



# General Assembly

Seventy-seventh session

**65<sup>th</sup>** plenary meeting  
Wednesday, 29 March 2023, 3 p.m.  
New York

Official Records

*President:* Mr. Körösi ..... (Hungary)

*In the absence of the President, Mr. Wallace (Jamaica), Vice-President, took the Chair.*

*The meeting was called to order at 3 p.m.*

## Agenda item 29 (continued)

### The role of diamonds in fuelling conflict

#### Draft resolution A/77/L.61

**The Acting President:** I now give the floor to Mr. Lemogang Kwape, Minister for Foreign Affairs of the Republic of Botswana, to introduce draft resolution A/77/L.61.

**Mr. Kwape (Botswana):** At the outset, let me convey my delegation's appreciation to you, Mr. President, for convening this important meeting on the agenda item entitled "The role of diamonds in fuelling conflict", the annual consideration of which provides an opportunity for the General Assembly to renew its commitment to ensuring that diamonds remain a force for economic development instead of a driver of armed conflict.

I should also indicate that today's meeting also officially marks the end of the term of my country, Botswana, as Chair of the Kimberley Process Certification Scheme, a mechanism created more than 20 years ago to prevent the flow of conflict diamonds in the global diamond trade. During our tenure in 2022, Botswana successfully hosted and presided over the Kimberley Process intersessional meeting held in the tourism resort town of Kasane in June 2022 and the plenary meeting held in Gaborone in November,

which adopted a consensus-based Kimberley Process communiqué. I should also note that progress was made on several aspects of the work of the mechanism, including the promotion of capacity-building with regard to the compliance of countries with set standards. As a Kimberley Process-compliant diamond-producing country, and because no country should be left behind, Botswana welcomes efforts aimed at promoting compliance and the sharing of lessons learned and best practices.

Progress was also made in relation to the establishment of an ad hoc committee on review and reform of the Kimberley Process. It is expected that the review and reform process will enhance the effectiveness and fitness for purpose of the Kimberley Process. Another milestone achieved in 2022 was the selection of the location of the permanent secretariat of the Kimberley Process. Botswana is grateful for that expression of confidence in our country by fellow Kimberley Process participants. Having chaired the Kimberley Process during its formative years in 2006, Botswana was particularly honoured to serve again in 2022. That sense of honour stems from our deep commitment to the Kimberley Process and the special meaning that natural diamonds have for Botswana. In our country, diamonds are for development. As members of the Assembly may be aware, diamonds are the mainstay of Botswana's economy and have been so for more than five decades. Diamonds currently contribute one quarter of our gross domestic product, more than 90 per cent of foreign export earnings and one third of Government revenues. That is how important diamonds

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are to Botswana. In that regard, Botswana is steadfast in ensuring that the Kimberley Process effectively promotes the reputation and economic viability of that precious natural resource.

As outgoing Chair, Botswana is honoured to submit a report on the activities of the Kimberley Process during 2022 for the consideration of the General Assembly, accompanied by draft resolution A/77/L.61, entitled “The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts”. The text of the draft resolution is balanced and reflects the shared commitment of Member States to preventing diamonds from fuelling conflict. I therefore take this opportunity to thank delegations for their constructive participation in the negotiations and for being committed to finding common ground.

In conclusion, let me reaffirm Botswana’s commitment to the Kimberley Process and reassure the incoming Chair, Zimbabwe, of our support during its tenure.

**Mr. Turay** (Sierra Leone): We join other delegations in thanking the Republic of Botswana for spearheading the introduction of the important draft resolution A/77/L.61, entitled “The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts”. We also thank Zimbabwe for its able stewardship of the Kimberley Process and the facilitation of the negotiation of the draft resolution, which is remarkable given these difficult times. The Kimberley Process, we know today, is the initiative of African diamond-producing countries. For that reason, the States Members of the United Nations that are members of the African Union welcome the adoption of draft resolution A/77/L.61. We acknowledge the role of the Permanent Observer Mission of the African Union in facilitating the process.

I wish to highlight the following aspects of draft resolution A/77/L.61, which are of high priority to the 54 members of the African Group.

First, we believe that it represents the progress achieved in the Kimberley Process during the past 20 years and, more importantly, notes the challenges we are facing today as diamond-producing countries.

Secondly, the draft resolution recalls the positive benefit of the legitimate diamond trade to diamond-producing countries and therefore underlines the need for continued international action with regard to the ethical exploitation, sale and trade of diamonds.

Thirdly, it also calls for efforts to enhance cooperation and assistance to diamond-producing countries on best practices, capacity-building and compliance in maintaining standards, rules, procedures and certification, an area long advocated for by African member States in the Kimberley Process.

Fourthly, we welcome and deeply appreciate the decision by the 2022 plenary meeting of the Kimberley Process to establish the Kimberley Process secretariat in Gaborone, Botswana.

Most of the African continent is dependent on proceeds from sales of diamond resources. Diamonds alone represent an industry worth more than \$81.4 billion per year, with more than 50 per cent of global production sourced from Africa. The Assembly can therefore appreciate the value we place on this very important subject and the discussion of natural diamonds generally. The importance of diamonds to Africa’s development agenda is therefore unquestionable. To Africa, diamonds are for development. It is in that regard that most countries of the continent have sponsored this draft resolution for the past 20 years, with a view to protecting the integrity of the diamond sector. The unanimous adoption of this important draft resolution therefore reaffirms the importance of the diamond sector in promoting socioeconomic development in Africa.

In conclusion, I would like to reaffirm African’s commitment to the Kimberley Process initiative and assure the incoming Chair, Zimbabwe, of the region’s continued cooperation and support during its tenure. We look forward to constructive intersessional and plenary sessions in Victoria Falls during the year.

**The Acting President:** I now give the floor to the representative of the European Union, in its capacity as observer.

**Mr. De La Maisonnette** (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova and Bosnia and Herzegovina, and the potential candidate country Georgia, align themselves with this statement.

The EU member States are joining the consensus on draft resolution A/77/L.61 today. We commend Botswana for its good offices in building consensus. I would also like to welcome the presence here today of His Excellency Mr. Lemogang Kwape, Minister for Foreign Affairs of Botswana.

Conflict diamonds have played a major role in funding some of the most devastating civil wars in Africa. We have come a long way since the Kimberley Process was established. It has contributed to peace, security and prosperity. It was constituted as a multilateral tool for conflict prevention, and it has had a valuable development impact in improving the lives of people dependent on the trade in diamonds. As a joint initiative of Governments, civil society and industry, it has reinforced the message that diamonds belong to the communities that mine them, not to militias. For several countries and communities, in particular on the African continent, the Kimberley Process has made the difference between war and peace. We fully recognize the contribution of the Process to the settlement of conflicts and the consolidation of peace, for example in Angola, Côte d'Ivoire, Liberia and Sierra Leone. Under its current narrow definition, it has reduced the proportion of conflict diamonds in the global diamond trade to less than 1 per cent.

Since 2016, the EU has funded almost €10 million in projects aimed at reinforcing governance in the diamond sector and developing alternative livelihoods, for example through the Mano River Union, supporting cooperation among Côte d'Ivoire, Guinea, Liberia and Sierra Leone, and in the Central African Republic. However, we must continue to work to reform the Kimberley Process. We should be guided by the words of Mr. Festus Mogae, former President of the Republic of Botswana, who stated last year, at a special meeting of the Economic and Social Council in this very Hall, that the Kimberley Process Certification Scheme is not as effective as when it was created, agreeing with those who demand that it should be looked at.

We are meeting in extraordinary times. The Kimberley Process is facing unprecedented challenges. We must make sure that natural resources contribute to sustainable development and peace rather than paying for weapons that are used to attack States in violation of the Charter of the United Nations, sowing death and destruction. Within the Kimberley Process and everywhere else, we must continue to work to make sure that natural resources do not finance war or human

rights abuses but are a source of sustainable growth. We need to seize the opportunity of the current review and reform cycle to broaden the definition of conflict diamonds to capture the evolving nature of conflicts and the realities on the ground.

The Kimberley Process is deeply rooted in full respect for State sovereignty. Today's draft resolution reminds us of the obligations that the Charter places on States regarding the maintenance of international peace and security and ensuring full respect for State sovereignty. We therefore can only condemn Russia's war of aggression against Ukraine, enabled by Belarus. We are resolved in our unwavering solidarity with the people of Ukraine. For several years the EU led the work of reforming the Kimberley Process in a major effort to help it remain relevant. We now face fresh challenges linked to the role of the Process in conflict prevention and in protecting the communities suffering in war-torn countries. For the Kimberley Process to remain relevant and credible in a changing world, it is vital to ensure that it can address wider situations of armed conflict, systemic violence or human rights violations related to or financed by the trade in rough diamonds. That is a debate we need to have. The EU therefore makes a plea to the Kimberley Process to engage in an open dialogue and to bring the core conflict-prevention mandate that is at its heart to the current reform agenda.

