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WELCOME REMARKS:

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KEYNOTE ADDRESS AND CONVERSATION:

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**SUZANNE MALONEY:** Good morning, everyone. I'm Suzanne Maloney. I'm vice president and director of foreign policy at the Brookings Institution. And it's my great pleasure to welcome you all to the ninth annual Justice Stephen Breyer Lecture on International Law. We're delighted to have so many joining us here today in the audience, as well as online. And I really look forward to what promises to be a very timely and important discussion. I would particularly like to thank Dean Steinberg and Johns Hopkins School of Advanced International Studies for hosting us today and the Municipality of The Hague for their continued support of this lecture series. We couldn't ask for better partners. All of us at Brookings are grateful for the support of our partners and our funders, not only for making our work possible, but also for their abiding respect for the sanctity of our independence in our scholarship. Deputy Mayor Mariëlle Vervier, who also serves as the Hague's Alderman for Poverty, Inclusion and Public Health, is here with us today, as is Maarten Boef, the deputy ambassador to the of the Netherlands, to the United States. Thank you both for joining us and we look forward to hearing from you. It should surprise no one that this year's Brier Lecture is focusing on Russia's aggression in Ukraine and its implications for the international legal order. Russia's brutal invasion of its neighbor has had devastating consequences for the Ukrainian people and major ripple effects for Europe and the rest of the world. Ukrainians have put up an inspiring and effective resistance, aided by massive support from international partners. The war in its fallout will not end any time soon. And among other implications, the conflict has posed perhaps the most significant challenge to the international legal order since World War Two. As you surely know, the International Criminal Court earlier this month issued an arrest warrant for Russian President Vladimir Putin for alleged responsibility for the war crime of unlawful deportation of children from occupied areas of Ukraine. I can think of no one better to discuss this topic than our keynote speaker today, Professor Oona Hathaway. Professor Hathaway is the Gerard C and Bernice La Trobe Smith, Professor of International Law and Director of the Center for Global Legal Challenges at the Yale Law School. She is also a professor of international and area Studies at the Bill and Center at Yale, as well as professor in Yale's Political Science Department. Following Professor Hathaway's keynote address, she will be joined by my colleague Constanze Stelzenmüller for a brief, moderated conversation. Constanze is the director of Brookings Center on the United States in Europe, as well as our Fritz Stern chair on Germany and Transatlantic relations. And she has led the organization of this lecture for several years following its inauguration by our colleague Ted Piccone. Thank you, Constanze and Brookings Europe team for your tremendous coordination around this event. Following Constanze, his conversation with Professor Hathaway, we'll be joined by a distinguished group of panelists to discuss the varied global responses to the war and the future of the international legal order. I'll briefly introduce them here now. Rosa Brooks is the Scott K. Ginsburg professor of law and policy at Georgetown University Law School. Ambassador Martin Kimani serves as Kenya's permanent representative to the United Nations. Karin Landgren is the executive director of the Security Council report. And our colleague Scott Anderson, visiting fellow with Brookings Governance Studies, will moderate this conversation. Before we begin, I'd like to note that we are streaming live and we will be taking questions from viewers which can be submitted by email to events at Brookings Dot edu or via social media using the hashtag International Law. I'd now like to welcome Deputy Ambassador Maarten Boef to the stage to deliver his welcome remarks.

**MAARTEN BOEF:** Ladies and gentlemen, thank you very much for joining us today. The Stephen Breyer lecture is a long tradition and we're very happy to be part of this together with, of course, the Brookings Institution and the City of The Hague. And a special welcome to Mrs. Mariëlle Vavier, deputy mayor of the City of The Hague. In face of violence and injustice caused by the unwarranted, unprovoked and illegal Russian invasion of Ukraine, our support for justice in human rights and accountability is unremitting, especially in times of war. We have to ensure that law never fills a full silence and justice must be served. This is in our moral as well as our strategic interests. If violations of sovereignty, territorial integrity and human rights go unchecked, it erodes our collective commitment to international norms and rules which have provided security and prosperity since World War Two. So upholding the international rules based order is an enormous task, but one that is in our common interests. In fact, we believe so strongly in advancing the international rule of law that it is included in our Constitution. Article nine of the Constitution of the Netherlands reads The government shall promote the development of the international legal order.

Our support for international law mirrors Justice Breyer's belief that it plays an important role in a just and civil society. And that's the reason why we wanted to name this lecture after him. And I'm glad he agreed nine years ago and continues to lend us his name. At last year's brass lecture, Ambassador Haspel's underscored the strong solidarity of the Netherlands with the Ukrainian people. And he stated that President Putin should be held accountable for his acts of aggression toward Ukraine. Since since then, together with a wide array of governmental, non-governmental and private partners, we have taken concrete steps to hold the Russian aggressors accountable. As one of the lead nations on accountability. The Netherlands will support Ukraine in any way we can, and we established a strong partnership with Ukraine while bringing to justice the perpetrators of the downing of Flight MH 17, in which 298 innocent people were killed, 196 of whom were Dutch citizens. In November last year, a Dutch court convicted three perpetrators in absentia and sentenced them to life imprisonment, imprisonment. The ICC is making a strong effort to investigate crimes committed, and the Netherlands is supporting these efforts by providing forensic teams. The Netherlands is also an active member of the core group on the establishment of a tribunal on the crime of aggression, of aggression. We will host the International Center for the Prosecution of the Crime of Aggression in the Hague. Ensuring accountability for the crime of aggression is a core element of our foreign policy. And whether it's through our support for the ICC. Or by our work at the UN to establish a register of damages. And earlier this month, together with Ukraine, the ICC, EU and Eurojust, the Netherlands launched the Dialog Group on accountability for Ukraine. This will provide states, international organizations and civil society with a platform to discuss and update each other on national and international accountability initiatives to strengthen coherence and identify needs and opportunities. There can be no peace without justice or accountability. Together, we can ensure that the law never fall silent in times of war. I wish you an inspiring Justice Breyer lecture. Thank you.

**MARIËLLE VAVIER:** Thank you very much. Thank you, Mr. Boef. Ladies and gentlemen, I'm so honored to be here. Constanze. When my predecessor gave her opening remarks at the start of last year's Brier lecture, the conflict in Ukraine was only a few weeks old. I remember many moments that I had to pinch myself. Was this really happening? There are many doubts then about the effectiveness of international law and our ability as democracies to stick together and what use our legal institutions if the aggressor chooses not to abide by their rules. How long will be will the solidarity be shown towards Ukraine during the infancy of the invasion last as long as it takes? We said to each other. Hopefully, a little over a year later that solidarity has held its ground. Fortunately, so far in my own city at The Hague, societal and political support for aid to Ukraine has remained high, despite of an influx of refugees and high gas prices. The International Criminal Court and Ukraine have announced the establishment of an ICC field office in Kiev and of course issued an arrest warrant for Mr. Putin, as mentioned by the deputy ambassador. Just now, our municipal council has requested the city government to make every effort to provide space in the city for a future tribunal tribunal for the crime of aggression. Two important steps to achieving that objective have already been taken. The recent establishment of the of the international center of the prosecution of the crime of aggression on the auspices of Eurojust and the creation of the damaged Services register. The first component of a comprehensive reparations mechanism. We are proud that our city can provide a safe haven for these two organizations for as long as it takes. So where does the international law go from here? What has the impact of the last year been on the international law legal order? I am grateful to the Brookings Institute and the Netherlands and the embassy for organizing today's discussion to allow further reflection on these matters. The general consensus now seems to be that the conflict in Ukraine is likely to go on for some time, but I remain hopeful and let us all remain hopeful that further progress towards accountability will have been made when we meet again next year. Do the experts working on these issues here in the room as well as the audience? Joining us via via livestream, I want to say, please know that you will always find a Hague on your side in your efforts as long as it takes. Thank you.

**CONSTANZE STELZENMÜLLER:** Hello, everyone. I don't have a speech. I just want to say thank you again to all of you for coming to everybody who's watching online. To our partners from The Hague who came here to see us. Mia Mafia and prevent Zuckerman and our partners from the Dutch Embassy. I'm also really grateful to our panelists who made the trip here from New York and

other places really great. I think this is going to be a thrilling discussion. And above all, I am super grateful that Oona Hathaway agreed when we asked her to give this important speech to here today. When we started thinking about the next topic last fall. Now it's already pretty clear what the topic would have to be, but we were thrilled when Oona immediately said yes when we asked her. So it is a huge pleasure and an honor to welcome here to give the speech. I will be grilling you afterwards. That's why I'm sitting down over there. But please come up and deliver your remarks. Thank you.

