



# General Assembly

Seventy-eighth session

**28<sup>th</sup>** plenary meeting

Tuesday, 7 November 2023, 10 a.m.  
New York

Official Records

*President:* Mr. Francis . . . . . (Trinidad and Tobago)

*In the absence of the President, Mr. Pary Rodríguez (Plurinational State of Bolivia), Vice-President, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

## Agenda item 66 (continued)

### Report of the Human Rights Council

#### Report of the Human Rights Council (A/78/53 and A/78/53/Add.1)

**Mrs. Cedano** (Dominican Republic) (*spoke in Spanish*): We thank the President of the Human Rights Council for the Council's annual report (A/78/53 and A/78/53/Add.1), which is vitally important for strengthening the Council's cooperation with the General Assembly.

The Dominican Republic is deeply committed to promoting and protecting human rights, and we understand the transformative power that arises from the intersection of dialogue, cooperation and action, which are the founding pillars of the Human Rights Council. It is a priority for my country to continue supporting the work of this important body, as we did when it was formerly the Commission on Human Rights and since the establishment of the United Nations. The presentation of reports by mandate holders to both the Human Rights Council and the General Assembly, as well as the presentation of the report before us today and the report by the Chair of the Third Committee to the Human Rights Council, are important contributions to bringing New York and Geneva closer together and

achieving coherence in the work of the United Nations on human rights, exactly as envisaged in the Call to Action for Human Rights and *Our Common Agenda* (A/75/982). The Council's special procedures, including investigations and expert recommendations, are a vital element of our collective mission, as they improve the quality of our decisions and ensure that our actions are informed and focused and have a broader impact.

The Dominican Republic was elected as a member of the Human Rights Council for the period 2024–2026. We will assume the responsibilities entrusted to us with humility and commitment. The Dominican Republic's commitments in the Council will include promoting human rights education for all; defending the human rights of the most vulnerable, women and young people; defending and promoting proactive climate action to address climate change; promoting the independence of the Office of the United Nations High Commissioner for Human Rights; working to achieve effective multilateralism as the best possible mechanism for promoting and protecting human rights; strengthening the universal periodic review; and establishing guarantees for and ensuring the protection of individuals in cyberspace while also combating disinformation and fake news.

We recognize that the resolutions and decisions adopted during the fifty-fourth session of the Council, in which our country actively participated, reaffirm our shared commitment to addressing the most pressing human rights challenges of our time. However, it is clear that much remains to be done towards fostering dialogue and mutual understanding.

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room AB-0928 ([verbatimrecords@un.org](mailto:verbatimrecords@un.org)). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

23-33885 (E)



Accessible document

Please recycle



We recognize the tremendous work of the special mechanisms of the Human Rights Council and share the objectives of the universal periodic review aimed at working with Member States in addressing their international responsibilities to protect, guarantee and promote the human rights and dignity of all people in their territories. In that connection, the Dominican Republic is preparing to submit its fourth report on the universal periodic review mechanism in 2024.

This year, we participated in the constructive dialogue in the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. We maintain a spirit of collaboration with those mechanisms and provide ongoing support in facilitating the reports that have been requested of us. For example, at the invitation of the Dominican Republic, the Independent Expert on the enjoyment of all human rights by older persons recently visited my country with a view to strengthening cooperation on that issue.

I would like to point out that the Dominican Republic signed a cooperation agreement with the universal periodic review funds, through which a series of training courses have been developed for the members of my country's interinstitutional human rights commission, including on non-discrimination, hate speech and issues faced by vulnerable groups. Similarly, my country has been working on the extension of its national human rights plan 2018–2024 and on its report documenting the achievements of its first national rights plan 2018–2023.

In the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, we are preparing to formalize our country's commitments to promoting the mainstreaming of human rights in public policies and government planning, as well as promoting the work of the interinstitutional human rights commission, by monitoring and implementing our national human rights plan while supporting continuous training for the Commission's members. To that end, we signed a cooperation agreement with the universal periodic review funds.

In conclusion, the Dominican Republic reaffirms its dedication to the cause of human rights. Let us harness the power of cooperation and multilateralism to create a future in which the enjoyment of human rights is not just an ideal but a lived reality for all.

**Mr. González Behmaras** (Cuba) (*spoke in Spanish*): My delegation aligns itself with the statement

made by the representative of the Bolivarian Republic of Venezuela on behalf of the Group of Friends in Defence of the Charter of the United Nations (see A/78/PV.23).

We would like to thank Ambassador Bálek for presenting the Human Rights Council report (A/78/53 and A/78/53/Add.1) last week (see A/78/PV.23).

The promotion and protection of all human rights for all people is a cause that we fully share and that should not be used or instrumentalized for hegemonic purposes. Human rights should be upheld on the basis of the principles of universality, objectivity and non-discrimination. In this matter, there is no path other than that of dialogue and international cooperation. No country is free of challenges in the area of human rights. No country should impose its own paradigm or seek to press upon others its view on the matter.

However, selectivity, punitive practices, double standards and political manipulation continue to be used in the consideration of human rights, in particular against the South and within the Human Rights Council and its special procedures. Those negative practices only generate confrontation and distrust. They do not improve the situation on the ground, and they delegitimize the human rights mechanisms of the United Nations. It is important to recall that such practices already brought about the dissolution of the Commission on Human Rights. However, it would seem that the appropriate lessons have not been learned.

It is unacceptable and discriminatory to selectively highlight the situation in developing countries, some of which are subject to unilateral coercive measures that have a significant impact on human rights, while maintaining complicit silence in the face of the violations committed by wealthy countries of those same rights. That is why the universal periodic review is so important — it is the only mechanism that allows for a comprehensive analysis of the situation of human rights in all countries on an equal footing. That practice should be safeguarded. The special procedure mandate holders should also obey the code of conduct adopted when the Human Rights Council was established and work on the basis of objective and verified information. Unfortunately, that does not happen in all cases.

The Council can and should fulfil its role better, including by preventing double standards from taking root in its operations and spurious interests from taking it hostage. Strengthening the Council on the basis of its mandate and as a subsidiary body of the General

Assembly is a goal that we share and that should be pursued in strict adherence to the so-called package of institution-building guidelines. The Council should do more to promote rights whose existence, paradoxically, is denied by those who believe that they have the right to lecture others in that regard. The Council's contribution will be essential to advancing the rights to development, peace, a healthy environment and international solidarity. It could also do more to denounce the negative impact of unilateral coercive measures on human rights and to promote a more just, democratic and equitable international order. As long as the current unjust order endures, hegemonic interests, underdevelopment and the exclusion of the South will prevail. The Council must be allowed to exercise its functions. We do not agree with attempts to seek closer ties between the Human Rights Council and the Security Council or to assign responsibilities to the Human Rights Council that are foreign to its mandate.

For Cuba, it is a tremendous honour and a great responsibility to have been once again elected as a member of the Human Rights Council for the period 2024–2026. In that capacity, Cuba will continue to work in favour of cooperation, dialogue and mutual respect. We will continue to oppose manipulation, selectivity and double standards. We will continue our efforts to promote and protect all rights for all people, despite the colossal impact that the economic, commercial and financial blockade unfairly imposed by the United States for more than six decades has had on the exercise of those same rights. We will never stop condemning that blockade. The international campaign of the United States against my country that aims to distort our reality, generate inequality, undermine the constitutional order and justify the policy of aggression against Cuba will not achieve its intended purpose of defeating us. Nothing will stop us from building an increasingly just society along the path of socialism freely chosen by our people.

**Mr. Šimonović** (Croatia): Croatia welcomes the visit of the President of the Human Rights Council, Ambassador Václav Bálék, to New York and thanks him for presenting the Council's annual report (A/78/53 and A/78/53/Add.1) to the General Assembly.

Croatia aligns itself with the statement made on behalf of the European Union (see A/78/PV.23), and I would like to make some additional remarks in my national capacity.

We congratulate the President and the Bureau for their devoted efforts in keeping up with the increased amount of work throughout the year. All of this year's sessions were marked by an extremely high number of initiatives, on top of an already high number of interactive dialogues. The Council's agenda is becoming heavily overburdened, with the prospect of even longer sessions in 2024. That amount of work risks becoming counterproductive. We understand that there is a growing number of important issues that need to be addressed, but at the same time, there is potential for a rationalization of initiatives. We should all increase efforts to improve the efficiency of the Council. As member of the Bureau in 2019, Croatia was one of the facilitators leading a rationalization effort that resulted in two thirds of the resolutions at the time becoming biannual or triannual.

With its partners, Croatia submits a draft resolution on conscientious objection presented every four years and a draft resolution on casualty recording, which is presented every two years. We also supported the European Union efforts to rationalize the Council's work by cutting down the number of interactive dialogues within its own initiatives. As penholder of the resolution on the importance of casualty recording, we were proud to participate in the first interactive dialogue on casualty recording, held during the fifty-third session of the Human Rights Council, and to have the opportunity to share our own experiences in developing an institutional response to casualties and missing persons during the Homeland War. The importance of accurate, verifiable and comprehensive casualty records was confirmed by the International Tribunal for the Former Yugoslavia, which used casualty records to identify the gravity of crimes.

In the year we celebrate the seventy-fifth anniversary of the Universal Declaration of Human Rights, Croatia reiterates its commitment to their promotion, protection and respect — nationally, regionally and globally. When new emerging conflicts threaten global security, the importance of respect for human rights and international humanitarian law is more pertinent than ever. Peace and security cannot be separated and cannot be achieved without respect for human rights. Respect for human rights helps societies become more resilient and successful in sustaining peace, as well as overcome the legacy of conflict, and is essential in post-conflict peacebuilding.

**Mr. Van Schalkwyk** (South Africa): South Africa welcomes the convening of this debate, in line with resolution 65/281, and welcomes the report of the Human Rights Council (A/78/53 and A/78/53/Add.1).

In this historic year of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, we are encouraged by the strides made by the Council to address the imbalances and hierarchical approach in the advancement of human rights, which have leaned unfavourably against economic, social and cultural rights. South Africa would like to reaffirm that the Universal Declaration of Human Rights makes no distinction between the two rubrics of human rights. The Vienna Declaration and Programme of Action further confirms that indivisibility, as well as the interdependence and interrelatedness thereof. It is therefore incumbent upon the international community to treat all human rights in a fair and equal manner, with the same emphasis at all times.

In that regard, South Africa welcomes the Council's adoption of its resolution on the commemoration of the two anniversaries, which recognizes that,

“equal attention and urgent consideration should be given to ... the promotion and protection of civil, political, economic, social and cultural rights, including the right to development”  
(*Human Rights Council resolution 52/19, ninth preambular paragraph*).

It further encourages States to raise awareness on those founding human rights instruments to ensure that the rights enshrined therein become a lived reality for all. Similarly, the adoption of resolutions to enhance the capacity of the Office of the United Nations High Commissioner for Human Rights to promote and protect economic, social and cultural rights is welcomed.

South Africa maintains the need for greater acceptance and operationalization of the right to development and the recognition that its implementation cannot be done purely through an economic lens. The right to development is a universal and inalienable right and an integral part of fundamental human rights, as reaffirmed by the Vienna Declaration and Programme of Action.

My delegation welcomes the decision of the Council to submit the draft international covenant on the right to development to the General Assembly for its consideration. My Government will also continue

to work towards the elimination of racism, racial discrimination, xenophobia and related intolerance. A world that continues to ignore the fundamental importance of the fight against the abomination of racism and racial discrimination is a society that has chosen to ignore the full value of all of humankind and is unwilling to accept its responsibility for past crimes and atrocities. We cannot hope to progress until the world has accepted and acknowledged its racially divided past and the latter's systemic effect on the global community. South Africa remains hopeful that opportunities exist to rebuild trust and heal political divisions among Member States on human rights issues through dialogue and to jointly advance the cause of humankind. South Africa believes that it has a historic responsibility to ensure that the Council succeeds, as, were it not for the then United Nations Human Rights Commission, which in 1967 established its first-ever special procedure mandate on apartheid South Africa, we might not be here today among the family of nations.

We also want to continue our commitment to the Universal Periodic Review of the Human Rights Council and continue to recognize that the fourth cycle is under way, during which numerous countries have already been reviewed, including South Africa. The mechanism strengthens efforts by States by inter alia, peer review and the sharing of best practices towards advancing human rights on the ground.

In conclusion, South Africa would also like to take this opportunity to congratulate the recently elected members to serve on the Council for the period from 2024 to 2026. We reaffirm South Africa's unyielding commitment to work with all parties towards the realization and enjoyment of all human rights and fundamental freedoms by all, without discrimination of any kind.

**Ms. Dhanutirto** (Indonesia): The current dire situation in Gaza and the West Bank, resulting from years of apartheid policies by Israel as an occupying Power, continues to unfold before our very eyes. Since exactly one month ago today, more than 10,000 Palestinians have been killed, 67 per cent of whom are women, children and the elderly, and tens of thousands have been injured. Indonesia condemns in the strongest terms Israel's violence against women, children and elderly and disabled Palestinians, including hostilities against hospitals and places of worship in Palestinians' rightful territory. In these troubling times, the world needs multilateral institutions more than ever to



uphold its integrity in maintaining global peace and upholding human dignity. The failure of the Security Council has become a stark reminder that the Human Rights Council must rise to the occasion and champion the rights of Palestinians. Indonesia demands that the Human Rights Council ensure that the human rights of the Palestinian people are upheld and protected, that violations be duly addressed and that those responsible be held accountable.

We take note of the Human Rights Council report (A/78/53 and A/78/53/Add.1). It showcases the efforts put forward by all related stakeholders in the implementation of human rights standards enshrined in the Universal Declaration of Human Rights. On that note, Indonesia would like to emphasize three points.

First, the work of the Human Rights Council must be grounded on United Nations principles and uphold objectivity and impartiality. There should be no double standards. For genuine dialogue and cooperation, all nations must be held to the same standards. That will ensure credibility in the human rights discourse. Without equal application, human rights can be seen as a tool of political manipulation, by which the mighty takes all. We have the utmost confidence that the Human Rights Council will steadfastly uphold impartiality, while ensuring that all nations are assessed consistently and that universal criteria and principles are upheld.

