INTERNATIONAL COURT OF JUSTICE

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)

Written observations of the Republic of the Union of Myanmar on the admissibility of the declarations of intervention of the Republic of Slovenia, the Democratic Republic of the Congo, the Kingdom of Belgium and the Republic of Ireland

3 April 2025

A. Introduction

1. Pursuant to the decision of the Court communicated to the parties on 4 March 2025, the Republic of the Union of Myanmar ("**Myanmar**") submits the present written observations on the admissibility of the declarations of intervention pursuant to Article 63 of the Statute filed in these proceedings by:

    (1) the Republic of Slovenia ("**Slovenia**") on 22 November 2024 (the "**Slovenian Declaration**");

    (2) the Democratic Republic of the Congo (the "**DRC**") on 10 December 2024 (the "**DRC Declaration**");

    (3) the Kingdom of Belgium ("**Belgium**") on 12 December 2024 (the "**Belgian Declaration**"); and

    (4) the Republic of Ireland ("**Ireland**") on 20 December 2024 (the "**Irish Declaration**").

2. For the reasons set out below, Myanmar maintains its position that all four declarations of intervention are inadmissible.

B. Procedural background

3. By an Order of 16 October 2023, the Court fixed 16 May 2024 as the time-limit for the filing of the Reply of The Gambia, and 16 December 2024 as the time-limit for the filing of the Rejoinder of Myanmar.

4. By an Order of 21 November 2024, the Court extended until 30 December 2024 the time-limit for the filing of the Rejoinder of Myanmar.

5. On 22 November 2024, Slovenia filed the Slovenian Declaration.

6. On 10 December 2024, the DRC filed the DRC Declaration.

7. On 12 December 2024, Belgium filed the Belgian Declaration.

8. On 20 December 2024, Ireland filed the Irish Declaration.

9. On 29 January 2025, Myanmar filed written observations objecting to the admissibility of the Slovenian Declaration ("**Myanmar's previous observations on the Slovenian Declaration**").

10. On 10 February 2025, Myanmar filed written observations objecting to the admissibility of the DRC Declaration ("**Myanmar's previous observations on the DRC Declaration**").

11. On 12 February 2025, Myanmar filed written observations objecting to the admissibility of the Belgian Declaration ("**Myanmar's previous observations on the Belgian Declaration**").

12. On 21 February 2025, Myanmar filed written observations objecting to the admissibility of the Irish Declaration ("**Myanmar's previous observations on the Irish Declaration**").

13. By letter dated 4 March 2025, the Registrar advised the parties and the States seeking to intervene that in light of the fact that Myanmar had objected to the admissibility of the declarations of intervention, the Court would hear the States seeking to intervene and the parties before deciding on the question of admissibility (Article 84, paragraph 2, of the Rules of Court). The letter further advised that the Court had decided to do so by means of a written procedure, under which the States seeking to intervene would submit observations in writing on the admissibility of their declarations of intervention by 19 March 2025, and the Parties would submit observations in writing on the admissibility of the declarations of intervention by 3 April 2025.

14. On 17 March 2025, the DRC filed its written observations on the admissibility of the DRC Declaration (the "**DRC Observations**").

15. On 18 March 2025, Belgium filed its written observations on the admissibility of the Belgian Declaration (the "**Belgian Observations**"), and Slovenia filed its written observations on the admissibility of the Slovenian Declaration (the "**Slovenian Observations**").

16. On 19 March 2025, Ireland filed its written observations on the admissibility of the Irish Declaration (the "**Irish Observations**")

17. Myanmar now files the present written observations on the admissibility of the four declarations of intervention.

C. General observations

18. Myanmar maintains its request that the Court find all four declarations of intervention to be inadmissible.

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19. The position of Myanmar remains unchanged from that set out in Myanmar's previous observations on the Slovenian Declaration, Myanmar's previous observations on the DRC Declaration, Myanmar's previous observations on the Belgian Declaration, and Myanmar's previous observations on the Irish Declaration. The contents of those previous observations are not unnecessarily repeated, and their contents are adopted by reference into the present written observations. In the present document, Myanmar confines itself to addressing additional arguments raised in the DRC Observations, the Belgian Observations, the Slovenian Observations and the Irish Observations.

20. Contrary to what the DRC contends,[1] the objections to admissibility raised in Myanmar's previous observations on the declarations of intervention are not the same as the arguments that were rejected by the Court in its Order in the present case dated 3 July 2024 concerning the admissibility of two earlier declarations of intervention filed by other States in 2023 (the **"3 July 2024 Order"**).[2]

D. The DRC Declaration is inadmissible because it does not comply with Article 82, paragraph 1, of the Rules of Court

21. This section of this document should be read with paragraphs 7-16 of Myanmar's previous observations on the DRC Declaration. This objection relates to the DRC Declaration only.

22. The DRC does not appear to dispute that:

    (1) the person designated in the DRC Declaration as the agent of the DRC was not the diplomatic representative of the DRC in the country in which the Court has its seat;

    (2) Article 82, paragraph 1, of the Rules of Court, read with Article 38, paragraph 3, therefore required the signature of that person to be authenticated either by the diplomatic representative of the DRC in the country in which the Court has its seat or by the competent authority of the DRC's foreign ministry; and

    (3) at the time that the DRC Declaration was filed, the signature of the agent was *not* so authenticated.

23. The DRC says that the signature of the agent in the DRC Declaration was authenticated by the DRC's Minister of Justice and Keeper of the Seals due to the fact that under the DRC's internal arrangements, this Minister has responsibility for international litigation rather than the DRC's Minister of Foreign Affairs.

24. If the DRC thereby seeks to imply that the authentication of the agent's signature by the DRC's Minister of Justice and Keeper of the Seals should be treated as compliance with this requirement in Article 82, paragraph 1, of the Rules of Court, that suggestion should not be accepted by the Court.

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[1] DRC Observations, para. 2 second sentence.

[2] *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Order of 3 July 2024, https://www.icj-cij.org/sites/default/files/case-related/178/178-20240703-ord-01-00-en.pdf.

