



# General Assembly

Seventy-eighth session

**73<sup>rd</sup>** plenary meeting  
Wednesday, 24 April 2024, 3 p.m.  
New York

Official Records

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

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

## Agenda item 75 (continued)

### Oceans and the law of the sea

#### (c) Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction

**Draft resolution (A/78/L.41)**

**Draft amendments (A/78/L.43 and A/78/L.44)**

**Report of the Fifth Committee (A/78/827)**

**The President:** I now give the floor to the representative of Singapore to introduce draft resolution A/78/L.41.

**Mr. Seah** (Singapore): I have the honour to introduce draft resolution A/78/L.41, entitled “Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction”. On behalf of the coordinator, Mr Nathaniel Khng, and my delegation, I would like to thank all Member States for their constructive engagement during the consultations on the draft resolution.

Member States will recall that the Intergovernmental Conference on a legally binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ)

adopted the Agreement on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction by consensus on 19 June 2023, and that the Agreement was opened for signature in New York on 20 September 2023. The Agreement currently has 89 signatories, and four countries have ratified it. The draft resolution that we have submitted, following open and inclusive consultations on its text, is essentially a procedural text aimed at taking the next steps with respect to the Agreement. In the main, it establishes a preparatory commission to prepare for the Agreement’s entry into force and the convening of the first meeting of the Conference of the Parties to the Agreement. I would now like to explain its key elements.

The first paragraph of the draft resolution welcomes the BBNJ Agreement’s opening for signature and the second emphasizes the importance of its early entry into force and effective implementation. The language of the paragraphs was drawn from consensus language in resolutions on the previous implementation agreement of the United Nations Convention on the Law of the Sea prior to the BBNJ Agreement, that is, the United Nations Fish Stocks Agreement. The opening for signature of the BBNJ Agreement, as Member States are aware, was the next major milestone following the Agreement’s celebrated adoption by consensus. The critical importance of the Agreement’s early operationalization and implementation to the rule of law in the ocean, as well as the conservation and sustainable use of its resources, was demonstrated by the 81 signatures that the Agreement received in the week that it opened for signature.

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>).



Paragraph 3 decides to establish a preparatory commission to prepare for the Agreement's entry into force and the convening of the first meeting of the Conference of the Parties to the Agreement. Paragraphs 4 to 9 address essential matters for the commission's functioning, specifically the issue of participation in the commission, including for observers, and the applicable procedural rules. I would like to highlight two aspects of the balance that was achieved in connection with those paragraphs. First, all States will enjoy open, inclusive and transparent participation in the work of the commission. Every delegation will have the opportunity to participate in that work. Secondly, considering that the commission's work is preparing for the entry into force of the Agreement and the first meeting of the Conference of the Parties to the Agreement, the taking of decisions in the commission will be by signatories and parties to the Agreement, either after the end of the period for signing the Agreement or after its entry into force, whichever is earlier.

As decided in paragraph 11, the commission will hold a three-day organizational meeting in the first half of this year to discuss organizational matters, including the election of co-Chairs and a Bureau, the dates of the commission's meetings and the programme of work of the commission. As provided in paragraph 10, there will be two co-Chairs — one from a developed country and one from a developing country, taking into account gender balance — who will be nominated for election by the President of the General Assembly following open and transparent consultations. Paragraph 12 decides that the commission will prepare a final report on all matters within its mandate for presentation to the Conference of the Parties at its first meeting.

In other paragraphs, the draft resolution provides the Secretariat, in particular the Division for Ocean Affairs and the Law of the Sea (DOALOS), with a mandate to service the commission. It extends the voluntary trust fund for the BBNJ Intergovernmental Conference to the preparatory commission and invites financial contributions to the trust fund. It invites States to provide information that would inform the development and provision of capacity-building and technical assistance activities of DOALOS in support of requesting States becoming parties to the Agreement and the effective implementation of the Agreement and decides to include the item on the BBNJ Agreement in the provisional agenda of the General Assembly at its seventy-ninth session.

Singapore calls on all Member States to vote in support of draft resolution A/78/L.41, as it has been submitted and without any amendments. We will vote in favour of the draft resolution as submitted and will also vote against the proposed draft amendments, contained in documents A/78/L.43 and A/78/L.44. The proposed amendments are aimed at diminishing the attention and consideration that should be given to the great collective achievement of Member States that the BBNJ Agreement represents and have the objective of bringing about a premature end to the work of the preparatory commission that the draft resolution establishes. They are contrary to the spirit of the draft resolution and undermine what it seeks to achieve.

**The President:** I now give the floor to the representative of the Russian Federation to introduce draft amendments A/78/L.43 and A/78/L.44.

**Ms. Antonova** (Russian Federation) (*spoke in Russian*): The draft resolution that the Singaporean coordinators submitted to the General Assembly for consideration (A/78/L.41) is knowingly non-consensual, as my delegation repeatedly underscored during informal consultations. For a document of a purely technical nature, which is exactly what its penholders had advocated, the draft resolution contains completely redundant political views on the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, which are not shared by all. More importantly, the document is likely to set a negative precedent for the entire United Nations system. It is tantamount to a General Assembly decision to establish a body in which States parties will have varying degrees of rights. How such a discriminatory approach correlates with the principles of universality and sovereign equality is a rhetorical question. If such a situation had taken place in a treaty body established on the basis of the Agreement itself, there would have been no issue. However, the penholders did not want to take that path, preferring to go directly to the General Assembly.

The attempt in the draft resolution to restrict the rights of United Nations Member States under far-fetched pretexts seems even more absurd against the backdrop of the growing number of initiatives aimed at expanding the participation of non-governmental organizations and many other stakeholders in the work of global organizations. There is a deliberate policy to dilute the intergovernmental nature of the United

Nations. Our delegation does not agree with that approach and does not want to participate in setting such a precedent.