Finally, on a positive note, the EU and its member States welcome the Kimberley Process decision to establish the Kimberley Process secretariat in Gaborone, and we look forward to working with Botswana in that endeavour. We also look forward to working with Zimbabwe this year as the incoming Kimberley Process Chair.

**Mr. Zlenko (Ukraine):** The delegation of Ukraine aligns itself with the statement just made on behalf of the European Union and would now like to add some remarks in its national capacity.

Ukraine decided to support the consensus on draft resolution A/77/L.61 on the role of diamonds in fuelling armed conflict. We recognize the Kimberley Process as an important initiative whose objective is to prevent the flow of conflict diamonds and help to protect the legitimate trade in rough diamonds. The Process is a unique tripartite platform that brings together stakeholders in Government, the industry and civil-society coalitions in order to discuss and take action to prevent conflict diamonds from entering the diamond

trade. It has been an effective multilateral tool for conflict prevention by stemming the flow of conflict diamonds for many years.

However, today the Kimberley Process faces unprecedented challenges. The situation has dramatically changed since 24 February 2022, when Russia started an unprovoked and unjustified full-scale invasion of Ukraine in flagrant violation of international law and the Charter of the United Nations, which has direct global implications for the diamond trade. The full-scale war waged by Russia against Ukraine, with the complicity of Belarus, has already led to thousands of deaths among the innocent people of Ukraine. As of today, Russian troops continue to commit war crimes and acts of terrorism, launching massive missile and artillery attacks on civilian targets, killing civilians and destroying critical civilian infrastructure. By attacking energy and water supply infrastructure, Russia is trying to destroy the Ukrainian nation as part of a genocidal policy.

Despite a number of requests by Ukraine and its partners during the last year to include on the provisional agenda of the plenary meeting of the Kimberley Process the issues related to the consequences of the Russian aggression against Ukraine in the context of the activities of the Kimberley Process, the relevant decision was not adopted. It is worth mentioning that Russia and Belarus do not share the values of the Kimberley Process and undermine the rules of that initiative. In particular, Russia actively uses disinformation against Ukraine and whitewashes itself as a responsible participant of the Kimberley Process. Let me remind the General Assembly that Russia violated the administrative decision in terms of the submission of quarterly statistics of mining and trade in diamonds. We believe that neither Russia nor its allies should hold positions within the Kimberley Process. Ukraine is also opposed to Belarus serving as Vice-Chair of the Kimberley Process in 2023. Our delegation would like to emphasize that the notion of diamonds that are directly and exclusively involved in the financing of rebel movements against legitimate Governments is outdated. Today, they are also used for financing wars and obtaining revenue from their trade by such States as Russia.

For its part, Ukraine supports the main objectives of the Kimberley Process, namely the promotion of peace, security and sustainable development and contributes to the implementation of the requirements of the

Kimberley Process and the recommendations of that initiative, as well as its administrative decisions. While we demonstrated our respect for the long-standing practice of adopting this year's draft resolution on this issue, A/77/L.61, by consensus and showed some flexibility throughout the negotiation process, we are obliged to express our regret that it does not contain any language on the Russian aggression against Ukraine, including any reference to resolution ES-11/6 of 23 February, entitled "Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine". At the same time, Ukraine welcomes the inclusion in the draft resolution of the references to the respect for State sovereignty and conflict prevention. We appreciate that draft resolution A/77/L.61 recognizes the importance of the issue of the revision of the definition of conflict diamonds, which is one of the priority activities of the Ad Hoc Committee on Review and Reform, and of Ukraine in particular. In conclusion, we emphasize the importance of continuing the discussion of the implications of the Russian aggression against Ukraine in the context of the Kimberley Process.

**Ms. Keen (Australia):** Let me begin by expressing Australia's appreciation to Botswana for its efforts as Chair of the Kimberley Process in 2022. We also look forward to working with Zimbabwe as Chair this year. Australia congratulates Botswana on taking on the important role of hosting the Kimberley Process secretariat. We acknowledge the efforts of all the stakeholders who contributed to the outcomes of the Kimberley Process in 2022 and who continue to work diligently to ensure that the Kimberley Process remains fit for purpose. To that end, Australia specifically looks forward to engaging with the Ad Hoc Committee on Review and Reform established at the 2022 plenary meeting. We want to ensure that the Kimberley Process continues to deliver on its mandate to prevent conflict fuelled by diamonds and eliminate such conflict diamonds from legitimate trade. The ongoing efficacy of the Kimberley Process will depend on its ability to remain relevant to the international environment in which it operates, and its mandate of conflict prevention must remain central to its deliberations and activities.

Australia would like to reiterate the call we made at Kimberley Process meetings in 2022 for participants to examine the implications of Russia's invasion of Ukraine for the Kimberley Process. Aggression cannot be normalized, and it cannot be minimized. We will



continue to advocate through all relevant forums, including the Kimberley Process, for Russia to be held to account for its illegal and immoral invasion.

**Mr. Repkin** (Russian Federation) (*spoke in Russian*): The Russian Federation notes the diplomatic efforts of Botswana as the Chair of the Kimberley Process in 2022 and also as the author of the initial version of draft resolution A/77/L.61 on the role of diamonds in fuelling conflict. We support its adoption by consensus; at the same time, we cannot help but note that the text that was initially presented, in our opinion, was balanced and objective — and I would like to underscore that last word. It objectively underscored the outcomes of the work of the Kimberley Process in 2022 and also the tasks for the future within the Kimberley Process.

We note that during the discussions on draft resolution A/77/L.61, the absolute majority of comments were made by a small group of participants who sought to dispute the effectiveness of the Kimberley Process and raise doubts as to its achievements. Not having dared to impose their mercantile aims on the participants in the Kimberley Process at its 2022 meeting, those countries, in the context of the work on the draft resolution, sought to revise the conclusions of the Kimberley Process. I would like to underscore that those decisions were adopted by consensus. That was the aim of the majority of the amendments proposed by Western countries, in connection with which the constructively minded delegations, including the Russian delegation, were forced to show the greatest possible flexibility in order to find the lowest common denominator. The text of the draft resolution that we have before us today is essentially a forced compromise, a fine line between preserving the Kimberley Process as an effective multilateral mechanism and its transformation into a tool for the advancement of the geopolitical interests of a small group of countries. During the discussions on the draft resolution, a narrative was actively fostered about certain unprecedented challenges that the Kimberley Process was allegedly facing.

For our part, we are convinced that the main threat to the Kimberley Process today is the destructive actions of a number of countries that seek to destabilize the ongoing work of the Kimberley Process for the benefit of their geopolitical interests. They openly neglect the interests of the diamond-mining countries and the diamond sector in general. In that regard, we would like to point out that those countries bear full responsibility

for the broad and vague wording of the draft resolution, which could ultimately lead to the critical polarization of approaches in the further development of the Kimberley Process, and could seriously undermine the format for constructive cooperation among the representatives of Member States that has existed in the Process for 20 years, which brings together States, the diamond sector and civil society.

We believe it is extremely important to resist those attempts to transform the Kimberley Process into another tool to exert political and economic pressure on sovereign States. We will consistently defend the achievements of the Kimberley Process aimed at preventing conflict in diamond-mining areas for the benefit of local communities and at supporting the sustainable socioeconomic development of the States participating in the diamond sector. At the same time, we believe that carrying out the aims of Western countries would contradict the interests of not only the members of the Kimberley Process but also a broad range of developing countries. We urge the States Members of the United Nations to cooperate constructively within the framework of the Kimberley Process.

**Mr. Setia** (India): Diamonds have played a particularly significant role in causing and prolonging conflict in a number of countries as a result of the misuse of the wealth they generate. In addition to financing devastating armed conflicts, the illicit trade in rough diamonds also has a negative impact on the legitimate international trade in diamonds. My delegation continues to believe that efforts to address the problem through the perspective of an overall development agenda should focus not only on the supply side but on all parts of the supply chain, including processing, trading and purchasing by consumers. There is therefore no denying that over the years, the Kimberley Process has emerged as a model for multi-stakeholder efforts and that today a substantial number of the diamond mining, trading and processing countries are part of the Kimberley Process.

