

**SPEECH BY HE JUDGE IWASAWA YUJI, PRESIDENT OF THE INTERNATIONAL COURT
OF JUSTICE, ON THE OCCASION OF THE EIGHTIETH ANNIVERSARY
OF THE CHARTER OF THE UNITED NATIONS**

26 June 2025

Mr President,
Mr Secretary-General,
Excellencies,
Ladies and Gentlemen,

1. It is an honour to represent the International Court of Justice in commemorating the eightieth anniversary of the signing of the United Nations Charter.

2. At the end of an era marked by the scourge of war, the delegates in San Francisco were determined to advance justice and respect for international law. Today, despite challenges, the Charter remains the cornerstone of the international legal order.

A. The Charter of the United Nations as a founding legal instrument

3. The Charter is the foundational instrument of the international community. It is a treaty, but certainly not an ordinary one.

- It prevails over all other international agreements, pursuant to its Article 103.
- It establishes an organ that may take decisions concerning international peace and security that are binding upon all Members.
- Further, it does not contain any provisions governing withdrawal, reflecting the drafters' ambition of perpetual membership.

4. The Members of the United Nations are not merely parties to a treaty. They are members of a community. The Charter is not merely an agreement. It is the “constitution” of this community.

5. While the parties to the Charter are States, it is people who are at its centre. In 1950, Hersch Lauterpacht, who would later become a renowned judge of the Court, observed that certain provisions of the Charter amounted to recognition of individuals as subjects of international law¹.

6. Key to his conclusion was the Charter's incorporation of obligations to respect human rights and fundamental freedoms. Before the adoption of the Charter, international law contained few rules governing States' treatment of their own nationals, which was often considered part of the internal affairs of States. While some efforts were made during the interwar period to protect human rights at the international level, this protection only extended to certain rights or only covered a limited number of States. The Charter was truly groundbreaking, rendering the protection of human rights of all individuals by all States a matter of international concern.

¹ Hersch Lauterpacht, *International Law and Human Rights*, 1950, p. 35.

7. This is demonstrated by Article 1, paragraph 3, of the Charter, which lists respect for human rights and fundamental freedoms as one of the purposes of the United Nations. At the same time, paragraph 1 of the same article identifies the maintenance of international peace and security as another purpose of the Organization. It is of great significance that the Charter recognizes that the protection of human rights is a precondition for the maintenance of international peace and security.

8. The Charter did not itself define human rights. This task was assumed by the Commission on Human Rights, whose work led to the adoption by the General Assembly of the Universal Declaration of Human Rights in 1948, and of the twin Covenants in 1966. In addition, the General Assembly has adopted a number of specific conventions on human rights.

9. As a result, elaborate mechanisms for the protection of human rights have been developed within the United Nations: namely, the Charter-based mechanisms and the treaty-based mechanisms, which are complemented by regional mechanisms. The adoption of the Charter thus marked the beginning of a process of continual expansion of international human rights law.

10. The Charter has also proved essential in establishing the self-determination of peoples as a right under international law. In Article 1, paragraph 2, the Charter recognizes the principle of self-determination as one of the purposes of the United Nations. The subsequent adoption by the General Assembly of the Declaration on the Granting of Independence in 1960 was a defining moment for the consolidation of the right to self-determination as a customary norm. Thus, the Charter provided the foundation for the process of decolonization which has transformed the international community.

11. Another distinctive feature of the Charter is the prohibition of the use of force set out in Article 2, paragraph 4. While the 1928 Kellogg-Briand Pact had renounced “war”, the Charter marked a momentous advancement when it prohibited “the threat or use of force”.

B. The Charter of the United Nations and the International Court of Justice

12. The Charter is also of crucial importance because it established the International Court of Justice as the principal judicial organ of the United Nations. The Court will celebrate the eightieth anniversary of its inaugural sitting next year.

13. The Charter empowers the Court to settle disputes between States and to give advisory opinions. Seventy-four States have accepted the compulsory jurisdiction of the Court and more than 300 treaties give the Court jurisdiction to settle disputes relating to their interpretation. Since 1945, in total, 169 contentious cases and 31 advisory proceedings have been filed. There are currently 26 cases pending before the Court, involving States from all five regional groups of the United Nations. The Court faces an extraordinarily high workload — a sign of the continuing trust that States place in it.

14. The Court has had occasion to interpret the provisions of the Charter, providing authoritative guidance for States and assisting organs of the United Nations. In clarifying the meaning of the provisions of the Charter, the Court helps strengthen the rule of law and the international legal order.

15. One of the most important principles of the Charter is the principle of sovereign equality of States. In the Great Hall of Justice, this principle is put into practice in the most tangible way, as all parties appearing before the Court are equal and disputes are resolved on the basis of international law.

C. Concluding remarks

16. In the 80 years since the drafters of the Charter set down their pens, the international community has achieved remarkable progress. However, it also faces many challenges. The vision of the Charter's drafters, to uphold the rule of law for the maintenance of international peace and security, remains not only relevant but indispensable today.

17. I am confident that the Members and the organs of the United Nations will continue to address new challenges as they emerge, in accordance with the principles enshrined in the Charter.

18. As we commemorate the eightieth anniversary of the Charter, we are reminded that the rule of law is not a static achievement, but a continuous and collective endeavour. The Charter provides the framework for this pursuit and the Court is instrumental to it. In this process, we must not forget that the Charter was adopted to serve "the Peoples of the United Nations".

Thank you very much.