In that regard, in the hope of reaching a consensus text, we prepared two draft amendments (A/78/L.43 and A/78/L.44). The first (A/78/L.43) seeks to ensure the full participation of all United Nations Member States in the work of the preparatory commission to be established by decision of the General Assembly. It eliminates unfair discrimination by conferring upon all Member States equal rights in decision-making, regardless of whether they are party to the Agreement. We urge all States to support our proposed approach, which is consistent with the purposes and principles of the Charter of the United Nations. If that draft amendment is not adopted, we will refuse on principle to consider the discriminatory structure created by the draft resolution as a subsidiary body of the General Assembly. The second draft amendment (A/78/L.44) is aimed at excluding politicized views from the Agreement. That will not in any way harm the technical function of the draft resolution, but it will allow for it to be adopted by consensus.

**The President:** We shall now proceed to consider draft resolution A/78/L.41 and draft amendments A/78/L.43 and A/78/L.44.

Delegations wishing to make a statement in explanation of vote before the voting on any proposal under this agenda item are invited to do so now, in one intervention. After action on all of them, there will be an opportunity for statements in explanation of vote after the voting on any or all the proposals.

**Mr. William** (Vanuatu): I have the honour to deliver this explanation of vote on behalf of Fiji, Kiribati, the Marshall Islands, the Federated States of Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and my own country, Vanuatu, as representatives of the Pacific small island developing States (SIDS) on draft resolution A/78/L.41, entitled "Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction", submitted by Singapore, and the draft amendments thereto contained in documents A/78/L.43 and A/78/L.44.

Pacific SIDS actively participated in the negotiations, and we congratulate Singapore on its leadership to bring them to a conclusion. We walked a

fine line, accommodating most interests on how to move forward in preparation towards the first conference of the parties to the BBNJ. It will be open in participation. All delegations, whether they have signed or ratified the Agreement, or whether they are still in the process thereof, will be able to present their ideas and proposals and engage on an equal footing.

However, once the Agreement either closes for signature or enters into force, decision-making will be limited to those that have signed the Agreement or have ratified, approved, accepted or acceded to it. In that regard, we regret that draft amendments have been presented that would undermine the delicate balance that has been reached. We were further surprised that no such proposals were presented in the informal discussions. Therefore, the Pacific SIDS reject the amendments on both principle and substance. We will vote against the amendments in A/78/L.43 and A/78/L.44 and humbly request all other delegations to join us.

Should the draft resolution, as a whole, subsequently be put to the vote, then the Pacific SIDS will fully support it, and we urge all delegations to do likewise.

**Mr. Fuller** (Belize): I am pleased to deliver this statement on behalf of the member States of the Caribbean Community (CARICOM).

CARICOM confirms its full support for draft resolution A/78/L.41. For CARICOM, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) stands as a testament to effective multilateralism and as a beacon of hope that, after decades of striving to achieve the fair and equitable use of our ocean, we finally have a credible chance to do so. The BBNJ is more than just lofty aspirations. It provides the basis for fair and equitable benefit-sharing and sets out the processes and institutional arrangements that will enable better stewardship of ocean resources and ecosystems for the benefit of all humankind. It also provides for the means of implementation to support small island developing States (SIDS) and developing countries in effectively implementing and benefiting from these provisions. Still, there is much work to be done to prepare the groundwork for the Agreement's entry into force and to prepare for the convening of the first meeting of the conference of the parties to the Agreement.

CARICOM members fully support the terms of the draft resolution for the establishment of the preparatory commission, its general mandate, its continuation through to the first conference of the parties and the governance structure of the commission itself. The provision for the systemic consideration of the Agreement, under the agenda item entitled “Oceans and the law of the sea”, is consistent with the practice of the General Assembly and necessary as a matter of continuous follow-up. CARICOM also fully supports and underscores the importance of the inclusive participation of signatories, parties and non-parties alike, as well as other stakeholders.

CARICOM understands that the compromise struck on the application of the rules of procedure for the preparatory commission in the period before closure for signature or entry into force, whichever comes earlier, is without prejudice to the decision-making authority of signatories and parties to the Agreement. CARICOM underscores that this compromise is *sui generis* and does not constitute a precedent.

CARICOM welcomes the availability of the trust fund for participation and the expansion of assistance to include travel and daily subsistence allowance. We wish to thank all who have contributed to the fund and to encourage further contributions so that it remains a helpful option for SIDS and other developing countries to participate meaningfully in the work of the preparatory commission.

Turning now to the proposed amendments contained in documents A/78/L.43 and A/78/L.44, CARICOM wishes to make the following points. First, an accomplishment of the nature of an international agreement that enjoyed consensus on adoption is historical and a major multilateral achievement. It deserves to be welcomed. Secondly, that such an international agreement opens a new chapter that can put us back on course for a more inclusive, equitable and sustainable ocean not only deserves to be welcomed, but it should be hastened into force. Thirdly, to do so, the international community must work together assiduously to complete the tasks set out in the Agreement to prepare for its entry into force and the first conference of the parties. Fourthly, while CARICOM endeavours that the preparatory commission will deliver on its tasks in a timely manner, as a practical matter, constraining its work to less than a year would not be prudent. For those reasons,

CARICOM members remain firm in support of the draft resolution contained in document A/78/L.41 as drafted, without any amendments thereto.

In conclusion, CARICOM expresses its appreciation to all efforts of Member States to agree on a clear path forward for the preparatory commission. We also extend our deep appreciation to Singapore for ably and inclusively facilitating the consultation process on the draft resolution, which has yielded a carefully balanced text.

**Ms. De Raes (Belgium):** I have the honour to deliver this statement on behalf of the European Union (EU) and its member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina and Georgia and the European Free Trade Association countries, Iceland and Norway, members of the European Economic Area, as well as Monaco, align themselves with this statement.

The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ) is a priority for the EU and its member States. We commend Singapore for proposing the draft resolution contained in document A/78/L.41. In establishing a preparatory commission and modalities for its work, the draft resolution represents another important step in the preparation for the swift entry into force and implementation of the BBNJ Agreement. For that reason, we strongly support it and call on all States to vote for it.

At the same time, we are disappointed that amendments were proposed in documents A/78/L.43 and A/78/L.44 that seek to undermine the draft resolution. We cannot support the proposed amendments.

