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President: Mr. Kőrösi . . . . . (Hungary)

The meeting was called to order at 10 a.m.

Agenda item 70

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)

The President: More than 200 years ago, George Washington gave the following advice: "Observe good faith and justice towards all nations; cultivate peace and harmony with all". The International Court of Justice epitomizes that ideal. It is a cornerstone and a beacon of the United Nations system. It manifests the principles and goals we strive for in these halls — the rule of law, justice and the peaceful resolution of disputes. Our world today is deeply polarized, and unfortunately torn by ever growing numbers of interlocked crises. In such hard times, it is a rules-based system and an international legal order that can provide us with a solid basis for overcoming instability, unpredictability, strife and injustice.

The International Court of Justice represents the best of multilateralism. The Court is there for all of us to resolve our disputes, and to provide legal guidance and clarity when advice is sought. Even when there are differences of opinion — and there often are — the judges of the International Court of Justice are able to lead by example and agree to disagree in a professional and collegial manner. But when they come forward with a verdict, it represents solid knowledge, science and jurisprudence. It is no surprise that the docket of the Court has been full in recent years, and that there has been a clear upswing in the number of cases being deliberated on by the Court.

For our global community, it is more crucial than ever to send a clear message that international law must be respected. Strong legal institutions like the International Court of Justice are a critical component in making our world more just and peaceful, as it was envisioned by the founders of the United Nations. We must therefore all uphold and honour the Court's decisions, judgments and guidance, without exception. And we should all support the International Court of Justice and the ideas for which it stands.

Before concluding, I want to take a moment to note the passing of Judge Antônio Augusto Cançado Trinidad, a great jurist and a lifetime champion of human rights. Let me express my sincere condolences to his family and colleagues.

I greatly appreciate the leadership and contribution to international law of President Donoghue, as well as that of her esteemed colleagues. I wish all of them continued success in their enormously important work. It is work that is based on the wise admonition of the philosopher Francis Bacon — that if we do not maintain justice, justice will not maintain us.

I now give the floor to Judge Joan E. Donoghue, President of the International Court of Justice.

Judge Donoghue: It is an honour for me to address the General Assembly today, on the occasion of its examination of the annual report of the International

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Court of Justice (A/77/4). I am grateful for the opportunity to present an overview of the judicial activities of the principal judicial organ of the United Nations over the last year, in accordance with a well-established tradition that reflects the interest and support for the Court shown by the Assembly. At the outset, I would also like to take this opportunity to congratulate you, Sir, on your election as President of the General Assembly at its seventy-seventh session, and to wish you every success in that important role.

Before I begin my overview of the Court's recent activities, I too would like to pay tribute, on behalf of the Court, to Judge Antônio Augusto Cançado Trindade, who passed away on 29 May of this year. Judge Cançado Trindade was an eminent jurist and an ardent believer in international law as a people-centred discipline dedicated to the service of humankind. That compassionate perspective was a mainstay throughout his illustrious career. Judge Cançado Trindade's passing is a true loss to the international law community. He is sorely missed by his friends and colleagues on the bench.

I shall begin with an update on the Court's judicial work. Since 1 August 2021, which is the starting date of the period covered by the Court's annual report, the Court has been very busy. Our docket is full, with 16 contentious cases currently on our list, involving States from every corner of the world and covering a wide range of legal issues, from land and maritime delimitation to questions regarding international watercourses to alleged violations of bilateral and multilateral treaties concerning, among other things, the elimination of racial discrimination and the prevention and punishment of genocide.

Five new cases have been instituted since 1 August 2021, two of which I mentioned briefly in my speech to the Assembly last year (see A/76/PV.22), and which are the two cases concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the first brought by Armenia against Azerbaijan, and the second brought by Azerbaijan against Armenia.

In addition, on 27 February, Ukraine submitted an application instituting proceedings against the Russian Federation under the Convention on the Prevention and Punishment of the Crime of Genocide, which I shall refer to as the Genocide Convention, accompanied by a request for the indication of provisional measures, about which I shall say more shortly.

On 29 April, proceedings were instituted by Germany against Italy with regard to the latter's alleged failure to respect Germany's jurisdictional immunity. The application of Germany contained a request for the indication of provisional measures, which was withdrawn on 5 May, however, a few days before the scheduled hearings on that request were due to open.

The most recent case to be added to the docket concerns proceedings instituted by Equatorial Guinea against France on 30 September with regard to France's alleged violation of its obligations under the United Nations Convention against Corruption of 31 October 2003. The applicant contends, among other things, that France is under an obligation to return to Equatorial Guinea certain property that constitutes the proceeds of a crime of misappropriation of public funds committed against it, including a building located at 40-42 avenue Foch in Paris. The application instituting proceedings in this case was also accompanied by a request for the indication of provisional measures, on which a hearing had been scheduled to take place next month. Last week, however, Equatorial Guinea withdrew that request.

Since 1 August 2021, the Court has held hearings in seven cases and has delivered four judgments and three orders on provisional measures. In addition, earlier this month, the Court issued an order on a request for modification of previously imposed provisional measures. As is customary, I shall now give a brief account of the substance of those decisions. Because I provided a summary of the Court's judgment of 12 October 2021 on the merits in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)* in my address to the Assembly last year, I shall focus today on the other decisions issued by the Court in the period under review.

On 9 February, the Court rendered its judgment on the question of reparations in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. That case had been decided on the merits in 2005, the Court having held that Uganda was under an obligation to make reparation to the Democratic Republic of the Congo for the injury caused by its violation of the principles of the non-use of force and non-intervention, as well as of obligations incumbent on it under international human rights law and international humanitarian law, and obligations concerning natural resources. In its 2005 judgment, the Court had also found that the Democratic Republic of the Congo was under an obligation to make reparation

to Uganda for the injury caused by the Democratic Republic of the Congo's violation of the 1961 Vienna Convention on Diplomatic Relations.

The Court had further decided in 2005 that failing agreement between the parties, the question of reparations due would be settled by the International Court of Justice. On 13 May 2015, considering that the negotiations with Uganda had failed, the Democratic Republic of the Congo requested that the Court determine the amount of reparations owed. The Court thus resumed the proceedings on the question of reparations. At the close of the oral proceedings, which were held in April 2021, Uganda indicated that it wished to withdraw its claim for compensation. The Court's judgment therefore deals exclusively with the question of the reparations owed by Uganda to the Democratic Republic of the Congo. While the Court had previously rendered a few other judgments on compensation, this case was the first instance in which it was called on to rule on reparations for large-scale deaths and personal injuries arising out of an armed conflict. The Court also addressed claims for damage to homes and other private property, as well as Government property such as schools, and decided claims related to a variety of natural resources, including minerals and timber. In the operative part of its judgment, the Court awarded $225 million for damage to persons, $40 million for damage to property and $60 million for damage related to natural resources. The Court also decided that the total amount due from Uganda was to be paid in five annual instalments, each of $65 million, starting on 1 September.

On 21 April, the Court delivered its judgment on the merits in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*. By an earlier judgment, dated 17 March 2016, the Court had found that it had jurisdiction to entertain the dispute between the parties on the basis of the American Treaty on Pacific Settlement, which I shall refer to as the Pact of Bogotá. In that judgment, the dispute subject to the Court's jurisdiction was described as one regarding alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court had declared to appertain to Nicaragua in its 2012 judgment in the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, an earlier case between the Parties. Subsequently, in its counter-memorial, Colombia submitted four counter-claims, two of which were found to be admissible by the Court in an order dated 15 November 2017.

In its judgment of 21 April, the Court first concluded that it had jurisdiction *ratione temporis* to consider Nicaragua's claims relating to incidents that had allegedly occurred after 27 November 2013, the date on which the Pact of Bogotá had ceased to be in force for Colombia. A notable feature of the case was that the applicable law between the parties was customary international law, since Colombia is not a party to the United Nations Convention on the Law of the Sea (UNCLOS). The Court was thus called on to consider whether certain provisions of UNCLOS reflected customary international law.

With regard to Nicaragua's first claim, the Court found that Colombia had breached its obligation to respect Nicaragua's sovereign rights and jurisdiction in the latter's exclusive economic zone. In particular, Colombia had interfered with fishing and marine scientific research activities of Nicaraguan-flagged or Nicaraguan-licensed vessels and with the operation of Nicaraguan naval vessels, had purported to enforce conservation measures and had authorized fishing activities in that zone. The Court concluded, in that regard, that Colombia must immediately cease its wrongful conduct.

Turning to the second claim of Nicaragua, the Court considered that Colombia was entitled to establish a contiguous zone around the San Andrés archipelago, but found that the "integral contiguous zone" established by a Colombian presidential decree was not in conformity with customary international law as reflected in paragraph 1 of article 33 of UNCLOS, both in respect of its geographical extent and with regard to certain powers claimed by Colombia within that zone. It held that Colombia was under an obligation, by means of its own choosing, to bring the provisions of the relevant presidential decree into conformity with customary international law, insofar as they related to maritime areas declared by the Court in its 2012 judgment to appertain to Nicaragua.

The Court then turned to the counter-claims made by Colombia. It dismissed the counter-claim relating to the alleged infringement by Nicaragua of customary artisanal fishing rights of the local inhabitants of the San Andrés archipelago on the basis that the evidence adduced did not support the existence of such rights.

The Court then examined the counter-claim relating to Nicaragua's establishment of straight baselines from which the breadth of its territorial sea is measured. The

Court found that Nicaragua's straight baselines did not meet the requirements of customary international law reflected in paragraph 1 of article 7 of UNCLOS. Further, by purporting to convert into internal waters certain areas that would otherwise have been part of Nicaragua's territorial sea or exclusive economic zone and to convert into territorial sea certain areas that would have been part of Nicaragua's exclusive economic zone, Nicaragua's straight baselines denied Colombia the rights to which it was entitled in those zones. The Court concluded that a declaratory judgment to the effect that the straight baselines established by Nicaragua did not conform with customary international law was an appropriate remedy.

On 22 July, the Court rendered its judgment on preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*. The case was instituted by the Gambia against Myanmar for alleged violations by Myanmar of its obligations under the Genocide Convention through acts adopted, taken and condoned by its Government against members of the Rohingya group. The Court had indicated provisional measures in this case in 2020. The Gambia sought to found the jurisdiction of the Court on article IX of the Genocide Convention.

Myanmar raised four preliminary objections to the jurisdiction of the Court and the admissibility of the Gambia's application.

First, it submitted that the "real applicant" in the proceedings was not the Gambia but rather the Organization of Islamic Cooperation, an international organization that cannot be a party to proceedings in the Court.

Secondly, Myanmar argued that there was no dispute between the parties on the date of the filing of the application.

Thirdly, it claimed that the Gambia could not validly seize the Court in the light of Myanmar's reservation to article VIII of the Genocide Convention.

Finally, Myanmar submitted that the Gambia lacked standing to bring the case before the Court because it was not an "injured State", and had therefore failed to demonstrate an individual legal interest.

In its ruling, the Court indicated that it was satisfied that the applicant in this case was the Gambia and that a dispute relating to the interpretation, application and fulfilment of the Genocide Convention existed between the parties on the date of the filing of the application. With respect to Myanmar's reservation to article VIII of the Convention, the Court found that provision did not govern its seisin, and therefore Myanmar's reservation was irrelevant for the purposes of determining whether the Court had been properly seized of the case before it.

The Court also found that the Gambia, as a State party to the Genocide Convention, had standing to invoke the responsibility of Myanmar for the alleged breaches of its obligations *erga omnes partes* under the Convention. The Court thus rejected the four preliminary objections raised by Myanmar and found that it had jurisdiction, on the basis of article IX of the Genocide Convention, to entertain the application filed by the Gambia and that the application was admissible. The proceedings on the merits of this case, which had been suspended following the filing of Myanmar's preliminary objections, have now resumed.