India is the world's largest cutting and polishing centre for diamonds, accounting for more than 90 per cent of polished diamond manufacturing globally and registering more than \$24 billion in exports in 2022. We are a founding member of the Kimberley Process Certification Scheme. Since the Scheme's inception, India has played a pivotal role in the progress and advancement of this unique tripartite structure, recognized by the United Nations, which brings together

stakeholders in Government, industry and civil society in the quest to prevent conflict diamonds from entering the diamond trade. The fact that the Scheme has had a valuable development impact in improving the lives of people in diamond-mining communities and contributing to the achievement of the Sustainable Development Goals has been quite eloquently affirmed in today's draft resolution (A/77/L.61), which my delegation welcomes. We also welcome the recognition in the draft resolution of a voluntary system of self-regulation through the System of Warranties, in accordance with the Scheme, and the ongoing work of the Working Group of Diamond Experts on the digitalization of the Kimberley Process certificates and adoption of a new technical guideline, No. 17, on potentially diamondiferous exploration samples.

For the past 20 years, the Kimberley Process fraternity, consisting of participants and observers, has made a notable contribution to stemming the flow of conflict diamonds and having a significant impact in the area of development by improving the lives of many people dependent on the trade in diamonds. The continued success of the Kimberley Process remains an important goal and commitment for us. India will continue to participate actively in the work on various fronts and to pursue the collective goals of the Kimberley Process to ensure that it continues to be inclusive and capable of facing the emerging challenges. We stand committed to supporting international efforts aimed at totally eliminating conflict diamonds and promoting the legitimate trade in rough diamonds, and join other Member States in recognizing that the Kimberley Process Certification Scheme has helped to protect the legitimate diamond trade.

**Mr. Mabhongo** (South Africa): We thank Botswana and Zimbabwe for the work done in steering this process to its conclusion, as well as participating delegations for their invaluable contributions. We associate ourselves with the statement made by the representative of Sierra Leone on behalf of the Group of African States.

South Africa remains committed to upholding the integrity and credibility of the Kimberley Process and to ensuring that it remains relevant. We regret any politicization of this matter, and we urge all States to return their focus to the core purposes of the Process. We underline the importance of continued regional and international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of producing, exporting and importing States.

Over the 20 years of the Kimberley Process's existence, producing countries have put in place legislation and systems to curb the flow of conflict diamonds while ensuring that no negative impact is felt on the trade in legitimate diamonds. For many diamond-producing countries, the diamond sector is an important catalyst for promoting economic and social development, which is essential to poverty reduction and the achievement of the Sustainable Development Goals. It is therefore important for entities such as the Kimberley Process to recognize and work closely with regional institutions that seek to determine the fate of diamond development for the benefit of all people, especially on the African continent.

We acknowledge that undertaking any review and reform process is always challenging but also very necessary. In that regard, the approach adopted by the Ad Hoc Committee on Review and Reform should be continued. It should seek the improvement of the Kimberley Process to ensure that its mandate in regulating the trade in rough diamonds is fulfilled. It is worth noting that the Kimberley Process continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and remains a unique tripartite initiative that has had a valuable impact on development, improving the lives of people in diamond-mining communities and contributing to the achievement of the 2030 Agenda for Sustainable Development.

**Ms. McNamara** (United States of America): The United States thanks the General Assembly for its constructive engagement on draft resolution A/77/L.61. We also thank the Minister for Foreign Affairs of Botswana for being here with us today and for his role in facilitating the Kimberley Process.

The United States welcomes collaboration on the Kimberley Process. The measures outlined in the draft resolution will continue to play a critical role in promoting the ongoing efforts to stem the flow of conflict diamonds while also affirming the importance of the mandate to develop a new and broadened definition of conflict diamond that reflects the evolving nature of conflicts and realities on the ground. It is critically important to ensure that the Kimberley Process evolves to address new challenges facing the rough-diamond supply chain, or it will lose its relevance.

Finally, the draft resolution was negotiated as one Kimberley Process participant continues to invade another. We regret that the draft text does not explicitly

reference Russia's war against Ukraine — as I noted, both are Kimberley Process participants — and nor does it mention the important role of the Panel of Experts of the Security Council's Central African Republic Sanctions Committee. We nonetheless affirm that the General Assembly continues to provide crucial support for the implementation and further evolution of the Kimberley Process.

**Mr. Makarevich** (Belarus) (*spoke in Russian*): The Republic of Belarus welcomes the willingness of our countries to adopt draft resolution A/77/L.61 by consensus. However, we cannot help noting that in the process of our discussions and debates we have come up against several problems. While the technical aspects were dealt with constructively, some individual issues were frankly destructive and required special attention. A number of States attempted to politicize the draft resolution, making unfounded accusations about specific countries while admitting that their claims had nothing to do with the text itself. Today, in the context of this meeting's debate, we have seen that borne out. We also believe that the unfounded negative references to some countries contained in such documents, such as the reference concerning the Kimberley Process, could set a negative precedent in the context of the adoption of General Assembly resolutions in future, and we categorically oppose that sort of approach. Belarus has always acted — and will always act — in an exclusively constructive manner, on the basis of equality and mutual respect for all of the parties involved, when considering generic resolutions in the General Assembly, and we call upon our colleagues to do the same.

**The Acting President:** We shall now proceed to consider draft resolution A/77/L.61.

The Assembly will now take a decision on draft resolution A/77/L.61, entitled "The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts".

I now give the floor to the representative of the Secretariat.

**Ms. Sharma** (Department for General Assembly and Conference Management): I should like to announce that since the submission of draft resolution A/77/L.61 and in addition to the delegations listed in document, the following countries have also become co-sponsors of draft resolution A/77/L.61: Armenia, Austria, Belgium, the Central African Republic, Côte d'Ivoire, Croatia,

Cyprus, Czechia, Estonia, Eswatini, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kiribati, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Montenegro, Namibia, Poland, Portugal, Romania, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Arab Emirates, the United Republic of Tanzania and Zimbabwe.

**The Acting President:** May I take it that the Assembly decides to adopt draft resolution A/77/L.61?

*Draft resolution A/77/L.61 was adopted (resolution 77/277).*

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 29?

*It was so decided.*

#### **Agenda item 70 (continued)**

#### **Report of the International Court of Justice**

##### **Draft resolution (A/77/L.58)**

**The Acting President:** The General Assembly will resume its consideration of agenda item 70, entitled "Report of the International Court of Justice".

We will now continue to hear statements in explanation of position on resolution 77/276, entitled "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change".

**Mrs. Larue** (Dominican Republic) (*spoke in Spanish*): My delegation welcomes the historic adoption of resolution 77/276, of which we are a co-sponsor. We also congratulate Vanuatu and the core group of States for proposing it. We are proud that the initiative was started by a group of young university students motivated by the urgency that the cause deserves. As a small island developing State, we understand the magnitude of the effect of climate change on our countries, and we strongly believe in the principle of common but differentiated responsibilities and national capabilities. As Prime Minister Kalsakau said (see A/77/PV.64), it is time to give climate justice the attention it deserves. We believe that resolution 77/276 is a part of the response needed to strengthen the implementation of resolution 76/300 on the human right to a clean, healthy and sustainable environment. We would like to express our country's commitment to doing everything possible to ensure the early realization of a consultative

opinion. The Assembly can count on the Dominican Republic as an important actor in the multilateral sphere to continue to promote an issue that is so crucial for our countries.

**Mr. Matea** (Solomon Islands): Solomon Islands aligns itself with the statement delivered by the representative of Tonga on behalf of the States of the Pacific Islands Forum and by the representative of the Federated States of Micronesia on behalf of the Pacific small island developing States (see A/77/PV.64).

I have the honour to deliver this statement in my national capacity.

Solomon Islands supports the adoption of resolution 77/276 requesting an advisory opinion from the International Court of Justice on the obligations of States under international law in respect of climate change. The number of sponsors of that landmark resolution and its adoption by consensus send an important message of restored faith in multilateralism in addressing climate change. We congratulate our closest neighbour, the Republic of Vanuatu, on its championing of that significant initiative, and we would like to thank the honourable Prime Minister of Vanuatu, Mr. Alatoi Kalsakau, for his important remarks this morning (see A/77/PV.64). We also thank members of the core group of States for actively engaging the United Nations membership and ensuring that a meaningful, inclusive and transparent process ensued. On that note, we would also like to recognize the contribution of our young people from the Pacific islands, who took the first step in the whole process.

Climate change is the single greatest threat to the livelihood, welfare and security of the blue Pacific, including Solomon Islands. Last year, our country experienced a devastating earthquake, which caused damage to Government buildings and other important infrastructure. Our country remains under threat from cyclones, tidal waves, flash floods and sea-level rise. The recent report of the Intergovernmental Panel on Climate Change shows that the current commitments under the Paris Agreement on Climate Change are insufficient and instead put us on a pathway towards a 3°C warmer world. We need stronger ambitious climate action now. Solomon Islands notes that resolution 77/276 characterizes climate change as an unprecedented challenge of civilizational proportions. Accordingly, we believe that international courts and tribunals, in particular the International Court of Justice, should not be silent bystanders in the formulation and implementation of responses to climate change.

