



General Assembly

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27th plenary meeting
Wednesday, 2 November 2022, 3 p.m.
New York

Official Records

President: Mr. Körösi (Hungary)

In the absence of the President, Mr. Ruidíaz Pérez (Chile), Vice-President, took the Chair.

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

Agenda item 72

Oceans and the law of the sea

(a) Oceans and the law of the sea

Draft resolution (A/77/L.6)

The Acting President (*spoke in Spanish*): Members are reminded that the debate on this agenda item will be held in December.

I now give the floor to the representative of Singapore to introduce draft resolution A/77/L.6.

Mr. Khng (Singapore): I have the honour of introducing draft resolution A/77/L.6.

In resolution 76/72, of 9 December 2021, the Assembly decided to devote its plenary meetings on 8 and 9 December 2022 to the consideration of the item entitled “Oceans and the law of the sea” and the commemoration of the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea. Under draft resolution A/77/L.6, the Assembly would adopt the organizational arrangements for those plenary meetings as contained in its annex, including a list of speakers. Singapore acknowledges and welcomes the strong support of many delegations for the commemoration, which will be an occasion to celebrate key milestones

for multilateralism and the rule of law in the oceans and seas. We are also grateful for the support expressed by many delegations for the draft resolution, as well as the constructive comments we received during the informal consultations.

To conclude, Singapore hopes that the General Assembly will adopt draft resolution A/77/L.6 without a vote. We also wish to reiterate the Assembly’s encouragement in resolution 76/72 that Member States and observers be represented at the highest possible level for the commemoration.

The Acting President (*spoke in Spanish*): We shall now proceed to consider draft resolution A/77/L.6, entitled “Plenary meetings of the General Assembly on 8 and 9 December 2022 devoted to the consideration of the item entitled ‘Oceans and the law of the sea’ and to the commemoration of the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea”.

May I take it that the Assembly decides to adopt draft resolution A/77/L.6?

Draft resolution A/77/L.6 was adopted (resolution 77/5).

The Acting President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of agenda item 72.

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Agenda item 70 (continued)**Report of the International Court of Justice****Report of the International Court of Justice
(A/77/4)****Report of the Secretary-General (A/77/204)**

Mr. Ndoye (Senegal) (*spoke in French*): My delegation aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

My delegation also takes note with satisfaction of the report of the President of the International Court of Justice (A/77/4) on the judicial activity of the Court from 1 August 2021 to 31 July 2022. Senegal would like to warmly thank President Joan Donoghue for her statement (see A/77/PV.20) and through her to express our gratitude to all the staff who work on a daily basis to ensure the smooth functioning of the Court. My delegation is also pleased to welcome the report of the Secretary-General on the trust fund to assist Member States, particularly developing countries, in the settlement of disputes through the International Court of Justice (A/77/204).

As the President noted, the International Court of Justice has been extremely active over the past 12 months. That high level of activity has led to an increase in the number of its decisions. Indeed, four judgments and 15 orders were issued in the period under review. An analysis of the cases brought before the Court shows that its pending contentious cases involve three States from the Group of Asia-Pacific States, eight 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 three from the Group of Western European and other States. It is clear that the broad geographical distribution of the cases submitted to the Court reflects the general and universal character of the principal judicial organ of the Organization.

We are also pleased to note the diversity of the cases submitted to the Court, including on issues relating to territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, the protection of the environment and the immunity of States from jurisdiction, as well as the interpretation and application of international treaties, in particular those concerning diplomatic relations, the prevention of genocide and the suppression of the financing of terrorism. My delegation welcomes that fact, which

is undoubtedly a testament to the choice made by the States Members of the United Nations to settle their disputes by peaceful means, in line with the relevant provisions of the Charter of the United Nations.

My delegation remains convinced of the principal role of the International Court of Justice in resolving disputes between States and in the promotion and development of international law. It is therefore important to underscore that the effectiveness of the Court is largely dependent upon the willingness of Member States to recognize its jurisdiction and accept its authority. My delegation therefore sincerely invites all Member States to refer their international disputes to the Court, which would help to promote friendly, if not peaceful, relations between States. To date, fewer than half of the States Members of the United Nations have declared their recognition of the compulsory jurisdiction of the Court. That is why my delegation encourages all Member States that have not yet done so to consider accepting the compulsory jurisdiction of the Court, in accordance with Article 36, paragraphs 2 and 5, of the Statute of the International Court of Justice. That is the first condition for the Court to be able to fully achieve its objective of consolidating and safeguarding international law.