I would like to recall that regarding decision-making in the preparatory commission, the preference of the European Union and its member States was to follow the precedent of the preparatory commission established by the third United Nations Conference on the Law of the Sea, since the BBNJ Agreement is an implementing agreement of the United Nations Convention on the Law of the Sea. We were disappointed that it proved impossible to follow that relevant precedent. Having listened to all the other members, we acknowledge the compromise struck in the draft resolution. Only after the end of the period during which the BBNJ



Agreement is open for signature or the date of entry into force of the Agreement shall decisions in the preparatory commission be taken by States and regional organizations that have signed or already become parties to the Agreement. At the same time, we fully support that participation and attendance by all stakeholders at the meetings of the preparatory commission follow the successful and inclusive precedent of the BBNJ negotiations.

The draft resolution serves three important purposes.

First, it shows the continued focus, unity and urgency of the international community in ensuring the swift entry into force and effective implementation of the BBNJ Agreement. The BBNJ Agreement is the most recent implementing agreement of UNCLOS, which provides the legal framework within which all activities in the ocean and seas must be carried out. Not only is it a historic achievement of multilateralism, but it is also indispensable in our common efforts for a more sustainably managed ocean and its ecosystems. It will further tackle biodiversity loss and environmental degradation and assist in the broader fight to combat climate change. The BBNJ Agreement proves that the international rules-based order, with the United Nations at its centre, delivers.

Secondly, the draft resolution allows for the important preparatory work prior to the entry into force of the BBNJ Agreement to start. It establishes the preparatory commission and the modalities of its work. It provided for a first three-day organizational meeting to be held already in the first half of 2024, while it requests the Secretary-General to assist the preparatory commission, through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, in cooperation with other relevant departments of the Secretariat.

The preparatory commission will have a lot of important tasks and will make key recommendations for the future operation of the Agreement. We look forward to engaging in it without delay to enable the effective early implementation of the Agreement. We stand ready to support the Secretary-General, and the Division for Ocean Affairs and the Law of the Sea in particular, in any way we can in their upcoming work in that regard.

*Mr. Valtýsson (Iceland), Vice-President, took the Chair.*

Lastly, the draft resolution constitutes another strong signal from the General Assembly calling for the signature and ratification, approval or acceptance of the BBNJ Agreement at the earliest possible date, to allow its swift entry into force, and ensures that the General Assembly will regularly follow up on the Agreement through an agenda sub-item dedicated to it. This is a key priority for the European Union and its member States. We have all signed and plan to ratify the BBNJ Agreement prior to the United Nations Ocean Conference in 2025 and urge others to do so as well.

**Mrs. Bartley (Samoa):** I have the honour to deliver the following explanation of vote, on behalf of the 39 members of the Alliance of Small Island States (AOSIS), on draft resolution A/78/L.41 and the two proposed draft amendments (A/78/L.43 and A/78/L.44).

We thank Singapore for championing the efforts to establish a preparatory commission to guide the entry into force of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction in an open and transparent manner.

The draft resolution is the result of informal consultations and presents a delicate balance of views to attract the highest possible level of support. We are very disappointed that draft amendments have been proposed. They would, in our view, unsettle the delicate balance reached. They are categorically not acceptable to AOSIS, and we will vote against both of them. Should the draft resolution itself be put to a vote, we will fully support it and vote in favour. We invite all other countries to join us in rejecting the amendments and to support the draft resolution.

**The Acting President:** We have heard the last speaker in explanation of vote before the voting.

Before we proceed to take a decision on draft resolution A/78/L.41, in accordance with rule 90 of the rules of procedure, the General Assembly will first take a decision on draft amendments A/78/L.43 and A/78/L.44, one by one.

The Assembly will first take a decision on draft amendment A/78/L.43.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Belarus, Congo, Nicaragua, Russian Federation, Syrian Arab Republic

*Against:*

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cabo Verde, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Estonia, Eswatini, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nigeria, North Macedonia, Norway, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu

*Abstaining:*

Algeria, Angola, Bahrain, Botswana, China, Comoros, Djibouti, Egypt, El Salvador, Equatorial Guinea, Eritrea, Guinea, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Madagascar, Mali, Mozambique, Oman, Paraguay, Saudi Arabia, Sudan, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia

*Draft amendment A/78/L.43 was rejected by 120 to 5, with 32 abstentions.*

**The Acting President:** The Assembly will now take a decision on draft amendment A/78/L.44.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Algeria, Belarus, Iran (Islamic Republic of), Nicaragua, Russian Federation, Syrian Arab Republic

*Against:*

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominica, Dominican Republic, Estonia, Eswatini, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nigeria, North Macedonia, Norway, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Timor-Leste, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu

*Abstaining:*

Angola, Bahrain, Botswana, Brunei Darussalam, China, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, El Salvador, Eritrea, Guinea, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mozambique, Oman, Paraguay, Saudi Arabia, Sudan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe

*Draft amendment A/78/L.44 was rejected by 116 votes to 6, with 34 abstentions.*

**The Acting President:** Since draft amendments A/78/L.43 and A/78/L.44 were not adopted, we shall proceed to take action on draft resolution A/78/L.41.

The Assembly will now take a decision on draft resolution A/78/L.41, entitled “Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction”.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte D'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nigeria, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa,

Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe

*Against:*

Russian Federation, Syrian Arab Republic

*Abstaining:*

Angola, Togo

*Draft resolution A/78/L.41 was adopted by 164 votes to 2, with 2 abstentions (resolution 78/272).*

**The Acting President:** Before giving the floor to delegations for explanations of vote after the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Ikondere** (Uganda): I have the honour to deliver this statement on behalf of the Group of 77 and China.

The Group of 77 and China welcomes the adoption of the resolution today (resolution 78/272). The Group thanks the delegation of Singapore for chairing the negotiations on the resolution and wishes to take this opportunity to reiterate its thanks to all delegations for their positive and constructive engagement, which resulted in a balanced text.

During the negotiations, we listened carefully to all proposals and ideas expressed by delegations on the issue of participation and decision-making in the preparatory commission. Careful consideration was given to all views on the approach reflected in the zero draft of the resolution. We would like to highlight the importance of ensuring that the participation and decision-making in the preparatory commission are open, inclusive and transparent.