Solomon Islands believes that international law advances our shared goals of security, peace, prosperity, human rights and environmental protection most effectively when it operates as an integrated system. We therefore welcome consideration by the International Court of Justice of the international treaties and principles of international law cited in the resolution in respect of their implications for the obligations of States in responding to the climate crisis. Solomon Islands emphasizes its view that the Court's consideration will complement and enhance the goals and processes of the United Nations Framework Convention on Climate Change and the Paris Agreement. We would like to recall and reiterate the statement we made at the adoption of the Paris Agreement, when we declared that no provision of the Agreement could be interpreted as derogating from the principles of general international law as they apply to climate change; that our acceptance of the Paris Agreement in no way constituted a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that failure to stabilize global temperature at a safe level below 1.5°C of warming would severely undermine our efforts to achieve sustainable development.

In conclusion, we note that the historic resolution adopted today seeks to ensure the well-being of future generations, and more importantly for our people in the Blue Pacific. We therefore express the hope that the advisory opinion of the International Court of Justice will be keenly focused on the interests of our future generations and that the perspectives of the members of our society who are most vulnerable to climate change will be given a voice in the proceedings and its outcomes.

**Mr. Sekeris** (Greece): Greece aligns itself with the statement made this morning by the delegation of the European Union (EU) on behalf of the EU and its member States (see A/77/PV.64), and would like to add some observations in its national capacity.

We want to add our voice to those of other delegations in thanking Vanuatu, as well as the core group of States, for taking the initiative regarding the request by the General Assembly for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change. By this act, on the basis of Article 96 of the Charter of the United Nations, the General Assembly is exercising its prerogative to address a question of a legal nature to the



International Court of Justice, the main judicial organ of the United Nations, on the timeliest possible issue, climate change.

We all know that greenhouse-gas emissions have continued to rise at an alarming rate. Extreme weather events are becoming more frequent and intense, with widespread adverse effects on all countries, especially the least developed countries and small island developing States. The International Court of Justice, in its advisory capacity, will provide the international community with an authoritative statement of the law as regards the obligations of the Member States of our Organization, based on international agreements in force and general international law, on the complicated and multifaceted issue of climate change and its adverse effects. The importance of the issue is highlighted by the fact that a request for an advisory opinion has also been submitted to the International Tribunal for the Law of the Sea by the Commission of Small Island States on Climate Change and International Law regarding the obligations of States parties to the United Nations Convention on the Law of the Sea to preserve and protect the marine environment in relation to the effects of climate change. In addition, the International Court of Justice, as the principal judicial organ of the Organization and a court of law of general jurisdiction, is well placed to pronounce in a comprehensive way on international law obligations related to climate change.

In conclusion, Greece strongly believes that the advisory opinion of the International Court of Justice should provide authoritative normative guidance to States on important questions of law as regards climate change.

**Mr. Kenneally** (Ireland): Ireland fully aligns itself with the statement delivered on behalf of the European Union (EU) and its member States (see A/77/PV.64), and I have the honour to add a few remarks in my national capacity.

Ireland is a strong supporter of this initiative, and we extend our deep appreciation to Vanuatu and the members of the core group of States for the leadership that has led to the adoption by consensus of resolution 77/276, of which we are pleased to have been a sponsor.

The evidence is clear. Climate change is one of the defining challenges of our time. Its catastrophic consequences will be disproportionately felt by people in low-lying coastal areas and developing countries,

particularly small island developing States (SIDS). In that regard, we recognize the need to address the specific vulnerabilities of SIDS, as was reflected in the 2030 Agenda for Sustainable Development, and we want to stress again the importance of activating all levers of action and using all forums to address the urgent challenges associated with climate change. We join others in reiterating the primary role of the Paris Agreement and the United Nations Framework Convention on Climate Change and its Conferences in addressing those challenges. We continue to advocate for the Security Council to take action to address the climate-related security risks that are affecting its work, and we urge the Council to use the tools it has at its disposal to deliver on its mandate.

This is a moment of inflection, an opportunity to turn the tide. The Sustainable Development Goals Summit will take place in September, and Ireland is pleased to be co-facilitating the process to agree on a concise, action-oriented and forward-looking political declaration, which will continue to address the issues outlined in this.

**Mrs. Horváth** (Hungary): Hungary aligns itself with the statement made on behalf of the European Union (see A/77/PV.64) and would like to add the following remarks in its national capacity.

We commend Vanuatu and other Member States of the core group of States for their timely initiative. Hungary was proud to sponsor resolution 77/276 and looks forward to the International Court of Justice's legal assessment of climate change, one of the greatest civilizational challenges of our time. Making hypothetical or speculative declarations would fall outside the scope of the Court's judicial functions. However, human-caused climate change is already affecting many weather and climate extremes across the globe, as confirmed by the Intergovernmental Panel on Climate Change in its most recent report.

These events by their nature affect the well-being of present and future generations, and we must therefore emphasize the importance of intergenerational equity. Hungary was the first State that referred to the interests of future generations before the Court in the *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* case, and we welcome the appearance of intergenerational equity in today's resolution. With the aim of enhancing the value of the advisory opinion's contribution to the efforts addressing climate change, we would like to make three points.

First, we hope that the Court can be as specific as possible in replying to the General Assembly's request, so that the advisory opinion does not suffer from the burden of uncertainty. A reply that is too succinct or vague might adversely affect the promotion of the individual and collective action of States to prevent climate change.

Secondly, the environment constitutes an autonomous value to the international community. It is worthy of protection in itself, not merely because of economic interests related to the exploitation of its resources, and the need to protect it has led to the emergence of a number of general principles and rules. However, the content of those principles and rules is often unclear. As an example, clarification on the duty of care towards the environment, coupled with the procedural principle of due diligence, would be especially helpful for States in identifying the contours of their obligations.

Thirdly, there is a significant portion of customary law that is not specific to the protection of the environment but that is relevant to advancing that purpose. As an example, the potential normative content of the principle of common but differentiated responsibility cannot be assessed in isolation or taken out of the context of the general rules on State responsibility, such as the rules on the breach of an international obligation or the rules of causation.

Climate change is a global challenge, and no country alone can provide a meaningful answer to it. The advisory opinion of the International Court of Justice could greatly contribute to the collective effort of States to combat that challenge and strengthen the rules-based international order at the same time.

**Mr. Costa Filho** (Brazil): Brazil welcomes the adoption of this paradigmatic resolution (resolution 77/276). The mandate that we, the General Assembly, are giving to the International Court of Justice comes at a critical time. Just last week, the Intergovernmental Panel on Climate Change (IPCC) released the synthesis of its Sixth Assessment Report, which confirms that the challenge ahead of humankind is unprecedented in urgency and scale. Next December, we will gather at the twenty-eighth Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to conclude the first global stocktake of the Paris Agreement on Climate Change. Deeply grounded in its two pillars of science

and equity, the global stocktake will assess where we were, where we are and where we must be in the fight against climate change. Justice seems to be the missing piece in that puzzle. Brazil has high expectations that the International Court of Justice will help UNFCCC member States to reconcile their differences and come together in a mission-oriented united front to finally unleash climate ambition.

Brazil supported resolution 77/276 because it offers us an opportunity to unite developed and developing countries on issues that have long kept us apart. Solving climate change involves solving a collective trauma, and we will not be able to move forward collectively if we do not overcome those differences. Since the UNFCCC was opened for signature in Rio in 1992, we have suffered major trust drawbacks that risk stalling future engagement by all countries, which is a scenario that we cannot afford. We must leave no one behind — no country, no individual. Everyone must be protected from climate change; everyone must be involved in climate action.

Warnings about the threats posed by climate change are not new. The IPCC has been presenting us with the best scientific evidence available on the gravity of the problem for more than three decades, including with regard to how developing countries will be the ones that suffer the most from the adverse impacts of global warming. The 1992 Rio Declaration on Environment and Development introduced principles to guide our mission to promote sustainable development as a solution to the climate challenge. Recognizing historical emissions and different capabilities, the UNFCCC enshrined in a similar way the principles of equity and common but differentiated responsibilities. Accordingly, it imposed on developed countries the obligation to take the lead in reducing their own emissions, while providing finance, technology and capacity-building resources for mitigation and adaptation actions in developing countries. Five years later in 1997, as parties to the UNFCCC, we all adopted specific quantified targets for developed countries under the Kyoto Protocol, including a collective commitment for them to reduce their aggregate emissions by 5 per cent as compared to 1990 levels by 2012. The parties that have signed but not ratified the Kyoto Protocol need to abide by its object and purpose, in line with international law.