The second condition is encouraging understanding of international law and the Court's procedures, through ongoing training and by strengthening the capacity of our future staff, regardless of their background. For that reason, Senegal attaches particular importance to the Judicial Fellowship Programme, the aim of which is to enable universities to sponsor international law graduates — who will have the opportunity to be trained at the Court — by covering the cost of their training. To that end, my delegation welcomes the creation of the trust fund for the Judicial Fellowship Programme in 2021, following the adoption by consensus of resolution 75/129, of 14 December 2020. In view of its usefulness, Senegal will continue to support and promote that initiative, including in the context of the core group and alongside Argentina, the Netherlands, Romania and Singapore. My delegation would like to take this opportunity to encourage Member States and international financial institutions to contribute to the trust fund in order to guarantee the geographic and linguistic diversity of the participants in the Judicial Fellowship Programme.

In conclusion, my delegation reiterates its commitment to the rule of law, the primacy of law

and the obligation to adhere to the decisions of the International Court of Justice. In that regard, we would like to underscore the need for Member States, the General Assembly and the Security Council to ensure that the Court's decisions be respected and enforced. The force of law must take the place of the law of force, which poses a genuine threat to international peace and security.

Mr. Pary Rodríguez (Plurinational State of Bolivia) (*spoke in Spanish*): First of all, I thank President Joan E. Donoghue for her important statement last Thursday (see A/77/PV.20) in introducing the report of the International Court of Justice (A/77/4) on its activities during the period from 1 August 2021 to 31 July 2022.

The Plurinational State of Bolivia recognizes the important role played by the International Court of Justice in contributing to international peace through the adjudication or settlement of international disputes and situations that could disrupt the peaceful coexistence among States. Its legal basis is the Charter of the United Nations, in particular Article 1, in line with the principles of justice and international law.

My country participates in and follows all initiatives and jurisdictional activities of the International Court of Justice — an institution we believe to be impartial and independent. Similarly, we underline its efforts in resolving the pending contentious cases under its jurisdiction, with full effectiveness and efficiency. The proof of that is the renewed interest of States in using that judicial organ to peacefully resolve their disputes.

In that context, as a sign of confidence in the international judicial institution and its commitment to international law, Bolivia has continued to accept its jurisdiction, this time as the defendant, in a second contentious matter, as detailed in Chapter V, section 6, of the Court's report, namely, the case of the *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, which was brought by the Republic of Chile against Bolivia. As the matter is of particular relevance to my country, together with other issues pending resolution, we hope that the Court's ruling can lead to a definitive solution so that the parties can re-establish their peaceful and friendly coexistence as brotherly peoples who share an extensive border and have developed cultural relations.

Resolving that dispute will not only have an impact on countries that are currently involved in disputes, but it will also have implications for the future, as

water is one of the most important global issues, which is discussed by the Assembly and developed in international law. That is why it is a controversial issue of regional and global interest. Because Bolivia respects international law, the important judicial organ that is the Court and its international decisions, it also expects that its judicial rulings will be accepted and fully respected by those who accepted its jurisdiction.

My country believes that dialogue and political and diplomatic negotiations between brotherly peoples will always be the best way to resolve disputes. However, we also believe that recourse to the International Court of Justice is the right of every State when State integrity and sovereignty are affected.

Finally, we underscore the function and jurisdiction of the Court and its contribution to the development of international law. Given that the countries of the world, today more than ever before, hold as common objectives peace, security and the development of peoples, we are certain that the International Court of Justice will continue to contribute to the fulfilment of those lofty goals.

Mrs. Kupradze (Georgia): Let me start by thanking the President of the International Court of Justice, Judge Joan E. Donoghue, for the report (A/77/4) submitted under agenda item 70. We would also like to express our deepest condolences and pay tribute to the memory of Judge Antônio Augusto Cançado Trindade, whose legacy to the world of international law is enormous.

More than 200 days have passed since the beginning of Russia's unprovoked, unjustified and premeditated aggression against Ukraine, in grave violation of international law, which has led to immense suffering, including the loss of thousands of innocent lives, the forced displacement of millions, torture, rape and other serious violations, some of which amount to war crimes. It is imperative that accountability be ensured for those grave violations. In these challenging times, the effective functioning of international legal mechanisms such as the International Court of Justice and compliance with its decisions by Member States remain as important as ever before. Let me reiterate our call on Russia to comply with the provisional measures of the International Court of Justice of 16 March, which bind Russia to immediately suspend the military operations that it commenced on the territory of Ukraine on 24 February. Today the international community must stand united in defending the principles of the Charter

of the United Nations and ensure that justice for crimes committed be served through all available international legal instruments.