**OONA HATHAWAY:** Well, thank you so much. It's such a pleasure to be here. Thank you. To the Brookings Institution, to the Johns Hopkins School of International of Advanced International Studies for hosting us on its campus. Thank you. To the City of The Hague and to the Dutch Embassy for hosting us and to Justice Breyer for lending his name to this lecture. I am especially gratified to be giving a talk that's hosted that is hosted by the Netherlands, because my mother immigrated to the United States when she was 23 from the Netherlands, and I spent a lot of my childhood visiting family back in the Netherlands. And I think it's these trips that really inspired my interest in international law and international relations and led me to this podium today. So so thank you especially. So I want to begin by inviting you to cast your minds back to a year ago, just just after the invasion had begun. As you recall, on February 24, 2022, Vladimir Putin launched what became the largest ground war in Europe since World War Two. At the time, the situation looked bleak. Frankly, many believe Ukraine had very little chance of surviving the onslaught from its much better armed, much larger neighbor. After all, Ukraine's military is much smaller than Russia's. It has the Russia has five times the number of active military personnel. Five times the number of armored vehicle fighting vehicles and ten times the number of aircraft. Overall, it spent roughly ten times the amount on its military that Ukraine did. And so it seemed very unlikely that Ukraine was going to be able to hold out in the assault. And to top it off, of course, Russia possessed the largest nuclear arsenal in the world and held a veto on the United Nations Security Council so that it could prevent any kind of action that United Nations might take. So if there was ever a case where law would capitulate to power, this was it. And indeed, as the war began, it looked like we were witnessing the beginning of the end of the modern legal order. And yet so far, at least, the worst has not come to pass. On the eve of the war, Putin predicted that his special military operation was going to last near days. And here we are more than a year later. And Ukraine retains control of the vast majority of its territory and certainly has not capitulated to Russia. Many of the gains that Russia made early in the war had been reversed and the international system has proven imperfect but robust. So today I want to consider what the war has taught us about the strengths and weaknesses of the international legal order and what our way forward might be from here. So when Russia launched its aggressive war against Ukraine, it violated the prohibition on the use of force in the United Nations Charter. The charter provides in Article two four that no state may resort to the use of force against any other state party. It's got SHAPIRO argue argued in our book *The Internationalists*, which I see that it's Constanze has a copy of it right there. That's great. It's still available for sale. But the fundamental underlying principle of the modern era is the prohibition on force. We argued that war used to be perfectly legal and legitimate, and indeed, war was the key way in which states resolve their disputes for hundreds of years of a state had a debt that it owed to another. The state could go to war to collect that debt if there was interference with trade relations states to go to war for that. We talked about the first war manifesto we found was for wife stealing. So there are lots of reasons that states went to war with one another for hundreds of years. But the 1928 Calabrian pact, which for the first time outlawed war and then the United Nations Charter, prohibited war, outlawed war and transformed the international legal order and the process. The prohibition on force embodied in Article two for the charter today is not just one rule in the international legal system. It is the fundamental underlying principle on which the rest of the international legal order depends. So I'm putting it launched his war over a year ago. He put that underlying principle at risk. But the test of a legal rule, whether it's domestic or international, is not determined simply by whether it's violated, is determined to by the response when it's violated. So you never say, for instance, that there's no laws against theft because things are occasionally so stolen. We would say, well, yes, things are still occasionally stolen, but when someone's caught, there are consequences. They can be prosecuted, they can be put in jail. So it's not just the fact that the law is violated, it's what happens

next. And so here to see what the strengths and weaknesses of the international legal system are, we have to look at not just whether Russia violated the law, which it obviously did, but at the consequences that Russia has faced for its illegal war. So first, let me address at the outset a possible source of skepticism. One might reasonably ask whether prohibition on force had been so eroded before Russia launched its war in Ukraine that it really had become a fiction. And no doubt there's some evidence for that, not least of it. The US invasion of Iraq in 2003 and its use of force under the controversial, unable and unwilling theory of self-defense. Since then, these actions have been deeply corrosive to the international order, and I don't mean to discount them, and indeed I've been consistently critical of them for my entire career. But one can recognize these violations have taken place and yet nonetheless believe that the postwar era is importantly different than the world that existed when more was legal and legitimate than states go to war to settle any complaint or dispute. And they did. They could engage in the conquest of territory, and conquest is generally unquestioningly, unquestioningly accepted by all other states. Indeed, from 1816 through 1928, around 250,000 square kilometers of territory was conquered by states every year, and those conquests stuck. Moreover, gunboat diplomacy in which states would be forced to enter into treaties at the point of a gun and then held to those treaties by threats of war were commonplace. So while we can point to cases where the prohibition of war has not been observed since 1945, and the United States, as I said, has been one of the greatest defenders and one of the greatest offenders over the last several decades. It's a mistake to suggest that these legal principles are meaningless or ineffective. The modern legal order is grounded in the prohibition on war, even if it's not always perfectly observed. Okay, so I said earlier that the test of a legal principle is not just whether it's violated, but what response meets that violation. And here we've seen a response more robust than many expected when the war began, normally moribund. International institutions have suddenly sprung to life in response to the war. Here I will detail international community responses of four kinds condemnation about casting, arming and accountability. So let me say a bit about each. So first, international on international institutions have been used to condemn Russia's war as invasion began. You may recall the UN Security Council held some initial meetings. It was clear how those were going to end. Russia has a veto in the Security Council. It was clear that Russia was going to veto any effort to condemn its war and any kind of enforcement action that might be undertaken. And many thought that that was going to be the end of it. But interestingly, it wasn't the end of it. So after Russia made clear it was going to veto any action that was referred to the action was referred to the General Assembly, and it was done so under the Uniting for Peace Resolution. Uniting for Peace resolution was first adopted in 1950. And it provides that the Security Council, if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its responsibility to maintain international peace and security. The General Assembly will consider the matter immediately with a view to making a recommendation to its members. So when Russia vetoed Security Council action, the Unite for Peace resolution was used to refer the matter to the General Assembly, and the General Assembly took that charge up. It voted overwhelmingly to condemn the war and declare that it was in violation of Article two four of the charter. Only a small handful of states Belarus, Eritrea, North Korea and Syria voted with Russia on the resolution. There are 141 states that voted in favor of the resolution. So the vast majority of states, including a majority in every region, voted in favor of this resolution condemning the war. That majority has been sustained through several additional votes. The latest coming only hours before the conflict entered its second year with, again, 141 states voting to condemn the war and demand that Russia immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine. And just seven in this case, including Russia, voting against. In addition, the International Court of Justice has also played an important role in condemning the Russian invasion. In February, February 26, just two days after the invasion began. Ukraine submitted an application to the International Court of Justice beginning proceedings against Russia. Now, you may remember that at the outset of the war, Putin made claims in trying to justify the war. That part of the justification was that Ukraine was committing genocide against its citizens in the eastern part of Ukraine and that that justified the invasion. What was so clever about Ukraine is they used that claim to get into the International Court of Justice because the Genocide Convention has a provision within it that allows for submission of disputes over the over the convention. And so Ukraine submitted a case to the International Court of Justice, and the court moved extraordinarily quickly to assess the case and heard read

submissions from both sides and found against Russia, ordering it to cease the war, immediately, finding that there was no basis for these claims of genocide and that this didn't justify the war. Second, international law is being used to outcast Russia. And here I use the term out casting in a very specific manner, drawing on my work with Scott SHAPIRO, including in the book *The Internationalists*, but also in a separate article on out casting. And I mean the mechanism for enforcing international law, where states exclude law, violating states here, Russia from benefits of international cooperation to which they would otherwise be entitled. And as I've argued in my work, this is one of the key ways in which international law is generally enforced, not through police action, because there's no international police. Russia has been excluded from a number of international organizations, including, of course, the Council of Europe. But the main form of that casting faced by Russia since the war has began has been the system of unprecedented economic sanctions. It's one of the most expansive the world has seen outside of Security Council ordered sanctions. I'll say more in a moment about whether those sanctions have been effective. But for now, the key point is that sanctions response has been significant and widespread. Third, the condemnation and outgassing of Russia has been accompanied by another important development that is the arming of Ukraine. The United States alone has provided over 70 billion in aid to Ukraine, including 44 billion in military aid. Now, one might say, well, where's the law here? The rule law, of course, is less obvious. But without this condemnation that I just. Described without the the consensus that this war is an illegal war, that it's in violation of the United Nations Charter, that Ukraine is acting lawfully to defend itself, that it didn't, in fact, commit genocide, that it is, in fact, engaging in a righteous war that's lawful under international law. Without all of that, you would not have seen this collective response to come to Ukraine's aid. You would not have seen the uniform level of of aid, of military aid, financial aid, and the rest. Law has a legitimacy legitimizing value. The states supporting Ukraine are acting in support of a state that's legally in the right and that matters. There's been a this has been an important part of the political debates around the world, particularly in Germany. But it's important to to it's important to the willingness of states to globally support Ukraine against Russia's attempt at illegal conquest. It is, moreover, important to note that it's perfectly legal to provide aid to Ukraine, which is engaging in a lawful defense of itself under international law. Under Article 51 is allowed to lawfully respond to an illegal use of force with force to defend itself. By contrast, it is illegal to support a state like Russia that is waging an illegal war, and doing so is to aid and assist that state in an internationally wrongful act. Now, while states have continued to provide engage in trade with Russia, even some of its closest allies, particularly China, had been reluctant to provide military support in part for that reason forth, legal war has been and will be subject to criminal prosecution and legal accountability. On February 28, just four days after the invasion began, ICC prosecutor Karim Khan announced that he was seeking authorization to open an investigation as soon as possible. Another Russian or Ukrainian as party to the Rome Statute, which created the international Court and gives it its jurisdiction. But in 2013, Ukraine accepted the jurisdiction of the International Criminal Court and made a submission again in 2014 accepting that the jurisdiction of the court going forward. And so it has accepted the jurisdiction of the court over crimes committed on the territory of Ukraine on March 2nd can announce it received in addition, 39 state referrals, and that he would immediately proceed with an investigation. Never had the ICC responded so quickly to the outbreak of a conflict. That investigation, of course, has recently resulted in the indictment of Russian President Vladimir Putin and his presidential commissioner for children's rights in the Russian Federation. This is an extraordinary step forward for international criminal justice. In addition to criminal accountability, of course, the UN General Assembly has also endorsed the creation of reparations mechanism. I think we'll be talking more about this later. And there's significant effort right now to think about how to compensate Ukraine for the illegal war being waged by Russia. All of this response suggests there have been real consequences for Russia and its violation of the prohibition of war. And while that response has been sufficient thus far to bring an end to the war, it sent a clear message that the violation and the prohibition of war remains core to the international legal system. That message is directed not only at Russia is intended to for any state considering following in the footsteps of Russia and the future. I think it's safe to say that the robust response will give states considering similar invasion in the future, some reason to reconsider. So in short, the response to an illegal war launched by a nuclear armed state with a veto on the Security Council has been far more effective than anyone had any reason to hope at the outset. But we've