The Group recognizes that the adoption of today's resolution is just one of the first steps in the important line of achievement towards the effective implementation and activation of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, which we all worked so hard to reach. The Group is eager to commence the work for the preparatory commission,

which will be vital to ensuring the Agreement's entry into force and effective implementation and, perhaps most importantly, ensuring that all substantive rights and obligations laid out in the Agreement can become a true reality with all due haste. In anticipation of the preparatory commission's meeting, including the planned three-day organizational meeting in the first half of 2024, the Group would like to highlight a few important considerations.

First, in line with operative paragraphs 14 and 15 of the resolution, the Group underlines the vital importance of ensuring the attendance of delegates from all Member States at each stage of the preparatory commission. While many of our members have worked within groups for that process, including, of course, the Group of 77 and China, each and every delegation plays a key role for coordination and future national implementation of compliance with the Agreement. The Group thanks in advance any and all contributors to the voluntary trust fund and encourages further contributions to it to ensure the utmost inclusivity and support in facilitating developing countries to attend the preparatory commission.

Secondly, in line with operative paragraph 16 of the resolution, capacity-building and technical assistance activities need to be more tailored and responsive to the needs of developing States in a needs-assessment approach similar to the one set out in the Agreement itself on order to increase the number of parties to the Agreement and to ensure universal inclusion. Member States are best situated to know the applicable approaches and activities that would best support those goals. A procedural approach is important and should be discussed during the organization of the preparatory commission conference.

Additionally, in the context of implementation and preparation for entry into force of the Agreement, the Group also stresses the need for the wider participation by developing countries in the Agreement so as to improve their representation and guarantee equal participation in international decision-making under it. In that regard, the Group welcomes the fact that, so far, four States of the Group have already ratified the Agreement, which show our commitment to its early entry into force. We also note with appreciation the offer made by Chile, which is one of those four countries, to host the secretariat of the Agreement.

In conclusion, the Group wishes to reiterate its thanks to all delegations for their continued constructive

engagement on the path to the fullest implementation of this Agreement, which we all worked so hard to achieve.

**Mrs. Llano** (Nicaragua) (*spoke in Spanish*): Our delegation takes the floor to explain its position on the amendments to resolution 77/321, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, presented today. We thank the delegation of Singapore for all its efforts to bring this year's resolution to adoption (resolution 78/272). We regret that the resolution was not adopted by consensus or with the agreement of all States Members of the United Nations.

We recall the spirit of negotiation, flexibility and inclusiveness of the entire process that led to the Agreement, and this spirit should still hold in both signatory countries and those that have not yet signed the Agreement. We reaffirm that a guiding principle of the Charter of the United Nations States is the right to participate on an equal footing, which implies that a recent agreement with universal importance for all humankind remains open to further study.

Nicaragua is pleased to recall that the Agreement on the Biological Diversity of Areas beyond National Jurisdiction was adopted last year by consensus (see A/77/PV.95) and under the Law of the Sea Convention, which is the Constitution of our ocean.

**The Acting President:** We have heard the last speaker in explanation of vote after the voting.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 75?

*It was so decided.*

#### **Agenda item 7** (*continued*)

#### **Organization of work, adoption of the agenda and allocation of items**

**The Acting President:** Members will recall that, at its second plenary meeting, on 8 September 2023, the General Assembly decided to allocate agenda item 108 to the Third Committee. To enable the Assembly to take action expeditiously on the relevant document, may I take it that the Assembly wishes to consider agenda item 108 directly in plenary meeting and proceed immediately to its consideration?

*It was so decided* (decision 78/504 B).



**Agenda item 108 (continued)****Countering the use of information and communications technologies for criminal purposes****(a) Draft decision (A/78/L.46)****(b) Report of the Fifth Committee (A/78/828)**

**The Acting President:** We shall now proceed to consider draft decision A/78/L.46. For the Assembly's information, the draft decision has closed for e-sponsorship.

I give the floor to the representative of the Secretariat.

**Ms. Sharma** (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft decision, and in addition to the delegations listed in the document, no additional countries have become sponsors of A/78/L.46.

**The Acting President:** The Assembly will now take action on draft decision A/78/L.46, entitled "Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes".

May I take it that the Assembly wishes to adopt draft decision A/78/L.46?

*Draft decision A/78/L.46 was adopted (decision 78/549).*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 108.

**Reports of the Fifth Committee**

**The Acting President:** The General Assembly will now consider the reports of the Fifth Committee on agenda items 134, 139, 141 and 132.

I request the Rapporteur of the Committee, Mr. Laurens Thomas den Hartog of the Kingdom of the Netherlands, to introduce in one intervention the reports of the Fifth Committee before the Assembly.

**Mr. Den Hartog** (Kingdom of the Netherlands) Rapporteur of the Fifth Committee: I have the honour to present to the General Assembly the reports of the Fifth Committee containing recommendations on issues considered during the first part of the resumed seventy-eighth session of the General Assembly.

The Fifth Committee met from 26 February to 28 March, holding eight plenary meetings, numerous informal consultations, and many informal and formal consultations.

Let me now present the reports of the Fifth Committee containing recommendations on issues that require action by the General Assembly. Under agenda item 134, entitled "Programme budget for 2024", the Committee considered the following proposals. The Committee recommended the adoption of two draft decisions on two statements of programme budget implications. The reports of the Fifth Committee on those statements are issued in document A/78/827 and A/78/828.

The Committee considered the following draft resolutions submitted by the delegations. The Committee first took action on the draft resolution A/C.5/78/L.29, entitled "Revised estimates relating to the Independent Institution on Missing Persons in the Syrian Arab Republic", submitted and co-sponsored by Belarus, China, Cuba, the Democratic People's Republic of Korea, Eritrea, the Islamic Republic of Iran, Nicaragua, the Russian Federation, the Syrian Arab Republic, the Bolivarian Republic of Venezuela and Zimbabwe, which was rejected by a recorded vote.