The universal and general character of the International Court of Justice is well reflected in the geographical range of the cases brought before it and the diversity of their subject matter. As duly noted in the report, the continuous flow of new cases submitted to the Court and the significant number of judgments and orders delivered during the reporting period reflect the institution's great vitality. Special emphasis should be given to the Court's role in promoting the rule of law and the importance of dispute settlement between States by peaceful means. Therefore, as one of the countries that declared recognition of the jurisdiction of the Court as compulsory, Georgia believes that it is important for States that have not yet done so to consider accepting the jurisdiction of the Court, in accordance with its Statute.

Unfortunately, as we see today, international law continues to be fully disregarded and human rights flagrantly violated. In that regard, let me recall the dire humanitarian situation and grave human rights violations in Georgia's Abkhazia and Tskhinvali regions, where the Government of Georgia is deprived of the possibility of exercising its legitimate jurisdiction due to occupation by the Russian Federation. In that respect, let me recall the historic judgment of the European Court of Human Rights of 21 January 2021 on the case of *Georgia v. Russia (II)*, which once again reaffirmed the responsibility of the Russian Federation, as the occupying Power, for grave human rights violations in the illegally occupied regions.

In conclusion, let me reiterate our belief that the International Court of Justice, as the only international court of universal character with general jurisdiction, can play an important role in upholding the principles enshrined in the Charter of the United Nations.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We greatly value the work of the International Court of Justice as the principal judicial organ of the United Nations. We thank the President of the Court, Joan E. Donoghue, for her comprehensive and detailed analysis delivered at our previous meeting on this item (see A/77/PV.20), held on 27 October.

The docket still contains contentious disputes on territorial and maritime delimitation, which is a topic that remains a key element of the Court's work. A

substantial number of cases is in the stage of active legal proceedings in other areas of international law, which shows States' high level of trust in the Court. The Court's judges bear considerable responsibility, as the outcome of cases and expert opinions of the Court play a key role in the interpretation of international legal standards. In many cases, they serve as guidelines for the adoption of political and legal decisions at the international and national levels. During the reporting period, a significant number of orders were issued on several cases, including an order on 16 March on provisional measures in Ukraine — a case filed in reference to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. I would like to touch on that case separately.

Traditionally, we do not go into details as to the merits of ongoing judicial proceedings at the Court, including when our country is involved. But as multiple other representatives have already done so in their statements, I will do the same. The main aim of the Genocide Convention is to ensure the criminal prosecution of those guilty of committing genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, an attempt to commit genocide or complicity in genocide. None of that is part of Kyiv's claim. I ask members to pay close attention here. The key requirement of the claim is to declare null and void Russia's statements on the commission of genocide by Ukraine. Therefore, the Court's task is to confirm the fulfilment of Kyiv's obligations under the Convention. The formulation of the claim is obviously beyond the scope of the Genocide Convention. Ukraine's claim, which enjoys the full backing of Kyiv's Western allies, could also set a very dangerous precedent. In practice, it would make it possible to artificially adapt any situation to any international treaty that confers jurisdiction on the International Court of Justice. Proceedings could be started against any country that is party to such a treaty.

The Court's support for that approach would have the most serious consequences, not only for the interpretation and application of important conventions such as the Genocide Convention but also for States' perception of the nature and grounds of the Court's jurisdiction. Kyiv is not deterred by the fact that the Convention does not regulate issues of use of force, the recognition of States or the right to self-defence. Lawyers working in Kyiv's interest "resolve" that issue by resorting to the dubious concept of certain "implied

obligations". They could not build a case based on the content of the Convention's articles, and they therefore tried to base it on what is not there. Such manipulation and abuses have probably never been seen in the history of the Court.

As we talk about abuses, we must note the unprecedented intention of 47 States, primarily the member States of the European Union and NATO, to intervene in the proceedings on behalf of Ukraine. Several of them submitted declarations of intervention to the Court, which essentially represent political support for Kyiv — not legal, but political support. We see such actions as a brazen abuse of Article 63 of the Statute of the International Court of Justice and an attempt to exert political pressure on that important international organ. Such flagrant violations go hand in hand with the collective West's traditional double standards. Declarations of intervention were sent by the United States of America, which does not recognize the jurisdiction of the International Court of Justice under the Convention since it made a reservation with respect to the Convention that even places its national Constitution above the provisions of that international treaty. On 17 October, our country submitted its objections to the Court concerning the admissibility of declarations by States providing political support to Ukraine in the case. We hope that the Court will not yield to political blackmail or allow such a broad interpretation of the Convention. The decisiveness and integrity of the Court determine the stability and authority of the entire international justice system.

Mr. Sharma (India): At the outset, we thank the President of the International Court of Justice for presenting the report on the activities of the Court (A/77/4) and for guiding the work of the Court.

