United Nations A/69/PV.33

General Assembly

Official Records

Sixty-ninth session

33rd plenary meeting
Thursday, 30 October 2014, 10 a.m.
New York

President: Mr. Kutesa . . . . . (Uganda)

The meeting was called to order at 10.25 a.m.

Tribute to the memory of His Excellency Mr. Michael Chilufya Sata, President of the Republic of Zambia

The President: Before we proceed to the items on our agenda, it is my sad duty to pay tribute to the memory of the late President of the Republic of Zambia, His Excellency Mr. Michael Chilufya Sata, who passed away on Tuesday, 28 October 2014.

On behalf of the General Assembly, I request the representative of Zambia to convey our condolences to the Government and people of Zambia and to the bereaved family of His Excellency Mr. Michael Chilufya Sata.

I invite representatives to rise and observe a minute of silence in tribute to the memory of President Sata.

The members of the General Assembly observed a minute of silence.

The President: It was with deep personal sadness that I learned of President Sata's passing this week. Over the years, I had the pleasure of working with President Sata on many issues of mutual importance to our two countries. He was a remarkable man of peace, whose efforts impacted not only the people of Zambia and the African continent but indeed the entire world. The President's work ethic and his tireless devotion to the Zambian people will long be remembered, as will his legendary journey to the highest political office in Zambia.

President Sata was one of a kind, and he will be greatly missed. May his soul rest in eternal peace.

I now give the floor to the representative of Zambia.

Ms. Kasese-Bota (Zambia): I stand before the General Assembly representing a nation in mourning. His Excellency Mr. Michael Chilufya Sata, President of the Republic of Zambia, passed away on the night of Tuesday, 28 October 2014 in London, where he had gone for medical attention. His death comes only four days after the nation was awash with joy in celebrating its Golden Jubilee, marking 50 years of independence.

Born in 1937 in Mpika district in northern Zambia, the late President Sata was the fifth President of the Republic. He came into office in September 2011 after winning the presidential elections and unseating the Movement for Multi-Party Democracy, which had ruled Zambia for 20 years.

President Sata was a prominent figure in the political history of Zambia. Before joining politics, he worked in various capacities, including the Police Force, London Transport, later as a business practitioner and eventually easing naturally into the political sphere.

The late President's political career began from the lower ranks of ward councillor, gradually rising to political eminence through his election as President of the Republic in 2011.

The Assembly may recall that in 1991 President Sata was one of the prominent voices who left the Government to join the call for the reintroduction of multiparty democracy. During that historic national

14-59630 (E)

re-awakening, his political acumen was key in influencing the national drive for political freedom and the restoration of other democratic rights. He held various portfolios thereafter, including Minister for Health, Minister for Local Government, Minister for Labour and District Governor for Lusaka, among others. He was Minister without Portfolio, his last position before forming the Patriotic Front, after which he was National Secretary of the ruling party. That made him the third most senior politician in the hierarchy of the late President Fredrick J.T. Chiluba's Administration.

Owing to his unique qualities, he was assigned some of the most challenging portfolios. Rather than deter him, that pushed him to achieve astounding success, which further enhanced his political standing. The late President Sata believed in improving the welfare of all Zambians, especially women and children, and his national appeal grew with time. He was a grass-roots politician in the true sense of the word. His contribution to Zambia's continued peace and tranquillity and to consolidating the country's democratic dispensation was unparalleled. On two occasions, when multitudes of his supporters wanted to take to the streets in the aftermath of the 2006 and 2008 general and presidential elections to contest the results, he appealed for calm and restraint for the sake of national unity, thereby putting national interest above self.

The late President almost single-handedly led his political party, the Patriotic Front. It grew from humble beginnings to eventually dominating the Zambian political landscape. He contested the presidential elections immediately after resigning from the Government in 2001, in the subsequent elections of 2006 and in the presidential by-election in 2008, before finally recording a resounding victory at the 2011 elections. In his hallmark fashion, after each election he would immediately launch the next elections campaign, starting with a countrywide tour to thank those who had voted for him. His voice in the political opposition was thus a constant and effective threat to incumbent Governments. President Sata was well known for his brevity and candidness. He was also humorous and generous and exhibited a degree of humility and friendliness rarely found in the powerful.

Zambia has lost an outstanding political organizer who caused his political opponents to have sleepless nights. He will be fondly remembered as a man of action and as a President who contributed to Zambia's economic development through massive investments in infrastructure and who opened up Zambia's intraconnectivity in an unprecedented manner in just three years of his rule.

The late President Michael Sata was a key supporter of the United Nations, as its work resonated with his own passion for service to his fellow man. His addresses to the high-level segments of the General Assembly at its sixty-seventh and sixty-eighth sessions can attest to that fact.

On behalf on the Government and people of the Republic of Zambia, I wish to thank the President of the General Assembly and the Secretary-General of the United Nations - thanks to whom the Member States are observing this commemoration - and the entire United Nations membership, for joining hands with the Zambian people at this moment of great loss. I want to assure everyone that our nation is greatly appreciative of their actions.

I would like to end by informing the Assembly that the transition process is now under way. In accordance with the provisions of the Zambian Constitution, the Vice-President of the Republic of Zambia, Mr. Guy Scott, is serving as Acting President, pending the presidential by-elections, which must be held within 90 days of the incumbent's death.

The Government is gratified that the Zambian people continue to be united and that they are now, united in grief, looking to pay their last respects to their late President in peace and dignity. We rely on the solidarity and best wishes of our friends in the international community to overcome this national tragedy.

May the soul of our dearly departed President, His Excellency Mr. Michael Chilufya Sata, rest in eternal peace.

The President: I now give the floor to the representative of the Plurinational State of Bolivia, who will speak on behalf of the Group of 77 and China.

Mr. Llorenty Solíz (Plurinational State of Bolivia): I have the honour to speak on behalf of the Group of 77 and China to pay tribute to Mr. Michael Sata, President of the Republic of Zambia, who passed away on 28 October 2014 at King Edward VII Hospital in London.

On behalf of the Group of 77 and China, I wish to express our solidarity with the Republic of Zambia and express our heartfelt condolences on the death

of President Sata, who became the fifth President of Zambia on 23 September 2011 after a popular vote. His achievements and efforts constitute an important contribution to the development and growth of the Republic of Zambia. Furthermore, the Group of 77 and China will continue to support the valuable initiatives of that country.

To the people of Zambia, we know that words can give little consolation to relieve grief, but we would like to express our deep sorrow for the loss of such an important leader.

The President: I now give the floor to the representative of Malawi, who will speak on behalf of the Group of African States.

Mr. Msosa (Malawi): The African Group wishes to offer its condolences to the Acting President of the Republic of Zambia, Mr. Guy Scott, and to the people of Zambia for the loss of one of Africa's finest leaders, His Excellency Mr. Michael Sata, who passed away at the age of 77 on 28 October 2014, in London.

We join the people of Zambia at this sad moment in paying tribute to a leader who devoted his whole life to what was right for the people of his country, the African continent and the whole world. President Sata was a man of substance and vision. During his campaign for the presidency he carried to his people a message of peaceful coexistence among all Zambians. He also campaigned for the socioeconomic development of his country and strove to make Zambia prosper and reach greater heights.

Africa will fondly remember President Sata as a fearless freedom fighter, a reformer and one of the architects of the liberation struggle that led to the independence of Zambia and other African countries. We know that the late President Sata will be missed by those who knew him personally and officially for the ideals that he firmly believed in and for his courage in ensuring that his people were provided for in respect of the basic needs they deserved and beyond.

