



Permanent Mission of Ukraine
to the United Nations



PERMANENT MISSION OF GEORGIA
TO THE UNITED NATIONS



**Joint statement of Ukraine, the Republic of Moldova and Georgia
on agenda item 82
Report of the Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization
20 October 2023**

Mr. Chair,

I have the honor of speaking on behalf of Ukraine, the Republic of Moldova, and my own country Georgia.

The Charter of the United Nations is the core international instrument with universal character, mandating the Member States to guarantee international peace and security and uphold international law. Therefore, all states are obliged under Article 2 of the Charter “*to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered*” and “*to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations*”.

During this year’s debates at the Special Committee on the Charter of the United Nations, our three countries once again emphasized that in order to achieve the above aims, the UN Charter offers a wide range of means to peacefully settle international disputes, including through regional arrangements and agencies, as envisaged in Article 52 of the UN Charter.

We would like to express our disappointment that for already the second year in a row, this March, no substantial part of the Report was adopted by the Special Committee on the Charter, due to the fact that one of the delegations refused to reflect the discussions of the debate in the report. In particular, the Russian Federation has abused the consensual practice of the report adoption para by para, by excluding all the paragraphs that constituted the vital part of the Report and were essential for our three countries.

In these circumstances it is imperative to also recall the provisions of the UN General Assembly Resolution A/RES/53/101, dated 20 January 1999, entitled *Principles and guidelines for international negotiations*, which states the following: Negotiations should be conducted in good faith; States should adhere to the mutually agreed framework for conducting negotiations; States should endeavor to maintain a constructive atmosphere during negotiations and to refrain from any conduct which might undermine the negotiations and their progress. The above-mentioned resolution is also frequently violated with respect to the toolbox of Chapter VI, Article 33 of the UN Charter, used by Ukraine, the Republic of Moldova, and my own country Georgia.

What the world has witnessed in Ukraine is the repetition of aggression policy started in Georgia and the Republic of Moldova in early 1990s, which continued with the full-scale military aggression against Georgia in 2008 and attempts to forcibly change the borders of a sovereign state in Europe and subsequent occupation of Abkhazia and Tskhinvali regions of Georgia. This represents a clear confirmation that impunity encourages further violations of the UN Charter. Up to this day, despite mediation, as well as diplomatic and judicial efforts, Russian military troops are still illegally stationed on the territories of the Republic of Moldova and Georgia. Furthermore, Russia extended its military presence in Ukraine since 2014, followed by unjustified, unprovoked and premeditated full-scale military aggression against Ukraine in February 2022, while presiding over the Security Council.

Mr. Chair,

Since the beginning of the Russian aggression in February 2014, Ukraine has done its utmost to solve the conflict by legal means, in particular at the International Court of Justice and ad hoc arbitrations. Eight years later, on February 24, Russia is not only ignoring the ICJ order of 19th of April 2017 in the case concerning Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination, but also started a new wave of full-scale military aggression against Ukraine trampling the principles of the UN Charter. It is no surprise that the ICJ Order of 16th of March 2022 in the case concerning allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide, which ordered to immediately suspend its so-called “military operations” is also being ignored by the Russian Federation. The ICJ’s Order on provisional measures under Article 41 of the Statute of the ICJ has a binding effect. After Court’s issuing the Order of 16 March 2022, Russia’s attempted illegal annexation of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine on September 30, 2022. It is a serious aggravation of the dispute under the Convention on the Prevention and Punishment of the Crime of Genocide in the ICJ and one more violation of the UN Charter and international law.

In this regard, we recall 6 Resolutions of the eleventh Emergency Special Session of the UNGA adopted during more than a year of full-scale invasion in Ukraine, which explicitly demonstrated overwhelming support and unity of the UN Member States regarding sovereignty, territorial integrity and political independence of Ukraine, defended the principles of the UN Charter, as well as underlined the need to reach a comprehensive, just and lasting peace in Ukraine in line with the principles of the Charter of the United Nations.

Although Ukraine is exercising its inevitable right to self-defense in accordance with Article 51 of the UN Charter to repel Russia’s aggression and liberate its territories, it will not change its firm commitment to the rule of law, and will not turn from the path of using all available legal means to hold aggressor state accountable.