As we all know, the fundamental principle of the United Nations is to maintain international peace and security. By performing the task of resolving disputes between States and rendering its advisory opinions, the International Court of Justice, as the principal judicial organ of the United Nations, has a greater role and responsibility in achieving that United Nations objective. In that context, the Court has been entrusted with dual jurisdiction: its contentious jurisdiction involves adjudicating legal disputes between States under its own Statute, while its advisory jurisdiction involves the rendering of advisory opinions on legal questions presented to it at the request of organs of the United Nations or specialized agencies authorized to do

so under the Charter of the United Nations. The Court is the only court of a universal character with general universal jurisdiction.

Taking stock of the work performed since its first sitting, in April 1946, and the submission of its first case, in May 1947, the Court had been seized of 184 cases as of July 2022. It has delivered more than 145 judgments and rendered 28 advisory opinions. During the judicial year 2021–2022, the Court delivered judgments in four cases, handed down 15 orders required for different purposes at different stages of proceedings of the cases and held public hearings in six cases. The report reveals that, as of 31 July 2022, the Court has 15 contentious cases pending on its docket. The volume and quality of its work demonstrate that the Court has stood the test of fulfilling the task of settling disputes between States and has acquired a well-deserved reputation as an institution that maintains the highest legal standards in accordance with its mandate.

Concerning subject matter and issues, the cases before the Court involve complex factual and legal issues relating to a variety of fields, including territorial and maritime delimitation, human rights, environmental protection, the jurisdictional immunity of States and the interpretation and application of international treaties and conventions, in particular those concerning diplomatic relations, the suppression of the financing of terrorism, the elimination of racial discrimination and the prevention of genocide. Those facts clearly illustrate the importance of the Court's role in upholding the rule of law. The Court's activities are directly aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions. It plays a crucial role in the interpretation and clarification of the rules and principles of international law, as well as in the progressive development and codification of international law.

The report reflects the importance that States attach to the Court and the confidence they place in it, which are evident from the number, nature and variety of cases with which the Court deals and its ability to handle the most complex aspects of public international law. The same is apparently reconfirmed by the fact that the pending contentious cases have been submitted by States from the Asia and the Pacific, Latin America and the Caribbean, Africa, Eastern Europe and Western Europe and other States' regions, which reflects the universal character of the Court.

In the performance of its judicial functions, the Court has remained sensitive to the political realities and sentiments of States, while acting in accordance with the provisions of the Charter of the United Nations, its own Statute and other rules of international law. The continuous flow of cases submitted to the Court and the number of judgments and orders it delivered during the reporting period reflect the institution's great vitality. Significantly, the Court has not lost sight of the need to adapt itself to new working methods in a post-coronavirus disease pandemic context, including through the holding of public hearings in a hybrid format, while setting itself a demanding schedule of hearings and deliberations in handling emergent situations and dealing with the complexity of the cases submitted to it.

We welcome the establishment, following the adoption of resolution 75/129 in 2020, of the trust fund for the Judicial Fellowship Programme of the Court, which grants fellowship awards to selected candidates who are nationals of developing countries from universities based in those countries. The trust fund is intended not only to cover a wider geographical diversity but also to enable participants in different legal systems to benefit from the Court's Judicial Fellowship Programme by providing training opportunities to young jurists from developing countries. We are pleased to note that the trust fund has had a promising start to the year 2022–2023 by selecting 15 candidates, including three from developing countries who were nominated by universities in those countries.

We appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which features the Court's entire jurisprudence and that of its predecessor, the Permanent Court of International Justice. Those sources provide useful information for States that wish to invoke the jurisdiction of the Court. We also appreciate the efforts undertaken by the authorities of the host country for the decontamination and renovation of the Peace Palace — the seat of the Court — with a view to restoring its worthiness while at the same time ensuring the continuation of the Court's functioning.

Finally, we wish to reaffirm our strong support for the Court and acknowledge the importance that the international community attaches to its work.

Mr. Lagdameo (Philippines): The Philippines thanks Judge Joan E. Donoghue, President of the International Court of Justice, for her report (A/77/4).