The Court delivered three orders on the indication of provisional measures during the period under review. Before I summarize those orders, I shall briefly recall the criteria that the Court applies when presented with a request for the indication of provisional measures.

First, the title of jurisdiction invoked by the applicant must appear, *prima facie*, to provide a basis on which the Court's jurisdiction could be founded.

Secondly, the rights asserted by the party requesting provisional measures must be at least plausible, and a link must exist between the rights whose protection is sought and the provisional measures requested.

Thirdly, the Court must be satisfied that irreparable prejudice could be caused to rights that are the subject of judicial proceedings, or that the alleged disregard of such rights may entail irreparable consequences. And there must be urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision.

When I spoke to the Assembly last year, I mentioned that the Court was then deliberating on two requests for the indication of provisional measures in the cases concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* and *(Azerbaijan v. Armenia)*. Both cases arose out of alleged acts of racial discrimination against persons of Armenian or

Azerbaijani national or ethnic origin carried out during and after the hostilities in the Nagorno-Karabakh region that erupted in autumn 2020, which are referred to in the orders as the "2020 conflict" . Each State, in its respective application, alleged that the other had acted in violation of the CERD. On 7 December 2021, the Court rendered its orders on the indication of provisional measures in those cases, in both of which the Court concluded that it had jurisdiction, *prima facie*, under the CERD.

In the *Armenia v. Azerbaijan* case, the Court found plausible the right, under the CERD, of prisoners of war and civilian detainees held in Azerbaijan not to be subjected to inhuman or degrading treatment based on their ethnic or national origin, as well as the rights allegedly violated through incitement and promotion of racial hatred by high-ranking officials of Azerbaijan and through vandalism and desecration affecting Armenian cultural heritage.

The Court held that the CERD did not, however, plausibly require Azerbaijan to repatriate civilian detainees and prisoners of war. In that connection, the Court noted that international humanitarian law governs the release of persons fighting on behalf of one State who were detained during hostilities with another State. It also recalled that measures based on current nationality did not fall within the scope of the CERD.

The Court found that a link existed between some of the rights claimed by Armenia and at least one of the requested provisional measures and that the requirements of a risk of irreparable harm and urgency had been met. It therefore ordered Azerbaijan, in accordance with that State's obligations under the CERD, first, to protect from violence and bodily harm all persons captured in relation to the 2020 conflict and ensure their security and equality before the law; secondly, to take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin; and thirdly, to take all necessary measures to prevent and punish acts of vandalism and desecration of Armenian cultural heritage. The Court also called on both parties to refrain from actions that might aggravate or extend the dispute.

In the *Azerbaijan v. Armenia* case, the Court found plausible under the CERD the rights allegedly violated through Armenia's failure to condemn the activities within its territory of groups characterized by Azerbaijan as armed ethno-nationalist hate groups, as well as Armenia's failure to punish those responsible for such activities.

The Court found, however, that the CERD did not plausibly require Armenia to cease planting landmines or to enable Azerbaijan to undertake demining. In that connection, the Court recognized that a policy of driving persons of a certain national or ethnic origin from a particular area, as well as preventing their return thereto, could implicate rights under the CERD, but found, *prima facie*, that Azerbaijan had not placed before it evidence indicating that Armenia's alleged conduct with respect to landmines had the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the rights of persons of Azerbaijani national or ethnic origin.

The Court found that a link existed between some of the rights claimed by Azerbaijan and at least one of the requested provisional measures and that the requirement of a risk of irreparable prejudice and urgency had been met. It therefore ordered Armenia, in accordance with that State's obligations under the CERD, to take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin. The Court also called on both parties to refrain from actions that might aggravate or extend the dispute.

On 19 September, Armenia submitted a request, pursuant to article 76 of the Rules of Court, for the Court to modify its order of 7 December 2021indicating provisional measures in the case brought by Armenia against Azerbaijan. Paragraph 98, point 1, of that order requires Azerbaijan to protect from violence and bodily harm all persons captured in relation to the 2020 conflict and ensure their security and equality before the law, in accordance with Azerbaijan's obligations under the CERD. Armenia requested the Court to modify its 2021 order

> "to explicitly require Azerbaijan to protect from violence and bodily harm all persons captured in relation to the 2020 conflict, or any armed conflict between the parties since that time, upon capture or thereafter, including those who remain in detention".

In its order of 12 October, the Court concluded that the hostilities that had erupted between the parties in September 2022 and the ensuing detention of Armenian

military personnel did not constitute a change in the situation justifying modification of its earlier order indicating provisional measures. The Court affirmed that treatment in accordance with paragraph 98, point 1 (a), of its order of 7 December 2021 was to be afforded to any person who had been or might come to be detained during any hostilities that constituted a renewed flare-up of the 2020 conflict. Furthermore, the Court reaffirmed the provisional measures indicated in its order of 7 December 2021, in particular the requirement for both parties to refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve.

On 16 March, the Court delivered its order on provisional measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. The case was instituted by Ukraine on 26 February, invoking article IX of the Genocide Convention as the basis of the Court's jurisdiction. Ukraine's claims centred on the initiation by the Russian Federation of, and here I quote from Ukraine's application:

> "a 'special military operation' against Ukraine with the express purpose of preventing and punishing purported acts of genocide that have no basis in fact".

The Russian Federation did not appear at the oral proceedings on the request for the indication of provisional measures, which opened on 7 March. However, shortly after the closure of the hearing, the Ambassador of the Russian Federation to the Kingdom of the Netherlands communicated to the Court a document setting out "the position of the Russian Federation regarding the lack of jurisdiction of the Court in the case".

In its order, the Court found that it had jurisdiction, *prima facie*, to entertain the case. It noted in that regard that the elements presented to it were sufficient at that stage to establish, on a *prima facie* basis, the existence of a dispute between the parties relating to the interpretation, application or fulfilment of the Genocide Convention as required under article IX thereof.

The Court then turned to the question of the plausibility of the rights whose protection was sought. It noted that Ukraine stated that it sought provisional measures to protect its rights "not to be subject to a false claim of genocide" and

> "not to be subjected to another State's military operations on its territory based on a brazen abuse of article I of the Genocide Convention".

The Court observed that, in accordance with article I of the Convention, all States parties thereto had undertaken to prevent and punish the crime of genocide. While article I did not specify the kinds of measures that might be taken to fulfil that obligation, the contracting parties must implement it in good faith, taking into account other parts of the Convention. In particular, the Court emphasized that, in discharging its duty to prevent genocide, every State might only act within the limits permitted by international law. The acts undertaken by the contracting parties to prevent and punish genocide must be in conformity with the spirit and aims of the United Nations, as set out in Article 1 of the United Nations Charter, establishing the overriding purpose of the Organization to maintain and promote international peace and security.

Under those circumstances, the Court concluded that Ukraine had a plausible right not to be subjected to military operations by the Russian Federation for the purpose of preventing and punishing an alleged genocide in the territory of Ukraine. The Court also concluded that a link existed between the right of Ukraine that it had found to be plausible and the requested provisional measures. The Court also concluded that the right of Ukraine that it had found to be plausible was of such a nature that prejudice to that right was capable of causing irreparable harm and that there was urgency.

It observed that any military operation, in particular one on the scale of that carried out by the Russian Federation on the territory of Ukraine, inevitably caused loss of life, mental and bodily harm, and damage to property and the environment. In that regard, the Court took note in particular of resolution ES-11/1, adopted by the General Assembly on 2 March at its eleventh emergency special session.

In the light of the those considerations, the Court found that the conditions for it to indicate provisional measures had been met. It ordered the Russian Federation to immediately suspend the military operations that it had commenced on 24 February in the territory of Ukraine and ensure that any military or irregular armed units that might be directed or supported by it, as well as any organizations and persons that might be subject to its control or direction, take no steps in furtherance of those military operations. The Court

also called upon both parties to refrain from any action that might aggravate or extend the dispute or make it more difficult to resolve.

Following the delivery of the order on the request for the indication of provisional measures, the Court, after consulting the parties, fixed the time limits for the filing of the memorial of Ukraine and the counter-memorial of the Russian Federation. Ukraine filed its memorial on 1 July, within the time limit fixed. Since then, 22 declarations of intervention in this case have been filed. The European Union also filed a document in the proceedings, referring to Article 34, paragraph 2, of the Statute, which permits international organizations to present information relevant to cases before the Court.

On 3 October, the Russian Federation appointed an agent for the purposes of this case and filed preliminary objections to the jurisdiction of the Court and the admissibility of the application, pursuant to article 79 bis of the Rules of Court. In accordance with paragraph 3 of that article, the proceedings on the merits are now suspended, pending the Court's decision on the preliminary objections filed by the Russian Federation. Ukraine has been given until 3 February 2023 to present a written statement of its observations and submissions on those preliminary objections.

Moving briefly to the current deliberations of the Court, as well as what lies ahead, I note that, at present, the Court is deliberating on the merits of two cases. In the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, in which hearings were held in April 2022, the Court is considering claims and counter-claims pertaining to the rights and obligations with regard to the Silala River, which originates in Bolivian territory and flows into Chile.

In the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, in which hearings were held last month, the Court is also engaged in deliberations. That case focuses on the assets of certain Iranian entities that were blocked and attached by the respondent. In the applicant's view, those actions violated the respondent's obligations under the Treaty of Amity, Economic Relations, and Consular Rights concluded between the two States in 1955. I shall defer a more detailed review of those cases until my next report.

I shall also mention that, in the two months remaining in this calendar year, the Court had been planning to hold hearings in three further cases, included a hearing on the request for the indication of provisional measures in the case between Equatorial Guinea and France, which I mentioned earlier and which has now been cancelled.

The Court will therefore hold, in the coming weeks, a hearing on the merits of the case concerning *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, as well as a hearing on preliminary objections to admissibility in the case concerning *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*.

In relation to the latter case, the Assembly may recall that, in my statement to the General Assembly last year, I provided an overview of the judgment on jurisdiction issued by the Court on 18 December 2020, following a hearing in which only Guyana participated. However, on 6 June, Venezuela appointed an agent and filed preliminary objections to the admissibility of Guyana's application, which are currently pending before the Court.

The period covered in the Court's latest annual report was marked by a gradual transition from hybrid to in-person working methods, as restrictions arising from the coronavirus disease pandemic started to be lifted in many parts of the world, including the Netherlands, our host country. I am happy to report that the Court has returned to in-person working methods for its public hearings and private meetings, with effect from 1 June. Some precautions have still been retained, and the Court continues to closely monitor developments in the public health situation.

Before concluding my remarks, I would like to say a little more about the procedural mechanism of intervention, which has recently generated great interest in the context of certain cases pending before the Court.

As I mentioned earlier, a number of declarations of intervention have been filed by States under Article 63 of the Statute of the Court in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. Other States have publicly expressed an intention to intervene, both in that case and in the case concerning

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

I stress that I am not making a comment today on any particular case. However, given the current interest in the subject, I thought it might be helpful to offer an overview of the provisions that govern intervention in the International Court of Justice. While the topic is quite technical, I shall attempt today to provide some background at a higher level of the way in which intervention is understood at the International Court of Justice.

I want to start by mentioning that the term "intervention" has varying implications in national legal systems. The criteria for authorizing intervention and the consequences for successful intervention depend on the specific rules applicable in the relevant legal system. In particular, in the courts of many States, the regime for intervention in civil cases contemplates that a successful intervenor becomes a party to the case and is therefore bound by the decisions of that court, as are the original parties. In the International Court of Justice, the notion of intervention has a specialized meaning. In fact, the Court's Statute provides for two different kinds of intervention, with two specific sets of criteria that govern whether States will be permitted to intervene and with different consequences resulting from them. I shall say a few words about each of those regimes.