The Kyoto target was never achieved by developed countries in the aggregate. That failure has fundamentally derailed our global response to climate

change from what our international community had originally agreed. Ten years after the adoption of the Kyoto Protocol, the IPCC 2007 fourth assessment report issued clear scientific evidence calling on developed countries to reduce their emissions by 10 to 40 per cent compared to 1990 levels by 2020. Once again, that call was never implemented. In 2010, under the Cancun Agreements adopted by the sixteenth Conference of the Parties to the UNFCCC, the developed countries committed to jointly mobilizing \$100 billion per year by 2020 to address the needs of developing countries. Almost 15 years have passed — and yet again, the obligations of developed countries were never fulfilled.

Warnings by science have moved from the urgency around mitigation to that around adaptation, and now to that around loss and damage. We must interrupt our path-dependency of inaction and burden-shifting from the developed to the developing countries. After all, historical emissions have also been those that have fuelled the lingering structural inequalities within and among countries, a hateful legacy from colonialism and imperialism. Looking at our traumatic past as a means to catapult us to a promising future, Brazil regards as a necessary implication of resolution 77/276 that the material scope of the Court's advisory opinion will indeed encompass the responsibilities for historical emissions, the principle of common but differentiated responsibilities and all the unfulfilled obligations of developed countries under relevant international law, in particular the UNFCCC, its Kyoto Protocol and the Paris Agreement. Failing to address those issues and their unmistakable implications for the current obligations and responsibilities of developed countries would both detach the advisory opinion from the broader normative and political context upon which the request is based and deprive it of a comprehensive outlook of the sources of international law applicable to the matter.

Once we have in hand the legal clarifications provided by the International Court of Justice, we must use them not to point fingers but rather as a symbol of reconciliation to help us move on by bridging our differences. The confrontational attitude that is still pervasive in our climate-related debates is extremely worrisome in the context of the dangers to which science has alerted us. Our common fight against climate change must not be about being right or having the moral high ground, it is about cooperating and sharing resources. Together, we must advance towards a model

of leadership that is collective and based on mutual empowerment instead of self-empowerment. To face humankind's greatest challenge ever, we must strive for a new paradigm for our human family that leverages the very best of what it means to be human: empathy, solidarity and trust — trust in one another, trust in our multilateral institutions and trust in our species.

**Mr. Gutiérrez Plata** (Colombia) (*spoke in Spanish*): The Colombian delegation would like to begin by expressing its sincere appreciation to the core group of States for their efforts as coordinators of resolution 77/276 just adopted, and for their leadership.

Colombia participated in those deliberations with its characteristic constructive spirit, based on its strong interest in the continuous development of international environmental law, the need to limit the adverse effects of climate change and the importance of protecting the oceans and biodiversity, issues that are of the highest priority for Colombian foreign policy. With those objectives in mind, Colombia has actively participated in international arenas when those issues have been discussed and believes in the important work that international tribunals do in helping to interpret international law. With those interests as a guide, our country has already submitted two requests for advisory opinions to the Inter-American Court of Human Rights. The first request concerns the State obligations with respect to the protection of the environment that arise from the American Convention on Human Rights, in response to which the Inter-American Court was the first to state that the right to a healthy environment is a fundamental human right. The second request was submitted together with Chile and it is our hope that the Court can clarify the scope of State obligations to respond to the climate emergency within the framework of international human rights law. The Inter-American Court has just begun proceedings on the second one, and in Colombia's opinion, that request for an advisory opinion is a perfect complement to the resolution that we have just adopted today and of which Colombia is a proud co-sponsor.

The constructive spirit that guides our country with regard to environmental issues and the law of the sea is based on the firm belief that all nations have a commitment and a responsibility to protect the environment, combat climate change and care for the health of the oceans, both for other States and for present and future generations. Colombia is also of the view that State obligations in this matter should be

understood not only as guarantees but as obligations to respect and adopt positive and progressive measures. However, our country is certain that those obligations must be differentiated in view of States' individual national circumstances and the difference in the degree to which they contribute to the problems affecting the environment, the climate system and the oceans today. We therefore believe that the legal consequences of failing to comply with those obligations should be specified and we trust that the International Court of Justice can provide greater clarity in this regard in the light of the various international instruments applicable to the matter.

Considering the most recent findings of the Intergovernmental Panel on Climate Change, a real and determined commitment to limiting the increase in global average temperature to 1.5°C is imperative. We must also recognize that each incremental increase in temperature generates increasingly large impacts and possible points of no return, and that loss and damage related to climate change will be ever more difficult for developing countries to handle. In that context, we urgently need to see an increase in support for all developing countries that responds to the scale of their needs. In the light of all of this, Colombia welcomes the adoption of this important resolution and will continue to participate in the proceedings before the International Court of Justice. In turn, my country will continue to lead the proceedings before the Inter-American Court and seek coordination with the International Court of Justice.

Finally, Colombia will continue to work alongside other nations to tackle the challenges posed by climate change, especially the human right to a clean, healthy and sustainable environment.

**Mr. Prabowo** (Indonesia): I want to start by thanking the Government of Vanuatu, the Pacific Small Island Developing States, and the core group of States for initiating resolution 77/276. Indonesia is pleased to be a supporter and sponsor of the text.

The scientific evidence is clear. Climate change continues to take place at an alarming rate. The extent and magnitude of its effects are beyond imagination. As an archipelagic State with more than 17,000 small islands, we fully relate to the concerns of small island States. We fully understand how climate change poses an existential threat to many small islands and coastal communities. Yet despite the fact that this is a global

issue that requires genuine partnership, action on climate, which is mandated by the principle of common but differentiated responsibility and respective capabilities based on different national circumstances, continues to be side-stepped by prolonged talks in a debate marked by burden-shifting rather than burden-sharing. It is time to take concrete global action, lead by example and go beyond rhetoric. I would like to make three points in that regard.

First, today's resolution presents a new avenue for progress. It amplifies the voices of the vulnerable by inviting the attention of the principal judicial organ of the United Nations to the issue at hand. The Court's advisory opinion will provide us with a much-needed moral compass on addressing climate change and will clarify the obligations of States under international law with respect to addressing climate change.

Secondly, expectations are high that the Court's advisory opinion will lead to better compliance, transparency and international cooperation. We have every confidence that the Court will look into this thoroughly by taking into account the well-established principle of common but differentiated responsibility and respective capabilities, ensuring the balance between mitigation and adaptation and acknowledging the crucial importance of global partnership, including the fulfilment of climate financing commitments.

Lastly, we no longer have the luxury of time. The world is watching attentively. The Court's advisory opinion must contribute to a renewal of States' trust and their commitments to addressing climate change by promoting climate solidarity in which developed and developing countries unite around a common strategy and combine capacities for the benefit of all humankind. It is time for us to take action and work together towards a sustainable future, one in which every State has the opportunity to thrive and sustainably develop and where the natural world can flourish.

**Mr. Falefou** (Tuvalu): I make this statement on behalf of my country, Tuvalu, and I would also like to align myself with the statements made by the representatives of the Federated States of Micronesia, on behalf of the Pacific Small Island Developing States, and Tonga, on behalf of the Pacific Islands Forum (see A/77/PV.64).

Today marks an extraordinary achievement in our joint efforts to address climate change, which is undoubtedly the most challenging issue of our time. We



highly commend Vanuatu for its outstanding leadership and the core group of States for their constructive engagement in getting a momentous resolution adopted today (resolution 77/276). Acquiring legal means to address climate change through an advisory opinion by the International Court of Justice provides the moral punch we need to establish international consensus and responsibility by upholding the rule of international law and the obligation to respect human rights.

The adoption of resolution 77/276 could not come at a better time. The synthesis of the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, released last week, is crystal clear. The climate crisis is here. Widespread loss and damage are a reality today. Ensuring that global emissions peak in the next two years is essential if we are to limit warming to 1.5°C. It is therefore critical that we do the right thing by assisting the International Court of Justice with the information it needs in order to provide the optimal advisory opinion on State obligations to address climate change. With confidence and unbounded determination, Tuvalu calls on all States to take the steps necessary to address the threat of climate change and work to build a sustainable future for all. Let us not only mark this day as a positive step forward but also commit ourselves to leaving a positive legacy for future generations and working to ensure that no nation, no matter how small or vulnerable, is left behind.

**Mr. Malovrh** (Slovenia): At the outset, allow me to commend Vanuatu for its strong leadership. My delegation also commends the core group of States as a whole for leading the initiative and bringing to the attention of the General Assembly the importance of the obligations of States in respect of climate change.