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25. Of course, a State is free to nominate any person at all as its agent, and may give internal responsibility for the conduct of the case on behalf of that State to any ministry or agency of its government that it chooses. All States will have their own particular internal arrangements as to which Minister or ministry within their government has such responsibility. However, it cannot be expected that the Court and other States participating in proceedings will know what those internal arrangements are. It is precisely because of this that the Rules of Court require the signature of the agent on the initial document filed by a State to be authenticated by either the diplomatic representative of that State *in the country in which the Court has its seat* or by the competent authority of that State's *foreign ministry*.

26. This requirement in Article 82, paragraph 1, of the Rules of Court is therefore not an empty formality, and indeed, no requirement in the Statute or Rules of Court should ever be presumed to be an empty formality. As the Court said in the 3 July 2024 Order, "the signature of the Agent ... should have been authenticated in the manner provided for in Article 38, paragraph 3, of the Rules of Court at the time the declaration of intervention ... was presented".[3]

27. Thus, at the time that the DRC Declaration was filed, the DRC not only failed to comply with the wording of Article 82, paragraph 1, of the Rules of Court. It also failed to give effect to the purpose of that provision.

28. The DRC Declaration therefore did not comply with this requirement in Article 82, paragraph 1, of the Rules of Court at the time that it was filed, and was therefore inadmissible at the time that it was filed.

29. The DRC argues in the alternative that this non-compliance with the Rules of Court was subsequently remedied, in that the signature of the agent of the DRC was subsequently authenticated by the Vice-Minister of Foreign Affairs, International Cooperation and Francophonie on behalf of the Minister of State for Foreign Affairs, in a letter dated 20 February 2025 that was received by the Registrar on 26 February 2025. The DRC argues that in the 3 July 2024 Order, the Court similarly found that the declaration of intervention of the Maldives was admissible, even though the signature of the agent of the Maldives had originally not been authenticated as required by Article 82, paragraph 1, of the Rules of Court, given that this defect had subsequently been remedied.[4]

30. However, as was already noted in Myanmar's previous observations on the DRC Declaration,[5] in the case of the Maldives, the defect was remedied before the expiry of the outermost time-limit specified in Article 82, paragraph 2, of the Rules of Court for the filing of the declaration of intervention (the date fixed for the filing of the last written pleading). Furthermore, in the case of the Maldives, there was no suggestion that the declaration of intervention had otherwise been filed out of time. In contrast, in the present case, at the time that the defect was remedied by the DRC on 26 February 2025 (when the letter of the DRC's Vice-Minister of Foreign Affairs, International Cooperation and Francophonie was received by the Registry), nearly two months had already elapsed since the date fixed for the filing of the last written pleading (30

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[3] 3 July 2024 Order, para. 31.
[4] DRC Observations, para. 5, referring to 3 July 2024 Order, para. 31.
[5] Myanmar's previous observations on the DRC Declaration, para. 14.

December 2024), and the declaration of intervention had in any event not been filed as soon as possible, as required by Article 82, paragraph 2, of the Rules of Court (see paragraphs 42-58 below). Unlike in the case of the Maldives, the defect in the DRC Declaration was not remedied until well after the time-limit for the filing of the DRC Declaration had already passed.

31. In a case where a document filed by a State is inadmissible because of a defect, but where the defect is subsequently remedied by the State filing the document, the date of filing of the document must be deemed to be the date on which the defect was remedied, which is the first date on which there was an admissible document before the Court. If the defect is remedied only after the time-limit for the filing of the document has already passed, then the document will be inadmissible due to failure to comply with the time-limit.

32. This conclusion is supported by analogy by case law of the Court dealing with jurisdiction. In various cases, the Court has indicated that where a condition for the jurisdiction of the Court is not satisfied at the time that the application instituting proceedings is filed, that defect may be remedied subsequently, but only if the State concerned would have been entitled to institute fresh proceedings at the time that the defect is remedied.

33. In the *Mavrommatis Palestine Concessions* case, the Permanent Court of International Justice said that:

> Even assuming that before that time the Court had no jurisdiction ..., *it would always have been possible for the applicant to re-submit his application in the same terms after the coming into force of the Treaty of Lausanne.*[6]

34. In the judgment on the preliminary objections in the *Military and Paramilitary Activities* case, the Court said that:

> It would make no sense to require Nicaragua now to institute fresh proceedings based on the [1956] Treaty [of Friendship], *which it would be fully entitled to do.*[7]

35. In the judgment on the preliminary objections in the *Bosnia Genocide* case, the Court said that:

> ... even if it were established that the Parties, each of which was bound by the Convention when the Application was filed, had only been bound as between themselves with effect from 14 December 1995, the Court could not set aside its jurisdiction on this basis, *inasmuch as Bosnia and Herzegovina might at any*

6 *Case of the Mavrommatis Palestine Concessions*, 1924, P.C.I.J., Series A, No. 2, p. 34 (emphasis added).

7 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984*, pp. 428-429, para. 83 (emphasis added).

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time file a new application, identical to the present one, which would be unassailable in this respect.[8]

36. Similarly, in the judgment on the preliminary objections in the *Croatia Genocide* case, the Court said that:

> What matters is that, at the latest by the date when the Court decides on its jurisdiction, *the applicant must be entitled, if it so wishes, to bring fresh proceedings in which the initially unmet condition would be fulfilled*. In such a situation, it is not in the interests of the sound administration of justice to compel the applicant to begin the proceedings anew — or to initiate fresh proceedings — and it is preferable, except in special circumstances, to conclude that the condition has, from that point on, been fulfilled.[9]

37. The position of Myanmar is furthermore specifically supported by the 3 July 2024 Order, which invoked the principle that the Court "cannot allow itself to be hampered by a mere defect of form, the removal of which depends solely on the Party concerned".[10] This is the same principle as that referred to in paragraphs 33-36 above. The 3 July 2024 Order therefore confirms that this same principle applies to a declaration of intervention.