The Committee next took action on draft resolution A/C.5/78/L.30, entitled "Revised estimates relating to the Independent Institution on Missing Persons in the Syrian Arab Republic", submitted by Albania, which was adopted by a recorded vote, and which the Committee recommends to the General Assembly for adoption in paragraph 15 of the report contained in document A/78/662/Add.1 as draft resolution I.

The Committee also had before it draft resolution A/C.5/78/L.32, entitled "Special subjects relating to the programme budget for 2024". In the light of the adoption by the Committee of A/C.5/78/L.30, the Committee proceeded to take action on A/C.5/78/L.32 as technically adjusted to consist of only one section and renamed "Revised estimates relating to the programme budget for 2024 under section 3, Political affairs, and section 36, Staff assessment: special political missions — thematic cluster III: regional offices, offices in support of political processes and other missions — United Nations Integrated Transition Assistance Mission in the Sudan", which was adopted by the Committee without a vote and which the Committee recommends to the General Assembly for adoption in paragraph 15 of its report contained in document A/78/662/Add.1, as draft resolution II.

Under agenda item 139, entitled “Human resources management”, in paragraph 7 of its report contained in document A/78/825, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

Under agenda item 141, entitled “Joint Inspection Unit”, in paragraph 6 of its report contained in document A/78/826, the Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted by the Committee without a vote.

Finally, under agenda item 132, entitled “Review of the efficiency of the administrative and financial functioning of the United Nations”, the Committee recommends to the General Assembly, in paragraph 6 of its report A/78/664/Add.1, the adoption of the draft decision entitled “Questions deferred for future consideration”, which was adopted by the Committee without a vote.

I thank delegations for their cooperation and the spirit of compromise, which enabled the Committee to finish its work on time. Allow me to also express sincere gratitude to the Secretariat of the Fifth Committee for its continued and tireless efforts in supporting our work. I would also like to thank the Chair of the Fifth Committee, Ambassador Osama Mahmoud Abdelkhalek Mahmoud, and his team member Mr. Hussein Roshdy, for the dedicated way in which they guided us through our work, as well as my colleagues in the Bureau, Ms. Kimberly Louis, Ms. Amalia Irina Pufulescu and Mr. Mohammed Khalifa Alnasr, with whom working has been a constructive, enjoyable and memorable experience. I look forward to working with all Member States to ensure the success of the second part of the resumed session that will start on 6 May, in which the Committee will focus on the financing of peacekeeping operations.

**The Acting President:** I thank the Rapporteur of the Committee.

The positions of delegations regarding the recommendations of the Committee have been made clear in the Committee and are reflected in the relevant official records. Therefore, if there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Committee that are before the Assembly today.

*It was so decided.*

**The Acting President:** Statements will therefore be limited to explanations of vote. May I remind members that, in accordance with General Assembly decision 34/401, when the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation’s vote in plenary meeting is different from its vote in the Committee, and that explanations of vote are limited to 10 minutes and should be made by delegations from their seats. When there are multiple proposals under an agenda item, statements in explanation of vote before the voting on any or all of them should be made in one intervention, followed by action on all of them, one by one. Therefore, there will be an opportunity for statements in explanation of vote after the voting on any or all of them in one intervention.

Before we begin to take action on the recommendations contained in the reports of the Committee, I should like to advise representatives that we will proceed to take decisions in the same manner as was done in the Committee, unless the Secretariat is notified otherwise in advance. I should therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Committee. The result of the voting will be uploaded to the e-deleGATE Portal, under “Plenary e-Place”.

#### **Agenda item 134 (continued)**

#### **Proposed programme budget for 2024**

##### **Report of the Fifth Committee (A/78/662/Add.1)**

**The Acting President:** The Assembly has before it two draft resolutions recommended by the Committee in its report.

I now give the floor to the representative of the Syrian Arab Republic, who wishes to speak in explanation of vote before the voting.

**Mr. Al-mansour** (Syrian Arab Republic) (*spoke in Arabic*): On behalf of a group of countries, namely, Belarus, China, Cuba, the Democratic People’s Republic of Korea, Eritrea, the Islamic Republic of Iran, Nicaragua, the Russian Federation, the Bolivarian Republic of Venezuela, Zimbabwe and my country, the Syrian Arab Republic, I would like to present the following oral amendment to operative paragraph 2 of

draft resolution I, entitled “Revised estimates relating to the Independent Institution on Missing Persons in the Syrian Arab Republic”, as contained in A/78/662/Add.1:

*(spoke in English)*

“Decides not to approve any resources for the Independent Institution on Missing Persons in the Syrian Arab Republic”.

*(spoke in Arabic)*

We submit this amendment for a number of reasons, including the fact that resolution 77/301, which established the Independent Institution on Missing Persons, is a non-consensual resolution that was adopted without consultation or coordination with the Syrian Arab Republic. That is inconsistent with the purposes and principles of the Charter of the United Nations, in particular the respect for the sovereignty of States and non-interference in the internal affairs of States.

Governments that supported the establishment of this Institution are the same Governments that cause the suffering of the Syrian people, the killing of thousands of Syrians and the disappearance of others either by supporting terrorist groups or through assaults by the international coalition that have resulted in the destruction of whole towns and the burial of their residents under the rubble. Moreover, these Governments are responsible for criminal acts of abduction, forced disappearance and massacre committed by its minions, including terrorist organizations and militias, against Syrian civilians as well as personnel of the Syrian police and the Syrian army. In addition, coercive measures imposed on Syria, have worsened the suffering of Syrians, forcing a large number of them to leave their homeland and go missing on their refugee journey, while others have drowned in the Mediterranean.

The Syrian Arab Republic Government has not hesitated to address the issue of missing Syrians by playing its constitutional role, given the national and humanitarian nature of this matter. We are eager to continue working in this way, in line with our Constitution and national legislation. Syria rejects the Independent Institution and the financing thereof from the budget of the United Nations. We call upon all countries committed to upholding the values of the United Nations Charter to reject this funding and support our oral amendment.

**The Acting President:** An oral amendment to draft resolution I as contained in A/78/662/Add.1 has been introduced.

The Assembly will now take a decision on draft resolutions I and II, one by one.

