement of international disputes according to law.

Thank you, Mr. Chairman.