38. The consequence is as follows. If a declaration of intervention by a State is inadmissible due to non-compliance with a requirement of the Rules of Court, but the time-limit for filing the declaration of intervention has not yet expired, then the State concerned would be entirely at liberty to file a new declaration of intervention that fully complies with the Rules of Court. In such circumstances, the removal of the defect would "depend[] solely on the [State] concerned", and it would not be in the interests of the sound administration of justice to require the State to go through the formality of submitting an entirely new declaration of intervention, rather than simply to remedy the defect. However, if the time-limit for the filing of the declaration of intervention has already passed before the defect is remedied, such that it would no longer be possible for that State to file an entirely new declaration of intervention, then the removal of the defect no longer "depends solely on the [State] concerned". In such circumstances, in order to file an entirely new declaration of intervention, the State would require a decision of the Court under Article 82, paragraph 4, of the Rules of Court to admit a late declaration of intervention.[11] In this situation, the State should therefore also require such a decision of the Court in order for the original declaration to be admitted after the defect is remedied.

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8 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections, Judgment, I.C.J. Reports 1996 (II)*, p. 614, para. 26 (emphasis added).

9 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Preliminary Objections, Judgment, I.C.J. Reports 2008*, p. 441, para. 85 (emphasis added).

10 3 July 2024 Order, para. 31, quoting *Certain German Interests in Polish Upper Silesia, Jurisdiction*, 1925, P.C.I.J., Series A, No. 6, p. 14.

11 Article 82, paragraph 4, of the Rules of Court provides that "In exceptional circumstances a declaration submitted later may however be admitted". Thus, contrary to what the DRC suggests (DRC Observations, para. 6), the consequence of Myanmar's position is not necessarily that the document is "irremediably inadmissible" ("*irrémédiablement irrecevable*").

39. No such application under Article 82, paragraph 4, of the Rules of Court has been made by the DRC. Furthermore, and in any event, in accordance with the wording of that provision, any such application could only be granted by the Court if the Court was satisfied that there are "exceptional circumstances". No exceptional circumstances have been invoked by the DRC. There is no apparent reason why the DRC had to delay the filing of its declaration of intervention until a mere three weeks before the date fixed for the filing of the last written pleading in the case. The DRC should have been aware that by delaying for so long, it would allow itself no time before the expiry of the time-limit to correct any defects in the declaration of intervention that might be identified by one of the parties to the proceedings. It was the DRC itself that decided to delay for so long, and to take this risk.

40. The DRC maintains that Myanmar cites no authority in support of the position that such a defect must be remedied before the expiry of the time-limit for the filing of the declaration.[12] In fact, that position is supported by the case law cited above. It is rather the DRC that cites no authority that supports its contrary position.[13] For the reasons above, the position of the DRC is not "perfectly logical".[14]

41. The Court should therefore find that the DRC Declaration is inadmissible. At the time that it was originally filed, it was not admissible because it was not signed in the manner required by Article 82, paragraph 1, of the Rules of Court. At the time that that defect was remedied, the time-limit under Article 82, paragraph 2, of the Rules of Court had already passed. No application to submit a late declaration of intervention has been made by the DRC under Article 82, paragraph 4, of the Rules of Court. Nor, in any event, have any exceptional circumstances within the meaning of that provision been established.

E. The declarations of intervention are inadmissible because they were not filed "as soon as possible" as required by Article 82, paragraph 2, of the Rules of Court

42. This section of this document should be read with paragraphs 7-25 of Myanmar's previous observations on the Slovenian Declaration, paragraphs 17-35 of Myanmar's previous observations on the DRC Declaration, paragraphs 7-25 of Myanmar's previous observations on the Belgian Declaration, and paragraphs 7-25 of Myanmar's previous observations on the Irish Declaration.

43. Article 81, paragraph 2, of the Rules of Court deals with the time-limit for the filing of a declaration of intervention under Article 63 of the Statute. It states that a declaration of intervention must be filed (1) "as soon as possible", and (2) "not later than the date fixed for the filing of the last written pleading".

44. The position of Myanmar is that this provision imposes two separate requirements, both of which must be satisfied. Thus, even where a declaration of intervention is filed "not

[12] DRC Observations, para. 7.

[13] The DRC argues that a document will be admissible if it complies with all requirements of admissibility at the time that the Court gives its decision on admissibility, even if some of these requirements were met by the State in question only after the deadline for the filing of the document: see DRC Observations, para. 7.

[14] DRC Observations, para. 7.

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later than the date fixed for the filing of the last written pleading", it will still be out of time if it was not filed "as soon as possible".

45. The States seeking to intervene disagree. They argue, in effect, that the only requirement is that a declaration of intervention must be filed "not later than the date fixed for the filing of the last written pleading", and that the words "as soon as possible" in Article 82, paragraph 2, of the Rules of Court have no practical effect.[15]

46. That argument should not be accepted. It would be contrary to principle to interpret this provision in the Rules of Court in a way that deprives the words "as soon as possible" of any purpose or effect (or *effet utile*). The ordinary meaning of the relevant words — "as soon as possible, and not later than the date fixed for the filing of the last written pleading" ("*le plus tôt possible, et au plus tard à la date fixée pour le dépôt de la dernière pièce de procédure écrite*") — is that there are two separate requirements, both of which must be satisfied.

47. If either one or both of these requirements is not met, a declaration of intervention can only be admitted pursuant to Article 82, paragraph 4, of the Rules of Court, that is to say, if the Court is satisfied that there are exceptional circumstances.[16] No exceptional circumstances have been established in the present case.

48. As was noted in Myanmar's previous observations on the declarations of intervention, the words "as soon as possible" do not mean that a declaration of intervention would be inadmissible by reason alone of the fact that, theoretically, it might have been filed somewhat earlier than it was. What these words do mean is that it would be open to the Court to find that a declaration of intervention is inadmissible for failure to satisfy this requirement if it is *clear* that the document could and should have been filed *very much earlier* than it was, and if it should have been apparent to the State seeking to intervene that it would cause delay in the proceedings by not filing its declaration of intervention sooner.[17] That is the case here, in relation to all four of the declarations of intervention.[18]

49. The fact that intervention under Article 63 of the Statute is a right is not a reason why the exercise of that right should not be subject to such time-limits.[19] The rights of an intervener under Article 63 must be balanced with the rights of the parties to the case, as well as with the interests of the good administration of justice. As Myanmar has stated,[20] and as Slovenia expressly accepts,[21] "[s]uch an intervener is a stranger to the

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15 Slovenian Observations, para. 7; DRC Observations, para. 13; Belgian Observations, paras. 11 and 18; Irish Observations, paras. 17-18.