We in the African Group are profoundly saddened by the loss of a true son of Zambia and Africa. He worked tirelessly to promote peace and stability, not only for his own country but for the whole of the African continent and beyond.

In this period of sorrow, the African Group wishes to urge all Zambians to remain calm, united and peaceful.

May his soul rest in peace.

The President: I now give the floor to the representative of Japan, who will speak on behalf of the Asia-Pacific Group.

Mr. Yoshikawa (Japan): I have the great honour to speak on behalf of the Asia-Pacific Group at this solemn gathering of the General Assembly to pay tribute to the memory of His Excellency Mr. Michael Chilufya Sata, the late President of the Republic of Zambia.

History will no doubt remember the late President Sata as a man of conviction and action. Throughout his term in office, which began in 2011, the late President worked diligently to improve the lives of ordinary citizens. His strong leadership contributed profoundly to the betterment of Zambian society.

He implemented pro-poor and equitable development policies and drew attention to the have-nots among the nation's population. In particular, the late President achieved the provision of free medical services for the people and built an additional 650 health posts throughout the country. In the field of education, he promoted the construction of facilities for elementary and secondary schools, thereby doubling the number of school buildings in Zambia. Furthermore, he vigorously promoted infrastructure development in rural areas.

The late President also underscored the importance of realizing social justice. He established an anti-corruption commission and increased the staff and budget of the Auditor-General's office.

He was also a strong supporter of the United Nations. In his address to the General Assembly in September 2013, which sadly turned out to be his last appearance on this rostrum, he solemnly declared his belief in multilateralism and his determination to work towards international peace and development through the Organization (see A/68/PV.7).

One notable instance of his commitment to the United Nations was Zambia's active role in addressing a number of the challenges facing landlocked developing countries (LLDCs). The Zambian delegation, in its capacity as Chair of the Group of LLDCs, has been taking the lead in that field. His passing is undoubtedly a tremendous loss for this world body.

In my national capacity, I would like to briefly touch upon the privileged relationship that Japan has had with Zambia and its late President.

This year marks the fiftieth anniversary of Zambian independence. It was on the day of the closing ceremony of the Tokyo Summer Olympics of 1964 that Northern Rhodesia became independent as Zambia. The athletes of the newly founded Zambia proudly marched onto the field in Tokyo, brandishing their new national flag. The Japanese people were deeply impressed by their march, which symbolized their huge expectations for a bright future. Since then our two countries have been fostering strong and friendly relations. Japan's Imperial Highnesses Prince and Princess Akishino visited Zambia last July to celebrate the fiftieth anniversary of bilateral diplomatic relations.

The late President Sata made significant contributions to strengthening our bilateral ties. Through his visits to Japan, including his official visit in 2012 and his participation in the fifth Tokyo International Conference on African Development in 2013, he personally deepened exchanges with our people.

I myself had the honour of meeting with President Sata in January this year on the occasion of the African Union Summit in Addis Ababa. It was therefore with great sadness that I learned of the sudden passing of the late President.

The world has lost a great politician. On this solemn occasion, in my capacity as President of the Asia-Pacific Group for the month of October, I wish to convey my deepest condolences to the family of the late President and to the Government and people of the Republic of Zambia. It is our strong belief that Zambian people have the strength to overcome this sadness and to continue to work towards further prosperity.

May his soul rest in peace.

The President: I now give the floor to the representative of Estonia, who will speak on behalf of the Group of Eastern European States.

Mr. Kolga (Estonia): It was with great sadness that I learned of the passing of His Excellency Mr. Michael Chilufya Sata, President of the Republic of Zambia. As Chairman of the Group of Eastern European States, please allow me to express our deepest condolences to the people of Zambia and to the family of late President Sata in response to this sad news.

I would like to take this opportunity to pay tribute to the late President, who was a well-respected member of the international community and a committed leader of the Zambian people. History will remember President Sata as a charismatic leader who will be remembered within his own nation as a passionate competitor, a true Zambian and a man of conviction and great determination. As has been noted by his friends, he was extremely dedicated to anything that he decided to achieve. Throughout his political career, he played an important role in the public life of his country and remained a vocal advocate of the Zambian people.

May he rest in peace.

The President: I now give the floor to the representative of Grenada, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. Antoine (Grenada): On behalf of the Group of Latin American and Caribbean States and the Permanent Mission of Grenada, I convey my sincere condolences at the passing of President Michael Chilufyua Sata to the Permanent Representative of Zambia and her staff, to the family of the late President and to the Government and the people of Zambia.

Zambians to whom I have spoken have told me that the late President was a man who worked hard for his people, his country and Africa even years before he became President. Throughout his political life and as President, he worked with passion for the poor and the marginalized. President Sata was always a man of action. He was a policeman, a trade-union leader, a railroad sweeper, a porter and a President. He was a lifelong learner, graduating with a degree only in 2011. But through it all, he never lost his common touch or his passion to improve the lives of his people. He was a model of determination and is to be emulated by political leaders.

In celebrating his life, it is fitting to recall the late President's reform of the national health-care system during his tenure as Minister for Health - an accomplishment worth taking note of in the face of the health-care challenges in Africa today. In the words of a poet,

> "To earn the appreciation of honest critics and endure the betrayal of false friends; To appreciate the beauty, to find the best in others; ... To leave the world a bit better, whether by a healthy child, a garden patch, a redeemed social condition; ... To know even one life has breathed easier because you have lived – This is to succeed."

Michael Sata succeeded. The passing of the Head of State of Zambia, a man of courage, who died in the search for sustainable development in his country, diminishes us all.

May his soul rest in peace.

The President: I now give the floor to the representative of Sweden, who will speak on behalf of the Group of Western European and other States.

Mr. Thöresson (Sweden): On this very solemn occasion, I have the honour to speak on behalf of the Group of Western European and other States. It is with profound sadness and great sorrow that we learned of the passing of the President of the Republic of Zambia, His Excellency Mr. Michael Chilufya Sata.

We just celebrated Zambia's Golden Jubilee last week on 24 October. History will remember President Sata as a leader committed to building his country during its first 50 years of independence. We recognize his many accomplishments and his desire to achieve the political and economic development of Zambia.

Throughout his term in office, President Sata was committed the cause of social justice, paying particular attention to the country's youth. Under his leadership, Zambia continued to make great strides towards achieving the eight Millennium Development Goals, particularly with respect to primary school enrolment and the fight against child malnutrition and malaria.

We offer our profound condolences to the Government and the people of the Republic of Zambia, to his wife, Dr. Christine Kaseba Sata, to his family and relatives, as well as to our dear friends and colleagues at the Mission of Zambia here in New York.

The President: I now give the floor to the representative of the United States of America, who will speak on behalf of the host country.

Mr. Pressman (United States of America): On behalf of the United States of America, I would like to express my Government's deep condolences on the passing of Zambian President Michael Chilufya Sata. We extend our sympathies to the President's family and to the people of Zambia during this time of mourning.

We honour President Sata's years of service to his country and his leadership in the Southern African region. His many accomplishments will be remembered with respect.

We note that the passing of President Sata came just days after Zambia celebrated 50 years of independence. The United States has considered itself a friend of the people of Zambia throughout that time, and has recognized Zambia's strong democratic tradition. As President Obama wrote to President Sata on 21 October:

> "The United States Government has been proud to count Zambia as a partner of Zambia's first 50 years, and we look forward to growing that partnership in the years ahead."

We offer our deep condolences.