Under article 62 of the Statute, a State may submit to the Court a request to be permitted to intervene in a case. To support its request to intervene under article 62, a State indicates what it considers to be its interests of a legal nature that may be affected by the Court's decision in the case. It is then for the Court to ascertain whether the State that submitted the request has an interest of a legal nature that may be affected by the decision in the case. If the Court grants permission to intervene under article 62, the Court may specify the scope of the permitted intervention by the intervening State. The intervening State is then entitled to submit a written statement and to present oral observations with respect to the subject matter of the intervention in the oral proceedings.

I beg the Assembly's pardon.

Article 62 does not specify the legal consequences that the Court's final judgment has for the intervening State. In the Court's jurisprudence, however, reference has been made to two possibilities — that the intervening State would become a party to the case or that it would be allowed to intervene without becoming a party. The distinction is a significant one, because article 59 of the Statute indicates that only the parties to a given case are bound by the Court's judgment in that case. To date, no State that has sought to intervene pursuant to article 62 has been permitted to intervene as a party. The most recent example of intervention under article 62 of the Statute is provided by the case concerning *Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening)*. The Court specified the scope of the observations that Greece was permitted to make when it was granted permission to intervene, such that Greece's intervention was limited to certain decisions of Greek courts that were declared by Italian courts to be enforceable in Italy. Greece filed a written statement, on which the parties were entitled to provide their comments and made oral observations as part of the proceedings on the merits.

I need a moment, please, Mr. President.

Now I turn to article 63 of the Statute. That provision gives a third State a right to intervene in a case whenever the construction of a convention to which it is a party is in question. A State wishing to avail itself of that right must file a declaration of intervention with the Registry. The parties to the case —

With your permission, I need to stop for a minute, Mr. President.

The President: I ask the members of the Assembly to remain seated. I shall suspend the meeting for a few minutes until the medical unit arrives.

The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

The President: I thank the members of the Assembly for their patience, and the President of the International Court of Justice for her heroic efforts despite the exhausting conditions. I will provide an opportunity for her to complete her report to the Assembly later, when time and her condition permit.

We will now proceed to the debate related to the report of the International Court of Justice (A/77/4) and the report of the Secretary-General (A/77/204).

I give the floor to the representative of the European Union, in its capacity as observer.

Mr. Hoffmeister (European Union): Let me first express my sympathy for President Donoghue and our best wishes for her quick and full recovery of her health. We have heard her presentation today of the report of the International Court of Justice (A/77/4), covering the period from 1 August 2021 to 31 July 2022. We welcome the report and applaud the fact that through its judgments, advisory opinions and orders, the Court continues to contribute significantly to a rules-based international order that we staunchly support.

Peace and friendship among nations can be based only on respect for international law, including, above all, the Charter of the United Nations and the obligation to settle international disputes by peaceful means. As the principal judicial organ of the United Nations, the International Court of Justice plays a key role in that respect, amply illustrated by the wide range of issues considered in the many cases before it, such as the use of force, territorial and maritime delimitation, diplomatic law, human rights, environmental protection and State immunities. Moreover, the considerable increase in the Court's caseload in recent years and the geographic variety of the States participating demonstrate their increasing confidence in its impartiality, integrity and high legal standards.

In June, the European Union (EU) and its member States adopted a declaration on upholding and promoting respect for international law, including the principles of the Charter of the United Nations. Among other things, the declaration reaffirms the strong commitment and support of the EU and its member States to the peaceful settlement of disputes, in accordance with Article 2, paragraph 3 of the Charter, and to the pre-eminent role of the International Court of Justice in that regard.

Article 3, paragraph 5, and article 21 of the Treaty on European Union call on the EU to work for a high degree of cooperation in all fields of international relations in order to

> "preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter".

Accordingly, the EU has a constitutional mandate to act for the peaceful settlement of international disputes in accordance with Article 33 of the Charter. Against that background, the EU actively participates in litigation before the International Tribunal for the Law of the Sea and the World Trade Organization dispute settlement bodies. It has also submitted to binding dispute-settlement procedures under its trade and investment agreements with non-European States.

With regard to the Court itself, because its jurisdiction is reserved to States, the EU cannot refer a case to it. However, the EU may participate in Court proceedings through other avenues. Thus, in accordance with paragraph 2 of article 43 of the Rules of the Court, upon invitation by the Court, the EU can submit observations in contentious cases where the construction of a convention to which the EU is a party is in question. Moreover, in accordance with paragraph 2 of article 66 of the Statute of the Court, the EU may submit observations to the Court in any advisory proceedings. The EU has done so with regard to the advisory opinion on the *Legal consequences of the construction of a wall in the occupied Palestinian territory*. Finally, in accordance with paragraph 2 of article 34 of the Statute and paragraph 2 of article 69 of the Rules, an international organization such as the EU may furnish information relevant to cases pending before the Court, either at the Court's request or on its own motion.

The EU institutions show great deference to the rulings of the International Court of Justice. The EU takes the Court's rulings duly into consideration when making policy decisions. In fact, the Court of Justice of the European Union has made it clear that when the EU adopts legislation, it is bound to observe international law in its entirety, including customary international law. In addition, the European Court of Justice relies on the judgments of the International Court of Justice when discussing customary international law, applying the law of treaties, and when using international law to interpret and develop on principles of EU law. For instance, the Court of Justice of the European Union quoted the *Gabčíkovo-Nagymaros* judgment in support of its finding that the principle of a fundamental change of circumstances is reflective of customary international law on treaties.

The Court of Justice also took guidance from the International Court of Justice to declare that many provisions of the United Nations Convention on the Law of the Sea and the Chicago Convention on International Civil Aviation have acquired the status of customary international law. Finally, it has relied on the advisory opinions on the *Legal consequences of the construction of a wall in the occupied Palestinian territory* and the *Western Sahara* in some of its judgments. That is a

clear illustration of the nexus between international law and EU law, and the Court might wish to explore the possibility of regular exchanges with the Court of Justice of the European Union on issues of common interest.

The contribution of the International Court of Justice to the development of international law is incontestable. However, its contribution to the judicial settlement of disputes can be effective only if the parties to the dispute ensure the immediate and full implementation of the Court's rulings. Selective implementation of binding and final international judgments is a setback for the rule of law. We therefore urge all States that submit their disputes to international adjudication to comply with judgments of the International Court of Justice, as well as any order on provisional measures. The European Council recently underlined that obligation in the context of Russia's aggression against Ukraine.

In conclusion, the EU would like to take this opportunity to reaffirm its strong support to the International Court of Justice as the principal judicial organ of the United Nations and an essential component of a rules-based international order.

Mr. Mlynár (Slovakia): I have the honour to speak on behalf of the Visegrad Group, namely, the Czech Republic, Hungary, Poland and my own country, Slovakia.

I thank the President of the International Court of Justice, Judge Joan E. Donoghue, for presenting its report (A/77/4) covering the period from 1 August 2021 to 31 July 2022. We convey to her our special greetings and best wishes. I am sure that she will feel better momentarily and that she will be able to complete her report to us fully, as envisaged. Again, we send her our best wishes from the bottom of our hearts.

Let me acknowledge the Court's achievements under her skilled leadership. I would like to congratulate the new member of the Court, Judge Hilary Charlesworth, who was elected last year, and I take this opportunity to express our deep and most sincere condolences at the loss of Judge Antônio Augusto Cançado Trindade.

I have the honour to present the views of the Visegrad countries with respect to the Court's report. At the outset, allow me to reiterate the indispensable role of the International Court of Justice in the peaceful settlement of disputes between States, its core function and one that seems to be more important today than ever before. We also highly praise the Court's contribution, through its broad jurisdiction, to the development of international law.

We note the intensity of the Court's activities during the period under review. Four new contentious proceedings were instituted, while the judges delivered four judgments and several orders. The proceedings before the Court involve a wide range of complex issues, including territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, environmental protection, the jurisdictional immunities of States and the interpretation and application of international treaties and conventions concerning, among other things, diplomatic relations, the elimination of racial discrimination, the prevention of genocide and the suppression of financing of terrorism. The increasing number of new cases clearly demonstrates the confidence of States in the Court´s adjudication.

The Visegrad Group of States have been strong and stable supporters of the Court. The Court's mission in the peaceful settlement of disputes, in accordance with international law, and its contribution to the prevention of conflicts and the promotion of the rule of law have special importance in these extraordinarily difficult and challenging times.

Regarding the Court's report, I would like to highlight two issues.

First, the Statute of the Court provides for different means of acceptance of the Court's jurisdiction. Currently, 73 of the 193 States parties to the Court's Statute have made declarations recognizing the Court's jurisdiction as contemplated under Article 36, paragraph 2, of the Statute. Special agreements on submission of differences between States to the Court offer another way for accepting the Court's competence. More than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction over a great variety of disputes between States. We encourage Member States to use those mechanisms whenever necessary.

That brings me to my second point, which relates to the legally binding nature of the Court's orders on provisional measures. The willingness of States to subject their disputes to the Court's jurisdiction must go hand in hand with their readiness to implement the Court's decisions in good faith. The provisional measures indicated by the Court are crucial for the

maintenance of international peace and security. They constitute an integral part of its dispute-settlement mechanism and must be implemented effectively and without delay. That is the only way the Court can successfully contribute to the main purposes of the United Nations envisaged in the Charter of the United Nations.

In that context, we draw attention to the decision of the International Court of Justice of 16 March on provisional measures in the case of *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. The Court's provisional measures are legally binding. Therefore, Russia's failure to comply with them is a blatant proof of disrespect for law and international institutions.

In conclusion, the countries of the Visegrad Group greatly appreciate the achievements and guidance of the Court in the interpretation, clarification and reinforcement of international law and wish the Court every success in its future work.

Mr. Paulauskas (Lithuania): I have the honour to speak today on behalf of the three Baltic States — Estonia, Latvia and my own country, Lithuania. The Baltic States align themselves with the statement made by the observer of the European Union on behalf of its member States.

First, we would like to thank President Joan E. Donoghue for her valiant presentation of the report of the International Court of Justice (A/77/4). We all wish her the speediest recovery.

The Baltic States welcome the report, which covers the period from 1 August 2021 to 31 July 2022, and commend the important work of the Court. During the reporting period, the workload of the Court continued to increase due to the diverse subject matter before it and the broad range of international law issues to be resolved, as well as the widening geographical representation of the States addressing the Court.

That proves once again the Court's crucial role in adjudicating legal disputes between States, promoting the peaceful settlement of international disputes, developing international law, advancing the rule of law globally and directly contributing to the maintenance of international peace and stability. Therefore, we would like to express our appreciation for the dedicated daily work of the International Court of Justice and welcome the Court's ongoing efforts to improve its procedures and working methods, including by swiftly reaching and promptly adopting decisions in exceptional circumstances when addressing particularly urgent situations.

We firmly believe that the principle of the peaceful settlement of disputes and respect for international law must be the main guidance for the conduct of all States, as enshrined in the Charter of the United Nations. In that regard, we reiterate our strong support for the pre-eminent role of the International Court of Justice as the principal judicial organ of the United Nations, as reaffirmed in the declaration of the European Union and its member States on upholding and promoting respect for international law, including the principles of the Charter of the United Nations, adopted on 20 June 2022.

We believe that the role of the Court in promoting the rule of law, ensuring respect for international law and maintaining international peace can be reinforced by broadening the application of its jurisdiction. We consider that further universal acceptance of the jurisdiction of the Court needs to be enhanced, and we therefore call on all States Members of the United Nations that have not yet done so to accept the jurisdiction of the Court and enhance its universal reach, as also called upon by the General Assembly, most recently in resolution 76/117, of 9 December 2021.