Secondly, Indonesia is steadfast in its commitment to the protection, promotion and fulfilment of human rights, as showcased in the report (A/HRC/WG.6/41/IDN/1) on our fourth cycle of the Universal Periodic Review (UPR). Indonesia proudly supported 205 recommendations — 76 per cent of the report's total recommendations. That signifies not only progress, but it is also testament to our determination to enhance human rights. The recommendations spanned from gender equality to the reinforcement of legal frameworks and international human rights instruments. The process encompassed consultations with diverse stakeholders, underscoring our inclusive approach. It is crucial to note that the supported UPR recommendations will be integrated into national policies to further strengthen Indonesia's national human rights agenda.

Lastly, as the newly elected member of the Human Rights Council that put forward the theme "Inclusive Partnership for Humanity" for its candidature, Indonesia pledges to champion issues that are detrimental to developing nations. Our aim is to amplify the voices

on issues that too often fall on deaf ears, such as, the right to development; the right to the freedom of religion, including combating Islamophobia; human rights and climate change; and the right of Palestinians to self-determination. We underscore the importance of building cooperation among States by maintaining rules-based multilateralism and continuing to support countries in fulfilling their human rights obligations through technical assistance and capacity-building.

Indonesia firmly commits to ensuring that every voice be heard and respected in our shared journey towards a world where human rights are upheld for all. In that quest, we recognize the instrumental role of the Human Rights Council and are ready to collaborate for the betterment of humankind.

**Ms. Sonkar** (India): Human rights considerations are deeply engrained in the cultural ethos of India and are part of the inclusive development efforts that have lifted millions out of poverty. Women's leadership and political participation, especially at the grass-roots level, have played an important role in that context. Our approach to the realization of human rights globally is inspired by our own experiences of being a pluralistic and vibrant democracy.

The strength of the Human Rights Council (HRC) as an intergovernmental subsidiary body of the General Assembly lies in its emphasis on dialogue, cooperation, transparency and non-selectivity in the promotion and protection of human rights and fundamental freedoms for everyone. India is also informed by those values and favours an inclusive and constructive approach. Over the past 17 years, the Human Rights Council has strengthened consensus on a wide range of thematic issues. The Council also has a role in building consensus around frontier issues, such as the protection of human rights in cyberspace and the impact of artificial intelligence, genetics and other emerging technologies on human rights. Over a period of years, terrorism has emerged as one of the major threats to the full enjoyment of human rights. The Council has to take an unequivocal and resolute position against terrorism to prevent and combat threats to human rights, fundamental freedoms and democracy.

The Universal Periodic Review mechanism constitutes a significant success in the workings of the Human Rights Council due to its constructive and participatory nature, as opposed to the selective naming-and-shaming approach. We believe that more

balanced geographical representation in all HRC bodies and mechanisms is necessary to promote objectivity and effectiveness. That will bring in diversity, grass-roots knowledge and empathy. In turn, that would contribute to constructive engagement with Member States and other stakeholders.

While special procedures are an important mechanism for fostering genuine dialogue for strengthening the capacity of Member States, it is important that mandate holders remain independent and impartial. Country-specific special procedures have largely been counterproductive.

India's experience demonstrates that a democratic, pluralistic society with a secular polity and impartial and independent judiciary, vibrant civil society, free media and independent human rights institutions effectively guarantees the protection and promotion of human rights. As a member of the Human Rights Council, we remain committed to bringing a moderate and balanced perspective to help build bridges across multiple divides in the human rights discourse and practice.

Lastly, it is very unfortunate that, during the previous meeting (see A/78/PV.27), one delegation chose to misuse this forum to propagate false and malicious propaganda against my country. The Union Territories of Jammu, Kashmir and Ladakh were, are and will always remain an integral part of India. No amount of rhetoric and propaganda from that delegation can deny that fact. Any interference in India's internal affairs is totally unacceptable, and we completely reject it.

**Ms. Rizk (Egypt):** My delegation welcomes this annual debate, which re-emphasizes the status of the Human Rights Council as a subsidiary body of the General Assembly. In that context, we do not support attempts to erode this hierarchical relation. We recognize the central role played by the Council as the United Nations body responsible for the human rights pillar of the United Nations system. For the Council to fulfil its mandate, it has to remain committed to carrying out its work as established in resolution 60/251 and the institution-building package contained in Human Rights Council resolution 5/1.

The discussion of the Human Rights Council report (A/78/53 and A/78/53/Add.1) comes at a very critical juncture of not only political upheaval but predominantly grave violations of human rights and international humanitarian law. The military attacks on Gaza since 7 October come in a sequence of repeated, systemic and

systematic attacks against Palestinian civilians in Gaza and elsewhere in the occupied Palestinian territory. The Human Rights Council and its predecessor, the Human Rights Commission, have always included a stand-alone agenda item on the situation of human rights in the occupied Palestinian territory. However, the Commission — and later the Council — failed to overcome the double standards in addressing violations of human rights whenever and wherever they occur by consistently failing to hold Israel, the occupying Power, accountable for human rights violations against the Palestinian people, or to ensure the prevention of such grave violations. A case in point is the denial of the Palestinian people's right to self-determination through the annexation of land, forced displacement and the establishment of illegal settlements, among a long list of violations. The Palestinian civilian population in Gaza has been living under siege for almost two decades, denied their basic human rights to water, food, health, education and adequate housing — and the list goes on.

It is regrettable to witness the growing divisions and polarization within the Council and its increasing politicization, which contradicts its mandate and objective, namely, the promotion and protection of human rights. We continue to emphasize the role of the universal periodic review as the only mechanism to review the situation of human rights in Member States on an equal basis and in the spirit of cooperation and dialogue, while upholding objectivity, non-politicization and non-interference in the domestic affairs of States. Hereby Egypt reiterates its long-standing position of ensuring the adherence of the Council to the principles of impartiality, objectivity, non-selectivity, constructive dialogue and cooperation.

Against the backdrop of complex and multiple global crises, which rolled back progress in the achievement of the Sustainable Development Goals, the Council, which represents the collective will of its members, as well as the General Assembly, representing the universal membership, have a responsibility towards the long-overdue operationalization of the right to development.

As we celebrate the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, the international community should renew its commitment to the human rights referenced in those universal documents, including the right to development, inter alia, through the adoption of a legally binding instrument. We must ensure in practice the universality,

indivisibility, interdependence and interrelatedness of all human rights. As such, economic, social and cultural rights must be treated on an equal footing with civil and political rights. However, we continue to notice an overemphasis on civil and political rights at the expense of economic and social rights and disrespect for cultural diversity and the exercise of cultural rights. In the past few years, we have witnessed an increase in the number of thematic mandates addressing the latter category of rights. However, some of those mandates suffer from a lack of adequate support by the Office of the High Commissioner for Human Rights and, in some instances, they are pressured into silence and face challenges in the implementation of their mandates, as established by the Council.

Egypt expresses grave concern about the rising trends and manifestations of racism, racial discrimination, xenophobia and related intolerance, including the proliferation of hate speech, incitement to hatred and to violence and violence driven by religious hate and phobia, including Islamophobia. In that context, we welcome the adoption of Human Rights Council resolution 53/1 on countering religious hatred constituting incitement to discrimination, hostility or violence following the repeated acts of religious hatred and violence, of burning copies of the Holy Qur'an in a number of European countries, in addition to the de jure and de facto discriminatory policies and practices against persons based on religion or belief.

We continue to be concerned about the impact of the use of digital technology and platforms in facilitating and fuelling manifestations and acts of racism, racial discrimination, xenophobia and related intolerance, including profiling, stigmatization and stereotyping based on religion or belief. In that connection, we call for supporting the work of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to develop complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination towards an additional protocol to the Convention to criminalize acts of a racist or xenophobic nature.

In the same vein, my delegation reiterates the importance of elaborating standards and regulations to govern the use of digital technologies in a manner that respects human rights and prevents the use of such technologies in facilitating transnational organized crime, the gravest of which is terrorism, which has detrimental impacts on the enjoyment of human rights.

Finally, in times of crises in support of future generations, the family remains the natural and fundamental group unit of society and is entitled to protection by society and the State. In that connection, Egypt, in cooperation with a core group of countries, championed Human Rights Council resolution 54/17, adopted in October, on the contribution of the implementation of the objectives of the International Year of the Family, at its thirtieth anniversary, in the promotion and protection of human rights.

In conclusion, Egypt reiterates its support to the work of the Council and remains committed to ensuring the effective implementation of its objective and established mandate.

**Ms. Sánchez García** (Colombia) (*spoke in Spanish*): Colombia has assumed an irrevocable responsibility in protecting and guaranteeing human rights. The search for total peace and social justice are fundamental objectives of our Government, based on respect for life in all its forms, and we believe that guaranteeing human rights is an essential component in achieving them.

To carry out those proposals and turn them into concrete actions, we have outlined a national development plan which, with an intersectional approach, is aimed at ensuring that the entire population fully enjoys its rights. It is a path built through social dialogue, based on the transformations necessary for our society and on the State's international human rights commitments.

Within that framework, President Gustavo Petro Urrego has proposed the holding of a third World Conference on Human Rights to ensure the continuity of the Conferences held in Tehran in 1968 and in Vienna in 1993.

We owe a debt to humankind to reflect on many of the realities and ambitions that have been ignored or overlooked. Our joint actions have not been sufficient, and we must scale up concrete actions to accelerate the achievement of the Sustainable Development Goals and the implementation of the 2030 Agenda for Sustainable Development.

In line with our commitment to extensively comply with our international human rights obligations, we have submitted reports pursuant to conventions and periodic reviews. Similarly, we have guaranteed conditions for the visits of various rapporteurs and representatives

of human rights bodies, in recognition of the need to evaluate our own strategies.

For the first time since the establishment of the Office of the United Nations High Commissioner for Human Rights in Colombia, an Administration has renewed its mandate for a period of more than nine years, which will end in 2032. That historic decision consolidates the commitment and openness of the Colombian State with the various international human rights organizations and mechanisms. As part of that agreement, the Office is required to facilitate the visit of the special procedures of the Human Rights Council by virtue of a standing invitation extended by the Government to those mechanisms.

Colombia will continue to contribute to effective multilateralism with a focus on human rights, social and environmental justice and total peace. For our country, the support of the Human Rights Council and the bodies that surround it has been invaluable in achieving total peace and strengthening the social rule of law.

We would like to take this opportunity to thank the President of the Council for his support in the approval of the resolution adopted at the most recent session for the Office of the United Nations High Commissioner for Human Rights to increase its technical assistance and support to the Colombian State in the area of human rights and peace for a period of two years on a renewable basis. That work will focus on the rights of victims and will apply a gender perspective that takes into account ethnic origins and different needs. That support will also make it possible to make progress in the implementation of some of the recommendations of the Truth Commission and the appointment of an expert who will present a report on obstacles to the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

Therefore, we reiterate once again our interest in being part of that body in the period of 2025 to 2027. In that context, one of our voluntary pledges is that Colombia will maintain a foreign policy oriented and structured around peace and based on respect for human rights. It is also committed to strengthening the mechanisms of the international system to make progress on guaranteeing the effective enjoyment of women's rights through a feminist foreign policy.

Our country actively advocates the protection of the right to equality and non-discrimination of LGBTI+ persons. In that regard, we have supported

the establishment of the mandate of the Independent Expert on sexual orientation and gender identity in the Human Rights Council, as well as the inclusion of the interests of LGBTI+ persons in the resolutions of the General Assembly.

Finally, Colombia commits to protecting the right of all people of present and future generations to live in a healthy environment and to sustainable development.

As President Petro Urrego mentioned at the Human Rights Council meeting in February, we wish to be able to share with the entire international community the lessons of our suffering in the midst of a serious human rights crisis and of our efforts to overcome it through our achievements, successes and failures.

**Mr. Kadiri** (Morocco): The year 2023 is a remarkable year for the promotion and protection of human rights. It commemorates the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action.

Those two landmark anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights for all.

As a member of the Human Rights Council, for the third time, for the period 2023 to 2025, Morocco seizes this opportunity to affirm its strong support for the central role and mandate of the Human Rights Council and to extend its appreciation to its President, His Excellency Mr. Václav Bálek, for his leadership and for his extensive report on the work of the Human Rights Council (A/78/53 and A/78/53/Add.1), presented to the Assembly. Also, Morocco renews its support for the Secretary-General's A Call to Action for Human Rights and highlights its commitment to its full implementation, along with the recommendations contained in the Secretary-General's report, *Our Common Agenda* (A/75/982).

Morocco is convinced that strengthening the treaty body system is of extreme importance for the international protection of human rights. It is therefore our responsibility to maintain strong and independent treaty bodies and to continue to work towards a more effective and efficient system. In that regard, the effective implementation of document A/75/601, which was prepared and presented to the President of the General Assembly by the Ambassadors of Morocco



and Switzerland, in their capacity as co-facilitators of the 2020 human rights treaty bodies review process, is more important than ever.

Morocco is a strong believer in the work of the human rights treaty bodies. That is why it continuously and regularly presents its periodic reports and follows up on treaty bodies' recommendations. In that respect, this year and last, the Kingdom of Morocco submitted two national reports — the fifth national periodic report, submitted under the Convention on the Elimination of All Forms of Discrimination Against Women, and the sixth national periodic report, submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families. Morocco is also a strong supporter of the Human Rights Council mechanisms. In that regard, it maintains a multifaceted interaction with special procedures mandate-holders, whose visits to Morocco we welcome and with whom it enjoys a regular and robust dialogue.

In the same vein, in November 2022 Morocco presented its fourth national report to the Universal Periodic Review, which has sparked a very positive interaction, particularly with regard to Morocco's national action plan on democracy and human rights and ongoing efforts to achieve the Sustainable Development Goals.

Morocco is pleased to present biannually to the Third Committee, with Argentina and France, its resolution on enforced disappearances and remains resolutely convinced about the importance of the universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in our joint fight against that practice.

Additionally, Morocco continues its considerable efforts as an active member, since 2014, of the core group of the Convention Against Torture Initiative, in order to raise awareness against torture and any cruel, inhuman or degrading treatment and to promote the universal ratification and better implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In that regard, Morocco is pleased that since its launch, the Initiative has welcomed 19 new State parties.

In the same vein, this month Morocco will host a regional conference on the opportunities for ratification, in the Middle East and North Africa region, of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

or Punishment. Those commitments stand as a continuation of Morocco's national efforts in favour of democracy, the rule of law and human rights, which are firmly at the heart of Moroccan society. Furthermore, Morocco recently joined Switzerland and Argentina in the launch of the guidance note of the Secretary-General on transitional justice as a strategic tool for people, prevention and peace.