Agenda item 70

Report of the International Court of Justice

Report of the International Court of Justice (A/69/4)

Report of the Secretary-General (A/69/337)

The President: I welcome The Honourable Judge Peter Tomka, President of the International Court of Justice, to the General Assembly, who will present this year's report on the activities of the Court (A/69/4).

The role of the International Court of Justice in applying the principles and norms of international law is essential for the promotion of the rule of law, friendly relations among States and, ultimately, for international peace and security. This year's report shows increased judicial activity and sustained efforts to handle proceedings more expeditiously. Several new cases introduced during the reporting period demonstrate that States from all regions of the world have gained strong confidence in the Court and its capacity to deliver justice.

It is now my honour to give the floor to Judge Tomka.

Mr. Tomka, President of the International Court of Justice: Before presenting the report on the activities of the Court (A/69/4), I wish to join those who have paid tribute to the late President Michael Chilufya Sata of Zambia and to express, on behalf of the principal judicial organ of the United Nations, our heartfelt sympathy and condolences to the Government and the people of Zambia.

I would like to thank the General Assembly for continuing the practice of allowing the President of the International Court of Justice to present a review of the Court's judicial activities over the previous year. This

practice reflects the interest in, and support for, the Court shown by the Assembly.

During the past 12 months the Court has continued to fulfil its role as the forum of choice for States for the peaceful settlement of every kind of international dispute over which it has jurisdiction. As illustrated in the report that I have the honour to present to Member States today, the Court has made every effort to meet in a timely manner the expectations of the parties appearing before it, particularly when it has been presented with requests for the indication of provisional measures.

During the reporting period the total number of contentious cases pending before the Court was 13; it now stands at 14. The Court held hearings in four cases.

First, the Court held hearings on three requests for provisional measures: in October 2013, in the case *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, which was joined with the case *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*; in November 2013, in the case *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*; and in January 2014, in *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)*. Then, in March 2014, it held hearings on the merits in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*. The Court is now deliberating that case and is currently in the process of drafting its judgment, which it plans to deliver before the triennial renewal of its composition next February.

During the reporting period, the Court also delivered three judgments: the first in the case *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the* Temple of Preah Vihear (Cambodia v. Thailand) *(Cambodia v. Thailand)*, the second in the case *Maritime Dispute (Peru v. Chile)* and the third in the case *Whaling in the Antarctic (Australia v. Japan)*. In addition, it handed down three orders on requests for the indication of provisional measures.

As is traditional, I shall now report briefly on the main decisions of the Court during the past year. I shall deal first with each of the three aforementioned judgments, before turning to the orders made in the case *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and the case *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, and in the case *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)*.

The first judgment delivered by the Court during the period under review was given on 11 November 2013 in the case *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the* Temple of Preah Vihear (Cambodia v. Thailand) *(Cambodia v. Thailand)*. The proceedings concerning the interpretation were instituted on 28 April 2011 by the Kingdom of Cambodia, which requested the Court to interpret the Judgment delivered by the Court on 15 June 1962. The Court was seized following incidents between Cambodia and Thailand in the border area close to the Temple. In its application, Cambodia contended that, even though "Thailand d[id] not dispute Cambodia's sovereignty over the Temple", it nevertheless called into question the 1962 Judgment in its entirety by "refus[ing] Cambodia's sovereignty over the area beyond the Temple as far as its vicinity". The applicant therefore asked the Court to interpret its 1962 Judgment, in which it had stated, in the second operative paragraph, that Thailand was under an obligation to withdraw any personnel stationed by it "at the Temple, or in its vicinity on Cambodian territory".

In its judgment rendered on 11 November 2013, the Court first considered whether it had jurisdiction and whether Cambodia's request for interpretation was admissible. That request was made pursuant to Article 60 of the Statute of the Court, which provides that "In the event of dispute as to the meaning or scope of [a] judgment, the Court shall construe it upon the request of any party". After examining whether the conditions set out in Article 60 were satisfied, the Court concluded that there was a dispute between the parties as to the meaning and scope of the 1962 Judgment. It noted, in that respect, that the principal dispute concerned the territorial scope of the second operative paragraph, namely, the territorial extent of the "vicinity" of the Temple of Preah Vihear.

The Court considered that from the reasoning in the 1962 judgment, seen in the light of the pleadings in the original proceedings, the second operative paragraph of the 1962 judgment required Thailand to withdraw from the whole of the territory of the promontory of Preah Vihear any Thai personnel stationed there. Accordingly, the Court concluded that the terms "vicinity on Cambodian territory" had to be construed as extending at least to the area where, at the time of the original proceedings, a Thai police detachment was

found to have been stationed. The Court observed that that conclusion was confirmed by a number of other factors, in particular the fact that the area around the Temple is located on an easily identifiable geographical feature – a promontory.

To the east, south and south-west, the promontory drops in a steep escarpment to the Cambodian plain. The parties were in agreement in 1962 that that escarpment and the land at its foot were under Cambodian sovereignty in any event. To the west and north-west, the land drops in a slope, less steep than the escarpment but nonetheless pronounced, into the valley which separates Preah Vihear from the neighbouring hill of Phnom Trap, a valley which itself drops away in the south to the Cambodian plain.

The Court found that Phnom Trap lay outside the disputed area and that the 1962 Judgment did not address the question of whether it was located in Thai or Cambodian territory. Accordingly, the Court considered that the promontory of Preah Vihear ended at the foot of the hill of Phnom Trap, that is to say where the ground begins to rise from the valley. In the north, it concluded that the reasoning in the 1962 Judgment showed that the Court considered Cambodia's territory to extend as far as the line on the map annexed to its pleadings in the original proceedings, the so-called annex I map, which had been accepted by the parties. It therefore ruled that in the north the limit of the promontory is the annex I map line, from a point to the north-east of the Temple where that line abuts the escarpment to a point in the north-west where the ground begins to rise from the valley at the foot of the hill of Phnom Trap.

The Court then examined the relationship between the second operative paragraph and the rest of the operative part of the Judgment. It considered that the territorial scope of the three operative paragraphs was the same: the finding in the first paragraph that "the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia" must be taken as referring, like the second and third paragraphs, to the whole of the territory of the promontory of Preah Vihear.

Finally, the Court observed that the Temple of Preah Vihear is a site of religious and cultural significance for the peoples of the region and is now listed by UNESCO as a world heritage site. In that respect, it recalled that under article 6 of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, to which both States are parties, Cambodia and Thailand must cooperate between themselves and with the international community in the protection of the site as world heritage. In addition, each State is under an obligation not to "take any deliberate measures which might damage directly or indirectly" such heritage. In the context of those obligations, the Court emphasized the importance of ensuring access to the Temple from the Cambodian plain.

In the operative part of its Judgment, the Court found that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear, as previously defined, and that, as a consequence, Thailand was under an obligation to withdraw from that territory the Thai military or police forces or other guards or keepers that were stationed there.

Also during the review period, on 27 January 2014, the Court handed down a second judgment, on delimitation of the boundary between the maritime zones of Peru and Chile in the Pacific Ocean - *Maritime Dispute (Peru v. Chile)*. Peru argued that no agreed maritime boundary existed between itself and Chile, and asked the Court to draw a boundary line using the equidistance method in order to achieve an equitable result. Chile, on the other hand, contended that it was not for the Court to draw a boundary line, since an international maritime boundary agreed on between the parties already existed. According to Chile, it followed the parallel of latitude passing through the starting point of the Peru-Chile land boundary and extended to a minimum of 200 nautical miles, as indicated on the map distributed.