We turn first to draft resolution I, entitled “Revised estimates relating to the Independent Institution on Missing Persons in the Syrian Arab Republic”, as contained in A/78/662/Add.1. The representative of the Syrian Arab Republic has submitted an oral amendment to the draft resolution.

In accordance with rule 90 of the rules of procedure, the Assembly will first take a decision on the oral amendment submitted by the representative of the Syrian Arab Republic on behalf of a group of countries.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Antigua and Barbuda, China, Cuba, Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Lao People's Democratic Republic, Nicaragua, Russian Federation, Sudan, Syrian Arab Republic, Zimbabwe

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

*Abstaining:*

Algeria, Angola, Bahrain, Bangladesh, Brunei Darussalam, Congo, Egypt, Ghana, Guinea, Haiti, India, Indonesia, Iraq, Jordan, Kenya,

Lesotho, Malaysia, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, South Sudan, Sri Lanka, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Yemen

*The oral amendment to draft resolution I was rejected by 73 votes to 12, with 43 abstentions.*

[Subsequently, the delegation of Mali informed the Secretariat that it had intended to vote in favour.]

**The Acting President:** Since the oral amendment proposed by the representative of the Syrian Arab Republic was not adopted, we shall proceed to take a decision on draft resolution I.

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Myanmar, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Thailand, Türkiye, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam

*Against:*

China, Cuba, Democratic People's Republic of Korea, Eritrea, Iran (Islamic Republic of), Lao People's Democratic Republic, Mali, Nicaragua, Russian Federation, Sudan, Syrian Arab Republic, Zimbabwe

*Abstaining:*

Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Brunei Darussalam, Congo, Egypt, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Kenya, Lesotho, Malaysia, Mongolia, Morocco, Nepal, Nigeria, Oman, Pakistan, Philippines, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, South Africa, South Sudan, Sri Lanka, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Yemen

*Draft resolution I was adopted by 80 votes to 12, with 37 abstentions (resolution 78/273).*

[Subsequently, the delegations of Mauritius and Viet Nam informed the Secretariat that they had intended to abstain.]

**The Acting President:** We now turn to draft resolution II, entitled "Revised estimates relating to the programme budget for 2024 under section 3, Political affairs, and section 36, Staff assessment: special political missions — thematic cluster III: regional offices, offices in support of political processes and other missions — United Nations Integrated Transition Assistance Mission in the Sudan".

The Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (78/274).*

**Mr. Laputin** (Russian Federation) (*spoke in Russian*): The Russian Federation dissociates itself from the decision adopted on the so-called Independent Institution on Missing Persons in the Syrian Arab Republic (resolution 78/273).

**Mr. Amrollahi** (Islamic Republic of Iran): The Islamic Republic of Iran dissociates itself from the allocation of any resources to the Independent Institution on Missing Persons in the Syrian Arab Republic.

**Mrs. Llano** (Nicaragua) (*spoke in Spanish*): The delegation of Nicaragua dissociates itself from the part of the budget allocated to the new Independent Institution on Missing Persons in the Syrian Arab Republic.

**Mr. Kim Nam Hyok** (Democratic People's Republic of Korea): The delegation of the Democratic People's Republic of Korea disassociates itself from that part of the budget allocated to the so-called



Independent Institution on Missing Persons in the Syrian Arab Republic.

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 134.

## Agenda item 139

### Human resources management

#### Report of the Fifth Committee (A/78/825)

**The Acting President:** The Assembly has before it a draft resolution recommended by the Committee in its report. We will now take a decision on the draft resolution entitled “Amendments to the Staff Regulations and Rules”. The Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 78/275).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 139.

## Agenda item 141

### Joint Inspection Unit

#### Report of the Fifth Committee (A/78/826)

**The Acting President:** The Assembly has before it a draft resolution recommended by the Committee in its report. We will now take a decision on the draft resolution. The Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 78/276).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 141.

## Agenda item 132 (continued)

### Review of the efficiency of the administrative and financial functioning of the United Nations

#### Report of the Fifth Committee (A/78/664/Add.1)

**The Acting President:** The Assembly has before it a draft decision recommended by the Committee in its

report. We will now take action on the draft decision entitled “Questions deferred for future consideration”. The Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

*The draft decision was adopted (decision 78/542 C).*

**The Acting President:** The Assembly has thus concluded this stage of its consideration of agenda item 132. The General Assembly has thus concluded its consideration of all the reports of the Fifth Committee before it for this meeting.

## Agenda item 31 (continued)

### Prevention of armed conflict

#### (a) Prevention of armed conflict

**The Acting President:** The General Assembly will now continue its consideration of sub-item (a) of agenda item 31, “Prevention of armed conflict”, to hear the remaining speakers in the debate on this sub-item.

**Mr. Skachkov** (Russian Federation) (*spoke in Russian*): The Russian Federation’s position on the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 remains unchanged. The Mechanism was created in flagrant violation of international law. The Security Council, which is the only United Nations body that has the right to take coercive measures, did not establish it. The Government of the Syrian Arab Republic did not give its consent to the Mechanism’s creation or its work. The General Assembly does not have a quasi-prosecutorial role; its decisions for States are merely advisory.

At the same time, as we know, no body can confer more prerogatives than it itself has. Therefore, by creating this Mechanism through a vote at the General Assembly, which goes beyond the Assembly’s purview, the States of the collective West have violated international law, including in relation to the remit of the Organization’s bodies. Nevertheless, they hypocritically hold forth about the interests of ordinary citizens and the international community as a whole. This hypocrisy was brought into stark relief by the conduct of the West with regard to the bloodshed in the Gaza Strip, where those States have not balked even at enabling the bloodshed with the supply of weapons. It has

therefore become completely clear that the Mechanism is an instrument of the West designed to interfere in the internal affairs of the respective State under noble pretexts. It is being used to badmouth Syrians and to try to justify the imposition of illegitimate unilateral sanctions on Syria. However, it is the international community that is paying for all of this, because the funding for the Mechanism is done through the regular budget of the United Nations — and this against the backdrop of a serious liquidity crisis where, because of a lack of budget, many crucially important events are being cancelled or postponed, including some pertaining to sustainable development.