My delegation remains convinced that justice and peace are two complementary principles and foundations. In September, as an experienced pioneer, Morocco, together with the African Union Commission, organized, in Rabat, the seventh African Transitional Justice Forum. That event served as a continental platform to review the state of transitional justice in Africa and provided guidance for African countries on recovering from protracted violent conflicts and to move towards building peace, strengthening democratic governance and advancing socioeconomic development.

Morocco was among the leading group that presented to the Human Rights Council resolution 45/8, which, for the first time, cements the right to a clean, healthy and sustainable environment as a human right. Similarly, Morocco was an active member of the core group that presented landmark resolution 76/300, which recognized a clean, healthy, sustainable environment as a human right. Moreover, Morocco has historically enforced its international commitments to combat all forms of violence and discrimination against women through its full compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as its accession, in February, to the Optional Protocols to CEDAW and the International Covenant on Civil and Political Rights.

In the same vein, in March Morocco launched its national action plan on women and peace and security, in line with the guidelines for implementing Security Council resolution 1325 (2000). Also, the Kingdom has strengthened its legal arsenal, updated its public policies on equality and gender mainstreaming and created mechanisms to support women victims of violence. Given the great importance His Majesty King Mohammed VI attaches to the promotion of women's issues and the family, in general, His Majesty issued his high instructions on 26 September to launch the process of reforming the Moroccan family code so as to keep pace with the changes taking place in Moroccan society, wherein tradition and modernity go hand in hand, as well as to strengthen women's rightful place

within Moroccan society. In a letter addressed to the Head of Government, His Majesty sets a six-month deadline for submitting the proposed amendments. That process is ongoing, with the participation of all relevant stakeholders — governmental and non-governmental.

Morocco's attachment to the values of mutual coexistence and its rejection of hatred and intolerance are firm and constant. My country is the proud initiator of resolution 77/318, on fighting hate speech, that was presented, facilitated and submitted by Morocco in July, which is a continuation of resolution 73/328, of 2019, the first of its kind at the United Nations, to address the phenomenon of hate speech. Resolution 75/309, adopted in 2021, is the first United Nations resolution to proclaim 18 June of each year as the International Day for Countering Hate Speech. My delegation welcomes the convening, in 2025, of a conference against hate speech, to be held in Geneva under the leadership of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Morocco takes this opportunity to renew its full commitment and willingness to work within the Human Rights Council and together with OHCHR and all reference mandate holders and stakeholders for the full success of this event. Morocco is also pleased to be a strong partner of the United Nations Alliance of Civilizations and is deeply committed to further reinforcing that long-standing relationship in order to preserve its important mandate as a platform for dialogue, promote peace and advance diplomacy, diversity and respect for religious and cultural diversity worldwide — as a follow-up to the ninth Global Forum of the Alliance held in Fez, Morocco in November.

Finally, as a founding member of the Human Rights Council, the Kingdom of Morocco has played a leading role in the design of the Council's working mechanisms. Morocco has worked diligently and continues to invest nationally, regionally and internationally in the promotion of human rights and the strengthening of the Human Rights Council as an irreversible commitment.

In conclusion, Morocco firmly reaffirms its strong commitment to human rights and expresses its constant desire to promote the universal values of dignity, justice and rule of law, as well as to actively contribute to international efforts aimed at ensuring respect and protection of human rights and fundamental freedoms on a global scale. Morocco works tirelessly to strengthen the role and action of the Human Rights Council as the

central body of the United Nations in this area, and we would also like to reiterate our support for the work of the Office of the United Nations High Commissioner for Human Rights.

**Mr. Hassani (Algeria)** (*spoke in Arabic*): At the outset, my country's delegation would like to very much thank the President of the Human Rights Council (HRC) for the detailed report (A/78/53 and A/78/53/Add.1) and thorough presentation (see A/78/PV.23). We would also like to thank the Office of the United Nations High Commissioner for Human Rights for its efforts.

Algeria reiterates its firm commitment to the protection and promotion of human rights and to all its international obligations under international human rights law, especially those derived from the Universal Declaration of Human Rights and the various international conventions and instruments that constitute the common framework that governs our human perception of the protection and promotion of human rights, which must be maintained and respected by all, regardless of the circumstances — above all, the right to life and decent living. We call on all States to respect their obligations in that regard.

Algeria stresses that human rights are intrinsically linked to the right to development and security. The right to development is the cornerstone of other human rights. Therefore, integrated efforts must be made in the areas of sustainable development and the promotion and protection of human rights. There can be no decent life without development.

My country continues to make efforts to update its legal and legislative systems, taking into account the comments on human rights that it has received from the United Nations system. We positively and openly address requests for visits from United Nations experts and mandate-holders in the area of human rights. That constructive communication is based on Algeria's deep and established commitment to the protection and promotion of human rights. That commitment is reflected in our status as a member of the Human Rights Council, underscoring our tireless efforts to promote human rights and human dignity. The Council was created by the international community to consider human rights-related issues in States as part of a holistic and comprehensive process that can lead to an environment of mutual trust.

From this rostrum, we reiterate Algeria's determination to spare no effort to serve the international human rights agenda. We will work seriously with other Member States to achieve the noble objectives of the Council. We believe it is necessary to constantly review and modernize the mechanisms and working methods of the Council to preserve the ideals that unite us, while maintaining respect for mandates and the rules that were agreed by Member States when the Council was established. We stress the need to respect the Council's competence and avoid double standards when addressing human rights issues.

Furthermore, Algeria calls for avoiding the politicization of human rights issues and reaffirms that the principles of neutrality, independence and non-selectivity, along with objectiveness and coordination with the Governments of States concerned, remain key conditions for achieving the goals set by United Nations bodies and for ensuring that dealing with them is done in a technical and professional manner.

My country's delegation would like to take this opportunity to once again express our condemnation in the strongest terms of the flagrant and grave violations of international human rights law and international humanitarian law perpetrated by the occupation forces that we are witnessing in the occupied Palestinian territories, in particular in the Gaza Strip. We believe that the international community, including the Council, must intervene to bring an end to those atrocities and protect the Palestinian people.

In conclusion, Algeria stresses the importance of technical cooperation and capacity-building for States in the area of human rights, according to their needs. Strengthening coordination and integration among the various national, regional and international human rights mechanisms is essential to the enjoyment of those rights internationally.

**Mrs. Caldera Gutiérrez** (Plurinational State of Bolivia) (*spoke in Spanish*): We align ourselves with the statement made by the representative of Venezuela on behalf of the Group of Friends in Defence of the Charter of the United Nations (see A/78/PV.23).

My delegation appreciates the report of the Human Rights Council for the period 2022–2023, including the special session reports (A/78/53 and A/78/53/Add.1), presented by the President of the Human Rights Council, Mr. Václav Bálek, to the General Assembly (see A/78/PV.23). Bolivia recognizes the Human Rights Council

as a principal organ of the Organization and a forum of paramount importance for developing international human rights law. As a member of the Council since 2021, my country has shown its commitment to the institution of the Council and to developing standards that meet the current challenges.

For us, it is important that the Human Rights Council provide the opportunity to consider the various opinions we have regarding law, universal values and the commitments made by the international community. As members of the Council and as candidates for the period 2025–2027, we believe in this multilateral forum of constructive dialogue, including through the universal periodic review process, the development of standards that complement those of our national courts and the highlighting of structural barriers that prevent the enjoyment of individual and collective rights.

As a founding country of the Organization, we would like to join our voices with those celebrating the seventy-fifth anniversary of the Universal Declaration of Human Rights, as well as the thirtieth anniversary of the Vienna Declaration and Programme of Action. My delegation firmly believes in the universal, indivisible and interdependent nature of human rights. We believe that human rights are interrelated and mutually reinforcing — individual and collective human rights alike.

We are concerned about the fact that in the current climate of polarization and gross violations of human rights, the system has been instrumentalized for political purposes. We are opposed to that premise. Many mothers are suffering right now. Our gaze must also be turned towards these women, their children and husbands or partners. They are citizens who are suffering the shortcomings of a dialogue without any results within the United Nations multilateral system.

As part of my country's work in the Human Rights Council, I would like to underscore that, together with the delegation of Luxembourg, we have been appointed by the President of the Council as co-facilitators of the process to streamline and optimize the Council's programme of work. We have held consultations with various regional groups to move that process forward, pursuant to resolution 5/1 and the Council's institution-building package to make progress on streamlining and optimizing the Council's workload, as well as on measures to avoid the duplication of

initiatives, among other things. It is collective work and an example of our commitment.

Similarly, we also welcome and appreciate the support of States for initiatives such as the recently adopted Human Rights Council resolution on the rights of peasants and other people working in rural areas, which was submitted by Bolivia (Human Rights Council resolution 54/9). The resolution calls for the implementation of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, which was adopted by the Assembly in 2018 in a working group established for that purpose. The resolution entitled “Human rights and Indigenous Peoples” (Human Rights Council resolution 54/12) is another resolution that we believe is very important, and we welcome its adoption. We also welcome the adoption of Human Rights Council resolution 54/18 on the right to development, which makes provisions for a draft legally binding instrument, entitled “draft international covenant on the right to development”. My delegation is committed to making it possible to begin intergovernmental negotiations on the subject.

The most important point of my statement relates to the serious situation that Palestine is facing. Once again, Bolivia expresses its solidarity with and unfailing support for its people. We call for respect for human rights, a ceasefire and a demonstration of the fact that respect for and protection and guarantee of human rights is not a mirage. Right now, the Palestinian people are in a situation in which they cannot defend themselves. The Palestinian people require an immediate response from this Organization.

**Mrs. Dabo N’diaye** (Mali) (*spoke in French*): The delegation of Mali takes note of the report of the Human Rights Council (A/78/53 and A/78/53/Add.1) and would like to make the following remarks in our national capacity.

The creation of the United Nations was and continues to be a response to the needs for peace, security, development and respect for human rights. Present-day Mali is the heir to an ancient nation established on a land filled with history, tradition and thousands of years of culture in which human life was and has always been sacred and human rights were scrupulously respected, including in times of war. I am proud to say that the Manden Charter, proclaimed in Kurukan Fuga in the thirteenth century, is considered one of the oldest constitutions of our time. The Kurukan Fuga

Charter set out in 1236 the foundations of the empire’s policy, administration, operation and the societal rules of conduct for men and women in the empire, and addressed the issues of liberty, decentralization, democracy and sustainable development. That is our first universal human rights declaration — that Charter from Mali. That is why the Government of Mali inscribed the Manden Charter on the Representative List of the Intangible Cultural Heritage of Humanity on 30 September 2009 at the UNESCO conference held in Abu Dhabi. That same year, the Charter was also inscribed on UNESCO’s indicative list before being designated as part of the intangible heritage of Mali, by decree 2011-237 of 12 May 2011. The Government is continuing its efforts to have the Kurukan Fuga Charter included on the World Cultural and Natural Heritage List.

This serves as a useful reminder for understanding the Malian people’s abiding attachment to the universal principles and values of respect for human rights, which are fundamental for the human individual. Need we recall here that even in the times of empire, crimes were prohibited and the fundamental rights of each human being were strictly observed, even during times of war. Respecting those ancestral values was key to living together, social cohesion and the stability of the institutions of the empire. Mali therefore was conscious of and had been observing human rights for six centuries before colonization. Today’s Mali, which is the heir to great empires and kingdoms, has upheld those values and fundamental rights in all of its Constitutions during its independence, from 1960 to the present day. We have upheld the values of living together, social cohesion, peace and security for several decades. I would point out that, before the crisis that my country has been experiencing since 2012, Mali was cited as a model country for its respect for democracy, human rights and fundamental freedoms.

Alas, since the NATO military intervention in Libya in 2011, Mali and several countries of the Sahel region have been facing the most hateful crimes, arising from terrorism, violent extremism, trafficking in drugs and human beings, money laundering and many others. Our countries had never seen so many mass killings of civilians and soldiers, including women and children. Never had our region witnessed so many refugees and internally displaced persons. Faced with the unparalleled scale of atrocities that our people were experiencing, Mali had to request



the support of friendly countries and international partner organizations to help us to continue to curb this inhuman barbarity. Once again, unfortunately, after 10 years of international presence on our territory, the recommendations and injunctions of our partners proved insufficient to improve the security situation in Mali, despite the many mechanisms put in place and the substantial material, financial and human resources that were mobilized.

Even worse was — as the Government of Mali has been constantly denouncing — the use of the issue of human rights for political purposes, because it is illusory to think that we are contributing to the promotion of human rights through confrontation, stigmatization, humiliation or other efforts to isolate or place blame. That approach to human rights is utterly counterproductive. That is why Mali remains committed to dialogue and cooperation among concerned actors to promote the human rights agenda. For its part, after so many years of suffering by the population, the Government understood the need to prioritize capacity-building among the Malian defence and security forces in order to allow the State to restore its authority over the country's entire territory, which would guarantee the enjoyment of human rights. That is currently producing very encouraging results that are appreciated by the Malian population. At the same time, the Malian justice system is continuing to play its full role in the fight against impunity. The Government remains open to any form of cooperation in that area, including technical and material support. I take this opportunity to reiterate the full commitment of the Government of Mali to protect the civilian population and their goods and to respect and ensure respect for human rights and international humanitarian law throughout the country.

Lastly, it is true that the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) is continuing its withdrawal process. However, I wish to reassure the General Assembly that the withdrawal of MINUSMA from Mali does not mark the end of cooperation between Mali and the United Nations. On the contrary, the Government of Mali remains entirely ready to continue and even strengthen its partnership with the United Nations system agencies present in Mali and in the region in every area, including in the promotion and protection of human rights, of course with full respect for Mali's sovereignty and its choice of partners, and in the interests of the Malian people.

I will conclude by taking this opportunity to thank, on behalf of the Government and people of Mali, the Secretary-General for his commitment to peace in Mali. I would also like to thank all the countries that contributed troops, police and civilian staff to MINUSMA in recent years for their efforts, including the ultimate sacrifice that they have at times made in the pursuit of peace in Mali. May all Member States here accept the gratitude of Mali for their financial contribution to MINUSMA. I pay tribute to the memory of all the victims of this crisis, both civilians and soldiers, foreigners and Malians, who have fallen on the battlefield in Mali.

**The Acting President** (*spoke in Spanish*): We have heard the last speaker in the debate on this item.

The exercise of the right of reply has been requested. I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

**Ms. Qureshi** (Pakistan): My delegation is exercising its right of reply in response to the statement made by the Indian delegate.