In order to resolve the dispute, the Court first sought to ascertain whether, as Chile claimed, an agreed maritime boundary already existed. To that end, it examined various instruments submitted to it by the parties, and in particular the 1947 proclamations, whereby Peru and Chile had each unilaterally proclaimed certain maritime rights extending 200 nautical miles from their respective coasts, as well as the 1952 Santiago Declaration on the Maritime Zone, in which Chile, Ecuador and Peru

> "proclaim[ed] as a norm of their international maritime policy that they each possess[ed] exclusive sovereignty and jurisdiction of the sea along the coasts of their respective countries to a minimum distance of 200 nautical miles from those coasts".

The Court found, however, that none of those instruments established a maritime boundary between Peru and Chile.

The Court then proceeded to examine a series of subsequent agreements and arrangements between Peru, Chile and Ecuador. In particular, it analysed a document dating from 1954, the Agreement relating to a Special Maritime Frontier Zone, which established a zone of tolerance, starting at a distance of 12 nautical miles from the coast, "of 10 nautical miles on either side of the parallel which constitutes the maritime boundary". The Court found that the terms of that instrument acknowledged, in a binding international agreement, that a maritime boundary already existed. The Court noted, however, that the text did not indicate when and how that boundary had been agreed on. The Court therefore concluded that the parties' express acknowledgement of the existence of a maritime boundary could only reflect a tacit agreement that they had reached earlier and that had been cemented by the 1954 Special Maritime Frontier Zone Agreement. The Court observed, however, that that Agreement gave no indication as to the nature of the maritime boundary, nor did it indicate its extent, although its terms made it clear that the maritime boundary extended beyond 12 nautical miles from the coast.

In the light of that finding, the Court then addressed the question of the nature of the agreed maritime boundary. Pointing out that the tacit agreement between the parties should be understood in the context of the 1947 proclamations and the 1952 Santiago Declaration, which expressed claims to the seabed and to the waters above the seabed and their resources, with no distinction drawn between those spaces by the parties, the Court concluded that the maritime boundary was an all-purpose one.

The Court then sought to determine the extent of the agreed maritime boundary. It began by examining the practice of the parties in the early and mid-1950s, starting with fishing potential and activity. The Court noted that the information referred to by the parties showed that the species that were being taken in the early 1950s were generally to be found within a range of 60 nautical miles from the coast. While recalling that, given the maritime boundary's all-purpose nature, evidence concerning fisheries activity could not in itself be determinative of the boundary's extent, the Court believed that those activities appeared to indicate that, at the time when the parties acknowledged the existence of an agreed maritime boundary between them, they were unlikely to have considered that it extended all the way to the 200-nautical-mile limit.

The Court then moved on to the broader context and examined the development of the law of the sea at the start of the 1950s. In particular, it observed that claims to a maritime zone of at least 200 nautical miles, such as those made by the parties in the 1952 Santiago Declaration, did not correspond to the international law of the period. On the basis of the parties' fishing activities at that time, the relevant practice of other States and the work of the International Law Commission on the law of the sea, the Court considered that the evidence at its disposal did not allow it to conclude that the agreed maritime boundary along the parallel extended beyond 80 nautical miles from its starting point. In the light of that tentative conclusion, the Court examined further elements of practice, for the most part subsequent to 1954, but concluded that they did not lead it to change its position.

The Court then turned to the question of the starting point of the agreed maritime boundary. After paying particular attention to the documents that had led to the conclusion of arrangements whereby, in 1968 and 1969, the parties decided to construct lighthouses "to materialize the parallel of the maritime frontier originating at" the first boundary marker along the land frontier, the Court concluded that the starting point of the maritime boundary between the parties was located at the intersection of the low waterline with the parallel of latitude passing through Boundary Marker No. 1.

The Court next proceeded to its determination of the course of the maritime boundary from the end point of the agreed line. For that purpose, it applied its usual method, as explained in detail in its 2009 Judgment in the case concerning *Maritime Delimitation in the Black Sea (Romania* v. *Ukraine)*. The Court concluded that the maritime boundary between the parties starts at the intersection of the parallel of latitude passing through Boundary Marker No. I with the low waterline, and extends for 80 nautical miles along that parallel of latitude to a point indicated on map No. 4, which has been circulated, as Point A. From that point, the maritime boundary runs along the equidistance line to the point indicated on the map as Point B, and then along the 200-nautical-mile limit measure from the Chilean baselines to the point indicated as Point C.

Before concluding my summary of this case, I would like to draw the Assembly's attention to Peru's second submission, in which it requested the Court to adjudge and declare that, beyond the point where the common maritime boundary ended, it was entitled to

exercise sovereign rights over a maritime area lying out to a distance of 200 nautical miles from its baselines. The claim related to the area shown in a darker shade of blue in sketch map No. 2, which I understand has been circulated. The Court held, however, that, since it had already concluded that the agreed boundary ended at 80 nautical miles from the coast and that it had further decided that beyond that point it would delimit the parties' maritime entitlements by drawing an equidistance line, Peru's second submission had become moot. The Court therefore did not rule on it.

In the light of the particular circumstances of the case, the Court determined the course of the maritime boundary between the parties without specifying its precise geographical coordinates. It recalled that in their final submissions the parties had not requested that the Court do so. The Court accordingly invited Peru and Chile to determine those coordinates in accordance with its judgment, in a spirit of good neighbourliness, and the two States indeed proceeded to do so, just a few months after the Court handed down its decision. It is therefore worth emphasizing that within two months from the delivery of the judgment, the two parties and their Governments reached a joint agreement on the precise geographical coordinates of their maritime boundary on the basis of the description set out in the Court's Judgment.

(*spoke in French*)

On 31 March 2014, the Court handed down a third judgment, in the case concerning *Whaling in the Antarctic* (*Australia* v. *Japan*), with New Zealand intervening under Article 63 of the Statute. The proceedings had been instituted in May 2010 by Australia, who accused Japan of the

> "continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic ('JARPA II'), in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling ... as well as its other international obligations for the preservation of marine mammals and the marine environment".

In order to decide on the dispute, the Court began by addressing the issue of its jurisdiction, which Japan contested on the ground that the dispute fell within the scope of a reservation in Australia's declaration of acceptance of the Court's compulsory jurisdiction. In the Court's view, however, that reservation applied only where there was a dispute between the parties over maritime delimitation, which was not the case here. The Court accordingly concluded that Japan's objection to jurisdiction could not be upheld.

The Court then turned to the core of the case - the interpretation and application of article VIII of the International Convention for the Regulation of Whaling, of which the relevant part of paragraph 1 reads as follows:

> "Notwithstanding anything contained in this Convention any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit."

In regard to the interpretation of that provision, the Court began by observing that, although article VIII gives discretion to a State party to the Convention to reject a request for a special permit or to specify the conditions for the granting of such a permit, the answer to the question of whether the killing, taking and treatment of whales pursuant to a requested special permit was for purposes of scientific research could not depend simply on that State's perception. The Court then discussed the meaning of the phrase "for purposes of scientific research" in that article, concluding that the two elements of that phrase were cumulative. As a result, even if a whaling programme involved scientific research, the killing, taking and treating of marine mammals pursuant to such a programme did not fall within article VIII unless those activities were for purposes of scientific research.

Regarding the application of paragraph 1 of article VIII, the Court found that JARPA II could generally be characterized as a scientific research programme. The Court then sought to ascertain whether the use of lethal methods was for purposes of scientific research, and to that end, it considered whether the elements of the programme's design and implementation were reasonable in relation to its stated research objectives. In that connection, the Court examined, inter alia, the following elements: decisions regarding the use of lethal methods, the scale of the programme's use of lethal sampling, the methodology used to select sample sizes, a comparison of the target sample sizes and the actual take, the time frame associated with the

programme, the programme's scientific output, and the degree to which the programme coordinated its activities with related research projects.