The Russian delegation's position is wholly consistent. From the very outset, we stood against this illegitimate structure being funded by the United Nations. No cent of the United Nations budget should be spent on it, yet the Mechanism is still haemorrhaging United Nations money to the tune of \$17 million a year. At the same time, the existence of three illegitimate structures on Syria alone — the Syrian Mechanism, the Independent International Commission of Inquiry on the Syrian Arab Republic and the Independent Institution on Missing Persons in the Syrian Arab Republic — every year costs the United Nations almost \$30 million. This money could have been spent on addressing more pressing humanitarian issues, including in Syria, for example, providing assistance for the return of refugees, early recovery, mine clearance and emergency aid.

Today the General Assembly is once again forced to spend time and resources on discussing another empty report from this illegitimate structure (A/78/772). For the seventh year in a row, the Mechanism's report does not respond to the main questions: what it does and what it spends our budget on. There has still not been any specific information on the sources of its so-called evidence, either. The references to non-governmental organizations (NGOs) and some kind of "partners" do not fool anybody.

The Syrian crisis has gone on long enough for us all to know by heart the names of these pocket NGOs used to produce fake news, which are controlled and funded by Western special services. The so-called proof collected by the Mechanism has no value whatsoever. It was obtained unlawfully and therefore does not meet the criteria of relevance and admissibility, and that means that it is absolutely useless for legal proceedings — that is, at least, in States that claim to uphold the rule of law.

We are outraged that this illegitimate structure, which shields its activities behind hypocritical zeal to maintain confidentiality, continues to receive classified material from the Organization for the Prohibition of Chemical Weapons (OPCW), which is in direct violation of the provisions of the Chemical Weapons Convention and the OPCW's confidentiality policy. We call on the Secretariat to take measures to immediately put a stop to this kind of violation.

As we see from document A/78/772, in December 2023, the Mechanism also received a copy of some secret material from the archives of the OPCW-United Nations Joint Investigative Mechanism. Justification for this was the alleged consent of the Member States that provided this secret material. In response to that, we would note that we are not talking about a transfer of materials by these States to the Mechanism bilaterally, but the disclosure of United Nations and OPCW archives. As we have repeatedly said, including in letters to the United Nations Secretariat, this is only possible through a decision of the Security Council — the body that established a relevant body — and there was no such decision. We call for the Secretariat to stop this kind of conduct and prevent it from happening again in future.

This year the Mechanism has no compunction in informing us that it intends to provide assistance to their Western masters and founders, Canada and the Netherlands, in their case against Syria at the International Court of Justice. The Mechanism therefore plans to take a side in a legal proceeding. We understand that the time has come to advance another political agenda, and it would not be surprising if we were talking about another puppet non-governmental organization from the collective West. However, the Mechanism, we would recall, is funded by the United Nations regular budget, so its participation on the side of Canada and the Netherlands will apparently be tantamount to speaking on behalf of the United Nations and the General Assembly, thereby undermining their authority as well as the principles of independence and impartiality.

We are convinced that the Government of the Syrian Arab Republic can ensure that justice is served in its own country and hold perpetrators accountable without any illegitimate pseudo-legal mechanisms. Those who are keen to see justice served in Syria should provide it with assistance and not impose illegitimate sanctions.

Due to the abuse by some delegations of our agenda in order to express unfounded politicized accusations against Russia, we would like to note the following. The cynical lies for years by the Kyiv regime and its backers have been debunked in recent decisions from the International Court of Justice. We would call on delegations to read those decisions once again. At the same time, it is no surprise that those who try to shirk responsibility and shift it onto Russia are sweeping under the carpet the root causes of the crisis in Ukraine. We recall that the crisis broke out as a result of the bloody anti-constitutional coup in 2014, where nationalists took power in Kyiv and announced a war against their own people and everything Russian. The Kyiv regime, with the connivance of its Western backers and with assistance of their weapons, is using terrorist methods against the citizens of the Donbas as well as against Russia and its citizens.

There are many civilian victims on Ukraine's conscience, including hundreds of children, but the West prefers not to talk about that, just as it does not talk about the hundreds of thousands of civilians who have died in Afghanistan, Iraq, Libya, Syria and Yugoslavia. Double standards have become a day-to-day reality for the West, which is particularly obvious against the backdrop of the situation in Gaza, to which the West continues to close its eyes.

**Mr. Giorgio (Eritrea):** At the outset, my delegation wishes to stress that the prevention of armed conflict is an obligation that we must all make the necessary efforts to uphold consistent with Chapter VI of the Charter of the United Nations. While the primary responsibility for conflict prevention rests with national governments, the main role of the United Nations and the international community should be to support national efforts aimed at achieving it. Over the years, we have seen the establishment of numerous mechanisms, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic (IIIM), for the same State and situation, the Syrian Arab Republic. The horrors of war, the suffering of the people, the political complexities, the socioeconomic, humanitarian and human rights challenges, and the conflicting interests of internal and external actors are all on full display, shattering the country and its people beyond recognition.

Eritrea remains convinced that accountability measures become helpful and succeed in achieving their objectives when the concerned State and other directly affected populations are included in the conceptualization, establishment and implementation of such measures. When the measures adopted are country-owned and country-led — without the usual external destabilizing forces and acts of polarization — they therefore have a better chance of ensuring full reconciliation and the attainment of sustainable peace and stability.

Eritrea's long-standing position has been to oppose any country-specific mandate, as such measures impede constructive engagement in the promotion and protection of human rights and fundamental freedoms everywhere. Eritrea's experience is that politically motivated country-specific mandates have not worked in the past and will not work in the future.

It should be emphasized that the IIIM was established by a non-consensual decision (resolution 71/248) and without the consent of the concerned State, the Syrian Arab Republic. That is a serious violation of the principles of sovereign equality, territorial integrity and non-intervention in the internal affairs of States under Article 2, paragraphs 4 and 7 of the United Nations Charter. Accordingly, Eritrea rejected the mandate of the Mechanism and its allocation of resources from the regular budget and has dissociated itself from any reference to it. Further, my delegation expresses concern at the lack of transparency surrounding this non-consensual Mechanism, which fails to provide basic criteria for verifying evidence. This glaring absence not only underscores the General Assembly's apparent lack of mandate but also calls into question its capacity to establish such mechanisms.