We associate ourselves with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

The International Court of Justice is an integral part of the United Nations architecture on 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, namely, "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, which marks its fortieth year, asserts the same commitment. It holds a special regard for the International Court of Justice, reiterates the Court's role as the principal judicial organ of the United Nations and encourages States to resort to the International Court of Justice in the peaceful settlement of disputes. As noted by President Ferdinand Marcos Jr. before this organ,

"By shepherding through the Manila Declaration of 1982, we helped affirm that differences should be resolved only through peaceful means. By reinforcing the predictability and stability of international law ... we provided an example of how States should resolve their differences, through reason and right." (A/77/PV.5, p.3)

He also stressed that

"amid challenging global tides, an important ballast is the stabilization of our common vessel, that is, our open, inclusive and rules-based international order, governed by international law and informed by the principles of equity and justice". (*ibid.*)

The International Court of Justice is a pillar of the rules-based international order. Its increasing workload, the importance, complexity and variety of the subject matter of the cases brought before it and the geographical diversity of the States bringing cases before it illustrate the vitality and universal character of the jurisdiction of the principal judicial organ of the United Nations. During the period covered by the report, the Court experienced a high level of activity, having handed down four judgments and 15 orders and

having held public hearings in six cases. Meanwhile, four new contentious cases were brought before the Court and, as of July 2022, the number of cases before the Court stood at 15. 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 increasing resort to the Court, as is the Court's determination not to be swayed by political pressures 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 its proper functioning. We laud the responsible stewardship by the Court of its funds. We support the provision of adequate financial resources, which are essential for the Court's discharge of its judicial functions. The Philippines has recognized the compulsory jurisdiction of the Court since 1972, and we renew our call on other States to do the same. The relationship between the Court and the Security Council is fundamental in the maintenance of peace and security. We call on the Security Council to seriously consider Article 96 of the Charter of the United Nations and make greater use of the Court as a source of advisory opinions and interpretation of the relevant norms of international law.

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, in particular those targeted towards young people worldwide. We support the trust fund established to enable the participation of graduates from developing countries, thereby guaranteeing the geographic and linguistic diversity of participants in the Judicial Fellowship Programme. That is critical, as the diverse geographical spread of cases indicates how States are increasingly turning to the Court, reflecting the value placed by the international community in its role in attaining the cardinal principle of the Charter: the maintenance of international peace and security.

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

Mr. Bamyá (Palestine): We thank President Donoghue for her report (A/77/4) and the Court for its important work and, following the passing of Judge Antônio Augusto Cançado Trindade to Brazil, we join the international community in expressing our deepest

condolences to his wife and children and the global law and justice community.

The State of Palestine aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

The United Nations has enshrined among the main purposes and principles of the Charter of the United Nations the peaceful settlement of disputes in conformity with the principles of justice and international law. The establishment of the International Court of Justice is one of the clearest manifestations of its wish to pursue that goal. By any standard, the Court's establishment was a watershed moment in the history of international law and international relations. However, the founders fell short when it came to ensuring that the Court would be able to exercise its jurisdiction in all places and in all situations. We call ours an international law-based order; therefore, we cannot leave it to States to interpret or misinterpret the law, stretch it beyond reason to extend their rights or shrink it beyond understanding to deny their obligations. To assess in any given country whether the rule of law is observed, we look not only at its laws but also at its courts and its enforcement mechanisms. How would one qualify a State with the best laws but with courts that had jurisdiction only over those people willing to accept it? What if those courts had almost no enforcement mechanisms, while those that they did have were utilized only with regard to a certain category of people and not others? Would one qualify that country as enforcing the rule of law? That is our world order.

The Charter of the United Nations enacted the most important rules at a time in history that witnessed an unprecedented movement, born of the most horrific tragedies, towards codifying and advancing international law across all fields. Logically, we established a world court to uphold those principles and rules, but we did not grant it compulsory jurisdiction. Anyone who believes in justice cannot be satisfied with selective or voluntary justice. However, the Court has been able to deliver on its mandate for two reasons: first, because of its authority and credibility; and secondly, because of the will of many States to freely subject themselves to its jurisdiction. We commend the Court for its work and long-standing service to the cause of international law and the peaceful settlement of disputes. We equally commend all States that have decided to recognize the compulsory jurisdiction of the

Court, and we call on all those that have not yet done so to accept that compulsory jurisdiction. The State of Palestine is proud to be among those States that have endorsed the declaration on promoting the jurisdiction of the International Court of Justice.

The International Court of Justice was established not only to resolve disputes but also to help clarify applicable law, its correct interpretation and the obligations for States and international organizations, including the United Nations. That is why the Court was entrusted with its advisory capacity. We resorted to the Court to seek its guidance 20 years ago, and we shall resort to the Court again in the coming days. Some States like to emphasize the non-binding nature of the International Court of Justice's advisory opinions, but the International Court of Justice and its advisory opinions rely on binding law, including peremptory norms of international law that can suffer no derogations. As such, when the highest court and most authoritative organ in the world states the law, it is the duty of all States and international organizations to conform to it. We cannot but commend those nations that, when faced with an existential threat, decide to turn to the law to find answers. We are well-placed to understand them. We assure their representatives in this Hall of our solidarity and reaffirm our hope that humankind will rise to the challenge for the survival of those nations today and for the survival of all humankind tomorrow.