From its examination, the Court concluded that while JARPA II, taken as a whole, involved activities that could broadly be characterized as scientific research, "the evidence [did] not establish that design and implementation of the programme [were] reasonable in relation to stated objectives". The Court concluded that the special permits granted by Japan for the killing, taking and treating of whales in connection with JARPA II were not "for purposes of scientific research" pursuant to article VIII, paragraph 1, of the Convention.

The Court next turned to the implications of that conclusion, in the light of Australia's contention that Japan had breached several provisions of the Schedule appended to the Convention. In the view of the Court, despite the differences in wording, all whaling activities that did not fall within the terms of article VIII of the Convention, with the exception of aboriginal subsistence whaling, were covered by three specific provisions of the Schedule. The Court accordingly concluded that Japan had breached, first, the moratorium on commercial whaling for each of the years in which it had set catch limits above zero for minke whales, fin whales and humpback whales under JARPA II; secondly, the factory ship moratorium, for each of the seasons during which fin whales were taken, killed and treated under JARPA II; and thirdly, the ban on commercial whaling in the Southern Ocean Sanctuary, for each of the JARPA II seasons during which fin whales had been taken. However, the Court held that, contrary to what Australia had claimed, Japan had met the requirements of a further provision of the Schedule, whereby every contracting Government must make proposed permits available to the International Whaling Commission in sufficient time to permit review and comment by the Scientific Committee.

In the light of its findings, the Court then addressed the issue of remedies. The Court noted that JARPA II was an ongoing programme and that under the circumstances, measures going beyond a declaratory judgment were warranted. It therefore ordered Japan to revoke any extant authorization, permit or licence to kill, take or treat whales in relation to JARPA II and refrain from granting any further permits under article VIII, paragraph 1, of the Convention in pursuance of the JARPA II programme. On the other hand, the Court saw no need to order the additional remedy requested by Australia, which would require Japan to refrain from authorizing or implementing any special-permit whaling that was not for purposes of scientific research within the meaning of article VIII. In the Court's view, that obligation already applied to all State parties.

I should also like to take the opportunity to draw the Assembly's attention to the fact that the Court has made increasing use of the deliberation procedure provided for in article 1 of the resolution concerning the Internal Judicial Practice of the Court, whose first paragraph provides that:

> "After the termination of the written proceedings before the beginning of the oral proceedings, a deliberation is held at which the judges exchange views concerning the case, and bring to the notice of the Court any point in regard to which they consider it may be necessary to call for explanations during the course of the oral proceedings".

Such deliberations effectively enable the Court to identify any issue on which it would like further explanation or clarification during the oral proceedings on the substance of a case. Thus, once it has completed its deliberations, the Court communicates its queries to the parties with a view to directing their oral presentations towards providing the additional information needed by the Court at the hearings. It is a procedure that is particularly useful in cases with major scientific content, or where the factual background is a particularly complex one. The Court did indeed hold such a deliberation in the *Whaling* case, as well as in the case between Ecuador and Colombia concerning *Aerial Herbicide Spraying (Ecuador v. Colombia)*, which was settled by the parties before the opening of the hearings on the merits.

As I have already noted, during the reporting period the Court also handed down three orders, which I will briefly present in chronological order.

The first of them was issued on 22 November 2013 in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*. That decision followed a request for the indication of new provisional measures submitted on 24 September 2013 by Costa Rica, protesting Nicaragua's construction of two new *caños,* or canals, in the "disputed territory", as defined by the Court in an order for the indication of provisional measures of 8 March 2011, namely, the

northern part of Isla Portillos, that is to say, the area of wetlands of some 3 square kilometres between the right bank of the disputed *caño*, the right bank of the San Juan River up to its mouth at the Caribbean Sea and the Harbour Head Lagoon.

In its order of 22 November 2013, the Court held that there was sufficient evidence before it for it to conclude that, given the length, width and location of a trench dug close to the larger of the two new canals - the eastern *caño* - there was a real risk of its reaching the Caribbean Sea as a result of either natural or human action, or of a combination of the two. That could cause the San Juan River to change its course, with serious consequences for the rights claimed by Costa Rica in the case. The Court therefore decided not only to reiterate the provisional measures indicated by it in its order of 8 March 2011, but also to order new measures. It stated that Nicaragua must refrain from any dredging and other activities in the disputed territory and must, in particular, refrain from work of any kind on the two new *caños* and fill in the trench on the beach north of the eastern *caño*.

A few weeks later, on 13 December 2013, the Court handed down an order in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*. In its request for the indication of provisional measures, Nicaragua stated that it was seeking to protect certain rights which it claimed were threatened by road works being carried out by Costa Rica, in particular the resultant transboundary movement of sediment and other debris.

The Court, however, found that the circumstances as they then presented themselves to it were not such as to require the exercise of its power to indicate provisional measures. In particular, the Court considered that Nicaragua had not established that the construction works had led to a substantial increase in the sediment load in the river and had not presented evidence as to any long-term effect on the river resulting from aggradations of the river channel allegedly caused by additional sediment from the construction of the road. Nor had the applicant explained how certain species in the river's wetlands could be endangered by the road works, or identified with precision which species were likely to be affected.

Lastly, the Court handed down a third order for the indication of provisional measures in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*. That decision followed a request submitted on 17 December 2013 by Timor-Leste on account of the seizure on 3 December 2013 and subsequent detention by "agents of Australia of documents, data and other property which belongs to Timor-Leste and/or which Timor-Leste has the right to protect under international law". Timor-Leste claimed that the items seized included documents, data and correspondence between Timor-Leste and its legal advisers relating to the pending Arbitration under the Timor Sea Treaty of 20 May 2002 between Timor-Leste and Australia.

In its decision of 3 March 2014, the Court took the view that if Australia failed to immediately safeguard the confidentiality of the material seized by its agents on 3 December 2013, the right of Timor-Leste to conduct arbitral proceedings and negotiations without interference could suffer irreparable harm. The Court noted, however, that the Attorney-General of Australia had given a written undertaking on 21 January 2014 that included an assurance that the seized material would not be made available to any part of the Australian Government for any purpose in connection with the exploitation of resources in the Timor Sea or related negotiations or in connection with the conduct of the current case before the Court or the proceedings of the Timor Sea Treaty Tribunal.

Nonetheless, after taking cognizance of the fact that in certain circumstances involving national security, the Government of Australia envisaged the possibility of making use of the seized material, the Court took the view that while the written undertaking made a significant contribution towards mitigating the imminent risk of irreparable prejudice to Timor-Leste's rights caused by the seizure of the above-mentioned material, it did not remove that risk entirely. The Court accordingly concluded that the conditions required by its Statute for it to indicate provisional measures had been met. Furthermore, on 3 September the Court decided to accept a joint request from the parties for the oral proceedings between Timor-Leste and Australia to be postponed. Those proceedings had been due to open on Wednesday 17 September 2014 and to close on Wednesday 24 September 2014.

Having recalled the principal decisions handed down by the International Court of Justice in the course of the past year, I now come to the new cases submitted to it.

In addition to the proceedings between Timor-Leste and Australia commenced in December 2013, which I

have just discussed, the Court had, on September 2013, received an application from Nicaragua instituting proceedings against Colombia, in which it requested the Court, first, to determine

> "the precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertained to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012";

and, secondly, to state the

> "principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast".