16 Article 82, paragraph 4, of the Rules of Court provides that "In exceptional circumstances a declaration submitted later may however be admitted". See also paragraphs 38-39 above.

17 Myanmar's previous observations on the Slovenian Declaration, para. 19; Myanmar's previous observations on the DRC Declaration, para. 29; Myanmar's previous observations on the Belgian Declaration, para. 19; and Myanmar's previous observations on the Irish Declaration, para. 19.

18 Myanmar's previous observations on the Slovenian Declaration, paras. 12-14, 20-23; Myanmar's previous observations on the DRC Declaration, paragraphs 22-24, 30-33; Myanmar's previous observations on the Belgian Declaration, paras. 12-14, 20-23; and Myanmar's previous observations on the Irish Declaration, paras. 12-14, 20-23.

19 Compare Belgian Observations, para. 12; Irish Observations, para. 21.

20 Myanmar's previous observations on the Slovenian Declaration, para. 22; Myanmar's previous observations on the DRC Declaration, para. 32; Myanmar's previous observations on the Belgian Declaration, para. 22 Myanmar's previous observations on the Irish Declaration, para. 22.

litigation, and typically a stranger to the facts of the case and the dispute". Article 63 affords limited rights to such strangers to the litigation, for a very specific purpose, and does not permit them to involve themselves in the concrete case before the Court in any way. Even stricter compliance with the requirements of the Statute and Rules of Court must be expected of such a stranger to the litigation than would be expected of a party in the case. It is entirely principled that such a limited right of a stranger to the litigation should be subject to specific procedural requirements.

50. While Myanmar can cite no previous case law of the Court in support of this conclusion, this is only because the Court has not previously given any considered ruling on the matter.

51. The judgment in *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*[22] cannot be considered to be settled case law on the issue.

    (1) In that case, the Philippines filed an application for permission to intervene under Article 62 of the Statute on 13 March 2001. At that time, the relevant provision of the Rules of Court governing such declarations of intervention was Article 81, paragraph 1, which stated that a declaration of intervention under Article 62 of the Statute "shall be filed as soon as possible, and not later than the closure of the written proceedings", and that "In exceptional circumstances, an application submitted at a later stage may however be admitted".

    (2) In the judgment, the Court found that the application for permission to intervene had been filed before the closure of the written proceedings.[23] However, the Court appeared to be satisfied that the application for permission to intervene had not been filed as "soon as possible", given that "the Philippines had been aware that the Court had been seised of the dispute between Indonesia and Malaysia for more than two years before it filed its Application to intervene".[24] Nevertheless, the Court rejected the objection raised by both of the parties that the filing of the application for permission to intervene was untimely.[25] The Court appeared to be of the view that the only time-limit that had to be met was the requirement that the application be filed "not later than the closure of the written proceedings".[26]

    (3) However, the *dispositif* of the judgment contained only a single operative paragraph, finding that the "the Application of the ... Philippines ... for permission to intervene in the proceedings under Article 62 of the Statute of the Court, cannot be granted".[27] The reason for that sole finding was that the Philippines had not discharged its obligation to convince the Court that specified

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[21] Slovenian Observations, para. 23.

[22] *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 575. This judgment is referred to in Myanmar's previous observations on the declarations of intervention (e.g., Myanmar's previous observations on the Slovenian Declaration, paras. 15-17), and in the Slovenian Observations, paras. 9 and 11; DRC Observations, para. 9; Belgian Observations, para. 14; and Irish Observations, para. 17.

[23] *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 586, para. 24.

[24] *Ibid.*, pp. 584-585, paras. 20-22.

[25] *Ibid.*, p. 586, para. 26.

[26] *Ibid.*, pp. 585-586, para. 23.

[27] *Ibid.*, p. 607, para. 95.

legal interests may be affected in the particular circumstances of the case.[28] That is to say, the reason for that sole finding had nothing to do with the time-limit for filing the application for permission to intervene. Given that the Court made the single finding in the single operative paragraph of the judgment for that specific reason, the observations made by the Court about the timeliness of the application for permission to intervene were *obiter dicta*: the reasoning of the Court relating to the timeliness of the application was not an essential part of the finding in the operative part of the judgment.

(4) Furthermore, the *obiter dictum* rejecting the argument that the application for permission to intervene was untimely because it had not been filed "as soon as possible" consisted of only a single sentence.[29]

(5) This was therefore not a considered judgment of the Court on the effect of the words "as soon as possible" in Article 82, paragraph 1, of the Rules of Court.

52. The judgment on intervention in *Continental Shelf (Libya/Malta)*[30] similarly cannot be considered to be settled case law on the issue.

(1) In that case, Italy filed an application for permission to intervene under Article 62 of the Statute on 24 October 1983. At that time, the relevant provision of the Rules of Court governing such declarations was as in paragraph 51(1) above.

(2) In the judgment, the Court found that the application for permission to intervene had not been filed out of time.[31] The application for permission to intervene had been filed two days before the time-limit fixed for the filing of the Parties' counter-memorials. However, as the Court noted, "The Special Agreement [pursuant to which that case had been brought] included a provision for a possible further exchange of pleadings, so that even when the Counter-Memorials of the Parties had been filed, the date of the closure of the written proceedings, within the meaning of Article 81, paragraph 1, of the Rules of Court, would remain still to be finally determined".[32] Ultimately, the parties went on in that case to file replies on 12 July 1984.[33] The declaration of intervention was thus filed some 9 months before the closure of the written proceedings.

(3) The parties in that case did not object to the declaration of intervention on the ground that it had not been filed by Italy "as soon as possible" within the meaning of Article 81, paragraph 1, of the Rules of Court. Rather, Libya said that "As far as Libya is concerned, Italy appears in its Application to be indicating for the first

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28 *Ibid.*, pp. 598-607, paras. 56-94.

29 *Ibid.*, pp. 585-586, para. 23: "The Court notes, however, that despite the filing of the Application at a late stage in the proceedings, which does not accord with the stipulation of a general character contained in Article 81, paragraph 1, of the Rules requiring that '[a]n application for permission to intervene . . . shall be filed as soon as possible', the Philippines cannot be held to be in violation of the requirement of the same Article, which establishes a specific deadline for an application for permission to intervene, namely 'not later than the closure of the written proceedings'".