also learned some important lessons in the course of the war, some hopeful, some more foreboding about the international order. And I want to say a bit about those here. One thing that we have learned is the United Nations General Assembly is capable of more than we thought from the very start of the war. The Security Council was, as I mentioned, completely hamstrung. It couldn't act because of the veto that Russia possesses. And while Russia could not prevent debate of the resolution, it could it could veto it so that the United Nations Security Council couldn't move forward. As I mentioned, that then led to the activation of the long dormant uniting for peace resolution. And when Russia vetoed this act of the resolution, it went forward and led to the condemnation in the General Assembly. And the General Assembly has since voted five more times on issues relating to Ukraine, the most recent of which again resulted in a vote of 141 states in seven against. It's also, in the course of these events enacted a resolution sometimes referred to as a veto initiative, which provides at any time a matter is vetoed in the U.N. Security Council, within ten days, it will be referred automatically to the General Assembly for consideration. This further strengthens the role of the General Assembly as a check on some of the most powerful states, and there are proposals afoot that would continue on this progress. A proposal I've supported would have the General Assembly recommend the creation of a special tribunal to try the crime of aggression in Ukraine. And there have been similar, similar proposals for the General Assembly to play a role in creating a reparations mechanism. If these proposals go forward, we could see the General Assembly grow even more powerful, thus reorienting the United Nations as a whole. On a less hopeful note, we have seen that sanctions and other out casting sanctions, while widely adopted, have not been as successful as one might have hoped. Obviously, it hasn't brought an end to the war. The threat of sanctions didn't stop Putin from launching the war in the first place. Russia's economy took an initial heavy hit, but it's somewhat recovered and gained its footing. And at first it seemed the chief challenge was what Scott SHAPIRO and I have called the too big to outcast problem. That is, some states are so big and so important to the global economy that states can outcast them without placing their own economy at risk. Early on, we saw this in some of the reluctance of European states to place severe sanctions on Russian oil and gas, which of course they depended on and were concerned that it would make it difficult to actually heat their country through the winter. There were other problems, too. Russia profited from the effects of its own war. Of course, it primarily sells oil and gas on the international market and the war. Although there were sanctions, the war pushed up the price of oil and gas and therefore its profits. And there are many states not participating in sanctions that were prepared to make up a fair bit of the difference in the sanctions from the cost of the sanctions. Countries, including India, China and Turkey have increased trade with Russia, even as Western Europe and a number of allied states have significantly cut back their trade with Russia. The United States, meanwhile, has not deployed secondary sanctions that would penalize these states for doing business with Russia, in part because of fears of what that would do to the global economy. Now, it may be too early to pronounce about the power weakness of sanctions. I continue to be something of an optimist, particularly because the sanctions are specifically designed to have a growing impact on time. Over time, they're sort of long acting sanctions with the kind of growing effects as time goes on. But I think it's necessary to acknowledge they haven't yet had the effect one would have wished. I don't think it should cause us to give up on sanctions as a tool of enforcement as they are the chief alternative to war. But we do need to engage in more creative thinking about how nonviolent consequences for legal action can be used to enforce the law, especially against states that play such an important role in the global economy. Most challenging we've been confronted about by what might be called the double standards problem. This challenge has emerged in many contexts since the war began. The rapid and widespread response to the legal war is met with some shaking of heads by those familiar with illegal uses of force that have taken place elsewhere in the world, often under the label of counterterrorism operations. Meanwhile, calls to the special tribunal to try the crime of aggression in Ukraine have met with questions about why this war deserves a special court when there have been there has been no accountability for the legal U.S. war in Iraq, for instance, and calls for reparations have been met with some disbelief by those who've suffered the costs of war for decades, with no prospect of compensation for homes unlawfully destroyed and family members killed. The United States has to be said, has come under special scrutiny in the international arena, meeting with widespread skepticism in much of the world. For one state see as its newfound enthusiasm for the prohibition on war and international criminal accountability.

When this war began, after all, it was a very fresh memory. The United States had put sanctions on the International Criminal Court for investigating possible war crimes taking place during the war in Afghanistan. And so it's very hard to take the United States seriously, frankly, when it becomes an enthusiast of international law and suddenly celebrates the International Criminal Court and its actions against Russia. And yet we should not refuse to make progress toward a more just world simply because some of the advocates of justice and accountability are not themselves above reproach. We should instead insist on commitments and institutional reforms that will strengthen accountability for all in the future. The war in Ukraine, after all, has revealed limitations that long predate this war. We should not rest at pointing out that these problems are far from new. We should see the current urgent desire for solutions as an opportunity to improve the system for all. And I'll end with three opportunities. First, there is a new opportunity to strengthen and improve international criminal justice. The International Criminal Courts investigation, the largest in its history, has a potential to reduce impunity not only in this war but in wars in the future, as it builds momentum for the work of a court that, after all, was created precisely to establish a mechanism of international criminal law accountability that would not rely on the whims of the United Nations Security Council. That has been accompanied by calls for prosecuting the crime of aggression, which, due to limitations on the jurisdiction of the International Criminal Court, cannot be prosecuted by the court. If these efforts prove successful, that will send the message that even the most powerful states can be held to account. Second, there's new recognition that absent Security Council action, there are very limited tools for obtaining reparations for damages done in unlawful wars. We should be focused here not just on coming up with creative solutions to the reparations challenges for this war, but in the process considered how to address similar problems in the future. That can include ensuring robust reparations in connection with international criminal justice trials, but also includes progressive development of the law allowing for freezing of assets, who of those who have violated international law and holding those assets until international obligations to provide reparations for international legal harms have been met. Last and most important, the shift in power towards the General Assembly that we've witnessed over the last year is one of those institutional shifts that once made will be difficult to reverse. In particular, the activation of the Uniting for Peace Resolution and the passage the Veto initiative providing for automatic referral of resolutions vetoed by the permanent members of the Security Council to the General Assembly, Strengthen the role of the General Assembly when the Security Council is paralyzed. It's notable, I think, and and laudable. The United States supported the veto initiative, which will apply in the future to even resolutions the United States has vetoed. This expanded role for the General Assembly has the prospect of reinvigorating international institution that is too often been incapacitated by the threat of a veto by the Security Council. So let me end by just saying Russia put the international legal order at risk when it launched its war a year ago. But what has and what will determine the future of the international legal order is how nations respond to that violation. If the response is sustained and if the war helps prompt these and other innovations, it's possible that what began as a greatest threat to the international legal order may turn out to be its salvation.

**CONSTANZE STELZENMÜLLER:** Thank you so much. All right. Is this working? Yes. No. Yes. Okay, great. Oh, no. Thank you so much. That was a really powerful speech. And as someone who in the 20th century went to law school herself and has been going swiftly downhill ever since, since unlike my parents, would have been delighted, vote had done something proper and become a law professor. I am truly inspired by this moment, and I found your speech inspiring as well. So thank you very, very much. I also am grateful that you reminded me that I should have paid tribute to Justice Breyer, after whom this lecture is named, and who gave the first lecture in 2014 UNOS giving the ninth one Who gave the first lecturer in 2019 2014 on the Supreme Court in the world? And I thought it would be instructive perhaps to just quickly sort of review with you the series of topics that we've had since then. The second speaker was Ahmed ISM Choo, the president of the Organization for the Prohibition of Chemical Weapons, who spoke about international law and disarmament, the case of chemical, chemical weapons. Then Harold Koh spoke about the emerging law of 21st century war in 2016. And then we had until three years ago, when I inherited this project from TED Bitcoin, a series of lectures on quite technical subjects like artificial intelligence and international law. And then when when I got handed this, it was clear that the international strategic environment was beginning to darken. And so the first lecture is still online

because of the pandemic was that I organized was given by Sviatlana Tsikhanouskaya, the celebrated Belarussian opposition leader and human rights defender last year as lecturer shortly after the Russian invasion was given by Philip Sands. And we were honored and privileged to have you continue in that vein. Sad as the occasion for that is what I thought we should do together. Oh, I'm sorry. I have one more thing. The other thing I forgot to say is to thank. Express my immense gratitude to our hosts from XYZ for letting us use this auditorium. It turned out that our big auditorium fork on the other side of the road was occupied by our enemies. I mean our colleagues from the Economic Studies Program and who are presenting their very important annual conference, the very famous paper series on economics, which I understand is the Holy Grail of economics papers. So they have occupied our auditorium yet, and we are profoundly grateful to our colleagues from size for enabling us to do this here. They have been awesome. And thank you. Thank you. Thank you. Over to us. I thought I would use this moment to tease out a little bit some of the points you made in your lecture. And for those of you who have questions yourselves, Ono will remain on the panel and be available to answer questions from the audience and the viewers online as well. I thought we should talk at first about the importance of the ICC indictment. The International Criminal Court indictment published recently really stunned not just the general public, but also the legal world, I think by the audacity with which it indicted not just Mrs. Lvov, I believe, if I pronounce that correctly, the lady in charge of the abduction of children from from Ukraine to Russia and their forced adoption, but also Vladimir Putin himself, the president of Russia, an astonishing decision to anybody who has in any way is in any way familiar with the immense efforts that the Nuremberg Tribunal had to put into the question of command responsibility, the difficulties of indicting Slobodan Milosevic and Radovan Karadzic after the Yugoslav wars, an extraordinary decision. Can you perhaps contextualize that a little bit for us?