In November 2013 the Court was seized of further proceedings by Nicaragua against Colombia in a dispute concerning

> "violations of Nicaragua's sovereign rights of maritime zones declared by the Court's Judgment of 19 November 2012 in the case concerning *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* and the threat of the use of force by Colombia in order to implement those violations".

Next, on 25 February, the Court was seized of a dispute between Costa Rica and Nicaragua in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*. It is moreover noteworthy that it was the first time in the Court's history that it had been asked to carry out a maritime delimitation between two States on either side of their respective mainland territories, in that delimitation was being requested in both the Caribbean Sea and the Pacific Ocean in that specific case.

On 24 April, the Marshall Islands filed nine applications with the Court Registry, in which it accused nine States of failing to perform their obligations with respect to nuclear disarmament and the cessation of the nuclear arms race at an early date. The applications filed against India, Pakistan and the United Kingdom were entered on the Court's General List, since those States have accepted the Court's compulsory jurisdiction under Article 36, paragraph 2, of the Statute. However, in regard to the six other applications against China, the Democratic People's Republic of Korea, France, Israel, the Russian Federation and the United States of America, that was not possible. In respect of each of those applications, the Republic of the Marshall Islands stated that it sought, in accordance with article 38, paragraph 5 of the Rules of Court to base the Court's jurisdiction on the consent of the State concerned under the doctrine of *forum prorogatum*. Without that consent, none of the applications could be entered on the forms of the Court's list.

Finally, on 28 August, the Federal Republic of Somalia instituted proceedings against the Republic of Kenya with regard to a dispute concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. Specifically, Somalia claims that the two States disagree on the course of their common maritime boundary and requests the Court

> "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including in the continental shelf beyond 200 nautical miles".

It should be noted that both States have filed a declaration accepting the Court's compulsory jurisdiction under article 36, paragraph 2, of the Statute.

That therefore brings to seven the number of new cases submitted during the period under review and to 14 the total number of cases currently on the Court's docket. As I have just shown, the Court always strives to ensure that the disputes submitted to it are settled promptly, in order to reduce its judicial backlog or even eliminate it entirely. Hearings have been held and deliberations are under way in every case on the Court's General List in which the written procedure has closed. The Court is thus committed to fulfilling its high judicial mission impartially and effectively, relying on the cooperation of the parties to the disputes brought before it so as to resolve them in a timely manner.

By way of example, I need only remind the Assembly that the Court made all the necessary preparations for public hearings to be held in September 2014 in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)*. It was only after receiving a joint request from the parties to postpone the hearings that it decided to adjourn the proceedings.

The Court has also continued its extrajudicial activities this past year, notably the organization of a conference to celebrate the centenary of the Peace

Palace, held on 23 September 2013. That conference, which centred on the theme of "The International Court of Justice in the Service of Peace and Justice", gave the Court the opportunity to welcome prominent figures and to present speakers of the highest quality at the conference's round tables. It was a very full but well-balanced programme, encouraging speakers and audience alike not only to focus on the past and present of international justice, but also to reflect on the future and the challenges that lie ahead, particularly for the Court. I am delighted to inform the Assembly that in July a collective work entitled *Enhancing the Rule of Law through the International Court of Justice*, an outcome of the conference held to mark the centenary of the Peace Palace, was published.

In conclusion, I should like to recall that the Court must do its utmost to serve the noble purposes and goals of the United Nations with modest resources, bearing in mind that Member States award it less than 1 per cent of the Organization's regular budget. Nevertheless, I hope that I have shown that the recent contributions of the Court are not to be measured in terms of its financial resources, but against the great progress it has made in the advancement of international justice and the peaceful settlement of disputes between States.

I would like, however, to draw attention to the importance of the role of Member States in the composition of the Court. A great responsibility is placed on Member States, for it is they who are called upon to choose and elect the members of the Court who will be tasked with carrying out a high and noble judicial mission. Therefore the quality of the principal judicial organ of the United Nations is dependent in large measure on the contribution of Member States in that respect.

In a similar vein, I would like to take this opportunity to remind the Assembly that, despite various appeals and the adoption of texts by the General Assembly, the number of States having made a declaration recognizing the jurisdiction of the Court as compulsory under article 36, paragraph 2, of its Statute has remained at 70 during the period under review.

It is to be hoped that the statements issued by certain States expressing a desire to recognize the jurisdiction of the principal judicial organ of the United Nations and the documents adopted to that end will give rise to wider recognition of the Court's jurisdiction within the international community in the form of declarations under article 36, paragraph 2. 1 believe that, as a forum of distinguished diplomats working specifically within the community of nations, the General Assembly is in a privileged position to promote that ideal among the Governments represented in the Assembly. I therefore reiterate my invitation to seek to encourage recourse to the Court for the settlement of disputes, as well as increased recognition of its compulsory jurisdiction as a means of achieving peaceful resolutions to international conflicts and more harmonious inter-State relations.

I would like to thank the delegations of Botswana, Japan, Lithuania, the Netherlands, Switzerland, the United Kingdom and Uruguay for having taken the initiative to prepare a manual for the acceptance of the jurisdiction of the Court, which will be published in five languages. I welcome the publication of the manual, which will be very useful.

I would like to thank the General Assembly for this opportunity to address it today and I wish every success for its sixty-ninth session.

Mr. Dehghani (Islamic Republic of Iran): I have the honour to deliver this statement on behalf of the Non-Aligned Movement (NAM).

The Non-Aligned Movement attaches great importance to agenda item 70, entitled "Report of the International Court of Justice", and takes note of the report on the activities of the Court from 1 August 2013 to 31 July 2014 (A/69/4), as requested by the decision of the Assembly last year. I would also like to thank the President of the International Court of Justice for his presentation of the report to the Assembly today.

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. 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 United Nations Charter, and in such a manner that international peace and security, and justice, are not endangered.

The Movement endeavours to generate further progress to achieve full respect for international law and, in this regard, commends the role of the International Court of Justice in promoting the peaceful settlement of international disputes, in accordance with the relevant provisions of the United Nations Charter and the Statute of the Court, in particular Articles 33 and 94 of the Charter.

With regard to advisory opinions of the Court, noting the fact that the Security Council has not sought any advisory opinion from the Court since 1970, NAM urges the Security Council to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of the relevant norms of international law, and on controversial issues. It further requests the Council to use the Court as a source of interpreting relevant international law and also urges the Council to consider its decisions being reviewed by the Court, bearing in mind the need to ensure their adherence to the United Nations Charter and international law.

The Movement also invites the General Assembly, other organs of the United Nations and the specialized agencies duly authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities.

The Non-Aligned Movement reaffirms the importance of the unanimous advisory opinion of the International Court of Justice issued on 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons*. On this, the Court concluded that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

The Non-Aligned Movement continues to call on Israel, the occupying Power, to fully respect the 9 July 2004 advisory opinion of the Court entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and calls upon all States to respect and ensure respect of 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. Mamabolo (South Africa): My delegation has the honour to deliver this statement on behalf of the Group of African States.

At the outset, the African Group would like to thank the President of the International Court of Justice, Judge Peter Tomka, for his presentation and also for the report (A/69/4). The African Group continues to consider the International Court of Justice to be the pre-eminent mechanism for the peaceful settlement of disputes at the international level. It should be kept in mind that the Court, as a court of justice and, moreover, the principal judicial organ of the United Nations, occupies a special position. Everything the world Court does is aimed at promoting the rule of law. The world Court hands down judgments and gives advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and thus contributes to promoting and clarifying international law.