Slovenia is deeply concerned about the growing threat of climate change and its impact on the environment, the economy and society. The effects of climate change, such as rising temperatures, more frequent and severe natural disasters and sea-level rise, to which small island developing States are particularly vulnerable, have already had devastating consequences for many countries around the globe. Slovenia is fully aware that the seriousness of that problem urgently needs our collective and concerted response. For those reasons, Slovenia believes that the International Court of Justice, as the principle judicial organ of the United Nations, is well positioned to provide clarity to all States with regard to the legal obligations already agreed under international law. The Court's advisory

opinion, even though of a non-binding character, could encourage the continued pursuit of the international instruments to tackle climate change that are being negotiated, and also encourage States to revise, enhance and strengthen their domestic environmental laws and policies, all of which may together yield greater action and accelerated progress in addressing the climate crisis by the global community.

In conclusion, Slovenia is of the view that the Court's advisory opinion would be a valuable contribution to the ongoing efforts to address the adverse effects of climate change and promote sustainable development for all nations and people. For those reasons, Slovenia supported resolution 77/276 as a co-sponsor.

**Mr. Webson** (Antigua and Barbuda): I have the honour to deliver this statement on behalf of my island nation of Antigua and Barbuda, which aligns itself with the statement made this morning by the distinguished and honourable Prime Minister of Vanuatu on behalf of the core group of countries that, together with Vanuatu, took the lead on this very important initiative (see A/77/PV.64).

Antigua and Barbuda, like many other small island developing States, has had a particularly difficult time coping with the onslaught of the negative impacts associated with climate change. The island nation faces the extreme events of intensifying hurricanes and cyclones, longer-lasting and more intense droughts, floods and weather systems that fall outside the traditional patterns of our seasonal weather. Furthermore, we are facing increasingly difficult and dangerous times as we face ocean acidification, sea-level rise and saltwater intrusion into the little freshwater that we currently possess. While Antigua and Barbuda remains committed to tackling the issues created by climate change through the different international forums that have been established by the international community, we fully support the stance taken by Vanuatu to explore and initiate additional avenues for the international investigation of the issue of climate change, which the international community faces. We support Vanuatu's initiative to seek an advisory opinion, which we believe is pivotal at this particular time to provide guidance on how States can address international climate change issues that may have ramifications for multiple treaty regimes that are governed by different international forums.

The adoption of resolution 77/276 today will give a mandate to the International Court of Justice to provide an advisory opinion that addresses the climate change issue and its interplay with many other fronts. Advisory opinions from the International Court of Justice command tremendous legal and political authority. Given that the ramifications of climate change affect so many aspects of human life, especially for persons living within small island developing States, Antigua and Barbuda — and I dare say all countries of the world — would greatly benefit from authoritative advice on the legal implications of climate change that will be scrutinized by the International Court of Justice. We have a treaty regime for the climate, we have a treaty regime for the law of the sea and we have a treaty regime for human rights, yet we rarely examine how the obligations and rights of States and individuals are interlinked and build on one another across those different silos. Therefore, Antigua and Barbuda sees resolution 77/276 as important, since it references several areas of international law that complement one another and overlap in their effect on people and the environment in the States in which we live. The recognition of those interlinkages by the International Court of Justice and the acknowledgement of how those obligations across the ecosystem of international law support one another will no doubt help the cause of nations facing the adverse effects of climate change.

This initiative is complementary to the current international legal regimes that are already in existence and will help to move all climate ambition in the right direction. Antigua and Barbuda stands shoulder to shoulder with Vanuatu, the core group and the significant number of other countries — more than 130 — that joined us today in this historic initiative. We believe there is a moment in time when this issue must be dealt with. We believe that time is now.

**Mrs. Chanda** (Switzerland) (*spoke in French*): As we all know, climate change is an unprecedented challenge to our civilization, in the face of which it is imperative that our common action be guided by international law. The proposal to request an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change therefore reflects a legitimate desire on the part of all of us to clarify the specific responsibilities of States in the fight against climate change. Switzerland has long been committed to strengthening international law in the area of climate change. The adoption of

the Paris Agreement on Climate Change in 2015 marks in that regard a success for multilateralism. Its implementation is crucial. We welcome the initiative that brings us together today, and we thank Vanuatu for bringing it forward with the support of civil society. We welcome the fact that resolution 77/276 applies to all States, both the most vulnerable and those that can contribute most to the fight against climate change. We also welcome the inclusion of the issue of human rights in the resolution and the explicit reference to the right to a clean, healthy and sustainable environment. It is indeed essential that actions against climate change be based on human rights. Based on its determination to support the strengthening of the legal framework to address climate change, Switzerland co-sponsored resolution 77/276.

However, we would like to clarify our understanding of a number of key elements of the text. As a central pillar in the fight against climate change, the Paris Agreement specifies, among other things, the obligations of States parties to communicate ambitious targets and implement domestic emissions reduction policies. Those obligations should have been highlighted in the resolution. In Switzerland's view, it is clear that a key consequence for States, as described in the operative paragraph of the resolution, should be to strengthen their climate targets and domestic emissions reduction measures. The text of the resolution seems to suggest that the International Court of Justice should only consider the legal consequences of past actions and omissions that have caused significant damage to the climate system and the environment. However, current and future actions and omissions will have additional consequences for the climate system and will cause additional damage. It is therefore important that the Court also consider the legal consequences of current and future actions and omissions. Under the Paris Agreement, States are obliged to announce emissions reduction targets. Consequently, there are projections of future emissions reductions. That would provide a sufficient set of data for the Court to consider.

Finally, while the chapeau of the question contained in the operative paragraph refers to the principle of prevention of significant harm to the environment, Switzerland wishes to emphasize that customary international law creates an obligation to prevent significant harm to the environment.

Switzerland is convinced that resolution 77/276, by specifying the obligations of States, will contribute to strengthening the climate governance framework.

**Mr. Peñaranda** (Philippines): The Philippines thanks Vanuatu and the members of the core group of countries for this initiative.

Climate change is indeed an unprecedented challenge of civilizational proportions. Climate change is a threat to human well-being and planetary health, as highlighted in the recent report of the Intergovernmental Panel on Climate Change, which also warned that there is a rapidly closing window of opportunity to secure a liveable and sustainable future for all. The overwhelming support for resolution 77/276 is recognition of that urgent, existential challenge. We are honoured to be among the many co-sponsors of the resolution. In every region across the globe, human-caused climate change is effecting a number of weather and climate extremes, which have led to widespread adverse impacts and related losses and damage for nature and people. Vulnerable communities that have historically contributed the least to current climate change are disproportionately affected, as cited in the report.

The Philippines is among the countries most vulnerable to climate change. In recognition of the vulnerability of the Philippine archipelago and its local communities, in particular the poor and women and children, to the consequences of climate change, it is our State policy to cooperate with the global community in the resolution of climate change issues.

At the general debate of the General Assembly held last September, President Ferdinand Romualdez Marcos said that the first challenge of our continued survival as a global community is climate change. He said:

“The time for talk about if and when has long since passed — it is here and now. Climate change is the greatest threat affecting our nations and peoples. There is no other problem so global in nature that it requires a united effort led by the United Nations.

“The effects of climate change are uneven and reflect a historical injustice whereby those who are least responsible suffer the most. [...] This injustice must be corrected and those who need to do more must act now.” (A/77/PV.5, *pp.* 3-4)

We therefore welcome the historic adoption by consensus of resolution 77/276, which stems from the initiative of young people from our part of the world as a concrete act to advance climate justice. Our support for resolution 77/276 reflects the fundamental principles and positions to which the Philippines adheres: the recognition of a rules-based international order that is governed by international law and informed by the principles of equity and of justice; the principle of protecting the climate system for the benefit of humankind, on the basis of climate justice or common but differentiated responsibilities; and the precautionary principle to guide decision-making in climate risk management. That is consistent with our view on the urgency of scaling up action and support, including in the areas of finance, capacity-building and technology transfer, in order to enhance capacities to respond to the adverse effects of climate change in developing countries, and to avert, minimize and address the loss and damage associated with those effects, as well as the recognition that the current provisions for adaptation to climate change remain insufficient to respond to the worsening climate change impacts in developing countries.

We hope that the request to the International Court of Justice for an advisory opinion can be prioritized and will yield clarity and provide guidance with respect to the questions on, first, the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from the anthropogenic emissions of greenhouse gases for States and for current and future generations; and secondly, the legal consequences under those obligations for States when they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to, among others, the vulnerable and specially affected States, peoples and individuals of current and future generations.

A clear statement from the International Court of Justice could assist States in their efforts to establish a climate-resilient development that integrates adaptation and mitigation in order to advance sustainable development for all, and could enable increased international cooperation, including improved access to adequate financial resources, in particular for vulnerable regions, sectors and groups, as well as inclusive governance and coordinated policies. International cooperation is a critical enabler for achieving ambitious climate change mitigation.