Through its contentious and advisory functions, the Court is capable of determining the law with authority and credibility as it pertains to any international situation. It thereby contributes in no small measure to the peaceful settlement of disputes. We call on the United Nations, including the Security Council, to make use of the Court's advisory function whenever possible in order to ensure that its actions are guided by the law and are aimed at upholding it. Both prevention and conflict resolution demand that the greatest possible role be given to the Court. It is also the marker that we are being true to the purposes and principles of the Charter of the United Nations.

In conclusion, the only possible rules-based order is an international law-based order. No one gets to dictate the rules. No one should get away with breaching them. By undermining rules that were centuries in the making, disregarding the lessons of the past, undermining every avenue leading towards the future, unravelling this edifice that was built stone by stone,

tragedy after tragedy and generation after generation, and undermining the international law-based order to advance a brute force-based chaos, no one will achieve triumph or security. Such decisions will come back to haunt those who make them, and they will haunt us all if we do not stand up to them. The International Court of Justice is our first line of defence — the more we empower it, the safer we all are.

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

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

It was so decided (decision 77/510).

The Acting President (*spoke in Spanish*): The Assembly has thus concluded this stage of its consideration of item 70.

Agenda item 71 (*continued*)

Report of the International Criminal Court

Note by the Secretary-General (A/77/305)

Reports of the Secretary-General (A/77/306 and A/77/307)

Draft resolution (A/77/L.7)

Mr. Konfourou (Mali) (*spoke in French*): The delegation of Mali aligns itself with the statement made by the representative of Côte d'Ivoire on behalf of the African States Parties to the Rome Statute of the International Criminal Court (ICC) (see A/77/PV.22). In my national capacity, following briefing of the President of the Court on the activity of the International Criminal Court, I would like to commend the exemplary cooperation between the ICC and the Government of Mali, particularly in the fight against terrorism and violent extremism.

As members of the General Assembly know, my country ratified the Rome Statute on 16 August 2000, and the Court's jurisdiction over Mali was established on 1 July 2002. Since then, Mali and the International Criminal Court have maintained excellent cooperative relations, characterized, *inter alia*, by the signing of the Agreement on Privileges and Immunities, in 2004; the Agreement on the Enforcement of Sentences, in 2012; the establishment of a country office in Bamako in 2014; and regular visits by Court officials to Mali.

It is within the framework of this cooperation that, since 2012, the Government of Mali has referred crimes committed in connection with the security and political crisis in Mali to the International Criminal Court. Two cases involving Malian citizens are currently before it. The first involves Mr. Ahmad Al Faqi Al Mahdi, former head of the Vice Brigade of Ansar Eddine, a terrorist group affiliated with Al-Qaida in the Islamic Maghreb. At the request of the Malian Government, the Court opened investigations in 2013, after which an international arrest warrant against him was issued on 28 September 2015. Indeed, Mr. Al Mahdi and others were guilty of attacking and destroying, between 30 June and 11 July 2012, 10 of the most important and well-known monuments of our beloved historic city of Timbuktu. In this regard, I would remind the Assembly that these historical monuments are all listed in our national heritage registry and are considered to be part of the common heritage of humankind. At his trial before the ICC, Mr. Al Mahdi pleaded guilty and was sentenced to nine years in prison for the war crime of intentionally directing attacks against religious and historical buildings in Timbuktu. He served his sentence, which was completed on 18 September 2022.

I would like to commend the professionalism and diligence with which the International Criminal Court conducted this historic trial, which serves as an example for humankind. I would also like to praise the Court for the reparations order and the establishment of a fund for the benefit of individual and collective victims, with reparations to be paid to members of the Timbuktu community. To date, over 850 people have received individual reparations. Accordingly, allow me to reiterate the gratitude of the Government and the people of Mali to its partners, in particular, Norway and Canada, for their support. I am also pleased to thank UNESCO for its support for the reconstruction of the Timbuktu monuments. Let me now take this opportunity to invite all States parties to further support the trust fund for victims, whose role is fundamental and central to restorative justice, both within the Rome Statute system and for the long-term development of international law.

The second case before the Court involves Mr. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, former Commissioner of the Islamic Brigade in Timbuktu, for crimes against humanity and war crimes. In this second case, the Court sent a very strong signal to criminals by issuing an arrest warrant

against Mr. Mahmoud on 27 March 2018. Following preliminary stages, the trial, which began in July 2020, remains ongoing.