The African Group welcomes the reaffirmed confidence that States have shown in the Court's ability to resolve their disputes. In particular, we are pleased to see that States continue to refer disputes to the Court. The number of cases currently pending on its docket is a reflection of the esteem in which States hold the Court.

Notwithstanding the proliferation of mechanisms for the international judicial settlement of disputes on a specialized or regional basis, the International Court of Justice continues to attract a wide range of cases, covering many areas. The list of cases before the Court includes cases pertaining to the demarcation of boundaries, such as *Peru v Chile*.

The African Group appreciates the fact that the Court set itself a particularly demanding schedule of hearings and deliberations in order that it might consider several cases at the same time and deal as promptly as possible with incidental proceedings, which are tending to grow in number, including requests for the indication of preliminary and provisional measures. In this connection, on 3 March 2014 the Court issued its order on the request for the indication of provisional measures submitted by Timor-Leste in December 2013 in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v Australia)*. The Court found that it had prima facie jurisdiction to rule on the merits of the case in the light of the declarations made by both parties in terms of Article 36, paragraph 2 of the Statute of the Court. The Court also found that there was a link between the rights claimed and the provisional measures that were requested by Timor-Leste. Such measures were aimed at preventing Australia's further access to seized material. The Court concluded that the conditions required by the Statute had been met for it to indicate provisional measures because there was still a risk of irreparable prejudice.

The African Group is of the view that the *Australia v Japan* case contributes to the body of law governing the environment, particularly with respect to the law of the sea. Australia commenced the proceedings on 31 May 2010. On 31 March 2014, the International

Court of Justice delivered its judgment, and, as far as the Court's jurisdiction was concerned, the Court found that since there was no maritime delimitation dispute between the parties in the Antarctic Ocean and since the current dispute was only about the compatibility or not of Japan's whaling activities with its obligations under the Convention, Japan's objection to the Court's jurisdiction could not be upheld.

The Court further found that the Japanese Whale Research Program under Special Permit in the Antarctic involved activities that could broadly be characterized as scientific research, but that the evidence does not establish that the programme's design and implementation are reasonable in relation to achieving its stated objectives. The Court therefore concluded that the special permits granted by Japan for the killing, taking and treating of whales in connection with the Japanese Whale Research Program under Special Permit in the Antarctic were not for purposes of scientific research pursuant to article VIII, paragraph 1, of the International Convention for the Regulation of Whaling.

An interesting procedural development was that, by an order of 6 February 2013, the Court authorized New Zealand to intervene in the *Whaling in the Antarctic (Australia v. Japan)* case. Therefore, on 20 November 2012, New Zealand filed with the Registry a declaration of intervention in the case. In order to avail itself of the right of intervention conferred by article 63 of the Statute of the Court, New Zealand relied on its status as a party to the International Convention for the Regulation of Whaling. It contended that as a party to the Convention, it had a direct interest in the construction that might be placed upon the Convention by the Court in its decision in those proceedings. New Zealand underlined in its declaration that it did not seek to be a party to the proceedings and confirmed that by availing itself of its right to intervene, it accepted that the construction given by the judgment in the case would be equally binding upon it.

The importance of advisory opinions on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of disputes in accordance with the Charter of the United Nations. It is therefore rather disappointing that during the period under review, no requests for advisory opinions were made.

Mr. Norman (Canada): On behalf of Canada, Australia and New Zealand (CANZ), I would like to thank the President of the International Court of Justice, Judge Tomka, for his report on the work of the Court over the past year. As countries that firmly believe in the rule of law, the CANZ countries have always been strong supporters of the International Court of Justice. We have tremendous respect for the work of the Court and for the quality and dedication of its judges.

Once again, the Court has seen a sustained caseload, demonstrating its vital position in the peaceful resolution of disputes. The 13 cases currently before the Court come from around the world and represent a diversity of subject matter. CANZ welcomes the willingness of States to turn to the Court for the peaceful settlement of their disputes.

Our confidence in the Court is reflected in our acceptance of the Court's compulsory jurisdiction. CANZ believes that wider acceptance of the compulsory jurisdiction would enable the Court to fulfil its role more effectively by reducing jurisdictional issues, thereby allowing the Court to focus more of its attention on the substance of disputes. In line with resolution 68/116, we encourage Member States that have not yet done so to accept the Court's compulsory jurisdiction.

(*spoke in French*)

On 6 November, the members of the General Assembly and Security Council will vote to fill five vacancies for the Court's judges. Our three countries unreservedly endorse the candidature of Mr. James Crawford for one of the two vacancies in the Group of Western European and other States. He is a distinguished international lawyer who would be a valuable addition to the Court. He was nominated 27 times in the national groups' lists of the Permanent Court of Arbitration, which is remarkable. It is also a telling indication of the esteem in which he is held in the international legal arena. We therefore encourage all Members of the United Nations to support Mr. Crawford.

We expect that the work programme of the Court in the year ahead will remain full, as States continue to reaffirm their confidence in the Court. For our part, our countries hope that the International Court of Justice will continue to play its important role in the peaceful settlement of international disputes.

Mr. Zellweger (Switzerland) (*spoke in French*): Over the past 20 years, the work of the International Court of Justice has increased considerably. A growing number of States recognize the practical and effective means that the Court offers for the peaceful settlement of disputes. Indeed, because of its unique mandate,

its universal character, the authority and finality of its decisions and the consensus-based nature of its jurisdiction, the Court is the ideal framework for the peaceful settlement of disputes between States.

In order to strengthen that momentum and encourage even more States to recognize the Court's jurisdiction, on 24 September 2012, during the Assembly's High-level Meeting on the Rule of Law at the National and International Levels (A/67/PVs.3-5.), Switzerland and the Netherlands undertook to draw up, with the help of the Secretariat, a practical guide highlighting the Court's benefits and explaining the various options available for recognizing its jurisdiction. The United Kingdom, Uruguay, Lithuania, Japan and Botswana subsequently joined that project. Since then, the practical guide has been completed and was sent this week to all permanent missions in New York.

States have three options for recognizing the Court's jurisdiction: first, unilaterally accepting its jurisdiction; secondly, accepting its jurisdiction by treaty; or thirdly, referring a specific dispute to the Court by compromise. Those three options are explained in detail in the brochure. Specific examples are given in the form of model declarations, articles and compromise clauses that can be adopted and adapted by States as they see fit. The guide is practical in nature. It is mainly addressed to States for their diplomats or any member of a delegation negotiating international treaties. We hope that it will help to remove certain technical obstacles to the recognition of the Court's jurisdiction. We hope that the guide will further enhance the Court's importance and its contribution to a more just and peaceful international order.

Mr. Pírez Pérez (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Cuba welcomes the introduction of the valuable report of the International Court of Justice (A/69/4). We would also like to express to the Assembly our commitment to the strict implementation of international law and the peaceful resolution of international disputes.

My delegation recognizes the work performed by the Court since its inception. Its decisions and advisory opinions have been of particular importance, not only for the cases under consideration but also for the development of public international law. The volume of cases brought to the Court, many of which originated the Latin American and Caribbean region, demonstrates the importance that the international community attaches to the peaceful settlement of disputes. The Republic of Cuba advocates for the peaceful settlement of disputes in accordance with Article 33, paragraph 1, of the United Nations Charter, and has declared its acceptance of and prior consent to the compulsory jurisdiction of the International Court of Justice.

