

**Statement delivered by the Minister of Foreign Affairs of the Republic of Poland Mr. Jacek Czaputowicz at the Security Council on 21<sup>st</sup> February, 2018:**

**“Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”**

First of all, let me thank the State of Kuwait, and in particular His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, for convening today’s important debate. Let me also thank Secretary General António Guterres for his valuable remarks, and former Secretary-General Ban Ki-moon for his important comments. Those comments demonstrate the continuation of work of the Security Council in the field of maintaining international peace and security.

It is indisputable that the purposes and principles of the Charter of the United Nations proclaim the most fundamental values for the international community of States. They describe both the goals that should be pursued and the essential rules that should be followed. I would like to reiterate that Poland has always been deeply committed to the fundamental ideas constituting the legal basis of the United Nations, beginning with the signing of the Declaration by United Nations in 1942. Throughout over 70 years of our membership in the United Nations, Poland has been strongly committed to maintaining international peace and security. That strong commitment continues until the present day — when Poland, as a non-permanent member of the Security Council, makes efforts aimed at strengthening the Charter and enhancing trust in international law.

Let me recall the sometimes underestimated principle set out in Article 2, paragraph 2 of the Charter, which states:

“[a]ll Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.”

That principle should be considered as a Grundnorm— in other words, a fundamental norm— for United Nations Members. In fact, as a horizontal system of cooperation, international law depends on the reliability and constancy of commitments undertaken by States. That principle consists of two parts, namely, the fulfilment of the obligations assumed and acting in good faith.

With regard to the first part — the fulfilment of the obligations assumed — we stress that respecting obligations by every State is a basic tenet of international legal relations. It ensures confidence and trust among States.

As for the second part, the principle of good faith obliges States to apply their international law duties reasonably and in such a manner that their purpose can be achieved legally. That principle works as a corrective factor and prevents the abuse of one’s rights. Respecting international law obligations in good faith therefore means that States must abstain from acts contrary to the purpose of their commitments and obligations. Let me stress that, if a State acts without respect for the principles set out in Article 2, it diminishes the significance of the Charter and, in consequence, the global peace architecture based on it.

In that context, it is indispensable, once again, to strengthen our call for the peaceful settlement of international disputes. The date of today’s debate — 27 years after the liberation of the State of Kuwait, in which Poland was actively engaged — is a forceful reminder for the international community of States. Today too we face one of the most egregious expressions of the threat to international peace and security, that is, the aggression of one State against another.

We reiterate that the Security Council has proved to be a guardian of the purposes and principles of the Charter. Therefore, the Council should be considered the ultimate custodian of States' territorial sovereignty, the peaceful settlement of disputes between States, the prohibition of the threat or use of force against the territorial integrity or political independence of any State and respect for human rights and fundamental freedoms for all and without distinction. It is also the Security Council that can take significant initiatives and actions in that regard. One of the most prominent examples of the pivotal role of the Security Council as a guardian of the maintenance of international peace and security was the liberation of the State of Kuwait from the Iraqi occupation.

Moreover, actions taken to prosecute the alleged perpetrators of the most heinous international crimes through the establishment of the International Criminal Tribunals for Rwanda and the former Yugoslavia, as well as through the referral of cases to the International Criminal Court, have also been of paramount importance. Equally, Council resolutions aimed at combating international terrorism must be acknowledged and commended.

Nonetheless, there are still flagrant violations of international law posing threats to international peace and security, as well as to the protection of human rights and fundamental freedoms, such as the illegal annexation of Crimea and support for separatist forces in eastern Ukraine. In that vein, we are also deeply concerned about violations of international humanitarian law and the Chemical Weapons Convention in Syria.

Having mentioned Syria, I must also refer to very worrying developments we learned about yesterday with regard to further shelling of eastern Ghouta. There is no justification for indiscriminate attacks on innocent civilians and civilian infrastructure, including health facilities. They must stop, and parties to the conflict must strictly comply with their obligations under international humanitarian law. We call upon everyone to alleviate the suffering of civilians, including children, by granting them free and safe access to humanitarian assistance. We urgently call for stopping hostilities in all of Syria.

As stated by the Secretary General,

“[p]eace is a tireless undertaking, to which all United Nations agencies and bodies must work, in accordance with their mandates and responsibilities.” (S/PV.7926, p. 2)

We therefore pledge to engage actively in all efforts to strengthen the role of the Security Council in the maintenance of international peace and security, in accordance with the purposes and principles of the United Nations Charter. We cannot forget that the Security Council is not only one of the guardians of the purposes and principles of the United Nations, but is also obliged, under the Charter, to act in accordance with them.