Moreover, in order to ensure the successful judicial resolution of disputes, it is insufficient to establish the jurisdiction of the Court. International justice can be pursued and the rule of law upheld only by the immediate and full implementation of the binding rulings and decisions of the Court, including orders on provisional measures. Therefore, in addition to recalling the legal obligation of all States involved in a dispute before the Court to completely and unconditionally implement its final rulings and any provisional measures indicated by the Court, we believe that the international community should also find a means to ensure that decisions of the Court are executed.

The report of the Court evidently illustrates that States making recourse to the International Court of Justice are confident that the Court — given its universal character, unique mandate, impartiality and integrity, the authoritative value of its decisions, high legal standards, vast expertise and comprehensive jurisprudence — is a pillar of the rules-based

international order and plays a vital role in the peaceful settlement of disputes. We, the Baltic States, remain confident that the Court will continue to successfully fulfil its crucial mandate in ensuring justice and contributing to stability and peace in the world. The war of aggression of Russia against Ukraine very poignantly demonstrates the need for the International Court of Justice to deliver on its mandate.

As a final remark, we would like to touch upon a pending International Court of Justice case, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, wherein Ukraine seeks to establish that Russia has no lawful basis for the ongoing, unprovoked and brutal military invasion of Ukraine on the grounds of unsubstantiated allegations of genocide.

We commend the Court for initiating speedy proceedings and swiftly issuing an order on provisional measures on 16 March, which orders Russia to immediately cease the military actions that it commenced on 24 February in the territory of Ukraine. We welcome this legally binding order and strongly urge Russia to comply with it, as highlighted together with other like-minded States in the declaration of May 2022 and noted by the European Council in March.

Reaffirming our commitment to the rules-based international order and wishing to assist the Court in the administration of justice, the Baltic States, like many other States, have already filed their declarations of intervention as third parties in this case. The aim of the intervening contracting States of the Genocide Convention, while not having any interests of their own but merely having a common interest, is to assist the Court in the interpretation, application and fulfilment of the Genocide Convention and shed light on the extent of the obligations of State parties. In that context, we encourage other contracting States that have not yet done so to consider intervention in the case.

Finally, ensuring justice and accountability is of vital importance to the credibility of the United Nations and its principal judicial organ. We, the Baltic States, reaffirm our strong and continued support for the mandate and activities of the Court with respect to the peaceful settlement of disputes and ensuring the rules-based international order.

The President: It is my great pleasure to welcome back to the podium President Donoghue. I would like to ask her to complete her presentation to the General Assembly if she finds the time appropriate for that.

Judge Donoghue: I thank you, Mr. President, for giving me the floor again. I apologize to you and to all those here today for interrupting my remarks earlier, which I shall soon finish. When I was unable to continue, I was speaking about the different ways of intervening in the Court, and I had been just about to turn to the procedure of intervention under Article 63 of the Statute of the Court.

That provision gives a third State a right to intervene in a case whenever the construction of a convention to which it is a party is in question. A State wishing to avail itself of that right must file a declaration of intervention with the Registry. The parties to the case are then given an opportunity to comment on the admissibility of such a declaration, and it is then for the Court to take a decision on that point after hearing from the State seeking to intervene and the parties.

The limited object of an intervention under Article 63 is to allow a third State that is not party to the proceedings but is a party to the convention whose construction is in question in those proceedings to present to the Court its observations on the construction of that convention. Pursuant to article 86 of the Rules of Court, the intervening State is entitled to submit its written observations and to present, in the course of the hearing, oral observations with respect to the subject matter of the intervention. If a State exercises its right to intervene under Article 63, the construction of the convention concerned that is ultimately given by the judgment will be equally binding upon it.

Intervention under Article 63 of the Statute occurred most recently in the case concerning *Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)*. New Zealand, like Australia and Japan, was a party to the International Convention for the Regulation of Whaling and sought to intervene with respect to the construction of certain provisions of that convention. After the Court found the declaration admissible, New Zealand was authorized to file written observations, on which the parties could in turn provide comments. New Zealand also made oral observations as part of the proceedings on the merits.

Before concluding my report, I would like to update the Assembly on two matters of note.

I would first like to inform the Assembly about the progress made with respect to the Trust Fund for the Court's Judicial Fellowship Programme. Since 1999, the programme has enabled interested universities to nominate recent law graduates to pursue their training in a professional context at the Court. The Court normally accepts up to 15 judicial fellows per year, each of whom is assigned to assist a member of the Court for a period of about 10 months. Until this year, fellows could be accepted only if the sponsoring university funded their participation. Although some participants have been nationals of developed countries, many universities in those countries were not in a position to fund participation.

As members are aware, last year a trust fund administered by the Secretary-General was established under resolution 75/129. The creation of the trust fund, which is open for contributions by States, international organizations and other entities, was motivated by a desire to increase the participation of aspiring international lawyers who are nationals of developing countries and are sponsored by universities located in developing countries. Under this initiative, the trust fund — rather than the relevant nominating university — provides funding to a number of selected candidates.

Thanks to the generous contributions received to date, I am delighted to inform the Assembly that the trust fund has made a promising start. Three of the 15 judicial fellows who joined the Court last month as part of the 2022-2023 cohort were nominated by universities located in developing countries and were selected to be sponsored by the trust fund. The Court is optimistic that the newly established trust fund will expand the opportunities for young lawyers from all regions to gain professional experience in international law through their participation in the work of the Court.

I will also mention that interest in the Judicial Fellowship Programme as a whole significantly increased in the most recent application period. In the past, the Court typically received a number of applications only slightly in excess of the 15 positions available under the programme each year. For the current year, the number of institutions that proposed to fund their candidates grew to 35, and 71 additional institutions submitted candidates for whom they sought funding from the trust fund. Members of the Court are of course delighted at the continued success of the programme, which reflects great interest in the work of the Court among the younger generation of graduates in international law.

I would also like to touch on the planned renovation of the Peace Palace in The Hague, a landmark building that has housed the Court and its predecessor, the Permanent Court of International Justice, for more than a century. For some years, the Government of the Netherlands has made known its intention to renovate the Peace Palace with a view to carrying out necessary repairs and modernization work, as well as to remove asbestos from certain parts of the building.

The Court had been informed that the works envisaged would likely last for several years and would require the occupants of the Peace Palace to be fully or partially relocated to other premises for an extended period. In my speech before the General Assembly last year, I mentioned that the scope, modalities and schedule of the works and its impact on the Court's activities remained to be clarified. The Court has been actively planning for this project, which would inevitably have great impact on our functions.

In July, the Court was informed that the host country is now considering a different, more limited approach. The Dutch Ministry for Foreign Affairs has indicated that the current plan involves preparatory investigation and a thorough asbestos survey to be conducted in the summer of 2023, followed by consultations with the Court, with a view to locating the areas where asbestos is present and taking appropriate action to resolve the problem. The Court is grateful to the host country for its efforts to explore alternative options for the renovation of the Peace Palace and has reiterated that any measures envisaged should guarantee a safe working environment for the Court's judges and staff and ensure the continuity of its judicial business. The Court trusts that the host country will soon engage in constructive consultations with the International Court of Justice in implementing its plan of action and will endeavour to limit, to the extent possible, the impact it may have on the Court's judicial activities.

That concludes my remarks. I thank you, Sir, for giving me this opportunity to address the Assembly today. I wish the seventy-seventh session of the General Assembly every success.

The President: I thank the President of the International Court of Justice.

Mr. Williams (New Zealand): I have the honour today to speak on behalf of Canada and Australia, as well as my own country, New Zealand (CANZ).

We extend our best wishes to President Donoghue and are pleased that she made a speedy recovery and was able to complete her report to the General Assembly this morning. We also extend our condolences on the passing of Judge Antônio Cançado Trindade, a distinguished international lawyer and jurist whose contributions to the development of international law are lasting and outstanding.

The International Court of Justice is an essential pillar of the rule of law, as the principal judicial organ of the United Nations and the only international court with general international law jurisdiction. CANZ members have always been strong supporters of the Court, as countries that firmly believe that the rule of law is the foundation of the international rules-based order and that the peaceful settlement of disputes is essential to global peace and security. We believe that the willingness of States to have recourse to the Court to resolve their differences is crucial to achieving those outcomes.

As the Court's report (A/77/4) notes, we are aware that its caseload continues to be demanding, involving a diverse geographical spread of States and traversing a wide variety of legal questions and subject matters. The flow of new cases submitted to the Court demonstrates its institutional significance as a mechanism for States to resolve their disagreements peacefully. That States are willing to entrust the Court with their disputes is a testament to the strength of their confidence in the Court's independence, expertise and integrity and the rigour of its proceedings. The Court's role in developing, clarifying and crystallizing international law is now more important than ever.

Our acceptance of the compulsory jurisdiction of the Court reflects our confidence in the institution and the importance we attach to its role in the peaceful resolution of disputes and in safeguarding the international rule of law. We urge States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. Wider acceptance of the compulsory jurisdiction of the Court will allow it to fulfil its role more effectively by reducing jurisdictional disputes and allowing the Court to move more quickly to focus its attention on the substance of disputes. The timely and peaceful resolution of international disputes is an outcome that is in the interests of us all.

CANZ also wishes to highlight that the implementation of the Court's judgments is essential for ensuring the final resolution of disputes and reinforcing a judicial system that is of benefit to all Member States. It is imperative that all States respect and abide by the Court's binding decisions, including its provisional measures.

Mr. Dang (Viet Nam), Vice-President, took the Chair.

CANZ reiterates our support for the establishment of the trust fund for the Judicial Fellowship Programme of the Court, as noted in the Court's report, which will be a promising start to enhancing the geographic and linguistic diversity of participating legal practitioners. The authority of the Court and the quality of its judgments are enriched by the diversity of its bench. We also urge Member States to nominate and support qualified women as judicial candidates in the 2023 election in support of greater gender diversity on the Court. We are pleased that the gender balance of the Court is slowly but surely improving, and we hope to see it continue to grow.

Ms. Jacobsson (Sweden): I have the honour to speak on behalf of the five Nordic countries, namely, Denmark, Finland, Iceland, Norway and my own country, Sweden.

Let me first thank President Joan E. Donoghue for the report of the International Court of Justice (A/77/4), which covers the period from 1 August 2021 to 31 July 2022. The Nordic countries attach great importance to the International Court of Justice, the principal judicial organ of the United Nations. The Court has earned a solid reputation as an impartial institution with the highest legal standards. The Nordic countries would like to commend the work of the Court and emphasize the importance of its role in the international legal order.

During the reporting period, the Court once again experienced a high level of activity, with cases of a wide geographical spread concerning a variety of legal issues. As we heard from President Donoghue, those cases concern such legal matters as the jurisdictional immunities of States, the prevention of genocide, the fight against corruption and the elimination of discrimination. With 16 pending cases — five of them initiated in the past year — the Court's continued

contribution to the peaceful settlement of disputes is clear and much-needed. The development of cases being referred to the Court reaffirms a strong commitment to the rule of law, including at the international level, among States, as well as their support for the fundamental obligation of peaceful dispute settlement and the maintenance of international peace and security. The submission of a dispute to the Court is an act that fulfils the obligation of all States to settle their disputes peacefully.

In the past couple of months, an unprecedented number of declarations of interventions have been filed with the Court in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. As the case concerns the interpretation of the obligations contained in the Genocide Convention, all States parties to the Convention have a direct interest in the dispute, and many States parties have decided to exercise their right under Article 63 of the Statute of the Court to intervene in the proceedings. Those interventions offer an ample reflection of the importance of the Court as an institution for the promotion and protection of an international system based on the rule of law. We urge all States to engage constructively in multilateral rules-based cooperation, of which the peaceful settlement of disputes forms an integral and crucial part.