**OONA HATHAWAY:** Yeah. This is on. Okay. Yeah, Thank you for that. I mean, it was an extraordinary moment. I mean, if you think about it, this is we sort of tend to take it for granted. But remember, this is a again, a country that has the largest nuclear arsenal in the world and has a veto on the Security Council. And yet, you know, there's there is an effort to hold that accountable. And in particular, Vladimir Putin, who's more responsible than anyone for launching this war, accountable for the war. And it is a audacious move in a sense, because going for the head of state while the war is ongoing is a relatively well. It has their variety of their variety of challenges. Obviously, there's the challenge that you're highly unlikely to actually see him in the dock any time soon. I think they made the judgment and I think they made the right judgment that that is not the thing that matters. The thing that matters is the statement that you're making from the outset, that the people who are most powerful, who are most responsible for the war, will be held accountable for it. And that accountability can come even if somebody doesn't actually end up being convicted. So accountability can come from the issuing of the indictment, the collection of the evidence, the arrest warrant, the freezing of assets that all accompany this indictment. And. And so I think that this was a really important move and a kind of opening salvo from the court, that it's going to really hold hold everyone accountable.

**CONSTANZE STELZENMÜLLER:** For this war. Let's just for the sake of those who aren't as in the weeds in this as you have and I covered back in the day when I was a journalist, the Yugoslavia and Arusha tribunals and the ICC, the Rome Statute hearings. But that's about as geeky as I as I get. You're much deeper in this then, than I am. Just to be clear, it is not possible to try the persons indicted in absentia, but it is possible to hold evidentiary hearings that was first pioneered, very importantly, and was a legal innovation at the time by the Yugoslavia tribunal. Right. So that is something we could expect to happen.

**OONA HATHAWAY:** Yeah. So so you're exactly right that it's generally considered to be inconsistent with international human rights law to hold trials in absentia. Exactly. And so the International Criminal Court doesn't permit trials in absentia, but that doesn't prevent it from moving forward with significant action against those who are indicted and arrested, issuing arrest warrants, issuing indictments and holding evidentiary hearings, collecting evidence. The prosecutorial center that was mentioned earlier is really an important part of collecting evidence as well for the potential of eventually prosecuting a crime of aggression. So all of that work. Is taking place, even though

the prospect of of Putin actually landing in the dock at the moment doesn't seem particularly particularly high.

**CONSTANZE STELZENMÜLLER:** I think we should also perhaps point out that this is the first international conflict where so much evidence has been collected in real time by sort of civilian collectors, as it were, which of course, does create problems for the the quality of the of the evidence, which is why I think a lot of governments have been discreetly providing support to make sure that that evidence isn't tainted or corrupted.

**OONA HATHAWAY:** Right. Yes. And actually, the present indictment is very interesting because it's based in part on the work of my colleagues at the Yale School of Public Health, and they're partially funded by the State Department, but they're also, you know, a educational institution. And the evidence a lot of the evidence was satellite evidence, satellite imagery that was collected from private satellite companies. So they collected all the satellite evidence, as well as open source intelligence, as part of building this case around how many children were being moved, Where were they being moved? Were they being you know, they're being taken out of Ukraine. They documented all of that using information that ordinary people can get their hands on if they're willing to pay for satellite imagery. So it's pretty remarkable. But you're absolutely right that when it comes to war crimes and the rest, I mean, a lot of this is open source information. And one of the challenges is going to be making sure that the chain of custody is is properly managed so that when a trial actually takes place, that you have evidence you can actually use at the trial. Because one of the concerns about having all of this open source evidence and having all these people, you know, out there sort of collecting evidence, is this concern that it's not going to meet the international standards for evidence such that it can be actually submitted in court? So that's that is one of the challenges that we're facing.

**CONSTANZE STELZENMÜLLER:** There is, of course, also the fact of that legendary audience recorded on TV that Putin gave to Islova Belova, where they discussed their ongoing war crime to an global audience. Yeah. Forever recorded. Right. That's also quite helpful from the point of view of the ICC. Right. And I think.

**OONA HATHAWAY:** One of the reasons that they started here, you know, and of course, like it is one of the most horrific crimes, right? Like taking children away from the country and indoctrinating them in into a different way of thinking is really is an extraordinary crime. So it's I think there are a lot of reasons that they that they made that decision to to start with this.

**CONSTANZE STELZENMÜLLER:** Isn't there also another aspect to this going straight to the top in this case? Again, really unusual because all previous war crimes tribunals started at the bottom. The the Yugoslav prosecutions were frustrating to many of the victims and many observers because they literally started with the smallest possible fish and then over a process of years, worked their way upwards, where here what we have is it's going the other way. And presumably that also is intended to have a deterrent effect, too, to Russian commanders in the field. Right. They know that the ICC will consider them in the same in the in the same category and will come after them. And, of course, commanders in the field are, you know, at risk of capture about Ukrainian authorities could have random over the to the ICC.

**OONA HATHAWAY:** I think that's right and and it's also I think meant to send a message about the value and importance of the International Criminal Court per se, because under international law, a sitting head of state of another state can't actually be prosecuted in a foreign domestic court.

**CONSTANZE STELZENMÜLLER:** Exactly.

**OONA HATHAWAY:** So even if they got their hands on Putin, they couldn't prosecute him in Ukrainian courts. Only an international court can do that. International courts don't have to observe head of state immunity in a particular. The International Criminal Court has a provision within its statute that provides that it doesn't have to observe head of state immunity. So partially it's also, I

think, a message from the International Criminal Court that this is an important role for a court like the ICC to play, is to go after those at the very top that of that a foreign domestic court couldn't couldn't prosecute even if they wanted to. Exactly. And that's and that's you know, of course, we have thousands of prosecutions going on for the very lowest level offenders in the Ukrainian courts. The prosecutor general Ukraine apparently is investigating something like 90,000 separate incidents within Ukraine. So there's a huge number of these cases going forward with the in the Ukrainian courts. The ICC is meant to play a very specific role here, which is to go after the people at the very, very top. And once you have an arrest warrant issued by the ICC, all the state parties are obligated to enforce that arrest warrant. And so it makes it very difficult for anyone to travel. And that's less of. An issue for Putin because, you know, he's I mean, it is an issue for Putin, but but it's less of an issue for him than lower level officials. And that's why I think that going after Mr. Lavrov, I believe, is so important. She's 35 or something like that. She'll ever be able to leave Russia. And I think that this is sending a message to not just to the generals, but also to these people kind of in the mid-level. Like if you're working towards these illegal ends, you potentially could be held accountable.

**CONSTANZE STELZENMÜLLER:** This also, of course, was a huge issue in Nuremburg, Right? There was clear international law to prosecute the actual perpetrators, the killers. It was much more difficult to prosecute what we what we in German called the ship to try to deter the enablers at desks far away. The Eichmann's. In other words, that law was only developed later, not least in the Auschwitz hearings, both in Israel and in Germany. However, there is one little, shall we say, political risk here, and that is something that Rebecca Hamilton pointed out recently in an article in Interest Security. Article 16 of the ICC is the Rome Statute. Its constituent constitutive document enables the U.N. Security Council to put any prosecution on hold for a period of 12 months. Now, the Security Council has five members. One of those is Russia. Every every member of those permanent five of the five nuclear powers has a veto. But in theory, there is a risk, of course, even if, you know, say, the U.S. vetoed an attempt by Russia to do this, there is a risk, of course, that this kind of prosecution attempt or might be used as political leverage in peace negotiations. Do you think that that's a concern, something that we should be thinking about?

**OONA HATHAWAY:** You know, it's possible, though. I think unlikely. I think it would be difficult, given the fundamental personal responsibility of Putin for these horrific crimes. I mean, the launching of the war itself, which has led to extraordinary damage, damage and destruction in Ukraine and destruction and damage to the international order as a whole, and that the horrific war crimes that we've been seeing coming out of the country, which seem to be pretty clearly, you know, directed from the top or at least the conditions created for it from the top. Crimes against humanity, which are vice president, sort of declared, we've come to the conclusion that that the crimes against humanity are being committed. I think it would be difficult. I mean, it's of course, possible if there was a deal that was worked out with Russia, the Security Council could agree to kind of iteratively delay the the the any proceedings from moving forward as part of a peace deal. So that is a carrot that potentially would exist. But I, I suspect that that is difficult politically for the members, the other four members of the Security Council to get behind unless it really was the only way to bring an end to the war. And there was otherwise a you know, a really significant shift in the position that Putin has taken so far in terms of his willingness to withdraw from Ukraine.

**CONSTANZE STELZENMÜLLER:** I mean, I think it's you know, I personally agree with you. I think that one of the significant political functions of this indictment and it really does completely reframe the debate about negotiations of any type of any kind. Right. And to me, that's that's a hugely important achievement regarding of what hearings are held and who ends up in court and the end. And that's that's also very different from what happened in the end and with the how the Yugoslavia wars were ended, notably with the peace agreement, which by the way, it didn't prevent the later on indictment and and prosecution of some of the top perpetrators. Let me come quickly to the question of a special tribunal for the crime of aggression. And I'm going to quote your own piece in Foreign Affairs in January on this, where you advocate for such a tribunal. And you remind us of a sentence from the one of the Nuremberg judgments where it it said to initiate a war, I quote, To initiate a war of aggression is not only an international crime, it is the supreme

international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole. Incredibly powerful statement. In your remarks just now, you sort of glanced at the question of the special tribunal. What do you think should happen here and is it going to happen and how?

