



**Statement by
Ambassador Mathu Joyini, Permanent Representative of South Africa
to the United Nations
at the meeting of the United Nations Security Council
on the situation in the Middle East**

29 May 2024

Mr President,

South Africa wishes to thank you and members of the Security Council for giving us an opportunity to address the Council at this meeting today.

The Security Council is convening yet again to discuss the perilous situation in the Middle East. We can remind the members of the Security Council that the situation in Palestine and Israel has been on its agenda for almost as long as this organisation is in existence. We can remind Council members of their Charter mandated role to maintain international peace and security. We can remind Council members that a failure to decisively act to contribute to preventing and stopping wars will result in more people dying, being injured and living in intolerable conditions.

Mr President,

How many times does the Council have to be reminded of these matters before it can meaningfully act to make a call that it is duty bound to make.

A call for a ceasefire.

That is what the majority of the members of the United Nations and thousands of people all across the world have been demanding for months.

A call for a ceasefire so that we can halt the senseless killing of thousands of civilians, including innocent children, women and men.

The response from this Council to this call has not been entirely forthcoming. The legally binding resolution calling for a short-lived ceasefire in Ramadan was ignored. And the Council has not acted accordingly.

Mr President,

In December 2023, noting its obligations as a State Party to the Convention on the Prevention and Punishment of the Crime of Genocide, South Africa approached the International Court of Justice (ICJ) seeking an order to prevent Israel from committing genocide against the Palestinian people. As Israel continued to defy the Court's orders including with its latest Rafah offensive, South Africa went back to the Court seeking additional provisional measures to prevent Israel's persistent acts of genocide against the Palestinian people in Gaza. In its decisions, the Court has asserted that the Palestinians have a legal right to protection against

genocide, and that South Africa had shown that there was a real and imminent risk to the irreparable violation of that right.

The ICJ's orders make it clear that there is a serious risk of genocide against the Palestinian people in Gaza. Third States must, therefore, also act independently and immediately to prevent genocide by Israel and to ensure that they are not themselves in violation of the Genocide Convention, including by aiding or assisting in the commission of genocide. This necessarily imposes an obligation on all States to cease funding and facilitating Israel's military actions, which are plausibly genocidal.

We regret that since the provisional measures were issued by the Court, including in its latest decision on 24 May 2024 where it ordered Israel to halt any other actions in Rafah, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part, Palestinians continue to suffer immeasurably under the occupying power's intensified military operations. The events of the past seven months in Gaza have illustrated that Israel's actions are plausibly genocide and are contrary to its international law obligations including those in terms of the Genocide Convention.

Mr President,

Today, in a letter addressed to you which we request to circulate to the members of the Security Council, South Africa has provided the Council with a public dossier of evidence relating to the state of Israel's intent and incitement to commit genocide against the Palestinians in Gaza. We remind members of the Council that Article 94(2) of the UN Charter states that "If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the ICJ, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment".

South Africa therefore requests the Security Council to give effect to the Court's judgements in the case of South Africa v. Israel.

We must reiterate that the international community cannot proclaim the importance of international law and the importance of the UN Charter in some situations and not in others as if the rule of law only applies to a select few. For international law to be credible, it should be uniformly applied and not selective.

Mr President,

The global governance system that was created for states to voluntarily join and commit to working collectively to address global challenges, requires us to accept that no one is beyond reproach. No one state is more equal to another. No one state can be allowed to breach international law and at the same time call on others to abide by it. As we approach the Summit of the Future and consider the future of this organisation and the challenges facing multilateralism as a whole, let us accept that when we sign on and accept to be part of the United Nations, we accept to be bound by its rules. This should especially be noted by those that seek leadership positions within the organisation.

I thank you.