The Nordic countries would also like to take this opportunity to reiterate the need to strive for a better gender balance in the Court. The upcoming election on 4 November gives rise to reflection on our shared efforts to achieve the equal representation of women and men in the Court. We encourage all States to keep working actively towards that goal during the preparations for the next regular election, to be held in 2023, in order for real change to take place.

Finally, the Nordic countries would like to reaffirm our continuing support to the International Court of Justice as the principal judicial organ of the United Nations, and the international legal system more generally. We also call on States that have not yet done so to consider accepting the compulsory jurisdiction of the Court.

Mr. Musayev (Azerbaijan): I have the honour to speak on behalf of the Movement of Non-Aligned Countries in connection with the consideration of agenda item 70, entitled “Report of the International Court of Justice”, to which we attach great importance.

At the outset, allow us to thank the President of the International Court of Justice for her presentation of the report (A/77/4) on the activities of the Court between 1 August 2021 and 31 July 2022, as requested by the General Assembly last year, of which we have taken due note.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and the non-use or threat of use of force. In that context, the International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations and in such a manner that international peace and security, as well as justice, are not endangered.

At their eighteenth summit, held in October 2019 in Baku, the Heads of State and Government of the Non-Aligned Movement agreed to endeavour to generate further progress to achieve full respect for international law and, in that regard, to commend the role of the International Court of Justice in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Charter of the United Nations and the Statute of the Court, in particular Articles 33 and 94 of the Charter.

Noting that the Security Council has not sought any advisory opinion from the International Court since 1970, the Non-Aligned Movement urges the Security Council to make greater use of the Court, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of international law.

In that regard, at the ministerial meeting of the Coordinating Bureau of the Non-Aligned Movement held in July 2019 in Caracas, it was decided to encourage those in a position to do so to make greater use of the International Court of Justice and consider holding consultations among the States members of the Movement, as and when appropriate, with a view to requesting advisory opinions of the Court, including in cases in which unilateral coercive measures that are not authorized by relevant organs of the United Nations and are inconsistent with the principles of international law or the Charter of the United Nations may undermine international peace and security.

The Non-Aligned Movement takes this opportunity to invite the General Assembly, as well as other organs of the United Nations and specialized agencies that are duly authorized by the General Assembly, to request advisory opinions of the International Court of Justice on legal questions that arise within the scope of their activities.

Moreover, the States members of the Movement reaffirm the importance of the Court's advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex). In that matter, the International Court of Justice concluded unanimously that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

To conclude, we continue to call on Israel, the occupying Power, to fully respect the 9 July 2004 advisory opinion of the International Court of Justice on the *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273). We call upon all States to respect and ensure respect for the provisions therein for the realization of the end of the Israeli occupation that began in 1967 and the independence of the State of Palestine with East Jerusalem as its capital.

Mr. Gimolieca (Angola): I have the honour to deliver this statement on behalf of the member States of the Community of Portuguese-Speaking Countries (CPLP), namely, Brazil, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, Timor-Leste and my own country, Angola.

The CPLP was created as a multilateral forum for deepening cooperation and mutual friendship among countries sharing the Portuguese language. The Community's cooperation with the United Nations began in 1996 and is periodically reviewed. The CPLP is governed, among other principles, by the principles that enshrine the primacy of peace, democracy, the rule of law, human rights and social justice. Indeed, the rule of law plays an important role in the constitution and progress of the CPLP. The Community and its member States remain committed to those principles.

We are grateful to the Honourable Judge Joan E. Donoghue, President of the International Court of Justice, for presenting the Court's annual report (A/77/4) and for her insightful remarks.

The CPLP fully acknowledges the key role played by the Court, during the 75 years since its inaugural sitting, in ensuring the peaceful settlement of disputes and clarifying the rules of international law on which its decisions are based with integrity, impartiality and independence, as well as its readiness to face the challenges that may arise.

We praise the Court's work, as the main judicial organ of the United Nations, in adjudicating disputes among States and maintaining and promoting the rule of law in the international system. We appreciate that, in response to the coronavirus disease pandemic, the Court adopted a series of measures to contain the spread of the virus and protect the health and well-being of its judges and Registry staff and their families, while ensuring the continuity of activities within its mandate. The CPLP countries are certain that, with the resumption of pre-pandemic working methods, the Court will raise its phase-action capacity to meet the challenges, whatever they may be.

Over the past 20 years, the Court's workload has grown considerably. The flow of new and settled cases reflects the great vitality of the institution. The CPLP countries value the fact that the Court has to decide upon disputes voluntarily submitted by States, under their sovereign right. We further acknowledge that cases submitted to the Court have been growing in both factual and legal complexity.

As such, during the period under review, from 1 August 2021 to 31 July 2022, the Court experienced a high level of activity, being seized with a variety of issues related to territorial and maritime delimitation, diplomatic missions, human rights, reparation for internationally wrongful acts, the interpretation and application of international treaties and conventions and environmental protection, while handing down judgments and public hearings by video link and, subsequently, in hybrid format.

Contentious cases involved States from all continents, while the variety of international issues submitted to the Court illustrates the universality of its nature and competencies. The increase in the Court's workload attests to the importance of its jurisdiction for the international community. All States Members of the United Nations are parties to the Statute of the Court, and approximately 300 bilateral and multilateral treaties confer jurisdiction on the Court over the settlement of disputes that may arise from their interpretation and application.

Moreover, the existing dialogue among the General Assembly, the Security Council and the Court in the interpretation of the Charter of the United Nations is of the utmost importance. In that regard, the rulings and advisory opinions issued by the Court have made a meaningful contribution to strengthening and clarifying the rules of international law.

We also welcome the Court's endeavours to ensure that its decisions are publicized as widely as possible through its publications, the development of multimedia platforms, the use of social media networks and its own Internet website containing its entire jurisprudence, which contributes to better knowledge and raises awareness of its activities. The high rate of compliance with the Court´s judgments throughout its history is very encouraging, as it demonstrates the respect and trust of States in the independence, credibility and impartiality of the world Court.

The CPLP member States welcome the widening of the scope and cooperation for international law that has occurred as the Court's judgments and advisory opinions have inspired other international decision-making bodies. It is moreover commendable that the Court also pays due regard to the work of other international courts and tribunals.

We pledge our strong support for the Court in continuing to play a fundamental role in settling disputes between States, as well as in strengthening the international rule of law in support of justice and peace, while taking into consideration the situations of people and individuals. The CPLP member States remain confident that the Court, as the principal judicial organ of United Nations, will continue its fundamental work in accordance with the provisions of the United Nations Charter and its Statute and will make a tangible contribution to the rule of law in the world.

I would be remiss if I did not mention that our countries are extremely saddened by the loss earlier this year of Judge Antônio Augusto Cançado Trindade. His legacy in the fields of international law and human rights is profound and far-reaching, and his contribution to the strengthening of the legitimacy and authority of the Court is certain to be significant and enduring for years to come.

Finally, on behalf of the nine member States of CPLP, I would like to convey our sincere gratitude for the work of the International Court of Justice.

Mr. Tevi (Vanuatu): I make this statement on behalf of a group of States that includes Antigua and Barbuda, Bangladesh, Costa Rica, the Federated States of Micronesia, Morocco, Mozambique, New Zealand, Portugal, Samoa, Sierra Leone, Singapore, Uganda, Vanuatu and Viet Nam. As a group of States that comprises, but is not limited to, the States I just mentioned, we are pleased to announce that we will submit a draft resolution to the General Assembly requesting an advisory opinion from the International Court of Justice on climate change as it specifically affects small island developing States (SIDS) and other developing countries that are particularly exposed to the adverse effects of climate change.

Climate change, which is driven by anthropogenic emissions of greenhouse gases, is the defining challenge of our times and one of the most complex in human history. The impact on SIDS is particularly acute due to their exposure to extreme weather events, such as tropical cyclones, as well as slow-onset events, such as sea-level rise and the ensuing socioeconomic consequences, including population displacement and possibly the loss of territory.

However, the impacts of climate change are not limited to SIDS; as we saw this past year, the whole world is vulnerable, as evidenced by the widespread destruction caused by flooding in Costa Rica and Pakistan and the deaths caused by unprecedented heatwaves in Europe. Those events overlap with already worsening droughts and food insecurity in Africa. Faced with a challenge of that magnitude, it is the strong belief of the core group that humankind must leave no stone unturned in its effort to address the climate crisis. The Paris Agreement on Climate Change provides an invaluable platform for cooperation and action on climate change, but as we all know the level of ambition under current nationally determined contributions is still far from what is needed in this very decade to rise to the challenge. It is in that context that the core group takes this initiative to the International Court of Justice and seeks an advisory opinion to clarify the rights and obligations of States under international law as it pertains to the adverse effects of climate change. We believe in, and are committed to, the values of multilateralism, values that bring us together at the United Nations to work for a better future. We also believe this initiative to be consistent with those values.

A core function of the International Court of Justice, one of the six main organs of the United Nations, is to render advisory opinions on legal questions put to it by

the General Assembly in accordance with Article 96 of the Charter of the United Nations. In contrast with its dispute settlement function, whereby the International Court of Justice decides on a specific dispute between two or more States, in the exercise of its advisory function the Court clarifies what international law requires on a given question. Advisory opinions of the International Court of Justice are therefore general statements by the principal international judicial organ concerning the state of international law on a given question and they command tremendous legal and symbolic authority.

Given the profound ramifications of climate change in multiple aspects of human life, the work of the General Assembly in the area of climate change would greatly benefit from authoritative advice on the legal implications of climate change, encompassing the United Nations Framework Convention on Climate Change and its related agreements, as well as more generally the wider body of norms of both treaty and customary international law that area relevant to climate change. Members of the United Nations would also benefit from such advice at the present moment in history, given the need to urgently take ambitious measures to curb the emissions of greenhouse gases in the narrow window of opportunity that remains to avert catastrophic climate change.

An opinion of the International Court of Justice could, among other things, clarify the rights and obligations of States in respect of the adverse impacts of climate change on small island developing States and other climate-vulnerable States in particular, thereby facilitating international cooperation in that area; encourage States to reflect their highest possible level of ambition, in keeping with the principle of their common but differentiated responsibilities and respective capabilities in the light of their different national circumstances, in preparing their nationally determined contributions under the Paris Agreement and supporting climate action; clarify the due diligence requirements relating to climate action for emitters of greenhouse gases — past, present and future; and clarify the implications for the human rights of present and future generations.

The zero draft of the draft resolution will be finalized by the core group over the next few weeks, and informal consultations will be held before it is submitted for discussion and action. The world is at a crossroads, and as world leaders we have an obligation to take action that preserves and protects the planet for future generations. As we proceed over the next few months, we welcome the membership's engagement and support as we seek to take the world's largest problem to the world's highest court.

Mr. Luteru (Samoa): I join other speakers in wishing the President of the International Court of Justice a speedy recovery. And I also wish to thank her for her report (A/77/4).

I am pleased to deliver the following brief remarks on behalf of the family of Pacific States. We are in full support of the statement just made by the Ambassador of Vanuatu on seeking an advisory opinion from the International Court of Justice on the issue of climate change. The key principles of human rights and justice are well-enshrined in the Charter of the United Nations and are supported by international treaties, principles and values that bind us as citizens and custodians of planet Earth.