Mr. Chair,

Russia continues illegal occupation of Georgia’s territory and its illegal military presence in Georgia’s occupied Abkhazia and Tskhinvali regions, intensifies process of incorporation of both regions into Russia’s military, economic, social and judicial spheres, enhances installation of barbed wire fences and other artificial barriers along the occupation line, as well as continues illegal detentions and kidnappings of Georgian citizens, closure of the occupation line and restriction of freedom of movement that creates dire security, humanitarian and human rights situation on the ground.

The statements regarding the deployment of Russian naval base in the occupied Abkhazia region further exacerbate the volatile security environment not only in Georgia but in the wider Black Sea region.

Any military occupation, however temporary, resulting from the unlawful use of force, constitutes an act of aggression pursuant to UNGA Resolution 3314 of 14 December 1974. Georgia, facing ongoing military aggression by Russia, has been adhering to the peaceful conflict resolution policy, based on two main pillars – de-occupation of the Georgian regions on the one hand, and reconciliation and confidence building between the communities divided by the occupation lines, on the other underpinned by respect of international law and the UN Charter. Furthermore, Georgia is committed to utilize every peaceful means at its disposal as stipulated in Article 33 of the UN Charter, including, inter alia, engaging in negotiation formats, namely the Geneva International Discussions (GID) and Incident Prevention and Response Mechanisms (IPRMs) under the GID.

At the same time, resorting to judicial remedies is another peaceful conflict resolution instrument used by Georgia. In this context, I wish to recall the judgment of the European Court of Human Rights of 21 January 2021. In Its landmark ruling, the ECHR confirmed Russia's illegal military occupation and effective control over Abkhazia and Tskhinvali regions of Georgia, as well as Russia's responsibility for the mass violations of human rights on the ground and for deprivation of right of IDPs and refugees to return to their homes. Moreover, This year, for the first time, the European Court of Human Rights in its judgment of 7 March, in the case of *MAMASAKHLISI* held that Russia exercised effective control over the Georgian region of Abkhazia even before the 2008 war and stressed Russia's full responsibility for human rights violations in the occupied region. Moreover, the International Criminal Court concluded its investigation on Situation in Georgia in 2022, issued arrest warrants against the representatives of the illegal occupation regime for the war crimes committed during Russia's military aggression in 2008 and uncovered alleged role of Russian high military official.

Mr. Chair,

Negotiations, as key means of settling states disputes, have been continuously used by the Republic of Moldova since 1993. Moldova manages to preserve peace across the country, including in the breakaway Transnistrian region, where Russian troops are illegally stationed and in violation of the constitutional neutrality of the Republic of Moldova. Moldova's commitment to a peaceful resolution of the conflict remains steadfast. Accordingly, Moldova reiterates the call for the demilitarization of the region, including the complete, unconditional, and immediate withdrawal from the territory of the Republic of Moldova of the troops of the Russian Federation stationed illegally and the evacuation/ destruction of the ammunition stocks from the warehouse in Cobasna.

In this regard, Moldova recalls the relevant UNGA resolutions on cooperation between the United Nations and the Organization for Security and Cooperation in Europe, particularly resolutions 54/117 of 15 December 1999, 55/179 of 9 December 2000, 56/216 of 21 December 2001 and 57/298 of 20 December 2002, as well as the UNGA resolution 72/282 of June 2018, and emphasize the commitments undertaken by the Russian Federation at the OSCE Summit held in Istanbul in 1999 on the withdrawal of its military forces and armaments from the territory of the Republic of Moldova.

In conclusion Mr. Chair,

Ukraine, Republic of Moldova and Georgia firmly believe that the United Nations should continue taking solid actions and decisions to respond to the threat of international peace and security while the people of our three countries still remain under threat and suffer from the use of force against their sovereignty, territorial integrity, and political independence. The UN Charter and its fundamental principles should be applied in a conscious and responsible manner. Therefore, the adoption of a comprehensive Report by the Committee is one of the key enablers of addressing the violations of the United Nations Charter and upholding the efforts of a peaceful settlement of disputes.

I thank you!