From a legal point of view, my delegation shares its serious concern at the attempt to promote such mechanisms at the international level. The primary responsibility for investigating and prosecuting international crimes should fall within the domestic jurisdiction where the alleged crimes are committed. Territoriality is the most important basis for jurisdiction, providing the strongest nexus between the alleged crimes and the forum State. It is unacceptable that certain States have conveniently invoked criminal justice mechanisms to pursue their vested interests while evading any kind of accountability for destabilizing acts and alleged crimes perpetrated by their nationals in other countries.

In the light of the aforementioned concern, my delegation voices opposition to both the manner in which the Mechanism was initially established and its ongoing operation. The future of Syria should be shaped by the Syrians themselves.

My delegation strongly believes that international cooperation in the area of promoting and protecting human rights can only be advanced by ensuring universality, objectivity, non-selectivity and the elimination of double standards and politicization.

**The Acting President:** We have heard the last speaker in the debate on this item. The exercise of the right of reply has been requested. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and five minutes for the second intervention and should be made by delegations from their seats.

**Mr. Khaddour** (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation would like to stress that our participation in today's meeting on the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic (IIIM) should in no way be interpreted as accepting the mandate of the Mechanism and its report contained in A/78/772 or even willingness to discuss them. Indeed, our participation in this debate should not be interpreted as recognition of the so-called IIIM in any way, shape or form. We are exercising our right of reply in order to respond to the many allegations we heard today in some delegations' statements.

We listened to the statements from Western and other countries that have joined a campaign to deceive. Their exaggerations mislead us as to the role and the importance of the so-called IIIM. These statements imply that achieving stability in Syria, the region and even in the world hinges on support for the Mechanism and its illegitimate mandate. They also suggest that these countries are exceedingly concerned about human rights violations around the world, all while desperately trying to cover up the daily massacres and genocide committed against Palestinians under the Israeli occupation. In fact, these countries have not shied away from providing all kinds of support for that criminal entity, including arming and financing it so that it can continue its killing, genocide and other heinous violations, as well as persist in its ongoing

occupation of Arab territories and aggression against the countries of the region without any deterrent.

In the meeting this morning (see A/78/PV.72), we were forced to swallow a strong dose of hypocrisy and lies in this Hall. As the country directly concerned with all this discussion, the Syrian Arab Republic needs to clarify a few points in order to expose the extent of the systematic deception and distortion that we have witnessed in this Hall. While we are discussing the validity of continuing a mechanism that lacks legitimacy and authority, American forces remain present on the ground in my country, controlling vast swaths of its territory. For over nine years, they have been looting our oil and stealing our wheat. They have been supporting mercenaries, secessionist groups and terrorist groups, including Da'esh, in order to exert control over civilians in those areas and impose mandatory conscription even on women and minors.

Of course, the International, Impartial and Independent Mechanism does not see any of that. The United States and its European allies continue to impose on Syria a stifling blockade and unilateral coercive measures with no legitimacy. These measures are immoral and inhumane and are depriving millions of Syrians of the basic necessities of a decent life, including such basic services as the delivery of drugs and medical supplies to cancer treatment centres, patients and hospitals. Foreign forces are still illegally present in Syria, supporting such Security Council-listed terrorist groups as Hayat Tahrir Al-Sham. The Western delegations dare come to the General Assembly Hall to talk about their concern for and their commitment to the unity and independence of my country, which is pure hypocrisy, but it is of course natural for the Western countries to support the IIIM as long as it overlooks their own crimes in Syria and those of their terrorist proxies.

Throughout the years of the crisis in Syria, the Israeli occupation entity has been engaged in terrorist acts, engaging in brutal bomb attacks and targeting civilian neighbourhoods, infrastructure and airports. However, none of that has caught the attention of the IIIM, since the Mechanism, like the Israeli occupation itself, is protected by the United States and a number of its allies through their deliberate obstruction of the Security Council's efforts to assume its responsibilities and put an end to those attacks.



Is it not time to put an end to that public hypocrisy in the General Assembly Hall? Is it not time to rectify the catastrophic blunder committed by the General Assembly in 2016 when it established a mechanism through resolution 71/248 that is uselessly depleting the resources, time and effort of the United Nations? The IIIM is a mechanism that was established without consultation with Syria and without considering the purposes and principles of the Charter, embodying a politicized approach designed to serve the agendas of a small set of countries. Is it not time after all these years of arbitrarily using the resources of the United Nations to stop for a minute and reflect together on the feasibility of the Mechanism, which has been illegitimate since its inception? Is it not time once and for all to uphold to the purposes and principles of the Charter? Is it not time to explore the possibility of trying to rectify the procedural and legal errors that mar resolution 71/248?

My delegation will always remind members of the dangerous precedent set in 2016, which is in clear violation of the Charter's provisions and in deliberate disregard of all established methodologies and frameworks of the United Nations. All it takes is to examine the official record of the 66th meeting of the General Assembly at its seventy-first session, when resolution 71/248 was adopted, to clearly see the extent

to which the violations, politicization and pressure were applied to force members to adopt a resolution that is so deeply flawed both procedurally and in substance.

In conclusion, in response to the representative of Canada's comment on the alleged double standards in the application the rule of law, namely, that there is only one standard, I would like to state that we fully agree. There is indeed only one very clear standard in the policies of his country and of the Western countries in general: bias in favour of Israel. The interests of Israel are clearly being served at the expense of the Charter, international law and even humanitarian and cultural values. If it was really true, as these countries claim, that they are committed to justice, why then have they established not one single mechanism to ensure the accountability of the Israeli occupation forces for the genocide and war crimes that the world is witnessing every day in occupied Palestine? The answer is very clear: their standard, in this case, has been suspended.

**The Acting President:** In the absence of any other request to exercise of right of reply, the General Assembly has thus concluded this stage of its consideration of sub-item (a) of agenda item 31.

*The meeting rose at 4:35 p.m.*