Before concluding, I would like to emphasize that Mali reaffirms its commitment to supporting the role the ICC plays as an independent and impartial judicial institution in the fight against impunity for the most serious crimes committed against humanity. The Government of Mali hopes that the Court will work in parallel to strengthen the capacities of national judicial systems within the framework of the principles of complementarity and universality in accordance with the Rome Statute. In addition, Mali advocates building on the ongoing efforts to improve geographical representation and the promotion of gender in the Court's work. In the same vein, the Government of Mali welcomes the progress made by the Court's review mechanism to strengthen the effectiveness, legitimacy and capacity of this international judicial institution.

In conclusion, I reiterate the Government of Mali's continued support for the Rome Statute of the International Criminal Court and its cooperation with the Court.

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

Mr. Bamyia (Palestine): I thank the delegations for bearing with me speaking twice in a such a short span of time.

We are grateful to the President of the International Criminal Court (ICC) for his briefing (see A/77/PV.22), but more importantly for his leadership in these challenging times. We would also like to take this opportunity to express our appreciation to the judges and the officials of the Court who are striving to uphold and honour their mandate.

The words enshrined in the Rome Statute were inspired by tragedies — terrible human tragedies, human-made tragedies and human-endured tragedies — including those the world witnessed during the Second World War, notably the Holocaust. The millions of victims who had fallen were what it took to finally convince the world to develop rules of international law, including international criminal law, establish criminal courts and, finally, establish a criminal court with a universal calling.

Our collective duty is to honour all the victims who had to fall for the ICC to finally exist. The Court also stands for all the victims who have fallen since it came into existence, including in the areas under its jurisdiction, and it will continue to exist for all those it can help to keep from becoming victims.

We owe a great deal to the legal and diplomatic figures that helped to bring the Court into existence. We take this opportunity to honour the memory, legacy and, for some of them, their continued commitment to upholding the mandate of the Court. But as we stand in this Hall, we must acknowledge the unknown heroes who, at the risk of their lives, cooperate with the Court: the witnesses, human rights defenders and representatives of civil society organizations on the ground, who, in the face of great dangers and many disappointments, march on.

Accordingly, I cannot but seize this opportunity to salute from this podium the six Palestinian non-governmental organizations that continue their human rights and humanitarian work despite threats and attacks against them. I salute all of them, including those that cooperate with the Court, which is the real reason for their having been attacked. I salute Al-Haq, Addameer, Defence for Children International-Palestine, the Bisan Centre for Research and Development, the Union of Palestinian Women's Committees and the Union of Agricultural Work Committees. We have an expression in Arabic in which we say,

(spoke in Arabic)

“All mountain, no wind can shake you.”

(spoke in English)

These organizations continue doing their work despite the storm, embodying the best of the spirit of the Rome State. I have to thank the General Assembly and the international community for rejecting the outrageous labelling of these non-governmental organizations as terrorist organizations by the occupying Power, for standing by them and for their continued support for these organizations.

The establishment of the ICC constituted a watershed moment in the fight against impunity for the most serious crimes of concern to the international community as a whole — war crimes, crimes against humanity, genocide and the crime of aggression. Its importance lies primarily in its intention to convey to victims anywhere that these crimes will not be tolerated

and to convey to perpetrators everywhere that they should be held accountable by national jurisdictions or by an international court.

If we want the Court to live up to its sacred mandate — to be a force of deterrence and accountability — much more needs to be done. We support a substantive increase in the regular budget of the Court for the benefit of all situations, especially situations where crimes are ongoing and are causing suffering through a protracted impunity crisis. We call on all States to help the Court fulfil its universal calling — by not obstructing its work, cooperating with it and acceding to the Rome Statute.

We stand ready to do our part and reiterate in this Hall our full commitment to cooperating with the Prosecutor in the context of investigations in the situation in the State of Palestine. Palestinian victims look forward to seeing the Court fulfil its mandate and help to bring an end to decades of impunity for crimes perpetrated against them, ushering in an era where justice and redress are finally within reach.

It took 20 years to activate the jurisdiction of the Court over the crime of aggression. It will remain hard to explain to future generations why it took so much time and effort to achieve that end for one of the original crimes covered by the Rome Statute, when aggression is the supreme international crime and the most unlawful form of the use of force. This is particularly so since aggression is so often accompanied by the commission of other crimes falling under the jurisdiction of the Court. It will be hard to explain the severe limitations on the jurisdiction of the Court over this crime. Because of the lessons of the past, the challenges of the present and the future we want to help build, the jurisdiction over this crime should be aligned with the jurisdictional regime governing the three other categories of crimes. We note with disappointment that in many debates going on today, there is little to no discussion about correcting this terrible mistake.