30 *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984*, p. 3, cited in Belgian Observations, para. 15.

31 *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984*, p. 8, para. 10 final sentence.

32 *Ibid.*, p. 6, para. 5.

33 See https://www.icj-cij.org/case/68/written-proceedings.

time its claims to areas of continental shelf in the vicinity of Malta", that "Until now, no such claim has been formulated", and that in view of the fact that the claim was now being advanced for the first time "there must be a serious question as to the validity of such a claim".[34] This objection thus went to the substance of the intervention, not to the question of the time-limit for the filing of a request for permission to intervene. Counsel for Libya affirmed at the hearing of the application for permission to intervene that there was no suggestion that Italy had failed to comply with Article 81 of the Rules of Court.[35]

(4) The *dispositif* of the judgment contained only a single operative paragraph, finding that the "the Application of the Italian Republic ... for permission to intervene under Article 62 of the Statute of the Court, cannot be granted".[36] The reason for that sole finding had nothing to do with non-compliance with the time-limit for filing an application for permission to intervene.

(5) This was therefore also not a considered judgment of the Court on the effect of the words "as soon as possible" in Article 82, paragraph 1, of the Rules of Court.

53. The judgment on intervention in *Jurisdictional Immunities of the State (Germany v. Italy)*[37] similarly cannot be considered to be settled case law on the issue. In that case, neither party filed any objection to the application of Greece for permission to intervene under Article 62 of the Statute, such that the Court did not even conduct a hearing of the parties on the question of admissibility.[38] Again, this was therefore not a considered judgment of the Court on the effect of the words "as soon as possible" in Article 82, paragraph 1, of the Rules of Court. If a State in one case acts in a certain way, and no other State objects, that does not constitute case law establishing a precedent to the effect that the Statute and Rules of Court permit such conduct. If, in a later case, a State objects to similar conduct, the objection cannot be dismissed merely on the basis of the claimed "precedent" of the earlier case in which no objection was taken.

54. A considered judgment on this question therefore remains to be given by the Court. There has in fact never been a previous case before the Court in which the Court has granted an application for permission to intervene under Article 62 of the Statute, or has found a declaration of intervention under Article 63 of the Statute to be admissible, in circumstances where one of the parties to the case has objected that the application or declaration was not admissible because it was not filed "as soon as possible". Myanmar

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[34] See *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene*, Observations of the Socialist People's Libyan Arab Jamahiriya on the Application Filed by Italy for Permission to Intervene, 5 December 1983, para. 3, https://www.icj-cij.org/sites/default/files/case-related/68/9583.pdf .

[35] See International Court of Justice, Pleadings, Oral Arguments and Documents, *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Volume II, p. 567 (Colliard), https://www.icj-cij.org/sites/default/files/case-related/68/068-19840125-ORA-01-00-BI.pdf: "Certes, nous ne disons pas que l'Italie a violé l'article 81, mais on doit remarquer que l'attitude italienne va à l'encontre de la tendance qu'exprime l'article 81 dans sa version de 1978" ("Of course, we are not saying that Italy has violated Article 81, but it should be noted that Italy's attitude runs counter to the tendency expressed in the 1978 version of Article 81").

[36] *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984*, p. 28, para. 47.

[37] *Jurisdictional Immunities of the State (Germany v. Italy), Application for Permission to Intervene, Order of 4 July 2011, I.C.J. Reports 2011*, p. 494; cited in Belgian Observations, para. 17.

[38] *Jurisdictional Immunities of the State (Germany v. Italy), Application for Permission to Intervene, Order of 4 July 2011, I.C.J. Reports 2011*,, p. 496, paras. 5-6.

maintains its position that the words "as soon as possible" do impose a separate and additional requirement that must be complied with by a State seeking to intervene.

55. It is noted that Slovenia and the DRC do not seek to argue that their declarations of intervention *were* filed as soon as possible. The DRC expressly refers to Myanmar's observation that the Court's judgment on the preliminary objections was rendered more than two years and four months before the DRC Declaration was filed,[39] and does not suggest that there was anything that would have prevented it from filing its declaration of intervention two years or more before it did so.

56. Belgium makes the bare claim that it has "made every effort" to file its declaration of intervention as soon as possible,[40] but maintains that the Rules of Court do not require it to communicate the circumstances justifying this claim.[41] However, in circumstances where a declaration of intervention has been filed more than two years after the Court's judgment on the preliminary objections, and there is nothing to indicate that the declaration of intervention could not have been filed immediately thereafter, the only possible conclusion that the Court could draw, absent adequate explanation by the State concerned, is that it was *not* filed as soon as possible.

57. Ireland makes a bare statement that its declaration of intervention "was nevertheless filed as soon as it was possible for Ireland to do so, given competing pressures on resources and the necessity of managing other priorities".[42] However, this is not a plausible explanation for a delay of more than two years.

58. Myanmar therefore requests the Court to find that all four declarations of intervention are inadmissible on the ground that they were not filed "as soon as possible", as required by Article 82, paragraph 2, of the Rules of Court.

F. The declarations of intervention go beyond the permitted scope of an intervention under Article 63 of the Statute

59. This section of this document should be read with paragraphs 26-36 of Myanmar's previous observations on the Slovenian Declaration, paragraphs 36-47 of Myanmar's previous observations on the DRC Declaration, paragraphs 26-36 of Myanmar's previous observations on the Belgian Declaration, and paragraphs 26-36 of Myanmar's previous observations on the Irish Declaration.

60. The States seeking to intervene all appear to accept the established principle that an intervener under Article 63 of the Statute is only permitted to address the construction of the provisions of the relevant convention (in this case, the Genocide Convention) that are in question at the relevant stage of the proceedings, and may not address any other matters.[43]

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[39] DRC Observations, para. 8.

[40] Belgian Observations, para. 37.

[41] Belgian Observations, para. 37.

[42] Irish Observations, para. 20.

[43] Slovenian Observations, paras. 14, 15 and 16 first sentence; Belgian Observations, para. 30; Irish Observations, para. 23. The DRC Observations do not expressly address the point.