We are currently witnessing unprecedented and unparalleled changes in our climate system that will have long-lasting effects if we do not come together and reverse the current trends in greenhouse-gas emissions. The science is clear and irrefutable. This is not a Vanuatu or Pacific initiative — it is an urgent global call to action. The right to the environment is now recognized as a universal right by the Human Rights Council and by resolution 76/300, which recognizes the right to a clean, healthy and sustainable environment as a human right. This is about climate justice and a human rights issue that affects current and future generations.

As of today, the financial burden of loss and damage falls almost entirely on the affected nations, and not on those most responsible for the adverse effects of climate change. Seeking an advisory opinion to clarify the rights and obligations of States under international law pertaining to climate change is morally the right thing to do. It will also assist, we firmly believe, in the future work of the Assembly and of the United Nations Framework Convention on Climate Change.

This is not a litigation exercise against any country. It is mainly a process for seeking a clarification of the existing obligations of States under relevant treaties that we have all signed. I congratulate Vanuatu on championing this vitally important initiative for all of us and assure it of the full support of the Pacific small island developing States. We look forward to robust, frank and open exchanges and the sharing of ideas

during the informal process. As members of the global community affected by climate change in one way or another, let us move forward together in line with the principle of climate justice and human rights. I call on States' valuable support for this initiative.

Mr. Zanini (Italy): At the outset, I would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her comprehensive and informative report (A/77/4) on the work of the Court over the past year, as well as for her insightful remarks.

I would also like to take this opportunity to express Italy's strong appreciation to the members of the Court for their notable contribution to the cause of justice, and to the staff of the Registry for their commitment and professionalism. And I want to reiterate our condolences on the passing of His Excellency Judge Antônio Augusto Cançado Trindade, who has left a profound and lasting impact on international law, and who always stressed the importance of humanitarian considerations in the application of international law.

This year marks the 100th anniversary of the inauguration of the Permanent Court of International Justice, the first permanent international tribunal with general jurisdiction and the predecessor of the International Court of Justice. I would like to point in that regard to the authoritative contribution that Italian international scholars made to its establishment and fulfilment of its mandate. Over the past century, the importance of developing effective methods for the peaceful settlement of international disputes has only increased, and the International Court of Justice plays a critical role in that respect, contributing to the strengthening and development of international law as a fundamental condition for stability.

Italy holds in the highest regard the role and the work of the Court, which constitutes a central pillar of the rules-based international order and with its authoritative decisions and opinions makes a great contribution to strengthening and clarifying the rules of international law as well as promoting international justice. The large number of cases on the Court's docket, covering a wide range of subjects and involving States from every part of the world, reflects the vitality of the institution and is testament to the enduring and growing relevance of its jurisdiction for the international community. Italy is currently party to a case pending before the Court. Italy has also filed a declaration of intervention, pursuant to paragraph 2 of article 63 of the Statute, in the case instituted by Ukraine against the Russian Federation concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. In that regard, I would like to thank the Court for the rigour and extreme care with which the proceedings are being conducted, and confirm Italy's full commitment to assisting the Court in discharging its mandate and ensuring the sound administration of justice. With reference to the case instituted by Ukraine against the Russian Federation, Italy would like to remind the Assembly that the Court's orders on provisional measures are legally binding on the parties to a dispute, and that the Russian Federation is therefore under an international obligation to immediately suspend its military operations in Ukraine, among other things, as ordered by the Court on 16 March.

The settlement of international disputes by peaceful means is an obligation for States, and judicial settlement — with the Court, the principal judicial organ of the United Nations, at its heart — is an important method of settling disputes between States. In that respect, I would like to mention that Italy has recognized the jurisdiction of the Court as compulsory since 2014, by means of a declaration deposited pursuant to paragraph 2 of article 36 of the Statute, and we encourage other States to consider doing the same. In times of crisis and of blatant disregard for international law, upholding the cause of justice and the rule of law, as the Court does, is more important than ever. In that regard, I want to conclude by confirming Italy's full support for and trust in the Court, which remains an indispensable institution and a cornerstone of the multilateral system based on the rule of law.

Ms. Rodríguez Mancia (Guatemala) (*spoke in Spanish*): I would like to begin by expressing the appreciation of the Republic of Guatemala for the work carried out by the International Court of Justice and by thanking its President, Judge Joan E. Donoghue, for presenting the annual report (A/77/4) updating us on the judicial activity of the Court. We also want to express our special appreciation for the Court's commitment to the peaceful settlement of disputes, in accordance with the purposes and principles of the Charter of the United Nations and the Court's own Statute.

Beyond our firm support for the Court, we can see that the volume of the Court's work during the period under review is increasing each year. That is a demonstration of the confidence that Member States

have in this international judicial body to resolve disputes impartially, effectively and in accordance with international law. We take note of the contentious issues addressed by the Court in the period under review.

Guatemala appreciates the invaluable work of the International Court of Justice aimed at achieving the peaceful settlement of disputes submitted to it. The trust that Member States place in the Court by submitting disputes arising between them for its consideration emphasizes its important role in the international order, and strengthens its universality and by the same token the rules-based order generally and international law in particular. We believe that its contribution is essential to peaceful coexistence and cooperation among States, as well as to strengthening the rule of law at the international level. Likewise, we recognize that the work of the International Court of Justice, through its resolutions and advisory opinions, contributes to providing legal certainty and due compliance with the norms of international law and with international practices.

History documents the countless conflicts that have existed over time and the various efforts to resolve them. Unfortunately, those differences have sometimes been resolved by force, leaving a legacy in the pain of the loss of countless human lives. In that regard, we note that the work of the International Court of Justice is the result of many years of evolution in the methods of conflict resolution at the international level. The Court, established through the Charter of the United Nations, has Member States' trust when it deliberates in contentious cases fairly and objectively, and the work of the 15 judges of the International Court of Justice is extraordinary. Similarly, States that have voluntarily submitted to the Court's jurisdiction should effectively fulfil the commitments they have accepted by that submission.

As the Assembly is aware, Guatemala and Belize have concluded the process of submitting Guatemala's territorial, insular and maritime claim to the International Court of Justice, in a demonstration of Guatemala's peaceful intentions at the international level, translated into its quest for a definitive solution to this long-standing dispute. Guatemala and Belize held their referendums peacefully in April 2018 and May 2019 respectively, and with positive results, with the primary desire to finally resolve this dispute before the International Court of Justice. On 7 June 2019, the dispute between Guatemala and Belize was submitted to the Court by virtue of the commitment that both States entered into through a special agreement to submit the territorial, insular and maritime claim of Guatemala to the jurisdiction of the Court. Guatemala welcomed the fact that the International Court of Justice set the deadlines for Guatemala's submission of a memorial by 8 December 2021 and a counter-memorial by Belize on 8 June 2022, which is reflected in the report under consideration by the Assembly today. We hope to continue strengthening relations between Guatemala and Belize and take this opportunity to express our deep gratitude to the group of friends of Guatemala and Belize who have accompanied the process. In that regard, we as a country have decided that the International Court of Justice should be the one to definitively resolve this issue, since we are sure that its settlement will bring economic, social and political benefits to both countries, as well as encouraging development for the people who live in the adjacency zone, and will show the world that we are responsible, peace-promoting countries with a democratic vocation.

For all these reasons, we are concerned about the fact that the International Court of Justice continues to face financial challenges due to the liquidity problems it encountered in 2021 and 2022. The report indicates that this situation has created great difficulties and could even hinder the implementation of the Court's mandate in the current biennium. We welcome the fact that the Court itself has taken measures to contain its spending. Nonetheless, we urge Member States to meet their financial obligations to ensure that the Court can continue to fulfil its mandate.

In conclusion, I would like to once again reiterate our recognition and support of the work of the International Court of Justice and its judges, whose decisions contribute to providing legal certainty in matters of particular sensitivity between States.

Mr. Galindo (Brazil): At the outset, I would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her informative report (A/77/4) on the activities of the International Court of Justice between August 2021 and July 2022. I would also like to commend the judges of the Court for their tireless efforts in promoting peace and justice in international relations through their work.

This was a sad year for the Court, for Brazil and for the international community as a whole. The passing of Antônio Augusto Cançado Trindade, a Judge of the

Court and a professor, deprived us of a brilliant mind and a staunch idealist. We lost a strong advocate for international justice, the peaceful settlement of disputes, the promotion of international human rights law and the diffusion of international law. While still mourning him, the Brazilian Government has supported the candidature of Mr. Leonardo Brant to complete his term. We hope that next Friday, 4 November, the Assembly and the Security Council will allow a Brazilian judge to finish Judge Cançado Trindade's term, as has been the practice in the Court. We thank all Member States who have already expressed support to Mr. Brant.

The annual debate about the report of the International Court of Justice offers us an opportunity not only to assess its work but also to better understand the essential role that international law plays in defusing tensions among Member States. By fostering dialogue, justice and the peaceful settlement of disputes through the common language of international law, the Court helps to make the world safer and more prosperous. It also positions itself as an effective channel for preventive diplomacy and cooperation. The Court has contributed decisively to consolidating and clarifying international law in areas as diverse as the law of the sea, territorial and maritime delimitation, diplomatic law, human rights, the law of treaties, the use of force, reparation for internationally wrongful acts, and environmental protection, to name just a few.

Through its advisory opinions and judgments, including indications of provisional measures, the Court upholds the principles of the Charter of the United Nations and the rule of law in international affairs. It also provides fundamental guidance to all who are subject to international law on the interpretation and application of international norms, including multilateral treaties. This year's report testifies to intense activity on the part of the Court in its pursuit of ensuring the rule of law in the international community — four judgments, 15 procedural orders, six public hearings and four new contentious cases. The pending cases involve States from various regions of the world and address a great variety of international legal issues. That bears witness to the Court's continued relevance in upholding international law and ensuring the peaceful settlement of international disputes.

The Court's ability to adapt its proceedings in response to the coronavirus disease pandemic, including the holding of public sittings in hybrid format, was remarkable. It allowed for continuity in its judicial activities while ensuring the protection of the health and well-being of its judges and Registry staff. Now, with the easing of restrictions and the pandemic under control, Brazil notes with appreciation the Court's return in June to in-person working methods for public hearings and private meetings. Regardless, lessons learned with the greater use of videoconferencing technology, hybrid meetings and data processing services should not be forgotten.

Outreach initiatives are essential to a wider understanding of the Court's key importance in international justice and promote broader knowledge of international law. That is why Brazil welcomes the Court's internship programmes, its development of multimedia platforms, including hybrid hearings before the Court, its activity on social media and its participation in events organized by universities. Brazil also commends the Court for promoting the geographic and linguistic diversity of legal practitioners taking part in its Judicial Fellowship Programme. In that regard, Brazil believes that the establishment in 2021 of a Trust Fund for the Programme was a crucial measure for ensuring a future increase in the number of young jurists from universities based in developing countries receiving professional training in the Court.

As the main judicial body of the United Nations and the only international court of a universal character with general jurisdiction, the International Court of Justice embodies the core values of the Charter of the United Nations. In times of crisis and uncertainty, the international community has a responsibility to renew its confidence in norms and principles that foster cooperation and peace and support the institutions that promote them.

Mr. Montalvo Sosa (Ecuador) (*spoke in Spanish*): As established in Article 33 of the Charter of the United Nations, the peaceful settlement of disputes between States is an essential element in the promotion of the rule of law in the international system and the maintenance of peace and security. Given the current state of world affairs, that is one of the main reasons why Ecuador, which is preparing to begin a term on the Security Council in 2023, reiterates its support for the work of the International Court of Justice, the main judicial organ of the United Nations, which has played a fundamental role in the peaceful settlement of disputes and in the development of international law since its creation in 1946.