Big lies, deflection and disinformation define India's diplomacy today. No amount of lies and obfuscation can change the history and realities on the ground. Jammu and Kashmir is a disputed territory and not an integral part of India and shall never be. Multiple resolutions of the Security Council attest to that fact. Security Council resolution 47 (1948) clearly states that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic matter of a free and impartial plebiscite. India accepted that decision and is bound to comply with it, in accordance with Article 25 of the Charter of the United Nations.

Today's debate is a sombre reminder to the international community that the people of Indian illegally occupied Jammu and Kashmir continued to be denied their inalienable right to self-determination. India must be held accountable for brazenly flouting international law. Since 5 August 2019, building on its illegal and unilateral steps to consolidate the occupation of Indian illegally occupied Jammu and Kashmir, India is undertaking demographic engineering to dispossess and disempower the Muslim majority of the occupied territory in gross violation of the Fourth Geneva

Convention. Kashmiris are being subjected to a reign of terror by a 900,000-strong occupation force, the densest occupation in history.

In conclusion, we would reiterate that rather than misleading the international community, India should allow the Kashmiris to exercise their right to self-determination, in accordance with Security Council resolutions.

**The Acting President** (*spoke in Spanish*): We have heard the last speaker in the debate on this item.

The General Assembly has thus concluded this stage of its consideration of agenda item 66.

#### **Agenda item 73** (*continued*)

##### **Report of the International Court of Justice (A/78/4)**

##### **Report of the Secretary-General (A/78/194)**

**Mr. Pittakis** (Cyprus): At the outset, allow me, on behalf of my country, Cyprus, to express our sincere gratitude to the President of the Court, Ms. Joan Donoghue, for the introduction of the report (A/78/4) (see A/78/PV.20). We also want to thank the President and the judges of the Court, as well as the Registrar and the staff of the Court, for their commitment to justice and international law.

Cyprus fully aligns itself with the statement made on behalf of the European Union (see A/78/PV.20) and would like to add some additional comments.

We welcome the Court's exceptionally high level of activity during the reporting period, including the issuance of four judgments and 20 orders, the organization of six public hearings and the seizure of five new contentious cases, as well as two requests for advisory opinions. We further note the broad range of issues before the Court, which include: territorial and maritime delimitation; human rights; reparation for internationally wrongful acts; environmental protection; the jurisdictional immunity of States; and the interpretation and application of international treaties and conventions concerning, among other things, the elimination of racial discrimination, the prevention of genocide, the suppression of the financing of terrorism and the prohibition of torture.

As the report rightly observes, the geographical scope of cases before the Court and the diversity of

their subject matter continue to reflect the universal and general character of the Court's jurisdiction.

Cyprus wishes to express its strong support for, as well as its full confidence in, the Court's functions, as the principal judicial organ of the United Nations, in settling international disputes and providing guidance and clarity on important questions of international law. In that context, we reiterate our steadfast devotion to the peaceful settlement of disputes — a principle embodied in Article 2, paragraph 3, and Article 33 of the Charter of the United Nations. Cyprus has therefore accepted the Court's compulsory jurisdiction since 1988 under Article 36, paragraph 2, of the Court's Statute. We strongly encourage all other Member States to do the same.

During the reporting period, the Court dealt with matters of exceptional importance to the international community, including two requests for advisory opinions, a process that we consider instrumental in clarifying critical legal questions of international law and which allows wide participation from States. We note that the Court was once again called upon, as the guardian of the Convention on the Prevention and Punishment of the Crime of Genocide, to adjudicate a dispute between Ukraine and Russia relating to the interpretation, application and fulfilment of the Convention. An unprecedented number of declarations of intervention under Article 63, paragraph 2, of the Court's Statute were made, including by Cyprus. In both its written and oral statements, Cyprus made clear its position that the scope of article IX of the Genocide Convention is sufficiently broad to encompass disputes as to whether the Convention has been properly invoked and facts that call the Convention into application have taken place, as well as disputes as to whether the Convention can be relied on as a justification for taking unilateral actions to prevent genocide. As a country that has been a victim of unlawful invasion and occupation, Cyprus fully stresses that the provisions of the Genocide Convention — or any other treaties — cannot be left to the "own appraisals" of any State Party to justify the use of force against other States. To prevent such unilateral appraisals from becoming entirely self-judging, article IX must be read to empower the Court to review State claims of unilateral power to assess, and to use force to prevent and punish, a perceived genocide.

In conclusion, Cyprus notes that the election to replace five judges of the Court whose terms are expiring is taking place this week. In that regard,

Cyprus would like to reiterate its objective that the most prominent jurists of the highest merit, with international recognition, and from all regions of the world and from diverse legal traditions, be selected to serve as judges on the Court.

**Mr. Mohamed** (Sudan) (*spoke in Arabic*): I thank Judge Donoghue for her statement (see A/78/PV.20) and for her presentation of the report of the International Court of Justice contained in document A/78/4.

The Sudan aligns itself with the statements delivered by the representatives of the Republic of Azerbaijan on behalf of the Movement of Non-Aligned Countries, Mauritania on behalf of the Organization of Islamic Cooperation and Jordan on behalf of the Group of Arab States (see A/78/PV.27).

My delegation takes note of the report of the International Court of Justice, and we thank the Court's President for introducing the report on the activities of the Court during the period under consideration. Every year, the General Assembly considers the report of the Court — a tradition since 1968, which thus constitutes an integral part of strengthening relations between those two major organs of the United Nations, namely the General Assembly and the Court.

The Court has a role to play. It strengthens peace worldwide and as the principal judicial organ of the United Nations plays an important role in that regard. The decisions of the Court are binding on the parties, and the advisory opinions of the Court have long-term effects. The Court contributes to the peaceful settlement of disputes and plays an important role in conflict prevention, thereby contributing to United Nations peace efforts. Furthermore, the Court plays an important role in promoting the rule of law, not only pertaining to the relations among countries, but also within the United Nations system. The vision enshrined in the Charter of the United Nations can only become a reality through the rule of law, which is essential for everything related to peace and security, sustainable development and human rights. The Court's decisions and its advisory opinions are also essential when it comes to strengthening international commitment to the rule of law. The Court is therefore more important than ever, as shown in detail by its annual report on its activities and the attention its work enjoys from States.

The period under consideration shows that many States from different regions of the world have brought their disputes before the Court. It is also encouraging

to note that there is a continued positive trend of States accepting the compulsory jurisdiction of the Court. Furthermore, the annual report shows that Member States of the United Nations remain interested in the activities taking place in the Peace Palace in The Hague. My country's delegation appreciates the role that the Court continues to play based on its responsibilities enshrined in the Charter for promoting rule of law at the international level through its advisory opinions and decisions and its essential contribution to strengthening the peaceful settlement of disputes.

The substantial role and intense activity undertaken by the Court require Member States to provide greater political and financial support so that the Court can fully carry out its tasks. The annual report is a good opportunity for the General Assembly to stress once again its support for the Court and its work. The numerous disputes that were brought by Member States to the Court for its consideration have shown an increased confidence in the Court and its ability to settle those disputes with integrity and objectivity in a manner accepted by parties to the dispute.

The Sudan encourages the Court to move forward in taking meaningful measures to promote its ability and competence in order to meet its growing workload and responsibilities, especially in relation to rapidly resolving cases under its consideration. My country's delegation calls on the General Assembly to encourage States that have not yet accepted the Court's compulsory jurisdiction to positively consider doing so, in order to strengthen rule of law at the international level and to enable the Court to meet its tasks as stipulated in the Charter. Some States want to see the status quo persist, which means that disputes and conflicts would continue without being resolved.

The Sudan also calls on the Security Council, which has not requested an advisory opinion from the Court since 1970, to take advantage of the Court as the principal judicial organ of the United Nations and a source of advisory opinions on interpreting principles of international law. We also call on the General Assembly and other organs, as well as specialized agencies, to request advisory opinions from the Court regarding interpretation of principles of international law.

As regards the Court's advisory opinions, we call for them to be accepted by the parties concerned. The Convention on the Privileges and Immunities of the United Nations, signed on 13 February 1946,

stipulates that States have the right to go to the Court to abolish decisions taken by the United Nations organs, especially the Security Council, and to challenge their legitimacy. Many economies have been affected by decisions that are not in line with the principles and purposes for which the United Nations was established. In that respect, we are referring to the resolutions that have been adopted by the Council, rather than to the Council itself, in accordance with the Court's Statute, which prevents international organizations from being part of controversial measures. The Security Council has an exclusive mandate for the maintenance of international peace and security that requires judicial complementarity with the Court, the General Assembly and the Secretariat.

The Council's current position on the war in Gaza shows a change in its responsibilities. Therefore, why does the Court have no right to issue an advisory opinion on the fact that the Council is not fulfilling its role, owing to geopolitical tensions? That should not inevitably lead to competition between the Council and the Court. Our aim is to let the Court address the legal aspect of the Council's acts. The Court's decisions would thereby make the Council recommit itself to maintaining international peace and security. The Charter does not mention exclusive prerogatives over measures for peaceful settlements.

In conclusion, we specifically commend the absolute neutrality of the Court since 1945. The Court's record supports that neutrality, and we express our satisfaction with that fact. The Sudan reiterates its appreciation for the role played by the Court. We express our support for the Court so that it can fulfil its responsibilities as required in a world in which the international system is far from maintaining international peace and security and in which wars and conflicts continue to break out.

**Ms. Nze Mansogo** (Equatorial Guinea) (*spoke in Spanish*): At the outset, we thank the President of the International Court of Justice for her leadership in the exercise of her functions and for her exhaustive report on the activities of the Court during the period of 1 August 2022 to 31 July 2023 (A/78/4).

My delegation associates itself with the statements made by the representative of Angola, on behalf of the Community of Portuguese-speaking Countries, and by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/78/PV.27).

We would like to make the following remarks in our national capacity.

Our country has taken good note of the report and congratulates the Court for the unprecedented level of contentious and advisory activities carried out during the reporting period. We note with satisfaction the broad participation of States from all regions and with different legal systems, which have resorted to the Court to resolve their disputes by peaceful means, among them the Republic of Equatorial Guinea, which has recognized the compulsory jurisdiction of the Court since 2017. We also highlight the variety of matters in the cases presented. That is all a testament to the credibility that States ascribe to and the trust that they place in the work of the Court, and also emphasizes the strong desire of States to seek a peaceful and just solution to each of the conflicts submitted.

In contrast, we continue to observe with concern the persistent non-compliance with the Court's rulings, which represents a clear violation of Article 94 of the Charter of the United Nations. It is sad that, of 193 United Nations Member States, only 74 recognize the jurisdiction of the Court, but it is even more regrettable that only one of the permanent members of the Security Council recognizes its jurisdiction as compulsory. Today it appears to be deeply rooted in public opinion that not all international disputes have legal implications but they all have political implications. We, however, are of the opinion that all conflicts have legal implications or are based on the violation of certain obligations under international law. We therefore urge States to bring contentious issues to the International Court of Justice and to comply with and accept the Court's rulings, as the resolution of these disputes can serve as the foundation of lasting peace in each specific case.

As part of the Republic of Equatorial Guinea's policy of ensuring the peaceful resolution of international conflicts through preventive diplomacy, we attach great importance to the work of the International Court of Justice, as we consider it to be the most effective tool of the United Nations system in terms of the prevention and peaceful resolution of conflicts. Furthermore, the Court, through its contentious and advisory functions, strengthens the rule of law and a better understanding of international law through its interpretation and application. Let us also not forget that it can have a far-reaching impact on the maintenance of international peace and security. To reach that point and achieve its universality, we consider it imperative to strengthen



the role of the Court. It is not enough to accept its jurisdiction. Its rulings must be implemented in good faith. On the other hand, the Security Council should collaborate more with the Court and request advisory opinions on any legal issues, pursuant to Article 96, paragraph 1, of the United Nations Charter, to avoid the intensification of conflicts and/or even the use of force, which can have a negative impact and trigger new waves of violations of international law, resulting in tragic consequences in the corresponding States, as we are currently seeing.

The aforementioned notwithstanding, and taking into account the persistent challenges that the Court still faces, the Court has undeniably provided a service to the international community and has made valuable contributions to international peace. Thus, we continue to urge the Court to continue fighting for respect for international law through objective, independent and impartial actions, as it has been doing to date. And, as a Spanish-speaking country, we call for multilingualism to the extent possible, for better dissemination and knowledge of the Court's rulings at the global level.

In conclusion, the Republic of Equatorial Guinea reaffirms its absolute support for the valuable work of the International Court of Justice. Accordingly, we hope that the proposals for the requested financial resources will be approved so that it can appropriately fulfil its mandate, which is essential for achieving the objectives of the United Nations.

**Mr. Margaryan** (Armenia): I would like to thank the President of the International Court of Justice for presenting the report of the Court (A/78/4) and for her statement on 26 October (see A/78/PV.20), which contained a detailed presentation of the substantive orders rendered by the Court in the ongoing case under the International Convention on the Elimination of All Forms of Racial Discrimination brought by Armenia against Azerbaijan.

As the principal judicial organ of the United Nations, the International Court of Justice has a central role in upholding the rule of law, peace and stability by offering legal avenues for resolving disputes. The report demonstrates an increase in the Court's level of activity, which underscores the confidence of Member States in the Court's mandate and in its capacity to provide a credible and impartial forum of adjudication. The report also evidently indicates that the Court's role extends beyond mere dispute resolution. Its judgments

provide clarity on essential matters of international law, while they also influence inter-State conduct and shape international practice.

Adherence to international law is indispensable for the maintenance of international peace and security. It is indispensable for the prevention and removal of threats to peace and the suppression of acts of aggression, as prescribed in the Charter of the United Nations. It is in line with those principles that, in 2021, Armenia instituted inter-State proceedings at the International Court of Justice under the International Convention on the Elimination of All Forms of Racial Discrimination to address the systematic violence directed at individuals of Armenian ethnic or national origin by Azerbaijan and to protect and preserve their rights from further harm.

Azerbaijan's persistent failure to uphold its international commitments under the Convention has recently culminated in the perpetration of a premeditated ethnic cleansing, which involved the deliberate disruption of all movement along the Lachin corridor — the humanitarian lifeline connecting Nagorno-Karabakh with Armenia — and the imposition of a 10-month blockade targeting a population of 120,000 people, with the subsequent use of military force.