Support for the request for an advisory opinion of the International Court of Justice is consistent with the spirit of the Manila Declaration on the Peaceful Settlement of International Disputes, which encourages resorting to advisory proceedings, highlights the role of the International Court of Justice as the principal judicial organ of the United Nations and encourages resorting to the International Court of Justice for the peaceful settlement of disputes.

**Mr. Leonidchenko** (Russian Federation) (*spoke in Russian*): The Russian Federation has consistently been in favour of resolving the global problem of climate change. We assume that the work of the primary judicial body of the United Nations will be carried out in strict compliance with its mandate. In particular, we expect that the International Court of Justice will focus on clarifying the applicable norms of international law. We are confident that its advisory opinion on this question cannot and should not lead to a revision of climate instruments, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement on Climate Change, as well as the outcomes of the sessions of the Conference of the Parties to the UNFCCC. At the same time, the Russian delegation is of the opinion that the issue of climate change as a whole requires a broader comprehensive approach and should not be reduced purely to the issue of anthropogenic greenhouse-gas emissions. To preserve the climate system and other components of the environment, it is necessary to adopt a varied set of measures. In that regard, the issue of the obligations of States in the area of climate change should be considered, taking into account the entire range of socioeconomic problems, including adaptation measures, financing, technology transfer and the elimination of loss and damage.

**Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): At the outset, allow us to thank the delegation of the Republic of Vanuatu for introducing resolution 77/276 and to acknowledge its leadership throughout the process of consultations on the resolution. As a responsible member of the international community that is aware of the challenges that climate change represents for a significant number of States, as well as of the existential threat it poses to current and future generations, and that remains firmly committed to the full and effective implementation of international agreements addressing the current climate catastrophe, the Bolivarian Republic of Venezuela joined the

consensus on the adoption of resolution 77/276, entitled “Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change”.

However, we are of the view that although the General Assembly has the power to turn to the International Court of Justice in search of legal clarity, by virtue of the provisions of Article 96 of the Charter of the United Nations, the solution to the current climate emergency must come not only from respect for and adherence to the obligations arising from the relevant treaties and commitments but also from the acceptance, once and for all, that the system — not the climate — must change. We must understand that it is the current predatory model and its unsustainable patterns of consumption and production that have for years deepened the current climate crisis. Its effects are increasingly clear, especially in the more vulnerable countries.

That is why we take the opportunity today to assert the principle of common but differentiated responsibilities and to demand that developed countries, urgently and with a sense of priority, comply with their commitments under the United Nations Framework Convention on Climate Change and the Paris Agreement on Climate Change, in line with a vision of equity, including in terms of reducing greenhouse-gas emissions and in terms of financing for the implementation of resilience, mitigation and adaptation efforts, as well as for the operationalization of the historical loss and damage fund. Inaction only translates into destroyed ecosystems, extinct species, deteriorating planetary living conditions and the impossibility of making the human right to a clean, healthy and sustainable environment a reality for everyone, among many other adverse effects resulting from the current climate crisis. The time has therefore come for radical change.

Finally, our delegation would like to put on record its reservation regarding those references in the text of the recently adopted resolution to international instruments to which the Bolivarian Republic of Venezuela is not party. We wish to stress that our joining the consensus on resolution 77/276 cannot in any way be interpreted as a change in the traditional position of Venezuela on the United Nations Convention on the Law of the Sea, the norms of which, including those that could be considered customary law, are not applicable to the Venezuelan State, except for those that may have been expressly recognized.



**Mr. Li Kai** (China) (*spoke in Chinese*): Climate change is a global problem that requires the joint response of all countries. For more than three decades, the international community has found consensus amid heated debates. Moreover, with respect to the historical responsibility of developed countries, the sustainable development and poverty reduction needs of developing countries and the different national conditions of various countries, the international community has created a well-developed international legal system and global cooperation system, with the United Nations Framework Convention on Climate Change (UNFCCC) as the main channel.

While significant gaps remain, we have many achievements. We concluded the landmark Paris Agreement on Climate Change, which establishes a bottom-up model of nationally determined contributions. To date, 194 States parties have submitted their nationally determined contributions, accounting for 98 per cent of global gross domestic product and population and 95 per cent of global emissions. The global trend towards a green and low-carbon transition is irreversible. That is ample proof that this path works and works well. The international community should remain confident and continue to strengthen the relevant implementation mechanisms of the UNFCCC to promote synergy among and implementation of the principles and objectives of the Convention and the Paris Agreement with a view to advancing global climate governance in a more profound and effective manner.

In order to call on the international community to join hands in strengthening climate actions and respond to the legitimate demands of developing countries, China supports the adoption of resolution 77/276. However, with regard to the text itself, China has one reservation: the principles of equity, common but differentiated responsibilities and respective capabilities, which are important principles in addressing the climate issue, are not reflected in the operative paragraph of the resolution. China believes that the International Court of Justice, when discussing the issue of climate change, should respect the status of the Convention as the main channel, safeguard the principles and institutional arrangements established by the Convention and the Paris Agreement, and assist in advancing the implementation of the Convention rather than interfering with the global climate governance process. In particular, it is important to respect the principle of common but differentiated responsibilities,

highlight the historic responsibility of developed countries and require them to earnestly fulfil their commitments by helping developing countries to meet the climate challenges while further reducing their own emissions. The main cause of climate change is the uncontrolled emissions of greenhouse gases by developed countries since the industrial revolution. The challenges we face now, to put it more bluntly, are the result of the huge gap between the commitments and actions of developed countries in terms of spearheading emissions reduction and providing financial, technical and capacity-building support to developing countries.

On the issue of tackling climate change, China has always been action-oriented and has made tangible contributions to global climate governance. China is actively and steadily working towards carbon peak and carbon neutrality, while also pursuing a development path that prioritizes eco-conservation, energy saving and a green and low-carbon transition. China has also been an advocate and practitioner of South-South cooperation on climate change, providing support to other developing countries, including small island developing States, within its capacity. China will continue to work with all parties to actively participate in global climate governance and jointly care for planet Earth, our only home.

**Mr. Cappon** (Israel): Israel is proud to be among the co-sponsors of resolution 77/276. We wish to extend our gratitude to and congratulate the Permanent Mission of Vanuatu and the core group of States for spearheading this important effort to address the adverse effects of climate change. Israel would like to express its full commitment to minimizing the worst effects of climate change, particularly with regard to the most vulnerable States. We wish also to note that paragraph 5 of the annex to resolution 52/250, entitled "Participation of Palestine in the work of the United Nations", of 7 July 1998, determined that the Palestinians have the right to co-sponsor draft resolutions and decisions on Palestinian and Middle East issues. It is clear, and should be reflected in this meeting's record, that the subject matter of resolution 77/276 does not fall within the parameters set out in the annex to resolution 52/250.

**Mr. Bastaki** (United Arab Emirates): The United Arab Emirates welcomes the General Assembly's adoption by consensus of resolution 77/276, which requests an advisory opinion on climate change from the International Court of Justice. Climate change is the defining threat of the twenty-first century. We therefore

believe that the international community can benefit from the guidance of the principal judicial organ of the United Nations with respect to the questions posed in the resolution. We hope that the request for an advisory opinion on climate change will help spur ambition and reignite momentum for climate progress during this crucial decade of action.

The sixth assessment synthesis report of the Intergovernmental Panel on Climate Change makes absolutely clear the importance of ambitious and transformative action to put the world back on track to achieve the goals of the Paris Agreement on Climate Change, including by keeping alive the goal of limiting global warming to 1.5°C. While doing so, we must ensure that the most vulnerable, who have done the least to cause climate change, be protected against its increasingly severe impacts. As the incoming President and host of the twenty-eighth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP) this year, the United Arab Emirates will work with partners and all stakeholders to ensure an ambitious, transparent and inclusive COP.

In line with the principle of State sovereignty, the position of the United Arab Emirates in support of resolution 77/276 recognizes that the obligations of States rest in applicable international law and vary based on the instruments in respect of which they have consented to be bound. In addition, the United Arab Emirates hopes and expects that the principle of equity and common but differentiated responsibilities, as well as the special needs and special circumstances of developing countries, will be fully taken into account by the Court when it considers its response to the questions posed.

Finally, the United Arab Emirates encourages the Court to consider the particular impact of climate change on women and children in the context of responding to those questions.

**Mr. Mabhongo** (South Africa): South Africa welcomes the adoption of resolution 77/276, because it highlights the urgency of addressing the global climate change crisis and sends a strong message that all States are required to act to address that collective threat. We would have preferred that the guiding questions to the International Court of Justice recognize that the starting point to any discussion on State liability is the historical responsibility for causing climate change and that climate action be in accordance with the guiding

principles of the United Nations Framework Convention on Climate Change (UNFCCC) of equity, common but differentiated responsibilities and respective capabilities, in the light of national circumstances.