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61. The Court has specifically said that the other matters that an intervener under Article 63 cannot address include "the existence of a dispute between the Parties, the evidence, the facts or the application of the Convention in the present case",[44] "the evidentiary value of a certain category of documents",[45] and rules and principles of international law other than the relevant convention in question, except in so far as they may be relevant for the construction of the relevant convention's provisions, in accordance with the customary rules of treaty interpretation reflected in the Vienna Convention on the Law of Treaties, in particular Article 31, paragraph 3 *(c)*.[46]

62. These are however merely examples of the kinds of matters that an intervener under Article 63 of the Statute is not entitled to address. Contrary to what the DRC suggests,[47] the Court's previous case law does not purport to give an exhaustive list of the matters that such an intervener cannot address. On the contrary, previous case law clearly establishes a general principle that such an intervener cannot address *anything* other than the construction of the relevant provisions of the convention in question.

63. The Genocide Convention does not itself prescribe the burden of proof, standard of proof, rules of procedure, or rules of evidence, to be applied by an international or municipal court or tribunal that is called upon to deal with claimed violations of the Genocide Convention. Any such court or tribunal will apply its own rules of procedure and rules of evidence in any case brought before it. Issues relating to burden of proof, standard of proof, procedure, or evidence are therefore not issues relating to the construction of the Genocide Convention. The meaning of the wording of a particular provision of the Genocide Convention is a question of construction of the Genocide Convention. However, the question of what types of evidence would be sufficient to establish a breach of a particular provision of the Genocide Convention, or of what inferences might be drawn from particular types of evidence, is *not* a question of construction of the Genocide Convention, and an intervener under Article 63 of the Statute cannot address issues such as these.

64. Similarly, the Genocide Convention does not set out the rules for determining the responsibility of States for violations of the Genocide Convention, or the attributability to States of the conduct of particular individuals. This is a matter governed by customary international law principles of State responsibility, which are reflected (with some modifications) in the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA). The question whether an act of genocide within the meaning of the Convention committed by an individual in particular circumstances would attributable to a State such as to make the State internationally responsible for that act is not a question of construction of the Genocide Convention. It is a question of interpretation and application of customary international law rules of State responsibility. An intervener under Article 63 of the Statute cannot address issues such as these.

65. Again, the Genocide Convention does not determine what remedies can be granted by an international court or tribunal in an inter-State dispute for violations of the Genocide

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[44] *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Admissibility of the Declarations of Intervention, Order of 5 June 2023, I.C.J. Reports 2023*, p. 374, para. 84.

[45] 3 July 2024 Order, para. 45.

[46] 3 July 2024 Order, para. 45.

[47] DRC Observations, para. 16.

Convention. This is a matter which may be governed by the Statute of the court or tribunal in question, or, failing that, by other international law principles. A question of what remedies may be granted by an international court or tribunal in such a case is therefore not a question of construction of the Genocide Convention, and is not a question that can be addressed by an intervener under Article 63 of the Statute.

66. In a case where the sole basis of the Court's jurisdiction is Article IX of the Genocide Convention, the arguments of the parties and the judgment of the Court may need to deal, in addition to the construction of the Genocide Convention, with other legal norms and legal questions, such as rules of procedure and evidence, principles of State responsibility, and norms governing the remedies that may be granted by the Court. However, an intervener under Article 63 of the Statute is not entitled to make observations in relation to any of these other matters.

67. Myanmar's previous observations on the declarations of intervention identify parts of the declarations that go beyond the permissible scope of an intervention under Article 63, and Myanmar provides explanations of why this is the case. See:

(1) Myanmar's previous observations on the Slovenian Declaration, paragraph 33;

(2) Myanmar's previous observations on the DRC Declaration, paragraphs 43-44;

(3) Myanmar's previous observations on the Belgian Declaration, paragraph 33; and

(4) Myanmar's previous observations on the Irish Declaration, paragraph 33.

68. Detailed responses are not provided in the Slovenian Observations, DRC Observations, Belgian Observations or Irish Observations. Myanmar maintains that the identified portions of the declarations of intervention exceed the permissible scope of an intervention under Article 63 of the Statute, for the reasons given in Myanmar's previous observations. These are not unnecessarily repeated.

69. **Slovenia** merely argues that an intervener under Article 63 of the Statute should be permitted to discuss procedural matters specific to the case before the Court, at least if they are uncontroversial, such as the procedural history of the case.[48] However, that suggestion is inconsistent with the general principle that an intervener under Article 63 of the Statute can only address the construction of the relevant convention and no other matters. If this was permissible, an intervener could, for instance, through selective recitation of certain aspects of the procedural history of a case or of the arguments of the parties in the case, seek to convey particular views about the case to the Court. There is simply no need for an intervener under Article 63 of the Statute to address any matters at all specific to the case before the Court, and it would be contrary to the established general principle for such an intervener to be permitted to do so.

70. In any event, as detailed in Myanmar's previous observations on the Slovenian Declaration,[49] the impermissible material in Slovenia's Declaration goes beyond descriptions of the procedural history of the case. Slovenia does not even present any arguments to seek to defend the inclusion of any of this other material in the Slovenian Declaration.

48 Slovenian Observations, para. 17.

49 Myanmar's previous observations on the Slovenian Declaration,, para. 33.

71. **The DRC** accepts that the DRC Declaration deals with matters "related to the question of proof in the context of the application of the Genocide Convention".[50] The DRC then states merely that these matters "are purely conceptual in nature and bear no relation to more concrete issues, such as the establishment of the facts in the present case or the probative value of various categories of evidence".[51]

72. This argument is incorrect. If questions of procedure, evidence, State responsibility and remedies are not questions of construction of the Genocide Convention, then even a purely conceptual discussion of such matters will exceed the permissible scope of an intervention under Article 63 of the Statute.