Notably, the need to abide by legal obligations vis-à-vis the Lachin corridor has been repeatedly reaffirmed by the International Court of Justice through the indication of a provisional measure. That is in addition to the earlier orders issued by the International Court of Justice against Azerbaijan concerning the protection of Armenians held in captivity by Azerbaijan, the preservation of Armenian cultural heritage and the prevention of the incitement of racial hatred and discrimination, including at the level of officials and public institutions. Not only has Azerbaijan failed to comply with the legally binding orders of the Court but, in total violation of its obligations, it has instead embarked on manipulative distortions that completely go against the wording of the Court, as they go against the basic rules of interpretation and, indeed, common sense.

Today it should be beyond any reasonable doubt for anyone in the international community, including within the United Nations and its Security Council, that Azerbaijan has steadily established itself as a serial violator of justice and the rule of law, whose pervasive record of unchecked and disproportionate violence has

consistently displayed a most dangerous pattern of transgressions in the region. That was demonstrated recently by the massive armed attack launched against the besieged population of Nagorno-Karabakh on 19 September, which took the lives of innocent civilians, including children.

Azerbaijan's aggressive, violent conduct eventually resulted in the mass displacement of the entire Armenian population, who were forcibly driven out of their ancestral land, leaving behind their homes, schools, churches, places of worship, the graveyards of their loved ones and thousands of monuments and artefacts of the vast Armenian cultural and religious heritage. It was in response to that violent aggression that, on 29 September, Armenia submitted another appeal to the International Court of Justice requesting that measures be taken to prevent the displacement of ethnic Armenians from Nagorno-Karabakh and to ensure their right to a safe and dignified return to their homes.

This debate serves as an important reminder that, more often than not, it is the lack of accountability that breeds more violations. It also demonstrates that compliance with the decisions of the highest judicial organ of the United Nations is fundamental to ensuring that justice can be served and that breaches of international law can be essentially prevented in the future. The effective enforcement of the decisions of the International Court of Justice is paramount in ensuring that the rule of law prevails over unilateral actions, for it is vital to sustain the credibility and integrity of the international legal system. The United Nations has the responsibility to uphold compliance and accountability, and Armenia is fully committed to that pursuit.

**Mr. Nasir** (Indonesia): Indonesia aligns itself with the statement made by Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/78/PV.27).

We thank the President of the International Court of Justice for her third report (A/78/4) and her briefing (see A/78/PV.20). Indonesia notes the exceptionally high level of activities during the reporting period. The diversity of issues and the wide geographic scope of cases brought before the Court highlights the universal and general character of the Court's jurisdiction. Indonesia welcomes the Court's efforts to promote greater understanding of international law and the Court's procedures, including among the younger generation. We are confident that those efforts will

contribute to a wider appreciation of international law and foster understanding of the importance of the peaceful settlement of disputes.

Our world is heading into an international abyss. Violations of international law have become more rampant. "All are equal before the law" has become a mere toothless slogan. More countries are breaking international law with impunity, while we, the peoples of the United Nations, seem to be mere helpless bystanders. It is disheartening to see that some of those we value as founders of the United Nations and of the Court are not upholding international law as rigorously as we would expect.

The ongoing barbaric killing of civilians, including women and children, in Gaza is a case in point. In one month, over 10,000 lives have been lost. The Secretary-General rightly pointed out that no party to an armed conflict is above international humanitarian law. What we are witnessing today in Gaza amounts to a war crime. We must act to stop the indiscriminate killings, to uphold international law and to ensure accountability. In that regard, allow me to convey three points.

First, the Court, as the principal judicial organ of this Organization, must at all times defend its judicial independence and integrity. We have immense hope that the Court will firmly stand as a beacon of justice.

Secondly, the Court's authoritative pronouncements of law must uphold the highest standard of fairness and justice, in which States are held to the highest standard of conduct. Indonesia will closely follow the advisory proceeding of the questions of legal consequences arising from the policies and practices of Israel in the occupied Palestinian territories, including East Jerusalem. We cannot afford the rule of great Powers or the rule of force to triumph over the rule of law. We expect that the Court's opinions could meaningfully contribute to the implementation of all United Nations and international agreements in pursuit of a two-State solution in line with the internationally agreed parameters.

Lastly, the Court must be able to respond to future dynamics and challenges by making international law relevant within the context of justice. Indonesia will closely follow the advisory proceedings on the questions of obligations of States in respect of climate change. Indeed, the quest for justice is a never-ending journey. It is fluid, elastic and subject to change to meet the needs of a shifting and changing society. Simultaneously, the law must maintain a degree of certainty, predictability

and stability, or the rule of law will not survive. We commend the Court for its unwavering dedication to the principles of justice, the rule of law and the peaceful settlement of international disputes. It is our collective duty to empower and support the Court in carrying out its mandate.

**Mr. Bakradze (Georgia):** Let me start by thanking the President of the International Court of Justice, Her Excellency Judge Joan Donoghue, for the report (A/78/4) presented under agenda item 73 (see A/78/PV.20).

Today, when high-risk challenges are undermining the international legal order on multiple fronts, the effective functioning of international legal mechanisms, such as the International Court of Justice, and compliance by States with the decisions thereof remain as important as ever.

Georgia places great emphasis on international law and international judicial bodies in its foreign policy and diplomacy. Georgia's experience of engagement with international courts underscores its commitment to uphold international law and protect its sovereignty by available legal and other peaceful means. In that respect, let me recall that on 21 January 2021, the European Court of Human Rights rendered a historical judgment in the case of *Georgia v. Russia (II)*. That judgment confirmed Russia's illegal occupation and de facto control over the Abkhazia and Tskhinvali regions of Georgia since 2008 and that Russia, as the occupying Power, bears full responsibility for the grave human rights violations in the illegally occupied regions. This year, Georgia achieved another significant success in the case of *Mamasakhlisi and Others v. Georgia and Russia*. For the first time, the European Court held that Georgia's region of Abkhazia was under the effective control of the Russian Federation since the 1990s — even before the August 2008 Russia-Georgia war — and stressed Russia's full responsibility for human rights violations in the occupied regions.

The International Court of Justice also plays an important role in developing and clarifying international law. Its decisions contribute to the evolution of a legal framework that governs the behaviour of nations in their interactions with one another. The Court can play a vital role not only in the resolution of disputes submitted to it but also in helping to prevent them in the first place. It is laudable that more and more States have sought the resolution of their disputes through the decisions of the International Court of Justice. The Court's universal

role and function are well reflected in the present report, which demonstrates an extremely high level of activity by the Court in the period under review, involving a wide geographical spread of the cases and diversity of their subject matter. As the report mentions, as of July, 74 of the States parties to the Statute have made declarations recognizing as compulsory the jurisdiction of the Court. Georgia, being among the States that have made the same declaration under Article 36 of the Statute, believes that it is important that States that have not yet done so consider accepting the jurisdiction of the Court, in accordance with its Statute.

In conclusion, the Court's role remains as relevant today as it has ever been. It addresses contemporary global challenges while adapting evolving international legal norms and issues. Let us reiterate our support for the institution. By doing so, we fortify the rule of law, preserve peace and ensure a more just and stable world for all.

**Mr. Tun (Myanmar):** I wish to begin by thanking the President of the International Court of Justice for her report (A/78/4). I also thank the Secretary-General for his report (A/78/194) on the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice.

We appreciate the Court for its hard work and accomplishments so far despite the increasing caseloads. As the report reflects, we note with satisfaction that the institution was able to actively review and deliver judgments and orders for geographically widespread and contentious cases during the reporting period. We are also encouraged to see the strong bond between States' entrustment of their disputes to the Court and the Court's existential vitality in addressing them. We therefore welcome the strengthening of the Court's functions. At the same time, we join others in urging Member States, especially the members of the Security Council, to make greater use of the Court by referring cases and requesting advisory opinions from the Court. Moreover, we stress that the Judicial Fellowship Programme allows young people to broaden their understanding and knowledge of international law and the Court's procedures. Therefore, I would like to express our thanks to the Secretary-General's trust fund programme to support the Judicial Fellowship Programme and anticipate the continuity of the trust fund in a progressing trend.

The International Court of Justice, as a principal judicial organ of the United Nations, plays an important role in the peaceful settlement of international disputes. We are also of the view that the decisions and the work of the Court are indispensable, as they contribute to the strengthening of the rule of law at the national and international levels. In that regard, let me turn to the case between the Gambia and Myanmar at the International Court of Justice concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide. While proceedings began in 2019, the latest order was made by the Court in October 2023, fixing the time limits for both parties for the necessary submissions of a reply by the Gambia and a rejoinder by Myanmar. The National Unity Government of Myanmar issued a statement to welcome the Court's judgment and recognized the judgment as setting the stage for substantive hearings on the atrocities directed against the Rohingya during military operations in 2016 and 2017. Proper communication has also been made to the Court indicating the National Unity Government's acceptance of the Court's jurisdiction and withdrawal of all preliminary objections. Accountability and reparations for the Rohingya are one of the National Unity Government's priorities. Guided by its policy position on the Rohingya, the National Unity Government also informed the International Criminal Court regarding its acceptance of the Court's jurisdiction over the territory of Myanmar in accordance with Article 12, paragraph 3, of the Rome Statute.

At this juncture, I would now like to raise a simple question and make a request to the President of the International Court of Justice regarding this case. Since the unlawful coup in Myanmar, a coup condemned by the General Assembly and by the Security Council, the International Court of Justice has granted audience to persons sent by the illegal military junta. Those persons do not speak for Myanmar. They do not enjoy effective control nor the consent of the population. They have failed to meet the demands of the General Assembly and have taken no steps to implement or respect Security Council resolution 2669 (2022). They act without respect for life, killing as they please, in direct contradiction of the norms of international law. They are committing crimes against humanity and war crimes against the people of Myanmar. Yet the Court has granted this junta the right of audience.

In contrast, the Court and its Registry have failed to take action on the letters that I have sent to the

Court in my capacity as the Permanent Representative of Myanmar to the United Nations. I ask the Court to review that matter, as recommended by Judge Kress in his declaration on the Court's judgment. The Court must be mindful of the role of the Assembly and decisions of the Security Council. It must take into account the precedent in resolution 396 (V) of 14 December 1950, which makes it clear that, in cases of rival regimes, all organs of the Organization should consider the attitude of the Assembly concerning the matter.

Importantly, I fear greatly that the reputation of justice and of the United Nations in my country is being damaged hugely while the Court is allowing an unlawful junta to promote, through the United Nations, its murderous claims. Reconsidering the interests of the Rohingya and strengthening the rule of law would give the Court a chance to be part of my country's future peace and reconciliation. That is surely what we all want.

In conclusion, the international justice system plays a vital role in the maintenance of international peace and security. Moreover, globalization has already connected us all. The instability of a single country or region imposes threats to the entire world. Tranquillity can therefore prevail only through our pledges as enshrined in the Charter of the United Nations and our effective action in a timely manner. Let us renew those commitments. Let us work together to end the military dictatorship and its atrocities. Let us protect vulnerable people. Please act decisively for the people of Myanmar. The National Unity Government has been reiterating time and again its willingness and commitment to the global community to deepen cooperation to end the illegal military coup and the military dictatorship, save our people's lives from the military's atrocities and establish a federal democratic union. The clock is ticking. We must act now.

**Ms. Alshamsi** (United Arab Emirates) (*spoke in Arabic*): At the outset, my delegation aligns itself with the statements delivered by the representatives of Jordan on behalf of the Group of Arab States and Mauritania on behalf of the Organization of Islamic Cooperation (see A/78/PV.27).

I would like to extend my sincere thanks and appreciation to Judge Joan E. Donoghue for her important briefing to the Sixth Committee and for her tireless efforts during her presidency of the International Court of Justice for 13 years. We wish her continued success in the next stage of her career.



The Middle East region is currently experiencing one of the most serious crises in its modern history. In the context of those critical developments, the United Arab Emirates calls for an intensification of diplomatic efforts and for all possible means to be used to achieve an immediate and sustainable ceasefire. The continued escalation of the bombing of the Gaza Strip demonstrates that any delay in putting an end to that war means more casualties and destruction, and threatens that the conflict will expand in the region, especially given the ongoing spread of armed and extremist groups there, who will spare no effort in exploiting that conflict to carry out their nefarious agendas.

The peaceful settlement of disputes and diplomatic efforts are the only means for restoring calm in Israel and the occupied Palestinian territory, de-escalating the situation as soon as possible and returning to negotiations aimed at reaching a definitive settlement, in accordance with a two-State solution for Palestinians and Israelis, who deserve to live in peace and dignity.

The United Arab Emirates expresses its firm support for the work of the International Court of Justice as the principal judicial organ of the United Nations for the settlement of international disputes by peaceful means in accordance with the principles of justice and international law. That is one of the principal objectives of the United Nations and an essential tool for maintaining international peace and security. My country emphasizes that Member States must fully implement the legal framework for the peaceful settlement of disputes in accordance with Article 33 of the Charter of the United Nations. We also reiterate that the responsibility for the peaceful settlement of disputes lies with the parties to the conflict, who must accept the jurisdiction of the Court.

This annual debate is of special importance, as it provides us with the opportunity to learn about the ongoing work of the Court and to strengthen Member States' support for the Court, in accordance with Article 1, paragraph 1, of the Charter, which states that the purposes of the United Nations include:

“to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”.

We emphasize the importance of the advisory jurisdiction of the Court and of its advisory opinions

issued on key issues of international law, as stipulated in Article 96 of the Charter. That is clearly reflected in the requests sent to the Court by the General Assembly, in which it requested advisory opinions on the obligations of States in respect of climate change, in accordance with resolution 77/276, and the legal consequences arising from Israel's continued violation of the right of the Palestinian people to self-determination and its continued long-term occupation, settlement and annexation of the Palestinian territory since 1967, in accordance with resolution 77/247. That includes measures aimed at changing the demographic composition, character and status of the holy city of Jerusalem, and the legal impact of Israel's policies and practices in that regard on all States and the United Nations while taking into consideration the rules and principles of international law, including the Charter, international humanitarian law, international human rights law and the relevant resolutions of the Security Council, General Assembly and Human Rights Council along with the Court's advisory opinion dated 9 July 2004 on the legal consequences of building the separation wall in the occupied Palestinian territory. That advisory opinion made it clear that the wall is in violation of international law and demanded that Israel remove it from the entirety of the Palestinian territories, including East Jerusalem and its surrounding areas, with compensation for those persons affected by the separation wall. The Court also called upon all Member States to not recognize the illegal situation stemming from the construction of the wall and called on the General Assembly and the Security Council to consider any possible measures to end the illegal situation stemming from the wall, affirming that non-compliance with international law and the rulings issued by the United Nations and its organs would have serious repercussions on the maintenance of international peace and security.