**OONA HATHAWAY:** Well, so I have come out repeatedly in support of this idea of creating a special tribunal to try the crime of aggression. So it's worth just a little bit of background. So I mentioned briefly in my speech that the International Criminal Court, though it has a crime of aggression within its statute, it can't prosecute the crime of aggression here because the way that the jurisdiction for the crime of aggression works, it's different from the other three crimes can only be brought against a state that is party to the statute and that has amended the crime aggression amendments. And so Russia is not a party to the statute, and therefore it can't be prosecuted for the crime of aggression in the International Criminal Court. And amending the Rome Statute is probably a year long process, even if even if that was a realistic possibility. So that has led those like me who think that this is an extraordinarily important crime to prosecute, because the crime is, as you say, it contains the accumulated evil of the whole and and the war crimes, crimes against humanity and genocide. If they're prosecuted, don't address the full harm that's being done in this war. So it doesn't address, for instance, the killing of Ukrainian soldiers. That is not a war crime to kill Ukrainian soldiers, even if they were schoolteachers and, you know, and and diplomats and, you know, and doing something completely different before this war began, as most of these most of the Ukrainian military, you know, we're not professional on the part of the professional military before the war began. They've all joined. Killing them is not a war crime, because if you kill soldiers in a war that is part of war, but it is part of the crime of aggression and sending people to fight in a war, you know, there's been conscription throughout Russia and many of the ethnic minority communities and poorest communities of Russia, people have been sent off. You know, the stories suggest as effectively as cannon fodder, again, not a war crime, but part of the crime of aggression and the destruction that's been done in, you know, when there's bombs launched that are aimed at a military target but destroy civilians, you know, buildings, that is not a war crime, but it is part of the crime of aggression. There's a lot of harm that's not going to be captured. Even if we had accountability for all the war crimes and crimes against humanity. So this is why I think accountable for the crime of aggression is so important. And I do think it should be a special tribunal to try the crime of aggression for a variety of reasons. There's lots of technical legal reasons, and I'm happy to get into those. But I think the most important kind of reason that for me it's important is that it is the United Nations charter that is violated. And this war that has been launched as a front, not just not just a violation against Ukraine, it's a violation against the world. It is an assault on the international legal order and leave it to Ukraine to have to try the crime of aggression in its own courts is doesn't send the kind of message I think the international community should be sending, which is that this war is not just illegal, it is criminal. And there is going to be accountability for that. And as long as we can't prosecute in the National Criminal Court, we should be creating a court that can prosecute it. And that, by the way, can get Putin, because Putin, as I mentioned, can't be tried in Ukraine. Right. So you could only go after lower level people if you prosecute exclusively in Ukraine. So those are some of the reasons I support the trial.

**CONSTANZE STELZENMÜLLER:** Thank you so much. I'm already eating into the time of the panel here, so I'm going to hand over in a moment. I will say we could be I could be doing this for the rest of the day with you. This has been absolutely fascinating. I just want to perhaps contextualize what we've just been discussing about the special tribunal by saying that the Russia is full scale attack on Ukraine on February 24th of last year is one of those rare cases in international affairs where you have an absolutely illegal, blatantly clear legal case. Right? Yeah, it was much more complicated in the random genocide. It was much more which was also a war. It was much more even more complicated. In the case of Yugoslavia, it was very complicated. And World War One less so in World War two. So in a sense, I also remember the tremendous efforts by the advocates of the Iraq war to justify it as a just war, which we are, as we now know, was not. But this is one of those rare cases where it has become it was clear from the. Outset where the illegality and the illegality lay in this. In this case, I want to end with one final quote from Sir Hersch

Lauterpacht, who was born in the waning years of the 19th century and near Lviv in Ukraine, who said that international law is at the vanishing point of law. Which you quote. No. Sorry. I found that quote somewhere else in Europe. But still, it's a it's a legendary quote. And. The the astonishing thing about this particular instance and this particular war is, is that it is actually leading to a resurgence of international law and a re legitimization of international law. A rescuing, as you pointed out so eloquently in your talk of the international order at a time when we thought it was crumbling in our hands. So that, I think, is a good note of hope to end on. And I'm really grateful that you that you've come here to speak to us. I'm going to hand over to Scott Anderson now for the panel discussion. Thank you so much.

**OONA HATHAWAY:** Thank you very. Thank you. Thank you. Okay.

**SCOTT ANDERSON:** Are folks able to hear me as my audio, but I have a slightly different mike set up. Excellent. Well, thank you all so much for joining us. And thank you to our esteemed panelists for joining us today. We are incredibly fortunate to have a phenomenal set of experts who bring not only an exceptional amount of knowledge of the international legal order Can you'll hear me. Okay. So the more the better, the better. Okay, perfect. Sorry about that. We are incredibly fortunate to have a phenomenal panel of esteemed experts. They are esteemed not just because of their deep knowledge of international law and international legal order, but because they are practitioners. They are people who have worked at it in a variety of regards, from a variety of perspectives, and I think can really bring a really valuable understanding about how the order that owner has described so ably and documented such interesting, developed and important developments over the last few years, how it is working on the ground and experienced by the people within that system. Ambassador, Kimani, I want to start with you for my first question, if that's okay. When the war break out broke out shortly thereafter, you in your capacity as Kenya's permanent representative to the United Nations, gave some really, really compelling remarks about the parallels between the post-colonial experience of Kenya and many other countries in Africa and other parts of the world. And what Ukraine's experience has been and it's a very valuable perspective, I think, because particularly in the United States, we tend to see the Ukraine conflict through a very Western dominated lens voices. The dominant voices are European and American and maybe maybe a couple other voices some extent. But there is a very different perspective and historical experience through it. To many people in many parts of the world are viewing Ukraine. I am curious to hear how your perspective that view informs your view of the conflict now a year later, and particularly what its ramifications have been for the international legal order that Oona has has documented. Do you share a lot of her perspectives or is the post-colonial experience very different experience that Kenya and other countries have had? Perhaps, but the developments of the international legal order in a different light.

**MARTIN KIMANI:** Oh, good morning. Well, thank you. I wish I had it hadn't started with me, but congratulations to on on that tremendous lecture. I learned a lot. I up on when Kenya made the statement at the Security Council, the particular statement that on the February the 21st of 2021 or 2022, sorry, had we had we had more time than the about five and a half minutes or 6 minutes that you have to deliver your views. And the in the Security Council, I think we would have said a lot more. But now what what would we say at this particular time? First is to be clear that the Russian invasion of Ukraine, it breaches the UN Charter and that is clear. One of the points we made also in the statement was that this is only the latest outrage against international law and the charter perpetrated by a prominent member of the Security Council. And and I like that honor, took that on and expanded the field of view to assess other parties. So a year later, what what do we see? First is never have African votes in the General Assembly or rarely have African votes in the General Assembly been this important. And one wonders why. And of course, the reason is that the General Assembly is providing legitimacy for the response that honor is talking about the response to the Russian Federation under those 141 votes. There's a lot more that's happening outside of the U.N., including sanctions, including the NATO's operation in Ukraine, the military build up in support to Ukraine to resist Russia. And that's very important. Imagine what if that those votes were not present? What would it look like? Well, what it would look like is, one, most parties would agree that the Russian breach of Ukrainian territorial integrity is against international law. But then

many, especially those in Africa and parts of the so-called global South, would also say that what they see is the ramping up of overwhelming Western power, the power of sanctions, the power of military power of NATO, the sheer power of shifting the international system to respond even in the face of a Security Council veto. So on one side is great power versus an illegal act of power. And because of the history we've had with with these powers in which, as UN observed many forms of colonialism, many forms of violence were in fact covered and defended and and helped to be perpetrated by these very institutions of international law. So when Africa was was was was partitioned in 1884, it was a perfectly legal setting according to those who are doing it. So inside us is a skepticism. About. A purely legal approach to this question because we appreciate that law itself can reflect power. That law can cover the abuse of power and impunity against freedom and independence of people. The Russians have been very clear when they are talking to us Africans, that what they are facing is what we have faced as well, and they have touched on a grievance that they have and that they identify us as having. And that is broadly accurate, not the use of the grievance, but it's an accurate finger on the pulse that there is an underlying underlying grievance and sense that the West. Use as the instruments of international law and the institutions that stand for international criminal justice to its own ends. So a year in, I would say what we would like is to go beyond the discussion on international justice and criminal justice and accountability, not because it's not important, but because we perceive it as not bringing peace any closer. Let me not say peace, but rather a cease fire. And an ending of the violent conflict and a return to an international economy that is not necessarily deeply responding to this particular trend. When Africans just finished sorry, I'm speaking at such length, Africans have a lot of experience resolving conflicts. We're good mediators. And Kenya does a lot of mediation in our region. Well, one of the first things when you're mediating a conflict is that the question of accountability is one of the first questions. But when you're a mediator, you know that if you lead. With accountability, you're unlikely to get a cease fire because the perpetrators of the conflict will immediately see that if I lose this conflict, if we continue down this path, I am going to face personal. Personal consequences. So I better continue. So the first thing you do in seeking a cease fire is to listen to the grievance. And then try and create the setting for negotiating a cease fire and then from negotiating a cease fire, negotiating a peace agreement. And then observers, there's a whole sequence. The sequence now is flipped. What we have is overwhelming military response to Russia. And an overwhelming legal response to Russia. There is no mediating response. The only P5 country with a peace proposal on the table is China. The other four. The other three other than Russia, of course, are determined members of NATO. So that's where we are. What? What we want is what our reaction today would be. Please let us stop putting all our eggs in the basket of the International Criminal Court. Let us stop believing that legalism will deliver us from this major conflict and its escalation dangers. Having said all that, and this is my final point, is do not get me wrong when I say that, to say that I. I do not see Ukrainian agency the need for Ukraine to get its territory territory back. The need for whatever solution that emerges to be in conformity with the U.N. charter. I see that and I think we stand for that as well. But there's a difficulty and it's not a difficulty that I have answers to. But it's important to realize that my statement is not a statement that abrogates or diminishes Ukraine's right to exist as an independent state with all its territory. Thank you.

**SCOTT ANDERSON:** Thank you. As incredibly valuable perspective. I appreciate that. So take all the time that you need. Next time we go back, Karin, I want to turn to you next. So the ambassadors, our feet up, the important role that the institutions of the U.N. system play in the international legal order, they are the ones tasked in many ways of mediating the power relations, making the principles that are supposed to balance out, make the international system not just the product of power, to put them into action, not the institutions role. I think O'Neil has put forward a fair to say, a cautiously optimistic perspective in ways the international institutions have responded despite the paralysis or near paralysis, the challenges that having a P5 member involved in hostilities that shut down so much of what the Security Council might do if it was not thought in that way. From your perspective, both as executive director of the completely invaluable Security Council report, somebody who tracks what's happening to you, and more than anybody else, probably from your career, the United Nations. What is your assessment of how those institutions have addressed and adapted to the challenges presented by the Ukraine conflict? You share that cautious optimism or might there be more cause for alarm?