The report of the President of the Court, Judge Joan E. Donoghue, on the period from 1 August 2021 to 31 July 2022 (A/77/4), for which we express our appreciation, reflects that reality. The issuance of four sentences, 15 orders and the acceptance of five new cases also reflects a particularly high level of activity during the period under consideration. The increase in the volume of the Court's work, a trend that has been accentuated in recent years, as has been pointed out in the Assembly, and the diversity of legal matters that are brought to the Court's attention, are a demonstration of the recognition of its authority by States from various legal traditions. The independence of the Court, its emphasis on precedent and the uniformity of its interpretations are elements behind the confidence and certainty that States have regarding its actions, which also partly explain the high level of compliance with the Court's pronouncements. The legal knowledge and probity of the judges of the Court, as well as their soundness — as the President of the Court showed us in today's meeting — constitute the basis for trust in this principal and central organ of the United Nations and its pronouncements, which go hand in hand with the technical and administrative capacities of the Secretariat.

I should not fail to note that among the controversies currently being litigated before the Court are cases concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of all Forms of Racial Discrimination. I am sure the international community is paying particular attention to these proceedings due to the nature and seriousness of the allegations raised, which could constitute violations of essential norms of international law.

Finally, I will just mention the importance that Ecuador attaches to the strengthening of the Trust Fund for the Judicial Fellowship Programme, which is an effective capacity-building tool, particularly for developing countries. I want to conclude by reiterating our condolences at the passing of Judge Antônio Augusto Cançado Trindade, Judge of the Court since 2009. We believe that the best way to pay tribute to him and to the Court as a whole is to heed the call for compliance with its jurisdictions, both contentious and consultative. Judge Cançado Trindade, as a professor and distinguished jurist, reminded us of the importance of the advisory opinion of 1996 and its references to General Assembly resolutions on the legality of the threat or use of nuclear weapons in accordance with Article 2, paragraph 4 of the Charter of the United Nations.

Mr. Jia Guide (China) (*spoke in Chinese*): The Chinese delegation thanks President Donoghue for her report on the work of the International Court of Justice (A/77/4). We pay tribute to all the Judges and staff for their diligence and dedication and express our condolences at the untimely passing of Judge Cançado Trindade.

Since its inception in 1945, the Court has delivered 140 judgments and 28 advisory opinions, covering a range of important issues in international law, including territorial and maritime delimitation, decolonization, the non-use of force, diplomatic and consular relations and the interpretation and application of treaties, while making outstanding contributions to the interpretation, application and development of international law. The Court has played an important role in the peaceful settlement of international disputes and the maintenance of international peace and security, resulting in ever-growing trust in the Court and expectations for it on the part of the international community.

Despite the coronavirus disease pandemic, the Court continued to operate efficiently during the past year, delivering three judgments and 16 orders. Its current cases involve such major issues of international law as continental-shelf delimitation, State sovereignty, sovereign immunity, human rights protection and unilateral sanctions. The judicial activities of the Court as our most authoritative international judicial institution not only bear on the immediate interests of the countries concerned but also have a far-reaching impact on the development of relevant international rules. It is our expectation and belief that the Court will continue to faithfully perform its duties in accordance with the Charter of the United Nations and the Statute of the Court, earnestly respect the sovereign choices of States, safeguard the principle of State consent and exercise its jurisdiction prudently, uphold objectivity and impartiality, fully and accurately interpret and apply the rules of international law and carry out high-quality judicial activities.

China is pleased to see that while actively conducting its judicial activities, the Court is also committed to promoting the dissemination and development of international law. Under the Judicial Fellowship Programme, young jurists from many countries, including China, have been able to engage in the work of the Court. It is

hoped that more students from developing countries will join the Programme, which we believe can help enhance the Court's diversity and representativeness and also enable younger generations from developing countries to gain a better understanding of international law.

The ancient Chinese believed that law is the very foundation of governance. The world today has entered a new period of turbulent transformation. Profound changes not seen in a century are gaining momentum. Multilateralism and the international rule of law are facing unprecedented challenges. As the principal judicial organ of the United Nations, the International Court of Justice has the lofty mission of upholding multilateralism and the international rule of law. China always advocates and practices true multilateralism, and always contributes to and defends the international rule of law. Along with all parties, China will continue to support the Court in the performance of its judicial functions according to law, making greater contributions to safeguarding the purposes and principles of the Charter, the United Nations-centred international system and the international order, underpinned by international law.

Mr. Heirbaut (Belgium) (*spoke in French*): First of all, I would like to thank Judge Joan E. Donoghue, the President of the International Court of Justice, for her presentation of the Court's annual report (A/77/4), and to wish her a speedy recovery. On behalf of the Kingdom of Belgium, I would also like to commend the work of all the members of the Court, and the President, the Vice-President and the Registrar in particular.

Belgium aligns itself with the statement that has just been made by the representative of the European Union and would like to add a few comments in its national capacity.

My country has always attached great importance to the International Court of Justice, which plays a crucial role in the peaceful settlement of disputes, and as such contributes to the prevention of conflicts and to the achievement of the purposes and principles of the Charter of the United Nations. The Court is more essential than ever in ensuring an international order based on the rule of law. The number of cases currently before the Court and the diversity and importance of the subjects it is called on to adjudicate, as well as the geographic diversity of the States concerned, are testament to its universal character and ever-expanding role in the application and interpretation of international law. Given the far-reaching nature of the Court's jurisprudence and its contribution to the consolidation and development of international law, we encourage States that have not yet done so to recognize the Court's compulsory jurisdiction. We would also like to encourage States and international organizations to continue to include provisions in future multilateral treaties that recognize the Court's jurisdiction over disputes relating to the application or interpretation of those treaties and to refrain from issuing reservations on those provisions.

The representation in the Court of different legal systems, languages and cultures undoubtedly contributes to the quality and force of its decisions. However, we are extremely concerned about the fact that some States feel that they do not have to submit to its judgments. Every failure to respect and implement the decisions of the Court is a direct attack on the system put in place by the Charter of the United Nations. In that regard, Belgium would like to recall that the Charter grants the Security Council specific powers to work in cooperation with the Court. The Council could therefore not only work upstream, by recommending disputes to be submitted to the Court or requesting advisory opinions from it, but also downstream, by making recommendations or even taking measures to ensure compliance with the decisions of the Court, without which the Court cannot be truly effective. Those prerogatives are all the more important in situations where non-compliance with those decisions poses a threat to international peace and security.

Ms. Espinoza Madrid (Honduras) (*spoke in Spanish*): My delegation was pleased to see the President of the International Court of Justice, Judge Joan E. Donoghue, here in the Hall today, and we thank her for the Court's annual report (A/77/4) to the General Assembly at its seventy-seventh session and take note of the work carried out by the Court for the period from 1 August 2021 to 31 July 2022. Honduras deeply regrets and expresses its condolences on the passing in May of Judge Antônio Augusto Cançado Trindade of Brazil. The Court has lost a brilliant Latin American jurist, academic and defender of human rights.

Honduras recognizes the Court as the principal international judiciary organ of the Organization, through which it has peacefully resolved various international disputes. We also recognize that all States Members of the United Nations have committed to complying with the decisions of the Court in cases to

which they are party. As a founding State of the United Nations, Honduras has not only adhered to its norms but has also always resorted to the use of its mechanisms for the peaceful resolution of disputes with other States, such as the International Court of Justice.

Just as Honduras endorses the principles and practices of international law that promote human solidarity, respect for the self-determination of peoples and the consolidation of universal peace and democracy, we also consider the legitimacy of international arbitral and judicial judgments vital and their implementation obligatory. In that context, we believe firmly that compliance with international judgments rendered by a competent international court and judicial organ of the United Nations such as the International Court of Justice, as well as compliance in good faith with the commitments agreed to in treaties, ensures peace, harmony and security among peoples and Governments. In that regard, at this seventy-seventh session, Honduras celebrates the efforts the Court has made to maintain its effectiveness in resolving international disputes and issuing advisory opinions, despite the increase in its workload that we have seen over the past 20 years.

Humankind is dealing with complex and interconnected crises, such as the coronavirus disease pandemic and threats to the global economy. In that context, all the institutions of the United Nations system, in particular the Registry of the International Court of Justice, have done an outstanding job in adapting to the adjustments and budgetary limitations that they have had to face. Honduras calls for the General Assembly to approve the Court's budget for 2023 in order to grant it the financial resources it needs to perform its judicial functions.

My country welcomes and supports the annual Judicial Fellowship Programme of the International Court of Justice, which enables interested universities to nominate and sponsor recent law graduates to pursue their training in a professional context at the Court. In conclusion, Honduras reiterates its willingness to contribute to finding solutions to the concerns and requests raised in the report in order to ensure that the International Court of Justice functions as effectively as possible.

Mr. Visek (United States of America): I would like to thank President Donoghue of the International Court of Justice for her informative briefing today and her leadership as President of the Court. We would also like to once again express our condolences for the loss of Judge Antônio Augusto Cançado Trindade, whose contributions and service to the Court and international law more broadly will be greatly missed.

During the reporting period the International Court of Justice addressed some of the most important questions in international law, ably managing a growing caseload even in the midst of a pandemic. Looking to the Court's future, it is thanks to the work of President Donoghue, the other judges on the Court and the Court's staff, that the International Court of Justice continues to be rightly recognized as standing at the pinnacle of the international judicial system.

We are pleased to continue to recognize the Court's contributions to the realization of the purposes and principles of the United Nations, in particular through the peaceful settlement of disputes. Those core principles are being especially tested in these times, when the Russian Federation, a permanent member of the Security Council, is engaging in a war of aggression, in violation of another Member State's sovereignty, territorial integrity and independence. We note in that regard the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. The United States continues to call on the Russian Federation to comply with the Court's 16 March order of provisional measures and suspend its military operations in and against Ukraine.

The Court has a vital role to play in the maintenance of international peace and security. We want to once again express our appreciation to the Court and its staff for their service to the international community, promotion of the rule of law and for continually stressing the need for all States to act in conformity with their obligations under international law, whether in times of peace or war.

We conclude by noting that only five female judges have been elected to the International Court of Justice in the Court's history, and we hope that all States Members of the United Nations will work to address that disparity going forward.

Mr. Gafoor (Singapore): I would like to begin by expressing Singapore's deep sadness at the passing of Judge Antônio Augusto Cançado Trindade on 29 May. Judge Cançado Trindade had an illustrious career as an academic and Government legal adviser and then as a

member of the Court for the past 13 years. His prodigious judicial output was well known to the international community and his loss will be keenly felt.

I want to thank the President of the Court, Judge Joan E. Donoghue, for her comprehensive presentation of the report (A/77/4) on the activities of the Court in the period under review and for her leadership of the Court. We also thank her and the Court for welcoming a high-level delegation from Singapore led by our Attorney-General, Mr. Lucien Wong, in May.

Let me begin by saying that Singapore attaches the greatest importance to the fundamental role played by the International Court of Justice in the rules-based multilateral system. Singapore congratulates the Court on another successful year. As is carefully detailed in its report, the Court's docket is increasing and the cases on its list touch on issues that range from human rights and environmental protection to territorial and maritime delimitation and the jurisdictional immunities of States. We note the Court's demanding hearing schedule, and would like to commend not only the judges but also the staff of the Registry, who worked tirelessly throughout the pandemic. Turning to the report of the Court, we have three specific points to make.

First, Singapore is heartened to note that the Court continues to actively review its procedures and working methods on an ongoing basis and will continue to invest in equipment in the area of information and communications technology. We hope that will help the Court to cope with the challenges of its increased workload.