The United Arab Emirates appreciates the efforts of the International Court of Justice to raise awareness about international law and expand its scope through its publications and reports.

In conclusion, the United Arab Emirates once again expresses its gratitude to the Court, its President and all its judges and staff for their valuable contributions to the settlement of international disputes by peaceful means with a view to maintaining international peace and security. We also wish every success to all the candidates for the positions of judges at the Court.

**Mr. Hermida Castillo** (Nicaragua) (*spoke in Spanish*): Nicaragua would like to thank the President of the International Court of Justice for her detailed report contained in document A/78/4, which reflects the importance of the work carried out by the Organization's principal judicial organ.

It is well known that the Court has maintained the high workload of the past period, having issued four judgments and 20 orders and having held six public hearings. Of the four judgments, three related to disputes between countries of Latin America and the Caribbean, reflecting the importance that our region attaches to the Organization's principal judicial organ.

Regarding the case of the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, the Court delivered its judgment on 13 July on two questions that were posed in such a way that it was not considered necessary to discuss the merits of the case. In that judgment, the Court determined that a State is entitled to the entirety of its 200 miles of continental shelf — as had been recognized for Nicaragua — but that a continental shelf beyond 200 miles could not cut into the 200 miles of another State, reaching that conclusion according to the practice of some States that, it felt, established a new rule of customary law. For Nicaragua, it is clear that the practical importance of that decision extends far beyond the bilateral dispute and will be the subject of much reflection for the legal community.

Nicaragua also recalls that, in April 2022, the Court had already issued a judgment in the case initiated against the Republic of Colombia for violations of Nicaragua's sovereign rights and maritime areas in the Caribbean Sea, ordering Colombia to cease its conduct and reform its legislation. Likewise, the High Court confirmed that Nicaragua has not violated any of the historical fishing rights of the Raizal people of the Archipelago of San Andrés and Providencia. The Court also positively recognized the Government of Nicaragua's expression of interest in bilaterally addressing the situation of the Raizal people of the Archipelago through an agreement.

Nicaragua once again takes this opportunity to reiterate the firm commitment of the Government of National Reconciliation and Unity to the rule of law at the international level and the peaceful settlement

of disputes between States. That commitment has been evident since 1984, when Nicaragua turned to the Court in its most difficult moments — a process that concluded in a historic judgment ordering the United States to compensate the Nicaraguan people for all of the atrocities committed against them, which have profound social and economic consequences today. Nicaragua still calls for that debt to be paid. Nicaragua recalls that in all the cases to which it has been a party, it has always faithfully adhered to its international obligations, and it hopes to see reciprocity from its counterparts.

Continuing with the observations of the work carried out by the Court this year, we still note an increasing trend in requests for provisional measures, going from three in the past period to five of the orders issued this year, and two of the six public hearings. The creation of a special committee of three judges to oversee the application of the provisional measures ordered by the Court in 2021 shows how important the issue is, seeing as those measures are also compulsory for States parties. That is why we see the Court's annual reports as an opportunity to inform the States parties about the committee's work. The report also suggests that States parties are making greater use of the power to seek advisory opinions from the Court, which allows for greater coherence in the individual actions of States and United Nations bodies. In particular, Nicaragua notes that the two requests made during this period refer to issues of vital importance to humankind and the Organization, such as the questions of Palestine and climate change. Nicaragua hopes that that will make it possible to begin a new chapter by assuming responsibilities and respecting commitments that will lead to peace and sustainable development for the nations of the world.

The range of issues that States bring before the Court continues to be diverse, but it also reflects the practical needs of those States and prevailing political realities. In that regard, Nicaragua would like to point out that a significant share of the cases are related to territorial and maritime delimitations, the jurisprudence of which has been developed by the Court with a high degree of effectiveness. However, Nicaragua is also concerned to note some States' attempts to resort to judicial mechanisms to cast a shadow over the real legal work of that principal organ of the United Nations.

For Nicaragua, as a small developing State, it is essential for there to be absolute confidence in

the political considerations that take place in the International Court of Justice. This type of situation carries messages that could undermine the confidence of States to resolve their conflicts peacefully before this body. In that regard, the Court's practical contribution to peacekeeping has been invaluable and has been growing for at least three decades. Those are efforts in which we cannot afford to go backwards, especially considering that the military budgets of great Powers are increasing while those allocated for promoting peace and the peaceful resolution of disputes tend to decrease as a result of narrow interests.

On a separate note, Nicaragua also welcomes the decision taken in 2021 to create the trust fund for the Judicial Fellowship Programme of the International Court of Justice last year and is pleased to see that this year the first three fellows from universities in developing countries successfully completed the Programme. Furthermore, Nicaragua is pleased to note the increase in applications — from 106 applications received from universities around the world in 2022 to 148 applications from 94 universities around the world. During the previous cycle, Nicaragua called for more information on the geographical representation of the applications, as that and other details would make it possible to assess the effectiveness of the Programme's outreach, and while it is true that progress has been made in that regard, it believes that important information is still lacking.

For example, we note that of the 15 candidates selected by the Court to participate in the 2023–2024 Programme, only three are nationals of developing countries — namely, India, the Islamic Republic of Iran and Tunisia. In that respect, it is possible that the Programme's outreach will need to be reinforced in smaller developing countries and even preparatory training in their universities of origin that will allow students with fewer means to meet certain requirements to be able to apply to the Programme and thus ensure a balance in geographical representation.

Turning to more practical matters, we regret the delays in the decontamination and renovation of the Peace Palace. In that regard, we stress the importance of coordination with the host country and the need to find premises that will not affect the Court's important work for the years the renovations are scheduled to last.

In conclusion, we call for increased voluntary contributions to the trust fund to assist States in settling disputes through the International Court of Justice and

for recognition of the jurisdiction of the organ, which today has only 74 declarations.

**Mr. Roshdy** (Egypt) (*spoke in Arabic*): At the outset, Egypt aligns itself with the statements delivered by the representatives of Azerbaijan on behalf of the Movement of Non-Aligned Countries, Jordan on behalf of the Group of Arab States and Mauritania on behalf of the Organization of Islamic Cooperation (see A/78/PV.27).

Egypt expresses its thanks and appreciation to the International Court of Justice, the principal judicial organ of the United Nations, for its efforts to uphold justice and the principles of international law. The report of the Court (A/78/4) reflects the international community's trust in the Court, in particular with regard to the peaceful settlement of disputes and the Court's advisory opinions.

As an independent legal organ, the International Court of Justice has worked to apply the principles of international law and interpret its provisions in various areas, including its advisory competence. The Court has issued multiple advisory opinions on matters of interest to the entire international community. Through its advisory opinions, the Court has reaffirmed a number of legal principles, including the right of peoples to self-determination and the unlawful nature of colonialism, as reiterated by the Court in the advisory opinion on the Chagos Archipelago, as well as the principles of international humanitarian law in its advisory opinion on the legality of the threat or use of nuclear weapons.

Furthermore, the advisory opinions of the Court have supported the United Nations organs in shouldering their responsibilities. We therefore eagerly await the advisory opinion on the Israeli practices and policies in the occupied Palestinian territories, including East Jerusalem. We reiterate the importance of that advisory opinion from an international legal and humanitarian perspective, given the events that have taken place in the Middle East and the continued bombing and aggression against civilians in the Gaza Strip, along with the ongoing Israeli rhetoric of incitement and hatred against the unarmed Palestinian people in contradiction of all international laws, treaties and norms.

As we believe that the international legal dimension of the Palestinian question is important, we stress the ongoing responsibility of the United Nations with regard to that question until it is resolved in accordance with the principles of international legitimacy. Egypt

has submitted written pleadings in both the first and the second rounds of the proceedings to participate in that advisory opinion. We have emphasized that Israeli practices in the occupied Palestinian territories violate the principle of self-determination. Measures and policies aimed at changing the demographic status are contrary to the principles of international law, as well as policies of forced displacement, which are contrary to the Fourth Geneva Convention.

In that context, it is worth noting that the Court had issued in 2004 an advisory opinion on the dividing wall constructed by Israel. The Court reiterated the need for Israel to respect international humanitarian law in the occupied Palestinian territories, especially the Fourth Geneva Convention and international human rights law. Egypt stresses that the Court's advisory opinions interpret and clarify the obligations of Member States under international law. Those opinions, therefore, must be respected to ensure the primacy of international law and achieve international peace and security.

Similarly, Egypt eagerly awaits the advisory opinion on climate change. It is a pivotal issue, which will have an impact on the future of all peoples in the world and on upcoming generations.

With regard to the legal jurisdiction of the Court to resolve conflicts among States, Egypt has followed with interest the noticeable increase in the number of cases with which the Court has been seized over the past few years. We believe that it is an important development that proves that States are increasingly seeking recourse to the Court to settle their crises and disputes through legal means. Egypt reiterates its full trust in the Court with regard to the accurate implementation of principles and rules, in line with its jurisdiction to avoid politicization of the Court and preserve its credibility. Egypt reiterates that all States must comply with the Court's judgments.

In conclusion, given its belief in the role of the Court, Egypt is honoured to submit the candidacy of Ambassador Mr. Ahmed Amin Fathalla, a member of the International Law Commission, to serve as a Judge on the International Court of Justice. The elections will take place on 9 November, for a nine-year term starting in 2024. He represents the Egyptian national group, the League of Arab States and the African Union. Egypt hopes that its candidate will receive the necessary support to take up that high position, as it reiterates the universal nature of the Court, equitable geographical

representation and the diversity of the legal systems represented within the Court. Egypt is confident that its representative has considerable legal experience that will enrich the Court's work.

**Mrs. Rodrigues-Birkett** (Guyana): At the outset, I wish to express Guyana's appreciation to the President of the International Court of Justice, Judge Joan Donaghue, for her detailed report on the activities of the Court (A/78/4).

The International Court of Justice continues to contribute to the peaceful settlement of disputes around the world, preventing many disputes from escalating into armed conflicts. The Court's critical role in the maintenance of international peace and security and the promotion and implementation of the rule of law cannot be overemphasized.

We note the high caseload of the Court on a wide range of issues and the pending advisory opinions, which, when issued, will provide guidance on key legal questions. Guyana welcomes the efforts of the Court to address all cases in a timely manner and notes that the period between the conclusion of the oral proceedings and the delivery of a judgment or an advisory opinion by the Court does not exceed six months.

In our view, the increase in the Court's work is indicative of the trust that Member States have in its ability to resolve disputes impartially and in accordance with international law. Indeed, the higher number of States that are seeking resolution via the Court is an encouraging signal at a time when respect for international law and international humanitarian law are under severe threat in our world. Now more than ever, the Court's function as a peaceful means of settling disputes must be promoted and emphasized.

Indeed, Guyana, as a State that is absolutely committed to peace, is pleased that the Secretary-General has referred our border matter to the Court for a decision, as provided for under the 1966 Geneva Agreement. We also respect the requirement of Article 94 of the Charter of the United Nations that each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party and urge all States to do so. We note President Donoghue's detailed report on the proceedings thus far.

In conclusion, I would like to reaffirm Guyana's full support for the International Court of Justice and



recognize its critical role in ensuring the implementation of international law. Guyana is of the firm view that there is no dispute among States that cannot be resolved through peaceful means and the application of international law.

**Mr. Lagdameo** (Philippines): The Philippines thanks Judge Joan Donoghue, President of the International Court of Justice, for her presentation (see A/78/PV.20) of the Court's annual report (A/78/4).

We associate ourselves with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/78/PV.27).

The Court is an integral part of the United Nations architecture for the maintenance of international peace and security. It is critical to the fulfilment of our peremptory duty under Article 1, paragraph 1, of the Charter of the United Nations,

“to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

The 1982 Manila Declaration on the Peaceful Settlement of International Disputes asserts the same commitment. The Declaration, as a normative text, developed the first comprehensive plan and consolidation of the legal framework of the peaceful settlement of international disputes. Significantly, it holds a special regard for the Court, reiterating its role as the principal judicial organ of the United Nations and encouraging resort to the Court in the peaceful settlement of disputes.

During the period covered by the report, the court experienced a high level of activity and productivity. As noted by the President of the Court, the combined impact of those factors on the workload of the Court and its small Registry is dramatic. The increasing workload of the Court, the broadening of subject matter of the cases brought before it and the geographical diversity of States bringing cases before the Court illustrate the vitality and the universal character of the jurisdiction of the United Nations principal judicial organ. That is a show of trust and confidence by States in the Court's critical role in the peaceful settlement of disputes and the promotion of the rule of law.

The speedy resolution of disputes before the Court is no doubt a factor in increased resort to the Court, as is the determination of the Court not to be swayed by

political pressure or to politicize cases. The international community's trust and confidence in the Court must be accompanied by the provision of the commensurate budget and funds necessary for the proper functioning of the Court. The President herself posed the query whether the resources available to the Court have increased in parallel with the demands that States have placed on it. We note the responsible stewardship by the Court of its funds, and the Philippines supports the provision of adequate financial resources essential to the Court's discharge of its judicial functions, noting that its work has expanded without a proportionate increase in its budget. The Philippines has recognized the compulsory jurisdiction of the Court since 1972. We renew our call on other States to do the same. We recognize that recourse to the Court is a uniquely cost-effective solution, given the fact that, despite the complexity of the cases involved, the period between the closure of the oral proceedings and the reading of a judgement or an advisory opinion by the Court does not exceed six months.

The relationship between the Court and the Security Council is fundamental in the maintenance of peace and security. We urge the Security Council to seriously consider Article 96 of the Charter and make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law. The Philippines co-sponsored the General Assembly resolution seeking the Court's advisory opinion on the issue of climate change (resolution 77/276). We are therefore pleased to participate in the legal proceedings on State obligations with respect to climate change. A clear statement from the International Court of Justice could assist States in their efforts towards climate-resilient development that integrates adaptation and mitigation to advance sustainable development for all.