**KARIN LANDGREN:** Thanks, Scott, And thanks, Oona, for a really marvelous lecture. I want to talk a little bit about how well the institutions have performed, particularly from the perspective of reform and where the question of reform fits into the current narrative around around Ukraine. I would say that a year ago, the impotence of the Security Council was a big talking point, and rightly so. But the Security Council has also failed Syria. It's failed Myanmar. It failed Iraq. So because the Security Council has historically been largely incapacitated, when the interests of a permanent member are directly engaged, it's hard to believe that the council's incapacity over Ukraine is what has directly opened the U.S. up to the idea of reform and other countries up to the idea of reform, which is which is very current. So let's say a word about how I think that U.S. openness evolved, which is very much about where the narrative is right now in the General Assembly and which may lead us to conclusions about whether we think that's really an effective counterweight, let's say, to the Security Council. It's clear that for the West, the discussion of Ukraine and how this act of aggression is resolved is really front and center in terms of preserving the rules based order and the institutions that are associated with it. But Ukraine is not front and center for all states. And arguably, the more the West has insisted on support, support for actions to isolate Russia or otherwise hold Russia accountable for the invasion and through the six year resolutions to date, I would argue that the more pushback against this has coalesced. I'm not going to say that pushback has strengthened, but I think there is there is now such a clear counter-narrative against the the West's putting Ukraine at the at the center of preserving international law and a rules based order. And the pushback is a mix of acute accusations of double standards, as we've heard. And it's not just the U.S. and Iraq. The Security Council recently traveled to the Democratic Republic of Congo and were asked, what about the seizure of large tracts of the DRC by the M23 movement allegedly backed by Rwanda? Why isn't that getting the same amount of attention as the seizure of territory in Ukraine has done? The pushback also involves claims around the value of neutrality, which I'll come back to in a moment. And the pushback involves a counter-narrative about issues that have equally high or higher priority for many countries. One ambassador told me recently that other problems are just as pressing as Ukraine and cited the number of deaths in Tigray, contrasted with the number of deaths in Ukraine. Now, I hadn't heard that particular metric before, but it's out there. We are seeing other global South priorities coming up in a very big way. Martin made the point about the value of African votes. Well, a lot of those priorities are around financing, SDG, financing debt, financing, climate financing, And Security Council reform is on that list of global South priorities as well. Soon after the first G.A. resolution on Ukraine, one council member described this as the struggle for the global South. So that is what we're seeing, and it's that political battle, I believe, that has opened the U.S. to reform. And a significant driver in this is also that the U.S. is now perceived as more open to Security Council reform than are China and Russia. So this is really where I think this battle is being is being waged. I want to close by saying there's one positive development here and there's another development I think we should be more worried about. The positive development is, of course, that we find the U.S. and its allies so warmly rediscovering the value of the U.N. charter. And in the case of the U.S., acknowledging double standards in a way that I haven't heard said before. So if we look back to Linda Thomas-Greenfield speech in San Francisco last September 8th, she said, I'm going to quote her, This is about defending the U.N. charter. This is about peace for the next generation. This is about protecting the UN's principles. It's about serving, not dominating the people of the world, sentenced for the ages there. Some have asked if we are committed to these principles, will we use the U.N. charter when it serves us? And then abandon it when it does not. And she refers to six principles for responsible behavior for Security Council members and says about these principles. We have not always lived up to them in the past. But we are committed to them going forward. That's probably as much of an apology for Iraq as we are going to hear. So all that is very positive. But the development I would regard as alarming and maybe something of a refutation of Professor Hathaway's thesis is that so many states are not publicly on board with the argument that the Russian aggression and the breach of the charter and the possible war crimes concern all member states. I mean, we have seen German Chancellor Olaf Schulz and Josep Borrell of the EU traveling to, among other countries, South Africa, Brazil, India, Indonesia, and seemingly leaving these countries empty handed in terms of willingness to condemn the Russian actions. So my last point is there is an interpretation of neutrality out there that involves not taking a stand on the law. And in some cases,

while enhancing trade or increasing strengthening ties with Russia. So that is somehow neutrality, that is somehow not taking sides. And I think that should be a cause of concern. Thank you.

**SCOTT ANDERSON:** Thank you. Karin's comments, I think, really lead into the question I direct for you, Rosa, because so much of the optimism that we hear about the international legal order in future reform, a lot of it boils down to a fundamental change in the rhetoric or perspective or at least espoused perspective of the United States and U.S. officials in the United States. We have seen a country go from sanctioning, as I already mentioned, ICC officials just in the last few years to having members of both political parties, including individuals who are openly skeptical of the ICC just a few months or years prior, now very openly encouraging a substantial degree of U.S. support. I don't think signing on to it quite yet, but substantial support and engagement of a sort that have been pretty anathema. That's exceptional and I think unique and right to be noted. But it's also worth noting that a lot of other perspectives haven't necessarily changed. And the United States is in a little bit of a different moment here than we were five or ten years ago. You know, we're in a much more symmetrical threat environment. There is a sense that the Biden administration is very express about the United States is dealing with rising powers and near-peer rivals in particularly China, but also Russia to some degree, perhaps not quite as near-peer as China. How much of what we're hearing is really an enduring change with the United States is this more positive vision? These rhetorical and policy changes are leading toward something that's likely to be sustainable. And how bound in our strategic moment is it is it going to be something that is here so much as we are in a multipolar system, if that's really where we're going? And how much will endure if that multipolar system based on some other international system ten, 20 years ago.

**ROSA BROOKS:** Yeah. Thank you, Scott. And and thanks for those terrific remarks. It's a it's a really fascinating question, and I'm going to give a somewhat cynical answer. I think that well, number one, I think that the U.S. is relative decline as a global power is not likely to end. So I don't think that the strategic moment we're in is just going to go away and that in two years or five or ten or even 20, suddenly the U.S. will be the sole superpower. I very much doubt that that situation will arise again. If anything, I think we are more likely to continue to move into a more multipolar world if the United States is fortunate. It will be a slow slide with a soft landing in which the U.S. remains a major, major power. If we're less lucky, we'll be less lucky. And there's nothing inevitable. There's nothing inevitable about the the continuance of of empires as as I think it is now our turn to find out. I also think that one thing, Scott, you're at Lawfare. And as as you know, and most of our audience, I'm sure knows the term Lawfare was initially coined in a somewhat pejorative sense. It was coined to say, Oh, look at these sympathizers with with terrorists, with bad guys who are who, because they lack military power in a conventional sense, are are using law as a form of warfare, thus lawfare. It's an asymmetrical form of combat, if you will, and the weak turn to law because they do not have the conventional militaries that enable them to blithely ignore the law. And there is there are some senses in which that's true. That law is often used as a weapon of the weak. And I don't actually mean that in a bad way, that that ideally is the point of of law, right? It's the point of the rule of law. The point of the rule of law is to say that the it will it will constrain the powerful. It's a tool to constrain the powerful, to prevent raw power, very often in the form of raw military power, sometimes for raw economic power from from trumping norms. It's that law is a rule of law as a means of ensuring that those with raw power can't trample upon those with less power. And I don't think it's particularly surprising that at a moment when the United States is confronting its own decline and relative weakness, I mean, I don't mean to overstate that the United States still remains the most powerful state at the moment. That probably won't last. We were seeing it change. But so I don't mean to overstate it, but as we I don't think it's particularly surprising that as we in the United States see our relative global power declining, that the apparatus of the law, the tools of the rule of law, the ICC, etc., suddenly become somewhat more appealing to us than they were when we didn't have to care. We now have to care rather more than we used to have to care. And we're turning to institutions such as the International Criminal Court, which we were happy to thumb our nose at not so very long ago. And obviously that that partly varies depending on which political party is in power and so forth. I think the Democratic administrations have always been much more warmer towards the ICC than Republican administrations, but no American