We are determined to continue contributing our best efforts to address climate change and to fully implement our highly ambitious nationally determined contributions to the Paris Agreement on Climate Change. We base our climate actions on the agreed multilateral outcomes under the United Nations Framework Convention on Climate Change and its Kyoto Protocol and the Paris Agreement, which contain clear and specific legal obligations that are directed in particular at the developed parties. As developing countries, we undertake our climate actions in the context of sustainable development, the inalienable right to development enshrined under international law and just transitions. We recognize that the social, economic and environmental pillars of sustainable development need to be addressed in a holistic, integrated and balanced manner, while leaving no one behind.

We share the sense of frustration when our developed partners are still not honouring their legal commitments, including their pre-2020 commitments, or delivering on their voluntary undertakings. It is a reality that developing countries will be unable to fully achieve their climate goals without enabling means of implementation support in the form of financing, technology transfer and capacity-building. We further note that the issue of who is responsible for climate change is already well known and supported by scientific findings, such as those contained in the International Panel on Climate Change's sixth assessment report and the Working Group III reports. That situation unfortunately inevitably opens the door to litigation and seeking legal remedies, but we should also note that the structures and processes already exist under the UNFCCC to raise collective ambition, accelerate action and address deficiencies in a non-punitive, non-prescriptive and facilitative manner, such as through the global stocktake and the Implementation and Compliance Committee. As always, South Africa stands in full solidarity with small island developing States, which are correctly identified in resolution 77/276 as being particularly vulnerable to climate change.

**Ms. Chand** (Fiji): I have the honour to deliver this statement in my national capacity.

Fiji aligns this statement with the earlier remarks delivered by the representative of the Federated States of Micronesia on behalf of the Pacific small island developing States and by the representative of Tonga on behalf of the Pacific Island Forum (see A/77/PV.64).

At the outset, we would like to acknowledge the presence of Mr. Alatoi Ishmael Kalsakau, Prime Minister of Vanuatu. The delegation of Fiji would also like to extend its warm appreciation to the delegation of Vanuatu for its excellent leadership in the facilitation of resolution 77/276, which enabled its adoption in the General Assembly today. Fiji would also like to acknowledge the members of the core group of States, many of which are from outside of the Pacific region but have nonetheless demonstrated excellent leadership in facilitating the consultations on the resolution and answering the clarion call of the Pacific's young people and civil society organizations that continue to demand a response and a commitment to climate change.

We welcome the adoption of resolution 77/276 by consensus. That historic adoption will pave the way for the General Assembly to finally seek an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change — an existential threat and indeed an unprecedented challenge of civilizational proportions. We are honoured to be a co-sponsor of the resolution and acknowledge its 105 co-sponsors, along with the additional co-sponsors that lent their valuable support to the resolution. Not only have they shown their support for the resolution, but they have also demonstrated their commitment to addressing climate change in the interest of current and future generations and their very survival. This day will be etched in history and remembered by future generations as we mark a small victory in the battle against climate change. Climate change is the defining crisis of our time — with worsening climatic conditions, frequent category-5 level cyclones, hurricanes and super-storms, flash floods, rising sea levels and ocean acidification, which are devastating infrastructure, forcing the relocation of communities, causing internal displacement and migration and generally impeding the national development, economic prosperity and progress of all small island developing States.

We agreed at the United Nations last year that, as human beings, we have a right to a clean, healthy and sustainable environment (resolution 76/300), while also recognizing the interlinkage between human rights and climate change. We must take bold steps that will allow us

to reduce, if not eliminate, our carbon footprint. At the same time, our development aspirations must be sustainable so that we collectively meet our goals related to limiting global warming to 1.5°C. Fiji reaffirms its commitment to achieving net zero greenhouse-gas emissions by 2050. The Fijian Parliament has already passed the Climate Change Act of 2021, which provides the legal basis to support our sustainable development objectives, long-term climate ambitions, net-zero emissions target and commitment to protect Fiji's environment. The Earth's resources are widely acknowledged as a global commons. It is now time that we adopt a similar approach towards the planet that is our common home.

**The Acting President:** I now give the floor to the observer of the Observer State of Palestine.

**Mr. Mansour** (Palestine): As we speak, parts of humankind's immediate survival are in jeopardy due to climate change. Those nations and their peoples are watching as the sea and the ocean that were their blessing become an existential threat due to climate change. They endure desertification and droughts, which are bringing famine and death upon their peoples. Most of those countries have zero carbon emissions. They are victims of climate change, while bearing no responsibility in it. Today Vanuatu, the victim of climate change, is also Vanuatu the leader on addressing climate change, and we commend them, as we commend all other countries faced with that existential threat that turned to the multilateral system and the international-law-based order for answers. We also commend all those who stood by them to push the initiative forward, notably the core group of States, the co-sponsors of resolution 77/276, of which we are proud to be one, and the members of the General Assembly that supported making the request to the International Court of Justice. We also commend the young people concerned for their inspirational role and dedication to climate justice.

The future is no longer uncertain; on the contrary, it is known. What those countries at the forefront of the consequences of climate change are experiencing today, humankind as a whole will experience tomorrow if it does not make the indispensable decisions necessary for its own survival. We will be responsible for our own extinction and for the extinction of all life on our planet if we do not act decisively based on our obligations and the commitments we undertook. Today's adoption of the historic resolution 77/276 embodies our conviction that humankind will rise to the challenge by clarifying the obligations incumbent upon us today and by ensuring that we uphold them starting from today. International law was designed to protect us all, starting with the most vulnerable among us.

The General Assembly has upheld that spirit today. The State of Palestine is proud to be among the co-sponsors of the resolution requesting an advisory opinion from the International Court of Justice on the obligation of States in respect of climate change. We are committed to the fight against climate change. We are committed to a multilateral system rooted in collective solidarity. We stand with our brothers and sisters, whose noble cause deserves the support of all, and are confident that the initiative to request the advisory opinion of the International Court of Justice will put climate where it belongs: at the centre of our agenda as a matter of human survival.

It is time for the world's Court to clarify the obligations of States, informed by the rules of international law, the instruments developed over decades and the relevant principles, notably the principle of common but differentiated responsibilities. We reiterate that the International Court of Justice, through its advisory function, determines the law, with authority and credibility, in accordance with the Charter of the United Nations. Adherence to the Court's findings will be necessary both to ensure a multilateral and collective response to climate change and to further our multilateral system and the international-law-based order on that vital matter and on all other issues of concern for humankind.

**The Acting President:** I now give the floor to the observer of the International Union for the Conservation of Nature.

**Mr. O'Connor** (International Union for Conservation of Nature): The International Union for Conservation of Nature (IUCN) would like to express its sincere appreciation to the Republic of Vanuatu for its leadership and to the core group of States, as well as to all the Member States here today.

The IUCN is very pleased to endorse resolution 77/276. We strongly support the request to the International Court of Justice to render an advisory opinion on the obligations of States under international law in order to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for current and future generations. We also support the request for the clarification of legal consequences where significant harm has been caused to the climate system and other parts of the environment, in particular with respect to small Island developing States, as well as for current and future generations.

Science — as assessed by the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem

Services — provides ever-stronger evidence of the adverse impacts of climate change on people, natural systems and biodiversity, as well as on other conditions for human well-being such as adequate water and food availability. Legal obligations of States with respect to protecting the climate system and other parts of the environment are central to global environmental governance. Many of those obligations are already included in multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement on Climate Change, the Convention on Biological Diversity and the newly adopted treaty on the conservation and sustainable use of biodiversity in areas beyond national jurisdiction. The IUCN works on a portfolio to support the effective and timely implementation of those — and more — environmental treaties. Yet many open questions of international law remain on specific obligations — for example, with respect to the rights of future generations or the protection of particularly vulnerable States, peoples and communities in the context of climate and nature harm. In that context, an advisory opinion by the International Court of Justice would provide welcome guidance for States in the context of global climate and nature justice.

That important role of the International Court of Justice was already recognized by the members of the IUCN, including States, State entities and non-governmental organizations, which, through the Members Assembly during the World Conservation Congress held in Hawaii in September 2016, voted in support of a resolution that

“calls upon the General Assembly of the United Nations (UNGA) to request an advisory opinion from the ICJ on the legal status and content of the principle of sustainable development taking the needs of future generations into particular account”.

The IUCN looks forward to the acceptance by the International Court of Justice of the request made by the General Assembly in resolution 77/276, adopted today by consensus, and stands ready to engage in the proceedings of the Court through further submissions and statements.

**The Acting President:** We have heard the last speaker for this item.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 70?

*It was so decided.*

*The meeting rose at 5.10 p.m.*