In conclusion, the words enshrined in the Rome statute were inspired by tragedies — terrible human tragedies, human-made tragedies, human-endured tragedies — and words have the power we confer to them. The Rome Statute is still, in many aspects, a promise, a pledge yet to be fulfilled. It is our collective responsibility to help the Court live up to this pledge for the benefit of all humankind.

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

The General Assembly will now consider the draft resolution contained in document A/77/L.7, entitled “Report of the International Criminal Court”.

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 resolution and in addition to the delegations listed in the document, the following countries have also become sponsors of draft resolution A/77/L.7: Andorra, Bangladesh, Belize, Brazil, Ecuador, France, Guatemala, Honduras, Paraguay, Peru, San Marino, Senegal, Ukraine and Uruguay.

The Acting President (*spoke in Spanish*): May I take it that the Assembly decides to adopt draft resolution A/77/L.7?

Draft resolution A/77/L.7 was adopted (resolution 77/6).

The Acting President (*spoke in Spanish*): Before giving the floor to speakers in explanation of position after adoption, I would like to remind the Assembly that statements are limited to 10 minutes and should be made by delegations from their seats.

I call on the representative of the Russian Federation.

Mr. Skachkov (Russian Federation) (*spoke in Russian*): During the debate, we set out our position on the activity of this prejudiced, politicized and incompetent international judiciary body. We will not repeat what we said. Obviously, the Court does not deserve our support. The amendments to this year’s resolution do not reflect the reality of the situation and create a false impression that the jurisdiction of the Court extends to the States that are not party to the Rome Statute. Given this, our delegation disassociates itself from the consensus on the resolution on the report of the International Criminal Court.

Ms. Rivlin (Israel): Israel was an early advocate for the establishment of an international criminal court. As a democratic justice-seeking State and the nation State of the Jewish people, Israel remains committed to ensuring that the perpetrators of mass atrocities that deeply shock the conscience of humankind are held accountable. As in previous years, Israel has decided to

disassociate itself from this resolution for the reasons it has expressed in the past.

The Acting President (*spoke in Spanish*): We have heard the last speaker in explanation of position after adoption.

Before giving the floor to speakers in exercise of the right of reply, may I remind delegations 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. Rivlin (Israel): Israel regrets that certain actors in this Hall have once again decided to sidetrack this annual debate for their own narrow political goals and aspirations. As we have seen time and time again, conflicts are not resolved unless there is willingness on both sides to do so. A conflict cannot be solved by a party refusing to negotiate, while at the same time speaking on international stages and calling for justice, nor can a conflict be solved by disseminating false narratives and twisting legal norms for self-serving purposes. Justice is not achieved by turning to the commission of terrorist acts or the financing thereof or the glorification of murder. Nor is it achieved by a State executing terror attacks while hiding behind its civilian population, expecting the rest of the world to do the State’s job and protect its civilians from harm.

We urge the Palestinian representative to stand behind the principles that he has so righteously preached and recognize the importance of the protection of civilians anywhere and everywhere — and not just when it suits him to advance his country’s narrow political goals in the media and international forums. As we have stated in the past, we can only pave the way to a better future for Palestinian children and Israeli children alike when the Palestinian leadership finally decides to cease to act unilaterally and sit down at the negotiation table with a sincere and genuine readiness to discuss outstanding issues and accept necessary albeit at times painful compromises.

Israel stands ready, as always, to discuss matters that stand at the heart of the conflict. But that cannot be done in a courtroom; it has to be done in a more extensive peace process, of which we have been supportive since the founding of our nation.

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

Mr. Bamyá (Palestine): I would like to remind the Israeli representative in which Hall we are talking. We are talking at the United Nations. When we speak of narrow political goals, it is disrespectful for many delegations at the United Nations that have fought and struggled for their own freedom from all forms of oppression. That is not a narrow political goal; that is one of the purposes of the United Nations — to achieve self-determination for peoples, including the Palestinian people.

The second element I would like to address is that there are among us people who seem to think pursuing peace is compatible with committing war crimes and crimes against humanity, and there are those among us who believe that pursuing justice helps peace. I do not think there is an argument that says that injustice is the way to peace. Justice is the way to peace. And we

said, when we joined the International Criminal Court, that we had decided to choose justice over vengeance. I think that choice should be praised and not attacked or obstructed.

I call on the representative of Israel to read the Rome Statute. We believe in its letter and spirit. It says that peace and justice are intertwined. It is perhaps the only peaceful path towards protecting our people, and calling for the protection of our people is not about attacking anyone. We support the protection of all civilians. We support the rule of international law. We want what others have enjoyed — freedom and dignity in our land.

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 71?

It was so decided.

The meeting rose at 4.15 p.m.