administration has yet embraced the ICC fully, and we're about as close as we can get right now, obviously. I do worry I do share the concern. Well, I share several concerns. I do I it's impossible to look at the war in Ukraine and not see Russia as the bad guy. Russia's the villain in this piece. No question about it. And no question about it that Russia's actions clearly violate international law, clearly have caused tremendous human suffering. At the same time, I do worry both about the the perceptions of of hypocrisy, of Western hypocrisy and the impact that that has on other alignments and the alignments of other states and the ways in which that may push some states away from the rule of law, the very rule of law that we want to pull them into. I also do, you know, to use David Petraeus, this famous question about the Iraq war, you know, how does this end? And I do worry very much that we we we the United States, we the West, we don't really have a strategy to end the war in Ukraine other than let's throw more stuff at the problem. Let's let's try to give the Ukrainians more. More weapons, never quite enough to decisively end anything, because that makes us nervous, because where we are, I think, understandably concerned about doing something that provokes an excessive reaction in Russia, and particularly the use of nuclear weapons, which Vladimir Putin has repeatedly threatened to to use. I don't think he will. I hope he won't. I think the fact that his his few strong allies, China, India, etc., have been quite clear that they would consider that unacceptable, that that that reassures me. But but nonetheless, I think we we have thrown weapons and financial assistance to the problem. We thrown sanctions at the problem. But we don't have any I don't think I don't think there's any obvious pathway that we have been able to articulate towards a satisfying end to this conflict. We, you know, understandably don't. We're quite reluctant having put all of our eggs into the into the ICC basket, into the Russia's committing war crimes basket, and Russia is committing war crimes. No question. It makes it more and more difficult for us to even countenance the discussion of negotiated ends because any negotiated end seems like we're we're conceding too much to a bunch of war criminals. And yet the world, the way wars tend to end often involves at least tacit concessions to war criminals. And ah, the U.S. has recent history in the last 50 years or so does not suggest that we're particularly good at ending wars from Vietnam to Afghanistan and Iraq. We did not cover ourselves with glory in terms of our ability to bring some satisfying resolution to those conflicts. And I do worry that we are that just as we have increasingly boxed Vladimir Putin into a corner, just as just as our actions are arguably creating other alignments of other states that are not particularly feeling friendly towards the Western actions in Ukraine, that we are boxing ourselves into more and more. I don't have a solution either, by the way, so I don't say this to say, and now I will reveal that what we really should be doing, I don't have the slightest idea. I think it's but I don't think there is a I don't think there's going to be a good solution. I don't think that, you know, any day now Putin is going to say, I'm so sorry, I've done this terrible thing, you know, oops, I will, you know, withdraw all my troops, pay reparations. No, that's not going to happen. So I think the question that all of us need to confront is and I don't think I'm not I'm not making a peace versus justice argument because I don't think it's that simplistic. I think it's more likely that whatever resolution there is is going to be some squishy, extremely unsatisfying mix of a little peace here, a little justice there, but not quite as much peace or justice as any of us would like. But I but I do think that we need all of us to be. Thinking about the various unthinkable options and thinking about which of those unthinkable options are least unthinkable and most palatable and and most possible, because the the path we're going down, I don't see it ending anywhere that's good for anybody. And I wish I didn't think that I, I feel like this is just a terribly depressing thing to say. And I'm hoping that one of my colleagues is going to tell me why I'm wrong and why there, in fact, is some viable path that we are going down and things are just going to get better any second now. So please.

**SCOTT ANDERSON:** Well, I don't have an answer for that, but I do want to give the mic back to Oona before we go to the floor and take questions from the audience. To respond to this, I think we've heard some challenges on a couple of different problems from the front of equity for the parts of institutional capacity, from durability. You know, to which extent the trajectory that I think you've illustrated quite ably to say that there are positive aspects of the trajectory, how far it's going to go. I want to add one thing to that, to kind of a slightly different valence that I have. I have a few more minutes, but I want to turn to audience Question So I'll throw you some meat in addition to respond to these things. Your question is how old should we be expecting the international system to really engage in a future world that looks like we're entering into where of a the three major

powers, let's say in the international system. Two of them aren't law abiding actors necessarily. One clearly is in the case of Russia, China has a mixed picture, but they certainly look at the South China Sea, you look at other areas, they're very willing to push unconventional views of international law. Notably, they all still frame their actions in an international legal view. You know, Russia has its arguments under the genocide Convention as a document about recognition. It still seems to be informed by certain international law of armed conflict principles about how it's responding or threatening to respond. The United States, China, very much the same, still informed by international law, but a very divergent perspective. How what should our expectation be? How up when you say optimistic, what is the end state that we're measuring against? Often that can be what changes whether businesses are pessimistic, how you view the glass. So how does that fit in here? I mean, what is it really we should be expecting out of the international legal order? And how do these criticisms and the new terrain we're entering into where it's going to be operating really way in your assessment?

**OONA HATHAWAY:** Well, that's that's a that's a that's a more comprehensive question and a really important one. So, you know, this is, I think one of the challenges of the international legal order is that, you know, two of the major states that, you know, are most militarily and economically powerful in the world have shown some reluctance to fully embrace the international legal principles and to abide by them fully. And it's easy to look at those violations and say, well, that's just a kind of, you know, recipe for disaster, and maybe we should just kind of give up on this international legal order thing and sort of take what comes. And I guess I, I, I think that that is would be a rash conclusion to arrive at. And I think it's also the case that. We are when we're saying that these countries are not fully abiding by international law, obviously, there's plenty of violations that we can point to. But there's so many ways in which international law is structuring their their behavior and affecting their actions. Even if states are not thinking, I am now abiding by international law, the main way in which international law structures, in effect states behavior is not that they're sort of looking at the rules and saying, okay, I have to do X or Y because international law says I have to do X or Y is that they're looking at a set of options that are on the table and thinking about how to proceed and predicting what the consequences of those actions are likely to be. And if international law is helping to structure the responses that other states are going to take to the actions that they're engaging in, it is going to affect the choices that a state is making. Even if the state couldn't care less about international law because it changes the kinds of consequences that they're likely to face for the actions that they take. And so that's in part why the message of the response to the Russian invasion of Ukraine is not. Just about, though it is about but not just about responding to Russia's violation and having consequences for Russia, because we think that that's going to lead to a certain kind of end in this particular war. That is part of it, but that's not all of it. It's also about making clear that there are consequences for violating this fundamental prohibition on war, and that when you if you're contemplating some other state out there, including China, violating the prohibition on war, there will be consequences. And in fact, in the months right after the invasion, a good friend of mine who's a China expert, you know, came to me and said, I now think that invasion I thought the invasion of Taiwan was imminent. And now I think that's much less likely. Not impossible, but less likely because of the significant global response to the war against a P-5 member that is an important member of the international community that has a major role in the global economy, and that there was this response to Russia suggest that there would be a price to pay and maybe a greater price some might have seen before for a similar kind of action by China. And that's the way in which I think that's why the response is so important. This is why I was focused on that in in my remarks. And that's why I think that people sometimes misunderstand international law in thinking that, you know, you have to be thinking, I believe in international law and I'm going to abide by international, I'm going to do all these things. And the only international law only works when it's working that way. And the truth is international law almost never works that way, that the main way in which it works is it's shaping the consequences that states are going to face for certain kinds of actions, and that is what is shaping their behavior. So they're engaging in kind of ends, means calculation, and but that's shaped in ways that are sometimes invisible to them by international law. But nonetheless, there have to be consequences that are conditioned by international law. And this is where the language of international law can make a really big difference. And this is why I think the condemnation and

the various kinds of consequences that have been brought about for the war make a difference. But, you know, if there are many assaults over time, significant assaults on the international legal order and failures to respond to them, corrode the system. And I think part of what we're seeing in the remarks that that my panelists have made, which have been, I think, very powerful and important, and I agree really with all of them and is is an a exposure of problems that have long existed at work kind of seeing these problems in. And now many people have seen them for a long time. But I think in the West we kind of paper them over and kind of didn't really think they were all that important and kind of it was relatively easy to ignore them. And it's harder to ignore these problems now. It's harder to ignore the fact that the Global South has felt like the international legal system hasn't really worked in its best interest. Because when you look at the vote in the General Assembly, you see that most of the abstaining states are from Africa and Asia. And and I think you were completely right, like every one of those votes matters all of a sudden. And we care deeply that, you know, why are the all these countries abstaining? Why aren't they on our side? Why don't they believe in the United Nations charter? And and I think it has started a conversation that hopefully is healthy and a realization that that the US and other powers in the West are often willing. To use the language of international law where it's convenient and ignore it where it's not. You know, and I do think that that has been that that that that critique is a fair one and an important one, an important one to air. And when folks in the West come to countries and say, we want you to support this or that, I think it's fair to come back and say, well, wait a minute, you know what? What your you know, there's this confident talk about the importance of the prohibition on war and the importance of the international legal order. But, you know, have you always been consistent and what are your plans for, you know, addressing the concerns that we have more broadly about the effectiveness of the international system? And if you care about reparations for Ukraine, what about reparations and other contexts where people have suffered from illegal wars and those that compensation has not really been on the table? And I do think that, you know, if we're going to if we're going to salvage this international legal order, which I think is, you know, extraordinarily important and has been a source of of, you know, unprecedented peace in the world for the last 70 years. That's a conversation that has to be had. Um, I think the alternative is, is is I mean, coming from a historical perspective, coming from having written the internationalists and having looked at what the world looked like before the prohibition on war was a core norm of the international legal order is very present for me that the alternative is extraordinarily real and horrific, A world in which states can just invade their neighbors as Russia has invaded Ukraine is a brutal and bloody world. It's a world in which no neighbor, no state can be confident in its security and its peace. No state can engage in trade without being afraid that the gains from trade are going to be taken from it. And that is a very brutal and bloody world and that is not the world we want to be in. And so I do think we need to have this conversation about how do we reinforce this norm, How do we address the fact that there's been inequities about how we enforce international law and take these challenges on forcefully rather than ignoring them or pooh pooing them or suggesting that they aren't important and valuable. And I think that they are. I do think, too, it's it has led us to realize, like the U.N., there's been discussions about the U.N., an institutional reform of the U.N. and high level panel after high level panel about how to get the Security Council working again and how to make it more representative. And and they haven't really gone anywhere. And part of what I'm excited about and interested in is this kind of institutional evolution, as I mentioned, towards greater a greater role for the General Assembly. And I think one of the values in that is that every state has one vote, so every state's vote counts and and that there's more of a sense of global equity that comes out of an institution where the General Assembly has a greater role and a way for the institution to act when the P-5 can agree, which is increasingly often and has the possibility of making the United Nations a more robust and effective institution, despite the fact that we're not going to see any kind of formal institutional reform. But these informal evolutionary reforms are going to be are maybe a way forward. As the United States. I, I actually think you're more hopeful than I am about the U.S. discovery of the importance of international law at the moment. Look, I think I think there's I think the Biden administration has a much more positive approach towards international aid. And a Trump administration obviously did. I mean, the Trump administration was talking about withdrawing from Nito, withdrew from more Article two treaties than it joined, was, you know, lobbied sanctions against the International Criminal Court, was on an all out assault on on a lot of key international institutions. And so the Biden administration has obviously reversed a lot of