Beyond the exercise of its judicial and advisory powers, we welcome the Court's role in promoting the rule of law through its academic and public outreach programmes, particularly those targeted towards young people worldwide. In line with our commitment to the peaceful settlement of international disputes, we have supported the establishment of the trust fund for the Judicial Fellowship Programme. The Philippines is pleased to contribute to the fund, which aims to provide financial support to eligible applicants from universities around the world to enhance the geographic and linguistic diversity of participants. That is crucial, as the diverse geographical spread of cases indicates how

States are increasingly turning to the Court, reflecting the value and trust placed by the Members of the United Nations in it and its role in attaining the cardinal principle of the Charter, which is the maintenance of international peace and security.

Lastly, the Philippines listened intently to President Donoghue's remarks on the Statute of the International Court of Justice, its durability and potential amendments. We will bear in mind those important insights, rooted in her vast experience, as we all work towards a durable future for the world Court — our Court.

**Mr. Milambo** (Zambia): First, Zambia welcomes the informative presentation by the President of the International Court of Justice (see A/78/PV.20) of the annual report of the Court (A/78/4).

Zambia notes that there has been an increase the number of cases being deliberated by the Court, as well as the diverse cases referred to the Court. Those important and pertinent matters include, *inter alia*, issues on territorial and maritime delimitation, human rights, reparations for international wrongful acts, environmental protection, the jurisdictional immunity of States and the interpretation and application of international treaties and conventions.

Zambia commends the manner in which the Court conducts its business, resolving in good faith a plethora of disputes, providing legal guidance and rendering advisory opinions when sought on legal questions. In a world marked by violations of horrific magnitude of human rights, inequality and disregard for the rule of law, which have culminated in the instability and volatility of nations, discord and injustice — in a world that is deeply divided and characterized by crisis — the peaceful resolution of disputes is more than ever cardinal. In that regard, the Court is a beacon of upholding respect for the rule of law and justice and, ultimately, of cultivating peace.

The age-old adage has it that justice delayed is justice denied. The effectiveness and efficiency of the justice system cannot be overemphasized. The effectiveness and efficiency of any justice system inspires confidence in that system and satisfies the expectations of transparency and fairness in the rule of law. Zambia, in that regard, notes and commends the Court on ensuring that the period between the conclusion of the oral proceedings and the delivery of a judgment or an advisory opinion by the Court does not exceed six months.

The Government of the Republic of Zambia believes that a key to that order is the peaceful settlement of disputes among States by the International Court of Justice, which is the principal judicial organ of the United Nations. In that regard, we have presented our Zambian candidate, Professor Chaloka Beyani, to serve on the Court for the advancement of its work and role in bringing about world peace. He is an instrumental jurist with more than 40 years of experience in international multilateralism, mediating peace, international and constitutional law-making, engaging directly with States, international organizations and interlocutors. We therefore ask for Member States' support for that candidate.

Zambia also welcomed the establishment, in 2021, of the trust fund for the Judicial Fellowship Programme to improve young people's understanding of international law and the Court's procedures. The trust fund will greatly enhance the participation of young persons from developing countries who, before the creation of the trust, experienced financial challenges which hindered their participation in the Fellowship Programme. Participation by developing countries will improve the geographic and linguistic diversity of its participants.

In conclusion, judicial institutions such as the Court are an integral component for the creation and sustenance of a just and more peaceful world, envisaged by the founders of United Nations. Zambia encourages all delegations to uphold the Court's judgments and guarantee support for the ideals for which the Court stands.

**Mr. Mukongo** (Democratic Republic of the Congo) (*spoke in French*): My delegation has taken note of the report submitted to the General Assembly by the President of the International Court of Justice (A/78/4), which covers the period from 1 August 2022 to 31 July 2023. We note that, during the period under consideration, the number of cases entered in the Court's General List stood at 20, with 18 contentious cases and two advisory proceedings, and four judgments were handed down. My delegation also notes with satisfaction that, during the period under review, the Court received five new contentious cases and two requests for advisory opinions.

The Court is to be commended for the diligence with which it has conducted its deliberations in the cases brought before it in recent years and for managing

an ever-increasing volume of litigation. The Court's intense activity eloquently demonstrates the confidence Member States place in it as the principal judicial organ of the United Nations, making an effective contribution to the maintenance of international peace and security through the sound administration of justice and in particular by settling, in accordance with international law, the legal disputes referred to it by States.

It is also proof of the universal acceptance of the Court's work by Member States, because the report notes that four States from the Group of Asia-Pacific States, five from the Group of Latin American and Caribbean States, three from the Group of African States, six from the Group of Eastern European States and eight from the Group of Western European and other States are States parties to contentious cases pending before the Court.

The Democratic Republic of the Congo is very attached to the values and principles of the Court and is one of the Member States that have understood the complementary role of peace and justice. In other words, my country has experienced the irreplaceable role of justice as a factor in social harmony, national reconciliation, peace, security and stability. It appreciates the remarkable role that the Court is currently playing in promoting the rule of law and encourages it to continue its efforts in that direction.

This is an opportunity to underscore my country's active participation in the development of international law and in what has come to be known the return to international law. That is a massive contribution which confirms its commitment to the rule of law and its respect for international law.

Indeed, far from praising an imaginary feat, the Democratic Republic of the Congo has been one of the main litigants before the International Court of Justice for an entire decade, both as a requesting State and as a respondent State, and has enriched the Court's agenda with five cases, all of which have already been decided.

My delegation commends the efforts of the Court which, in an effort to implement its new policy for the sound administration of justice, is adopting a demanding schedule for hearings and deliberations, enabling it to consider several cases simultaneously and to deal with any associated incidental proceedings as promptly as possible. In my delegation's view, that is a good strategy for reducing the length of proceedings

before the Court and is a strategy designed to expedite its decisions.

My delegation supports the creation of the Court's trust fund for its Judicial Fellowship Programme, following the adoption by consensus, on 14 December 2020, of resolution 75/129, which grants fellowship awards to selected candidates who are nationals of developing countries from universities based in developing countries, thereby guaranteeing the geographic and linguistic diversity of the participants in the Programme. Once again, my country commends that initiative, which increases diversity and provides training opportunities for young lawyers from developing countries.

My delegation supports the activities of the Court and encourages States to submit their disputes to it, in order to promote the idea of peace through law and facilitate peaceful coexistence. We are outraged to note that scarcely more than a third of the Organization's Member States have made the declaration referred to in paragraph 2 of article 36 of the Statute, thereby recognizing as compulsory and without special agreements in relation to any other State accepting the same obligation the jurisdiction of the Court in all legal disputes. In that respect, my delegation encourages those States that have not yet done so to endorse the declaration of acceptance of the compulsory jurisdiction of the Court under paragraph 2 of article 36 of the Statute of the Court and in accordance with the provisions of the relevant resolutions by which the General Assembly urged those States that have not yet declared their recognition of the Court's compulsory jurisdiction on that basis to consider doing so.

The President's report states that only 74 Member States of the United Nations, including the Democratic Republic of the Congo, have made a declaration accepting the Court's compulsory jurisdiction under article 36, paragraph 2, of the Court's Statute, out of the 193 members of this universal Organization. The fact that many of those declarations made by States are accompanied by reservations and limitations that exclude certain categories of dispute or set out certain conditions that must be met in order for the Court to have jurisdiction over a dispute, is a practice that my delegation cannot encourage.

Finally, to confirm its commitment to international justice and the International Court of Justice, the Democratic Republic of the Congo has nominated one

of its best jurists for the post of Judge at the International Court of Justice, in the person of Ambassador Antoine Kesia-Mbe Mindua, who is a Judge at the International Criminal Court, with vast experience in international law and international justice. Please vote for him so that he can be elected in the elections that will take place the day after tomorrow.

**Mr. Stellakatos Loverdos** (Greece): Greece would like to congratulate the President of the International Court of Justice, Judge Joan Donoghue, for the thorough presentation of the activities of the Court, whose docket of cases is evidence of the confidence that States from all regions of the world are placing in its judgments and advisory opinions.

The Charter of the United Nations, in Article 92, reserves for the International Court of Justice the role of principal organ of the United Nations to adjudicate legal disputes between States, on the basis of their consent, and to provide advisory opinions on legal questions referred to it by the General Assembly, the Security Council or other specialized agencies and bodies of the United Nations. It is because of the universal character of its jurisdiction that the Court is rightfully often referred to as the World Court.

As a staunch supporter of international law and of the pacific settlement of disputes, Greece has a long and significant relationship with the International Court of Justice and its predecessor, the Permanent Court of International Justice. Over the past century, Greece has been involved in a number of cases before the Court — as an applicant, respondent and an intervenant. Greece has contributed to ensuring acceptance of the jurisdiction of the Court through its support for the inclusion of compromissory clauses in international treaties and agreements.

Furthermore, Greece is among the States that have accepted the optional clause of article 36, paragraph 2, of its Statute. It is also noteworthy that, in its declaration of acceptance of the compulsory jurisdiction on the Court, Greece also affirmed its readiness to submit before the Court any dispute that is hereby exempted through the negotiation of a special agreement, a compromis.

Greece wishes to underline the important role of the contentious or advisory proceedings of the Court in the framework of which different legal arguments on a given case may be submitted, adjudicated or, in its advisory proceedings, considered, in the promotion of international law and the rules-based international

order. Besides, the Court's commitment to justice, fairness and the peaceful settlement of disputes is essential for fostering a world where peace and security prevail, in full respect of the sovereignty and legal rights of States.

In conclusion, let me underline that Greece is committed to continuing to promote the principles of justice, international law and the peaceful settlement of disputes, as well as the role of the International Court of Justice in the maintenance of international peace and security through law.

**Ms. Zabolotskaya** (Russian Federation) (*spoke in Russian*): We thank the President of the International Court of Justice, Joan Donoghue, for her thorough report (A/78/4).

The International Court of Justice, the principal judicial organ of the United Nations, is supposed to be a bulwark of international law, justice and impartiality. Its distance from the Organization's political organs has deep and not just symbolic importance. The idea of creating a permanent judicial organ for the peaceful settlement of disputes between States belongs to an eminent Russian international lawyer and founder of international humanitarian law, Fyodor Fyodorovich Martens. That proposal was made a reality at the turn of the twentieth century, when the Permanent Court of Arbitration was established at the first Peace Conference, at which Professor Martens represented Russia. Moreover, Fyodor Fyodorovich Martens proposed the construction of a special building for that permanent judicial organ. Thus, Russia also made a contribution to giving the International Court of Justice its home.

Since then, the Soviet and Russian school has continued to contribute to the development of international law and the peaceful settlement of disputes. Without that contribution, it would be hard to imagine how one would have given concrete and practical sense to the principle of the equality and self-determination of peoples, for example. Here I must also mention another great compatriot, Grigory Ivanovich Tunkin, who, amid the confrontation of the Cold War, developed and promoted the principle of the peaceful coexistence of States, based on the principle of cooperation.

The International Court of Justice was extremely active during the reporting period. The Court was seized of five new cases and two requests for advisory opinions. It handed down four judgments and 20 rulings



and held public hearings in six cases, with Russia participating in two of them. Russia is among the States that broadly recognizes the Court's compulsory jurisdiction within bilateral and multilateral treaties.

The Court's attention is drawn to a diverse range of issues, including territorial demarcation, maritime delimitation, human rights, reparation for internationally wrongful acts, environmental protection, the legal immunity of States and the interpretation and application of international treaties. The Court's advisory opinions, in many cases, serve as a guide for political and legal decision-making at the international and domestic levels. Many of the conclusions in the Court's advisory opinions not only remain relevant, but they also directly apply to the contemporary international agenda.

The request for an advisory opinion on the obligations of States in respect of climate change, which is currently under consideration, is important. We trust that it will help the Court clarify the content of existing specialized norms of international law that regulate relations in that area.

Given the importance our country traditionally attaches to the Court's activities, we cannot fail to mention the attempts some countries are making to politicize it. We are concerned by the growing number of abuses of the provisions of international treaties stipulating the settlement of disputes by the International Court of Justice. Unscrupulous actors are using that to try to establish the Court's jurisdiction over matters that have nothing to do with the subject regulated by those international instruments.

The latest such case is Ukraine bringing a case against Russia, with reference to the Convention on the Prevention and Punishment of the Crime of Genocide, to consider matters that have nothing to do with the Convention and which relate to the use of force. Kyiv is, in fact, trying to prove that the Convention creates a right to the use of force, in addition to what is contained in the Charter of the United Nations. Russia, like the majority of Member States, does not support that approach. We are also concerned that 32 States have decided to intervene in this case as third parties, in order to provide political support for the claimant. That is a brazen attempt to put pressure on the Court by demonstrating the political discipline of the Western bloc. That behaviour represents an abuse of Article 62 of the Court's Statute, which has been noted, *inter alia*,

in the political declaration of the Group of Friends in Defence of the Charter of the United Nations.

Under those circumstances, it is impossible to overstate the importance of the Court's independence and its distance from political disputes. If the risk of the unscrupulous and inappropriate use of multilateral treaties is not quickly stamped out, that could lead to a drop in the number of States that agree to proceedings for their disputes and to the fragmentation of international law and in general introduce chaos into international relations.

It is now more important than ever that the Court continue to act as a guarantor of stability in times of geopolitical turbulence. That can be supported by staffing it according to the principle of the representation of the main forms of civilization and the principal legal systems of the world. That principle must be observed in future to ensure the Court's independence and its unchanging authority.

**The Acting President** (*spoke in Spanish*): I now give the floor to the observer of the Observer State of Palestine.

**Mr. Mansour** (Palestine): We thank President Donoghue for her report (see A/78/PV.20) and the Court for its important work.

The State of Palestine associates itself with the statement delivered on behalf of the Group of Arab States, the Organization of Islamic Cooperation and the Movement of Non-Aligned Countries (see A/78/PV.27).

The creation of the International Court of Justice constitutes a milestone in the history of humankind and one of the most important contributions to our moral, legal and political obligation to achieve peace among nations. The establishment of a world Court gave meaning to the promise of the United Nations to uphold right over might and is an embodiment of our understanding that the rule of law is our first line of defence against the recurrence of the horrors of the past.

Unfortunately, being fully true to that pledge would require universal acceptance of the compulsory jurisdiction of the Court, and we call on all States to accept such jurisdiction. As we press forward, away from the abyss, we have always deferred to the Court to meet the tests of our times — to state and uphold the law as an indispensable requirement to achieve just and lasting peace.