Secondly, my delegation notes that consultations on the Court's relocation continue and that further investigations and surveys will be conducted in the summer of 2023 before the next steps are decided. We look forward to further updates on the matter and continue to believe that it is vital that the members and staff of the Court have a safe working environment. If temporary relocation is necessary, the interim arrangements that are put in place should allow the Court to carry out its judicial functions unimpeded, and in a venue befitting its status as the world Court.

Finally, with regard to the Judicial Fellowship Programme of the Court, Singapore welcomes the first-ever awards from the Trust Fund for the Programme. Singapore was honoured to have been part of the group of five countries that co-coordinated General Assembly resolution 75/129, establishing the Trust Fund, which supports access to the programme by nationals of developing countries and promotes the improvement of the geographic and linguistic diversity of the participants in the Programme. We note that the 198 applications in 2022 for the Programme represent a nearly sixfold increase over the figure for 2021, and that 71 of the 106 nominating universities sought sponsorship from the Trust Fund for 124 candidates. That clearly shows the demand among developing country nationals enrolled in developing country universities for access to the opportunities provided by the Programme.

In conclusion, Singapore reiterates that it will continue to be a staunch supporter of the Court, whose work is essential to the maintenance of the international rule of law and the peaceful settlement of disputes. Those are important principles that Singapore upholds. The Court plays its vital role not only through its judgments in contentious cases, but also through its advisory jurisdiction, where it provides guidance by clarifying the relevant legal principles. In that regard, Singapore aligns itself with the statement delivered earlier today by the representative of Vanuatu on behalf of a group of countries, including Singapore, on the need for the General Assembly to seek an advisory opinion from the Court on climate change, as it specifically affects small island developing States and other developing countries that are particularly exposed to the adverse effects of climate change. Singapore supports that initiative. Like other small island developing States, we are vulnerable to the impacts of climate change. An advisory opinion from the Court is an important step in the international community's efforts to address the issue. It will serve to clarify the applicable legal principles and provide common ground for further discussions on that very existential matter.

Ms. Orosan (Romania): At the outset, I would like to express my delegation's appreciation to President Joan E. Donoghue for her delivery of a comprehensive and informative report (A/77/4) on the activities of the International Court of Justice. We also congratulate all members of the Court for their outstanding work in yet another demanding year.

Unfortunately, this year's report comes at an extremely challenging time for the international normative system. After almost 80 years of peace, Europe is witnessing a war of aggression due to a completely unjustified and unprovoked attack unleashed by the Russian Federation on Ukraine. Those who believed that the restrictions on the use of force among

States outlined in the Charter of the United Nations would banish aggression must be bitterly disappointed. However, we should not despair but rather put our full trust in the force of international law, which must ultimately prevail against brute force. For that, we need international institutions such as the Court to uphold the rule of law, particularly in matters that are relevant to international security. Romania fully trusts the Court to fulfil its task as a promoter of justice and peace.

Guided by its confidence in the Court, Romania filed a declaration of intervention under article 63 of the Statute of the Court in the proceedings initiated by Ukraine against the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. We are of the opinion that the case will offer the Court the opportunity to restore the trust of the international community in the supremacy of law. The report also made reference to the order delivered by the Court on the indication of provisional measures in the case, and we note with great concern that the Russian Federation has failed to comply with it. On the contrary, in defiance of the Court and of the international community, the Russian Federation has compounded its breaches of international law by committing more egregious acts, including its purported annexation of Ukrainian territory. We underline that States are legally bound to comply with orders issued by the Court and we strongly urge the Russian Federation to reverse its conduct.

The unfortunate developments in Europe show the need for States to submit their disputes to judicial determination, including on matters of vital importance, and the most suitable venue remains the International Court of Justice. In that connection, we would like to remind the Assembly that Romania, together with other core-group States, has launched a declaration promoting the jurisdiction of the International Court of Justice. The declaration, which was circulated to all Permanent Missions to the United Nations in New York after the virtual launch event on 3 November, is open for endorsement through a note verbale submitted to the Permanent Mission of Romania, which is acting as a depositary on behalf of the core group. We strongly encourage States that have not yet done so to endorse the declaration, thereby consolidating their commitment to the peaceful resolution of disputes in line with the Charter.

I think that we are all acutely aware of the need for highly trained international lawyers, and in that respect we were happy to learn from the report that the Trust Fund for the Judicial Fellowship Programme of the Court is off to a promising start. Romania co-facilitated and co-sponsored resolution 75/129, which established the Trust Fund, and has made a voluntary contribution to it this year. We are confident that the participants in the Judicial Fellowship Programme will take advantage of this unique training opportunity.

I would like to conclude by reiterating our thanks to the Court for its outstanding work and high standards of professionalism and efficiency, and wishing it every success.

Mr. Gómez Robledo Verduzco (Mexico) (*spoke in Spanish*): Mexico thanks Judge Joan E. Donoghue, the President of the International Court of Justice, for presenting the report (A/77/4) on the activities of the Court for the period from August 2021 to July 2022. We are delighted to have her with us in this Hall once again.

Like many other speakers before me, I would like to begin by paying tribute to the memory of Judge Antônio Augusto Cançado Trindade of Brazil, to whom the international community owes a great deal for his contributions to the development of international law, and international human rights law in particular. Judge Cançado Trindade will always be remembered for his fierce defence of the humanization of international law, placing him among the great founders of the law of nations, together with Friar Francisco de Vitoria and Friar Bartolomé de las Casas. His legacy in the inter-American and global arenas will never be forgotten.

Mexico reaffirms its support for the International Court of Justice, which has made an invaluable contribution to the peaceful settlement of disputes through judicial settlement, year after year. Unlike any other body, through its work the Court contributes to the interpretation, and therefore the development, of international law. We are grateful for the work of the Court over the past year and the judgments issued during the period, as well as for the orders for provisional measures, which, it should be recalled, are fully legally binding on the parties to a proceeding, as the Court noted in the *LaGrand* case (*Germany v. United States of America*).

During the period covered by the report there were 16 contentious cases before the International Court of Justice, from all over the world. Four of them

involved Latin American countries, which once again demonstrates the confidence that Latin American countries place in the Court for the peaceful settlement of disputes in our region. In recent years, Latin America has become one of the regions that most frequently turns to the Court to settle all kinds of disputes. Furthermore, for those of us who accept the compulsory jurisdiction of the Court in accordance with paragraph 2 of article 36 of its Statute, the States parties to the Pact of Bogotá have committed to submitting any dispute that may arise among us to the Court.

Besides that, Mexico acknowledges the great value afforded by the Court's advisory jurisdiction, which also contributes to the peaceful settlement of disputes and plays a preventive role in clarifying the letter of the law, rendering an invaluable service to the entire international community. It is no exaggeration to say that the International Court of Justice is the most effective principal organ of the United Nations, since the vast majority of its judgments and orders are complied with by the parties. There is no question that there are many other possibilities for facilitating recourse to the Court. Accordingly, my country continues to advocate that the Secretary-General be authorized to request advisory opinions from the Court on a permanent basis, without requiring their approval by the General Assembly. The proposal, which was originally advocated by former Secretary-General Javier Pérez de Cuéllar, would contribute to the Secretary-General's preventive diplomacy and could prevent the escalation of conflicts that might subsequently result in more serious consequences.

Mexico also acknowledges that States sometimes face technical or financial obstacles in implementing the Court's judgments or submitting a case to its jurisdiction. We therefore underscore the work of the Secretary-General to facilitate the implementation of the Court's judgments, particularly with a focus on developing countries, as was seen in the case of *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening*). We also call for the revitalization of the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice.

Despite the effectiveness and impartiality demonstrated by the Court and the enormous consistency of its jurisprudence, only 73 States have issued a declaration recognizing its compulsory jurisdiction, which is little more than a third of the membership of the United Nations. In view of that, as part of the Romania-led core group, which promotes the acceptance of the Court's compulsory jurisdiction, Mexico calls on States that have not done so to issue such declarations or to include language recognizing the Court's jurisdiction in international treaties that they sign, which, together with the special agreements, have contributed significantly to expanding the Court's jurisdiction.

Mexico reaffirms its absolute confidence in the impartiality of the International Court of Justice, which is the cornerstone of its legitimacy in resolving disputes that States submit to it. When dialogue and diplomacy fail and States resort to the use of force, even in the extreme circumstances of war, international law remains the common language through which States can always communicate in order to limit the effects of hostilities and seek a way to settle their disputes through peaceful means. Despite the bleak environment of the current international situation, the International Court of Justice is making a powerful contribution to the realization of the purposes and principles of the San Francisco Charter.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): Nicaragua aligns itself with the statement delivered earlier by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries.

Nicaragua thanks the President of the International Court of Justice for her detailed report (A/77/4), which demonstrates the importance of the work undertaken by the main judicial organ of this Organization. We wish her a speedy recovery.

During the reporting period alone, the Court rendered 15 orders, handed down four judgments and held six public hearings — twice the number for the previous reporting period. It is notable that in three of the orders rendered, the Court indicated provisional measures, which take precedence over ordinary proceedings. In a majority of cases, that implies significant changes to the Court's existing agenda.

Nicaragua would like to recall that during the previous reporting period, the Court adopted an article on the possible establishment of an ad hoc committee, composed of three judges, to assist it in monitoring the implementation of its provisional measures. Unfortunately, however, updated information on the work of that committee during the current cycle could not be provided.

With regard to the budgetary items, the Nicaraguan delegation underscores that it is counterproductive and very worrisome that the General Assembly has approved across-the-board reductions of more than $80,000 to the regular budget of the Court, whose practical contribution to the maintenance of peace is invaluable. Such decisions send a message that undermines the efforts of States to peacefully resolve disputes. While military budgets continue to increase, budgets for promoting peace and the peaceful resolution of disputes are being reduced.

The range of cases brought before the Court continues to be diverse, while also reflecting the practical needs of the States concerned, as well as existing political realities. In that connection, Nicaragua would like to highlight that a significant number of cases are related to territorial and maritime delimitation, an area for which the Court itself has developed highly effective jurisprudence. However, we should recognize that some of those proceedings require technical and scientific means to defend the legal decisions of the judges, as well as the appointment of experts by the Court in accordance with the provisions of article 50 of its Statute.

Nicaragua welcomed the creation last year of the Trust Fund for the International Court of Justice's Judicial Fellowship Programme. We were pleased to note that this year there were now sufficient funds for the first three fellows from universities in developing countries from a total of 15 candidates selected. Nevertheless, Nicaragua believes that it would be useful to have more information about the geographic representation of the 106 applications received from universities around the world. That and other details would enable us to assess the efficacy of the Programme's reach, especially with a view to the next call for candidates towards the end of the year.

Turning to more practical matters, we regret the existing delays with regard to the decontamination and renovation of the Peace Palace, which were supposed to begin this summer. In that connection, we emphasize the importance of coordination with the host country and the need to find a venue that will not have a detrimental impact on the Court's important work during the eight years that the renovations are predicted to take.

On 21 April, the Court delivered its judgment on the merits of the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia).* Colombia was ordered to cease its conduct and reform its legislation in that regard. Meanwhile, the Court confirmed that Nicaragua had not violated any of the historical fishing rights of the Raizal people of the San Andrés archipelago and of Providencia. The Court also positively recognized the Government of Nicaragua's expression of interest in bilaterally addressing the situation of the Raizal people through an agreement. Nicaragua would like to take this opportunity to reiterate that in all cases to which it has been a party, it has always faithfully adhered to its international obligations, and it hopes to see reciprocity in that regard.

In conclusion, we call for an increase in the voluntary contributions to the trust fund to assist States in the settlement of disputes through the International Court of Justice and by recognizing the Court's jurisdiction, for which there are currently only 73 declarations.

The Acting President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers this afternoon in this Hall, following the Assembly's consideration of agenda item 137.

The meeting rose at 1.05 p.m.