73. For instance, paragraphs 51 to 76 of the DRC Declaration, which take up some 10 pages or 20% of that document, deal with "proof of a genocidal intent". For the reasons given above, the whole of this part of the DRC Declaration deals with a subject other than the construction of the Genocide Convention. Contrary to what the DRC claims, these paragraphs of the DRC Declaration do not seek to elucidate the meaning of the words "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" in Article II of the Genocide Convention.[52] Rather, these paragraphs of the DRC Declaration seek to establish the proposition that "an express manifestation of specific intent is not required" in order to prove the special intent for genocide, and that "genocidal intent may be deduced or inferred from certain conduct or a course of conduct … insofar as the conduct or course of conduct in question reasonably permits such an inference".[53] The DRC's lengthy discussion that seeks to establish this proposition[54] has nothing to do with the interpretation of the wording in Article II of the Convention. These paragraphs of the DRC Declaration do not refer to other rules and principles of international law for purposes of the construction of the Genocide Convention. Rather, these paragraphs of the DRC Declaration simply deal with matters *other than* the construction of the Genocide Convention, namely the means by which facts can be proved in proceedings before the Court, and the kinds of inferences that could be drawn from particular facts or evidence.

74. The other paragraphs of the DRC Declaration identified in paragraphs 43 and 44 of Myanmar's previous observations on the DRC Declaration similarly deal with matters other than the construction of the Genocide Convention.

75. **Belgium** present a similar argument to that presented by the DRC, arguing that "the criteria for establishing proof of genocidal intent, as well as the elements required to

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50 DRC Observations, para. 15 ("Si la déclaration d'intervention de la République démocratique du Congo contient effectivement un certain nombre de développements liés a la question de la preuve dans le contexte de l'application de la convention sur le génocide …").

51 DRC Observations, para. 15 ("ces développements sont de nature purement conceptuelle et ne présentent aucun lien avec des questions plus concrètes, liées par exemple a l'établissement des faits dans la présente affaire ou a la valeur probante de diverses catégories de preuves").

52 DRC Observations, para. 15 ("Par-là, c'est la portée même de la notion d'« intention de détruire en tout ou en partie un groupe national, ethnique, racial ou religieux, comme tel » que la déclaration d'intervention entend contribuer a élucider").

53 DRC's declaration of intervention, para. 54 ("La République démocratique du Congo partage très largement la position qui vient d'être exposée. Plus particulièrement, elle relève qu'une manifestation expresse de l'intention spécifique n'est pas requise (A), l'intention génocidaire pouvant être déduite ou inférée de certains comportements ou d'une ligne de conduite (B) dans la mesure où les comportements ou la ligne de conduite en question permettent raisonnablement une telle déduction (C)").

54 DRC's declaration of intervention, paras. 55-76.

demonstrate the existence of such intent" may be addressed by an intervener "from a strictly legal angle", since the intervener does not thereby "make any assessment of the facts of the case, nor does it attribute any probative value to concrete evidence relating to the case".[55] Belgium argues that it is therefore merely presenting arguments on the interpretation of a genocidal intent in Article II of the Statute,[56] "in an abstract manner, detached from the specific context of the proceedings",[57] and that it "never mention[s] the probative value of concrete elements in the case, nor the facts of the case"[58] This argument must be rejected for the same reason as the argument of the DRC.[59]

76. Belgium also states that the Belgian Declaration refers to the claimed *erga omnes* character of obligations under the Genocide Convention[60] "to underline the importance of the intervention procedure provided for in Article 63 of the Statute when it concerns a convention which sets out obligations *erga omnes*".[61] Belgium thereby seeks to present an argument relating to Article 63 of the Statute of the Court, rather than an argument relating to the construction of the Genocide Convention. This is also beyond the permissible scope of an intervention under Article 63.

77. Contrary to what Belgium suggests,[62] the fact that other interveners and other States seeking to intervene also address impermissible matters in their declarations of intervention does not somehow prove that they are in fact permitted to do so. The case law of the Court establishes a settled principle that interveners under Article 63 can address the construction of the convention only. The failure of a number of States to observe that principle does not override that settled principle.

78. Again, contrary to what Belgium appears to suggest,[63] in the 3 July 2024 Order, the Court did not accept the argument of the States seeking to intervene, to the effect that "it is permissible to present their views on issues of construction pertaining to the establishment of breaches of the Convention, including on matters related to the standard of proof and evidence to establish genocidal intent, which are inherently questions of construction of the Convention".[64] On the contrary, the Court found in that order that the interveners cannot "address matters other than the construction of provisions of the Genocide Convention".[65]

79. **Ireland** similarly seeks to argue that the burden of proof and ways of establishing genocidal intent are relevant to the construction of the Genocide Convention. It claims that "How such an intent is to be established - whether within legal proceedings or otherwise - is ... a vital matter for all Contracting Parties in correctly construing (and

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55 Belgian Observations, para. 32.
56 Belgian Observations, para. 33.
57 Belgian Observations, para. 34.
58 Belgian Observations, para. 34.
59 See paragraphs 71-73 above.
60 In fact, obligations under the Genocide Convention are not obligations *erga omnes*. Certain customary international law principles relating to genocide may be obligations *erga omnes*, but the conventional obligations under the Genocide Convention are obligations *erga omnes partes*.
61 Belgian Observations, para. 35.
62 Belgian Observations, para. 31.
63 Belgian Observations, para. 31.
64 3 July2024 Order, para. 41, summarising the argument of Canada, Denmark, France, Germany, the Netherlands and the United Kingdom.
65 3 July2024 Order, para. 45.

thus properly implementing) their obligation to prevent the crime of genocide",[66] and that "What - and how many - inferences may be drawn from the commission of acts described in Article II will therefore be highly germane to the construction not just of that provision but of Articles I and III also".[67]

80. The logic of this argument is difficult to follow, and in any event wrong. The Court may well have decided, as a matter of construction of the Genocide Convention, that "a State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed".[68] However, that does not somehow mean that the Genocide Convention must prescribe the rules of evidence to be used to determine whether genocide has been committed, in order that the authorities of States can use those rules of evidence to determine whether their duty to prevent genocide is engaged. The definition of genocide within the meaning of the Convention may be a question of construction of the Convention. However, the question whether particular kinds of information available to authorities of a State would in particular circumstances be sufficient to put them on notice that there is a serious risk of genocide within the meaning of the Convention being committed is a question of evaluation of the evidence, and not a matter of construction of the Convention. It is simply *not* the case, as Ireland contends, that the question of "[w]hat - and how many - inferences may be drawn from the commission of acts described in Article II will therefore be highly germane to the construction not just of that provision but of Articles I and III also".[69]

81. The other paragraphs of the Irish Declaration identified in paragraphs 33(2)-(4) of Myanmar's previous observations on the Irish Declaration deal with matters other than the construction of the Genocide Convention. The Irish Observations do not seek to explain how these fall within the permissible scope of an intervention under Article 63 of the Statute.