that, has reopened conversations, was already planning on putting in a kind of new footing in the relationship with the International Criminal Court. The the the team representing the U.S. at the U.N. is willing to admit our errors and mistakes, which is an important step forward, I think, and understands the importance of working with the global community. And yet, you know, I am disheartened by some elements of the way forward. So I was at a conference on Monday, Nuremberg, where Beth and Scott are, who was in law school with us, who's now the ambassador for crimes through the United States, gave a speech about the U.S. position on a special tribunal to try the crime of aggression. And. There was a helpful element of it, which was US endorsed the idea of criminal accountability for the crime of aggression, which is a really important step forward for the U.S. and really valuable and a great thing. But then backed off of it by endorsing, creating a court only within the Ukrainian legal system. And part of the reason for that clearly is not wanting to create a precedent that might eventually affect the United States. And I find that disheartening, because I do think that we ought to be thinking more in the ways that you're suggesting, which is we are declining power, frankly, and this is our chance to make a mark on international legal institutions and create constraints that reflect our values and the things that we care deeply about. And we're not if we're not prepared to do that now, we're not going to get a chance in ten, 15, 20 years. We really have to take that move now to move forward, to create institutions that we think support our values. And we should not be sort of trying to retain some room for maneuver in the future because that room for maneuver is going to ultimately undermine us. And and so I guess maybe in this respect, perhaps I'm even more concerned or cynical. I don't know quite the right word, but but want to continue to hold my colleagues in U.S. government feet to the fire about maintaining a position of consistent support for the international legal order and willingness to create institutions and mechanisms that might actually constrain U.S. in the future, because that's the only way to create international institutions are going to be effective for others as well. And I think we just can't get around that. And I think we still haven't gotten away from this hegemonic mindset of we can create some international legal rules that are going to be effective for others, but not necessarily for us. So that that is actually something that I consider part of my ongoing project. That was a lot, sorry.

**SCOTT ANDERSON:** That's a lot, but it's very useful. We have a few minutes left. I want to turn to audience questions. Go and put your hand up. I think we'll take three at a time just to keep things effective. Very efficient. And then to any of our panelists and direct them. So if you want, you can take this gentleman's questions first and just move left from there.

**AUDIENCE MEMBER:** Thank you very much, Pyotr. Former CI student and host of the Global Gambit podcast. Ambassador, thank you very much. Karibu lived in Kenya for a little bit. Professor Hathaway are absolutely wonderful to finding they said to you in person. I'm very appreciative.

**Speaker 1** That we've not steered away.

**AUDIENCE MEMBER:** From the hypocrisy argument and that the panel discussed it prudently. But just yesterday, Saudi Arabia has become a dialog partner with the FCO. A couple of weeks ago, South Africa made comments along with Hungary slightly before that. About the willingness for them to recognize the ICC jurisdiction of. Putin as a war criminal. But then they won't necessarily arrest him or enforce him if he enters the country. So my question is essentially. How is this not an exercise a little bit in futility? What should we do that really. Can't at least. To? Is it better to perhaps. Not be overly ambitious with what we can achieve and do things slightly, you know, be more realistic with our expectations? You've touched upon that, but I'd like you to dig a little bit deeper. And then the counterpoint to that is also we focus a lot on the macro, the top down from the UN and and such. But as. Far as I'm aware, there is the potential for the Ukrainians to have certain jurisdictions. Under the ICC to trial P.O.W.s in their national courts. So is there a bit of the more macro nationalistic others that we could also explore in the context of Russia's aggression? Thank you.

**AUDIENCE MEMBER:** Excuse me. Hi, Carl. All of it. I should explain, they may have a genetic bias in this. My father was born in 1912 in Odessa, Russia, and with his parents fled. Eventually

the Russian Bolshevik Revolution came here. But could you please explain your understanding of the Minsk Minsk agreements, which were evidently intended between Russia and Ukraine, to end the conflict in Dogville and the Ukrainian ethnic cleansing of ethnic Russians, which when the I guess it's Angela merkel of Germany, there's acknowledged that while there was never any intent to honor the Minsk agreements and as the ethnic cleansing continued, doesn't that justify Russia's intervention to protect ethnic Russians in Ukraine? And was there a legal obligation of Ukraine to honor the Minsk agreements? Thank you.

**ROSA BROOKS:** Should we say.

**SCOTT ANDERSON:** Or do we take one more?

**AUDIENCE MEMBER:** Hi, my name's Sanya Senko. My student actually was born in Ukraine. The question I have since the court is should the ICC charge against Putin? How do you think this will impact how. Other. Leaders like, for example, presidency has visited recently will impact his next visits or visits from other officials to Russia especially? Do you think you'll defer. Other people visiting him since he is now criminally charged?

**SCOTT ANDERSON:** All right. So a wide range of issues here. We would like to kick it off. Oona you were holding the mic, going to make my way later, too, is our guest of honor of other panelist. Should feel free to weigh in on some of these as well.

**OONA HATHAWAY:** I'll take a quick crack at it. So should we be more realistic? So I think that if by realistic, it means, you know, admitting that we're unlikely to see Putin in the dock anytime soon. I think that's clear. But there's still value in an indictment and an arrest warrant. And the value in the indictment and arrest warrant is, is that it sending this really important message about that there won't be impunity for this war. And, you know, we'll see that. It's so Putin is apparently supposed to be traveling to South Africa, which is which is a party to the ICC and therefore obligated to arrest him if he does show up, but has in the past not arrested, didn't arrest Bashir when Bashir traveled to South Africa under a under arrest warrant. And so there's a lot of what's going to happen. You know, lots of people are talking about what's going to unfold in South Africa to, you know, let that happen. I think many people are coming. In conclusion, he probably won't travel in person because of the uncertainties about whether he would be arrested and and the help here remotely. And that's a cost, right? That's a cost that is a that undermines his capacity to engage in international diplomacy, that undermines his ability to represent Russia. It undermines his legitimacy. And to the last question, that it does have an impact, I think, on the willingness of states to to engage in relations with with Russia and to travel to Russia. The more that there's an effort to delegitimize Putin, to de-legitimize the government, to show, I mean, how can anybody defend the idea of moving children, you know, and taking them from their families and and indoctrinating them? I think that's why the ICC started with something that's so compelling. But will some states still do so? Sure. You know, I mean, there's there's there's an ongoing contest here and it's not always entirely clear how it's going to play out. I mean, on the on the assertions about ethnic cleansing, it wouldn't justify an aggressive war. I mean, so this was the difference in the old world order. States go to war for any kind of reason, including violations of international law. Now states can't. And and this is part of what's at issue in the International Court of Justice case, you know, claims of ethnic cleansing and genocide. And so far, the ICJ, which has only ruled so far in preliminary measures, has found that there isn't any legal basis for those claims. Now, that case is going to be ongoing. There'll be more opportunities to present evidence. But from all I've heard, it seems unlikely that it's going to turn out otherwise.

**MARTIN KIMANI:** Thank you. You know, it appears the the realists have been run out of town. They used to speak, and I don't hear them speaking except for my shame. And every time you say something, he's lambasted Boxer, too, to silence this whole rise again. I say that because I want to ask. It's a rhetorical question. One of the great things about geopolitics is it never stops. It never stops. It does it. It'll continue till the day we blow ourselves all up and do great powers learn lessons. Right. We shall see. We shall see whether this appetite for international law in the U.N.

Charter. We shall soon see whether it's real or it's not real. So that the proof is coming. There's no need to even guess at it that much. It's coming. But if you look at the at the precedent there was. Yes. My colleague Linda speaks very humbly about, you know, doing away with the double standards. But it makes me recall Obama's famous Cairo speech. And I mean, it was a new chapter. It was a new beginning. And just juxtapose that with the Libya, the NATO's operation in Libya and the consequences of that operation. The very lessons that were supposed to have been learned in Iraq were not learned or replicated in in in in Libya. So learning lessons appears to be beyond great powers because part of the status of being a great power is to aggress, perhaps not militarily, but in many ways, in many ways to aggress different versions of sovereignty and freedom. And democracy is ultimately tied up to how to be a great power. So for me, the question then is, even as we talk about law and who will face what charges and will they be arrested if they travel abroad, is how much is the West and the United States willing to put its actions where its mouth is? If you're going to stand up for international law and ask Kenya to stand up for international law, we will. We believe in it, but we also see the deep inequality of it. So we want reforms not just of the Security Council, but reforms of different institutions that touch on our lives. Can you reform the World Bank and the IMF? Can you reform how the WTO works? Can you offer a viable path to development? Can you take responsibility for climate change? And if you cannot. Then the global order is essentially one for the powerful. And so there are limits to how much countries will sign up to the causes that that law. Those laws are being useful. And then finally on. So, yes, one, will you reform those? And then secondly, will you go beyond the the colonial hangovers that we have? So even as we we condemn the spheres of influence Russia is seeking to establish. Will the West's members of the Security Council forego their own spheres of influence, whether it's in Africa or it's in the Americas? If you're not going to forego your own spheres of influence, then why should others not establish spheres of influence? And the final question is how then, if there's going to be a multipolar order, is that a multipolar order that's going to lead to the Poles dominating their neighbors? Kenya doesn't want to be dominated in a multipolar order. So what do we do to create a multipolar order that is respectful of smaller and medium states? And my solution? Not for the United States. That's not for me to say. But my solution and our solution as Kenya and Africa, is that we have to strengthen regional organizations. We have to make regional organizations and all the crises they deal with less amenable and vulnerable to the interference of the most powerful. In other words, keep your conflict away from the Security Council. Thank you.

**SCOTT ANDERSON:** Well, I want to if Karin, Rosa, if you have anything you want to add, please feel free to jump in over time otherwise. And I'll bring this to a close. Thank you all so much for a phenomenal conversation on offer, phenomenal address. I think it sounds to me to more or less close the session and let there be any closing remarks. So thank you all for joining us as well. And I hope you have a good afternoon.