



**THE PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN
TO THE UNITED NATION**

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Statement by Mr. Tofiq F. Musayev, Member of the Delegation of the Republic of Azerbaijan, at the Sixth Committee of the seventy-first session of the United Nations General Assembly under agenda item 84 "The rule of law at the national and international levels"

7th meeting, 06 October 2016

Mr. Chairman,

Azerbaijan's consistent position with regard to the issue under consideration is well known and stems from its keen interest in contributing to the achievement of sustainable peace and development in our region and worldwide and from our practical experience of facing armed aggression, violent separatism, foreign military occupation and ethnic cleansing.

In recent years, international attention to the importance of the rule of law at the national and international levels has significantly increased. However, greater efforts are needed to ensure a unified approach to the rule of law and to address the major threats and challenges that continue to affect basic elements of the international legal order.

As the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/71/169) notes, "[t]he peaceful settlement of international disputes and ensuring accountability for international crimes are key elements in promoting the rule of law at the international level and essential to the maintenance of international peace and security."

Indeed, the commitment to resolving disputes through peaceful means is one of the cornerstones of the notion of the rule of law at the international level. The true value of this principle is to commit States to respect each other's territorial integrity and political independence, refrain in their international relations from the threat or use of force, and resolve their disputes in conformity with international law.

In the Charter of the United Nations and other international and regional instruments and documents, the principle of the non-use of force is explicitly linked to the inadmissibility of changing the boundaries of States through violent means and implies a prohibition on the acquisition of territory by force.

It is clear that in situations in which one State has neglected its obligation to settle the international dispute by peaceful means and thereafter has used force to seize the territory of another State, claims that the latter is under an obligation to comply with the principle of the non-use of force vis-à-vis the aggressor contradict the Charter of the United Nations, in particular its Article 51, and customary international law. Needless to say, if sustained, such claims will inevitably play into the hands of an aggressor, tend to entrench positions of control achieved as a result of the unlawful use of force, reinforce the perceptions of the centrality of military strength in international relations and encourage impunity rather than ensure justice.

Therefore, timely, committed and unbiased international efforts towards putting an end to illegal situations are critical. It is obvious, but perhaps should be repeated, that no peace settlement can be reached which is inconsistent with international law and which endangers justice, particularly where peremptory norms are concerned, such as the prohibition of aggression, the prohibition of genocide, and the obligation to respect the territorial integrity and sovereignty of States.

As the principal judicial organ of the United Nations, the International Court of Justice plays an important role within the international legal system in promoting the rule of law and encouraging the settlement of international disputes by peaceful means. The value of judicial settlement is high.

Besides, the Court's advisory opinions on legal questions may also be useful, especially in situations where actions in contravention of the Charter of the United Nations and international law are accompanied with apparent misinterpretation of legal norms and principles. The authoritative legal opinion can also contribute to ensuring that peace settlement efforts are in line with international law.

Mr. Chairman,

In recent years, important steps have been taken at the national and international levels on the prevention and punishment of wrongs, including the development of international jurisprudence. At the same time, serious challenges remain.

Unfortunately, in some situations of armed conflict, including those of a protracted nature, issues of accountability for violations of international humanitarian and human rights law have not received due attention and a response at the international and regional levels. As a result, wrongs of the recent past left unpunished and unrecognized continue to impede the progress in achieving long-awaited peace and reconciliation and can even play a key role in the eruption of new conflicts and the commission of new crimes.

Combating impunity is therefore important not only for the purpose of prosecuting crimes and bringing those responsible to justice – the achievement of which is undoubtedly imperative *per se* – but also to ensure sustainable peace.

Among other possibilities, the practice of *ad hoc* and mixed tribunals, as appropriate, can obviously benefit national efforts to pursue justice, especially when the prevailing culture of impunity for serious crimes represents a considerable obstacle to peace and reconciliation.

It is also essential that peace efforts and peace agreements never encourage, accept or tolerate the situations achieved by the unlawful use of force and other egregious violations of international law, such as war crimes, crimes against humanity, genocide and ethnic cleansing. Such efforts should never promise amnesties or encourage any other form of immunity for the most serious crimes of concern to the international community.

In conclusion, I would like reiterate that, in order to achieve the goal of the rule of law, it is critical to uphold fundamental principles, adhere to the uniform application of international law and promote the democratization of international relations.

Thank you.