82. As to the question whether the Court should declare the declarations of intervention inadmissible on the ground that they contain significant amounts of material going beyond the permissible scope of an intervention under Article 63 of the Statute, the DRC maintains that even if its declaration of intervention does contain material that goes beyond the permissible scope of an intervention under Article 63 of the Statute, the Court should merely ignore the impermissible material as it has done in the past, and that there is no reason why the Court should now change its practice and declare that the declaration of intervention as a whole is inadmissible.[70] Slovenia and Ireland appear to take the same position.[71] However, the reasons why the Court should declare the declarations of intervention to be inadmissible have been set out in Myanmar's

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66 Irish Observations, para. 24.

67 Irish Observations, para. 25.

68 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007*, p. 222, para. 431, quoted in Irish Observations, para. 24.

69 Irish Observations, para. 25.

70 DRC Observations, para. 17.

71 Slovenian Observations, para. 21; Irish Observations, para. 27. The Belgian Observations, para. 33, merely deny that the Belgian Declaration has exceeded the permissible scope of an intervention under Article 63.

previous observations on the declarations of intervention.[72] In short, the approach of the Court to date has not deterred interveners from continuing to seek to use the right of intervention under Article 63 of the Statute as a platform for making statements going beyond the permitted scope of such an intervention, and firmer action by the Court is now necessary.

83. Myanmar therefore maintains that the declaration of intervention of the DRC should be found to be inadmissible for this reason.

G. Alternatively, any interventions must be confined to the points of construction set out in the declarations of intervention

84. Alternatively, Myanmar contends that an intervener's substantive written observations on the subject-matter of the intervention (Article 86, paragraph 1, of the Rules of Court), and any observations in the oral proceedings with respect to the subject-matter of the intervention (Article 86, paragraph 2, of the Rules of Court) have to be strictly confined to arguments in support of the specific construction of the convention that was previously articulated in the prior declaration of intervention which the Court found to be admissible. An intervener cannot, in its substantive written and oral observations under Article 86 of the Rules of Court, contend for new or different constructions of provisions of the convention, that were not originally set out in its declaration of intervention under Article 82 of the Rules of Court.

85. This issue is dealt with in paragraphs 37-39 of Myanmar's previous observations on the Slovenian Declaration, paragraphs 48-50 of Myanmar's previous observations on the DRC Declaration, paragraphs 37-39 of Myanmar's previous observations on the Belgian Declaration, and paragraphs 37-39 of Myanmar's previous observations on the Irish Declaration.

86. None of the States seeking to intervene address this issue. Thus, none of the States seeking to intervene express any disagreement with Myanmar's conclusion in this respect.

H. Conclusion

87. Certain concluding observations are made by Myanmar in paragraphs 40-45 of Myanmar's previous observations on the Slovenian Declaration, paragraphs 51-56 of Myanmar's previous observations on the DRC Declaration, paragraphs 40-45 of Myanmar's previous observations on the Belgian Declaration, and paragraphs 40-45 of Myanmar's previous observations on the Irish Declaration.

88. **Slovenia, Belgium** and **Ireland** do not engage with these concluding observations of Myanmar in any way, and thus express no disagreement with them.

89. **The DRC** argues that Myanmar "over-dramatizes" the risk that there could be an unmanageable number of interventions under Article 63 of the Statute in the future.[73]

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[72] Myanmar's previous observations on the Slovenian Declaration, paras. 34-35; Myanmar's previous observations on the DRC Declaration, paras. 45-46; Myanmar's previous observations on the Belgian Declaration, paras. 34-35; and Myanmar's previous observations on the Irish Declaration, paras. 34-35.

[73] DRC Observations, paras. 18-20.

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Myanmar does not accept that. Of course, it cannot be known now how many declarations of intervention under Article 63 of the Statute there will be in the future. However, the *risk* identified by Myanmar is a real risk, and valid concern. Moreover, there are good reasons for fearing that the number of such interventions will increase, if interveners under Article 63 of the Statute are permitted to address matters going beyond the construction of the convention in question, and are able to use the intervention procedure to make political statements or to show support for one of the parties. Furthermore, there are reasons other than the risk of an increase in the number of interventions that make it important to confine interventions under Article 63 of the Statute within their proper limits. These include the good administration of justice, respect for the rights and the equality of both parties to contentious cases, and the preservation of the judicial character of the Court in its contentious jurisdiction. All of these concerns require rigorous enforcements of the proper limits of interventions under Article 63.

90. Contrary to what the DRC contends, the purpose of an intervention under Article 63 is not "to ensure the preservation of values and principles that lie at the heart of the contemporary international legal order, particularly as regards the protection of individuals and groups in the face of the worst of international crimes".[74] Rather, as demonstrated in Myanmar's previous observations,[75] the purpose of such an intervention is simply to allow a third State not party to the proceedings, but party to a convention whose construction is in question in those proceedings, to present to the Court its observations on the construction of that convention. That is the sole purpose of such an intervention, regardless of whether the convention the construction of which is in issue is a human rights convention, or a convention that has nothing at all to do with human rights.

I. Submission

91. For the reasons set out above, the Republic of the Union of Myanmar requests the Court to decide that the declarations of intervention of the Republic of Slovenia, the Democratic Republic of the Congo, the Kingdom of Belgium and the Republic of Ireland are inadmissible.

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Agent of Myanmar

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[74] DRC Observations, para. 20 ("Il convient plutôt de voir ces interventions comme salutaires, en ce qu'elles reflètent le souci d'assurer la préservation de valeurs et de principes qui sont au cœur de l'ordre juridique international contemporain, en particulier pour ce qui concerne la protection des individus et des groupes face aux pires des crimes internationaux").

[75] Myanmar's previous observations on the Slovenian Declaration, paras. 26-29; Myanmar's previous observations on the DRC Declaration, paras. 36-39; Myanmar's previous observations on the Belgian Declaration, paras. 26-29; and Myanmar's previous observations on the Irish Declaration, paras. 26-29.

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