The Court has a critical role to play in fulfilling the overarching objective of the United Nations, as spelled out in the Preamble to its Charter, “to save succeeding generations from the scourge of war”.

The General Assembly, guided by the purposes and principles of the Charter of the United Nations, decided at this critical juncture to seek the Court’s guidance on the legal dimensions pertaining to the question of Palestine. The Palestinian people have since 1948 been dispossessed, displaced, deprived of their rights, occupied, colonized, dehumanized and persecuted; entire generations of Palestinians have never known a day of freedom in their lifetime.

Even as we speak in this Hall, the Palestinian people in Gaza are being bombed and besieged in an inhumane and criminal assault by Israel against our people, killing families several generations at a time. Nowhere in the world have so many families, children, journalists and United Nations aid workers been killed in such a short span of time. Israel is carrying out those killings with full impunity. Thousands of Palestinians are under the rubble, including more than 1,000 children. That has to stop, and it has to stop now. Anyone who refuses to call for an end to those crimes is enabling their commission.

Our entire international-law-based order is failing the Palestinian people, notably in Gaza. It is failing the requirements of humanity, morality and legality. Our international-law-based order will lie there under the rubble until we are able to stop that assault. Nothing justifies war crimes, crimes against humanity or genocide — nothing. That is the most important lesson of history.

An entire nation is fighting for its survival, including 2.3 million Palestinians, who face death every day and every night. They are entitled to the same rights as all other peoples and to the same respect of the sanctity of their lives.

Seventy-five years later, the Nakba is still under way, with the sole aim of ridding the land of its people. The Court was created so that such atrocities would not be possible. We know that many here stand by the Palestinian people and by the rule of international law and just and lasting peace. We must collectively reject double standards and the erosion of universality by fighting for the equal application of the principles already agreed upon, sanctioned by the Charter of the United Nations and upheld by the Court.

This is a decisive moment. We must be guided by the rule of international law, not surrender to its breach. The General Assembly is honouring that goal by entrusting the Court with rendering an advisory opinion on the legal consequences arising from Israel’s breach of the peremptory norms of international law, including its violation of the right of the Palestinian people to self-determination.

In an unprecedented occurrence in the history of the Court, more than 58 States and international organizations, from all continents and regions, made submissions confirming the critical role of the world Court, the centrality of the question of Palestine and the permanent responsibility of the United Nations until this question is resolved in all its aspects.

The international community must fulfil its responsibility and end Israel’s illegal occupation of Palestinian land and the apartheid that it imposes against the Palestinian people. This is the time to uphold the primacy of international law as indispensable to the maintenance of international peace and security and for peaceful and friendly relations among countries. This is the time to uphold the rights of all peoples equally, without exception, including the right to self-determination.

The General Assembly has also adopted a principled stance on Gaza, demanding an immediate, durable and sustained humanitarian truce leading to a cessation of hostilities; calling for the protection of civilians and respect for international law, including international humanitarian law and international human rights law; calling for immediate and unhindered humanitarian aid and access throughout the Gaza Strip, as well as for the release of all civilians; and rejecting the forced transfer of the Palestinian people.

We salute all those who supported resolution ES-10/21 and all those actively engaged in achieving its goals.

Every minute counts. Thousands of lives hang in the balance. Every five minutes a Palestinian is killed. Every 10 minutes a Palestinian child is killed. That is an unbearable stain on the world’s conscience.

This body’s calls must be heeded and must be heeded now — now. Enough is enough. Our people, our civilians, our families, our children’s lives matter. The world has failed all those who were killed, orphaned, wounded, traumatized. It can still and must save those who are still alive.

**The Acting President** (*spoke in Spanish*): We have heard the last speaker in the debate on this item for this meeting.

Before giving the floor to speakers in exercise of the right of reply, may I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention and should be made by delegations from their seats.

**Mr. Musayev** (Azerbaijan): My delegation has requested the floor to exercise its right of reply to the statement made at this meeting by the representative of Armenia.

Tomorrow Azerbaijan will celebrate Victory Day, marking the end of the 30-year Armenian aggression and occupation. It is paradoxical that Armenia — the country that unleashed the aggression, held the sovereign territories of my country under occupation for almost 30 years, carried out ethnic cleansing on a massive scale, committed numerous unspeakable massacres during the war and took no steps to investigate or prosecute the perpetrators — is now ranting about the vital importance of the norms and principles of international law. However, the content and tone of Armenia's statement indicate that the value and strength of international law are lessons that it is yet to diligently learn.

Despite the post-conflict peace prospects and the efforts made in that regard after the end of the war, in the fall of 2020, Armenia opted for its usual practice of feigning participation in the talks while refusing to completely withdraw its armed forces from the territory of Azerbaijan, maintaining territorial claims, launching an anti-Azerbaijan smear campaign and attempting to sustain and further incite violent ethnic separatism in my country.

On 19 and 20 of September, following additional deadly terrorist acts that caused numerous casualties among our civilians and military, Azerbaijan undertook local counter-terrorism measures against the Armenian armed forces illegally deployed and present on the territory of Azerbaijan. Those measures, which lasted less than 24 hours, were aimed exclusively at military targets and ultimately put an end to the long-term consequences of the unlawful use of force against Azerbaijan and the occupation of its territories. As such, they were in full conformity with the rights and responsibilities vested in States in accordance with the

Charter of the United Nations and international law to protect their nationals and react to an unlawful and building military presence of foreign troops and illegal armed formations.

It is ironic to hear accusations of hatred and discrimination on ethnic grounds from mono-ethnic Armenia, where the dehumanization and identity denial of Azerbaijanis have expanded into a widely accepted view that our peoples are ethnically incompatible. Armenia's allegations about civilian casualties, ethnic cleansing and the destruction of Armenian cultural and religious sites are entirely false and have been effectively refuted by the officials of the United Nations who visited the region and interviewed local residents.

As anticipated, the representative of Armenia has deliberately distorted the ongoing legal process between our States in the International Court of Justice. Thus, in his statement, we did not hear that Azerbaijan also instituted proceedings against Armenia in the Court under the International Convention on the Elimination of All Forms of Racial Discrimination or that the Court, in its order of 7 December 2021, delivered provisional measures in respect of Armenia as well.

The representative of Armenia further passed over in silence the fact that in its order of 7 December 2021, the Court rejected most of Armenia's requests for specific measures, instead choosing to indicate very general measures of its own. Furthermore, in its order of 12 October 2022, the Court rejected Armenia's request for the modification of the provisional measures of 7 December 2021. It is regrettable that the representative of Armenia preferred not to mention that fact at all.

The representative of Armenia also omitted any mention of the fact that in its order issued on 22 February 2023, the Court rejected two of the three measures requested by Armenia in their entirety. As regards the third measure, the Court declined to issue a measure in the form requested by Armenia. In fact, the considered terms of the Court's order supported Azerbaijan's position that it was not responsible for the protests of a group of civil-society organizations on the Khankendi-Lachin road and that it was not obliged to prevent them from exercising their legitimate right to protest. The Court's order is also consistent with Azerbaijan's position that the movement along Lachin road was not envisaged to be the uninterrupted through-movement of all persons, cargo and vehicles, in the sense that Armenia contended in its requested measure, namely,

without any control. Specifically, by declining to issue Armenia's requested measure, the Court, in its order, is consistent with Azerbaijan's position that the road could not be used for illegal military and economic purposes or the illegal movement of nationals of third countries into the territory of Azerbaijan.

Armenia subsequently requested that the Court modify its 22 February 2023 order to direct Azerbaijan to remove the border checkpoint that it established at the entrance to the Lachin-Khankendi road. The Court's decision of 6 July 2023 to reject Armenia's request was a unanimous one by all the judges of the Court. While Armenia, predictably, is touting its loss as the Court just reaffirming its February 2023 order, the decision actually vindicates Azerbaijan's sovereign right to secure and protect its borders.

Against that background, I would recommend that the delegation of Armenia not waste time lecturing others about the principles, values and norms that its Government has consistently disregarded and opposed and to concentrate instead on respecting its own international obligations, implementing the orders of the Court and engaging faithfully in normalizing inter-State relations and building peace in the region.

**Mr. Fallah Assadi** (Islamic Republic of Iran): I have asked for the floor to exercise my delegation's right of reply to the baseless, unfounded allegation made against my country by the representative of Ukraine on 26 October under this agenda item (see A/78/PV.20).

I categorically reject the groundless and unsubstantiated allegation regarding Ukraine International Airlines Flight PS-752. Ukraine has failed to provide even one piece of evidence to corroborate that baseless allegation. Following the accident, the relevant authorities of the Islamic Republic of Iran publicly announced the main cause of the accident, which was an unintentional chain of errors. Since then, Iran has made every effort and taken all feasible measures to fulfil its national and international obligations in good faith and has endeavoured to act swiftly, accurately, transparently and constructively in that regard.

In that respect, we would like to draw the Assembly's attention to the latest statement of the Ministry of Foreign Affairs of the Islamic Republic of Iran, dated 10 October 2023, regarding Ukrainian International Airlines Flight PS-752.

**Mr. Cappon** (Israel): Today we mark one month since the horrific event and the massacre that took place in the southern part of Israel on 7 October, which claimed the lives of 1,400 Israelis, who were brutally and intentionally murdered by the genocidal jihadist terror organization Hamas.

According to Jewish tradition, after 30 days of mourning the family needs to come out of mourning, visit the grave and go on with their lives. But what does one do when there are hundreds of desecrated bodies that cannot even be identified to be buried? What does one do when there are 240 people whose fate is not known because they were kidnapped from their homes and have not been seen since the morning of 7 October? Therefore, we cannot go on with our lives, and neither should the world.

I regret that once again the Palestinian delegation has chosen to exploit this platform. We will not cede this stage to such distortions. Instead, we will continue to fight deception. We will uphold the truth regarding this conflict.

Let me be clear; it is not too complex. Israel is at war with a terrorist organization in the Gaza Strip, not with the Palestinian civilian population. Hamas started this war, and Israel is conducting its military response to remove the threat posed by the jihadist genocidal organization. It is in the hands of Hamas to stop this war right now. Hamas must release all 240 Israeli hostages, women, men and babies, the youngest of whom, Kfir Bibas, is 9 months old, who have been held incommunicado, in blatant violation of international law.

Hamas is the ruler of the Gaza Strip, controlling all aspects of life. The Hamas leadership bears full responsibility for the current deterioration and for the actions Israel must take in response. Hamas is behind the attack, and it will be held accountable for the results of these events.

Another matter that is not too complex is that to stop this war, Hamas must lay down its arms and surrender. If it does so, the war ends tomorrow. And, as the Palestinian representative has just said, every minute also counts for our civilian hostages.

We feel that we should counter all the lies that have been told and the propaganda that has been disseminated in this Hall over the past month with some verified first-hand evidence. We have many hours of footage of those



inhuman Hamas beings, filmed from their bodycams and GoPros, intentionally killing, beheading, raping and desecrating the bodies of innocent Israeli civilians in the most cruel and abhorrent ways. That is why Israel is at war against Hamas. We cannot and will not allow our people to go through such horrors for the second time in history. Never again is now.

They will continue to spread lies, and we will continue to tell the truth. They will not say that inside the ambulances that were struck by the Israeli Defence Forces were Hamas terrorists who had tried to escape from the hospital, which serves as a headquarters for them. They will not say that every day now 100 trucks with humanitarian aid are crossing into Gaza, and that since the beginning of the war thousands of tons of humanitarian aid have entered Gaza. They will not say that. They will not say that Hamas prevented the evacuation of injured Palestinian civilians to the Rafah crossing because it tried to hide among injured Palestinians those monsters, the Nukhba combatants who took part in the massacre in Israel.

They will not say that Hamas targeted the eviction corridors from the north to the south of Gaza while trying to prevent the civilian population from evacuating from the hostile zone in the northern part of Gaza. Hamas tried to maximize casualties among civilian, preventing them from leaving their homes. Hamas wants them to stay close by. It needs them just to hide behind them and to use as human shields. There are no limits to the cruelty of Hamas, even as concerns its own Palestinian population. That is the truth.

If I could, I would tell the Assembly every story of every Israeli victim, every family that has been crushed by loss. But I cannot. But before I conclude, I would like to at least share with you the tragic fate of Tomer Eliaz, a teenager, 17 years old, from kibbutz Nahal Oz and his family. After Hamas terrorists violently broke into Tomer's home, taking all his family members hostage, they took his mother's cell phone to livestream on her own Facebook account their heinous act, horrifying her friends and family. Can you imagine that scenario? Receiving a notification on one's cell phone that one's friend has just started a livestream on Facebook, and clicking to join the livestream, one sees Tomer with his family in complete horror, surrounded by armed terrorists who are threatening their lives.

The terrorists forced Tomer at gunpoint to go outside, knock on the neighbours' door and ask them for help. Tragically, whoever responded was shot by the terrorists. After the terrorists had maliciously used Tomer, they murdered him in cold blood. Tomer and his mother, Dikla, were tragically murdered and were laid to rest together, while their father and Tomer's two younger sisters were kidnapped and taken to Gaza.

I also want to tell the Assembly about little Abigail Mor Edan, a sweet 3-year-old infant. She is now alone in the hands of Hamas — a 3-year-old hostage, alone. Abigail's father and mother were shot in front of her. She managed to escape from her dead father's hands after he was shot, and then the terrorists took her hostage alone to Gaza. She is now in Gaza without anyone.

Try to imagine this kind of extreme situation. Try to imagine your young daughter, your granddaughter, your sister, your niece alone in the hands of Hamas in a dark, filthy tunnel at the age of 3.

That is why Israel is at war. For Tomer, for Abigail, for the Israeli children, but also for the Palestinian children whose childhood Hamas has stolen while using them as human shields and destroying their future. Our prayers and thoughts remain with Abigail, Kfir and more than 30 children, as well as 240 Israelis that are currently captive in the cruel hands of Hamas.

We call for their immediate release. We will not give up on them. We condemn Hamas, as every human being should, and we urge all present to do the same. *Am Yisrael Chai.*

**The Acting President** (*spoke in Spanish*): There are no further requests for the floor.

May I take it that the General Assembly wishes to take note of the report of the International Court of Justice?

*It was so decided* (decision 78/507).

**The Acting President** (*spoke in Spanish*): The Assembly has thus concluded this stage of its consideration of agenda item 73. I would like to thank the interpreters for their flexibility and their important support for the work of this meeting.

*The meeting rose at 1.30 p.m.*