Cuba regrets the existence of unexecuted judgments of the Court, in clear violation of Article 94 of the Charter, which requires each Member of the United Nations to undertake to comply with the decision of the International Court of Justice in any case in which it is a party. In that regard, the Republic of Cuba is concerned that the effectiveness and enforceability of the judgments of the Court can be reasonably open to criticism when some countries do not even acknowledge judgments that are unfavourable to them. Unfortunately, the refusal of those countries to comply with judgments and their obstruction of United Nations mechanisms designed to enforce judgments, such as through the use of the privilege of the veto in the Security Council, show how imperfect the mechanisms are for executing the Court's decisions.

The foregoing shows that the need to reform the United Nations system in order to give developing countries greater assurance in confronting powerful nations also applies to the International Court of Justice. My delegation considers it useful for the Court to demonstrate a critical balance, in which its relationship to the bodies of the United Nations, particularly the Security Council, is taken into account.

Many significant cases have been taken up by the International Court of Justice. Cuba attaches great importance to the unanimous advisory opinion of the Court issued on 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons*. In that opinion, the International Court of Justice arrived at the conclusion that there is 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. In that regard, as has already been stated in this Hall, Cuba urges that the advisory opinion of 9 July 2004, entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,* be fully respected and calls upon all States to respect and guarantee respect for the provisions of the Court on that important matter.

Cuba attaches great importance to the allocation of the necessary budgetary resources so that the International Court of Justice can properly perform its work of peacefully settling conflicts that fall under its jurisdiction. Cuba calls for working to make sure that those resources reach the Court in a timely and appropriate manner.

The Republic of Cuba wishes to thank the Court for publications made available to Governments and for online resources. They are valuable material for the study and dissemination of international law, in particular for developing countries, some of which often see themselves deprived of information on the progress of international law owing to outdated and absurd embargo policies that have been overwhelmingly rejected by the international community.

Cuba is a country with peaceful aspirations. It respects international law and has always faithfully fulfilled its international obligations under treaties to which it is a party. I would like to take this opportunity to reiterate our commitment to peace. The events that have taken place in recent years conclusively demonstrate the importance of the International Court of Justice as an international jurisdictional body that settles, in accordance with international law and peacefully and in good faith, disputes with the greatest impact for the international community.

Mrs. Miculescu (Romania): At the outset, I would like to thank the President of the International Court of Justice, Judge Tomka, for introducing the report on the work of the Court (A/69/4), which has given us a useful insight into the Court's activity during the judicial year 2013-2014.

States submitting their disputes to the Court's jurisdiction expect the main judicial organ of the United Nations to reach a decision after a very careful assessment of the relevant law and facts. Those expectations were fully met in the case of the judgments delivered by the Court during the period under review. We can say that its activity has increased in scope and degree of complexity, and we commend the Court for its tremendous work. The Court's current docket bears witness to the consolidated trust placed by States in the Court.

My country is a strong supporter of the Court and is committed to the settlement of all disputes in accordance with international law. Romania has been significantly involved with the work of the Court in the past. A known example is the application submitted in connection with the delimitation of the maritime spaces between Romania and Ukraine in the Black Sea in the *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* case. On 3 February, an event marking the five years since the delivery of the judgment in that case was organized in Bucharest, which enjoyed the presence of Judge Keith along with several other leading personalities in the field of international law.

Romania intends to continue and strengthen its engagement with the Court. In that respect, I would like to briefly present the endeavours undertaken so far as regards the possible acceptance by Romania of the compulsory jurisdiction of the International Court of Justice. In the report, as the Assembly knows, the Court noted with appreciation that the General Assembly, in its resolution 68/116, called upon States that have not yet made a declaration recognizing the Court's compulsory jurisdiction to consider doing so. Romania is indeed considering joining the ranks of the countries that have already made such a declaration. Romanian authorities have taken several steps in that regard.

At the initiative of the Ministry of Foreign Affairs of Romania, a public debate was launched last year on the possibility of Romania's accepting the compulsory jurisdiction of the Court. That public discussion showed that there was general support for the initiative among the Romanian authorities, experts in the field of international law and the general public. Following the conclusion of the public debate, a draft law on filing a declaration accepting the compulsory jurisdiction of the Court was submitted to one of the chambers of our national Parliament and is currently being examined by the other chamber, namely, the Senate. There is therefore a good chance that, at the time of delivery of the next annual report of the International Court of Justice, Romania will already be among the States that have accepted the compulsory jurisdiction of the Court, which is naturally further proof of our strong support for the Court.

In conclusion, I would like to reiterate Romania's firm belief that strict compliance with the norms of international law is a prerequisite for the proper functioning of international society. That vision is best reflected in the words of former Foreign Minister of Romania and former President of the League of Nations, Nicolae Titulescu. Inscribed beneath his effigy at the Peace Palace in The Hague are his words: "It is in the

peace created by legal order that man can fulfil his destiny".

Mr. Saeed (Sudan) (*spoke in Arabic*): The Sudan joins its voice to the statements made by the representatives of the Islamic Republic of Iran on behalf of the Non-Aligned Movement, and of South Africa on behalf of the Group of African States.

My delegation takes note of the report of the International Court of Justice contained in document A/69/4. We would also like to thank the President of the Court, Judge Peter Tomka, for his presentation of the report, which reflects the activities and deliberations undertaken by the Court in the judicial year 2013-2014. My delegation expresses its appreciation for the role played by the Court as part of its duties under the Charter of the United Nations, as the principal judicial organ of the United Nations, to strengthen the rule of law internationally through its judgments and legal opinions, which also make a vital contribution promoting the peaceful settlement of disputes.

The role of the International Court of Justice and its numerous activities require that Member States provide more political support and ensure that sufficient funds are provided to enable the Court to undertake the duties assigned to it. The discussion of the annual report provides a good opportunity for the General Assembly to reiterate the importance of the role of the Court and to extend its support. The large number of cases referred to the Court by States shows that there is growing confidence in the Court and in its ability to resolve disputes with independence and integrity and in a way that is acceptable to all of the parties to the disputes.

The Sudan encourages the Court to pursue measures to strengthen its capacities and its effectiveness to deal with the great and increasing number of cases and responsibilities, in particular to conclude proceedings quickly. My delegation also encourages Member States that have not yet recognized the jurisdiction of the Court to consider doing so and take steps to contribute to strengthening the rule of law internationally and enable the Court to undertake its duties in accordance with the Charter.

The Security Council has not requested any advisory opinions from the Court since 1970. The Sudan urges the Council to take advantage of the Court - as the principal judicial organ of the United Nations and as a source of advisory opinions regarding the interpretation of the principles of international law - by tapping into the Court's programmes and activities. We also urge the General Assembly and specialized agencies to request advisory opinions from the Court, especially regarding the interpretation of international law on their programmes and activities.

In conclusion, the Sudan reiterates the importance of the Court. We support its role so it can exercise its responsibilities as required.

Mr. De Vega (Philippines): At the outset, we thank President Peter Tomka and his team at The Hague for their comprehensive report on the work of the International Court of Justice (A/69/4) in the past year.

The Philippines associates itself with the statement delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

Since its creation, 68 years ago, the Court has continued to play a vital role in international relations. As the principal judicial organ of the United Nations, the Court resolves disputes that cannot otherwise be resolved by, or through, the political organs of the United Nations. Under Article 38 of the Statute of the Court, those are disputes that are capable of settlement through the application of the sources of international law - treaties, international custom, general principles of law - and, as subsidiary sources, judicial decisions and the teachings of the most highly qualified publicists.

Two years ago, the United Nations held its first-ever High-level Meeting on the Rule of Law. It resulted in a consensus Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (resolution 67/1). That document recognizes that the international community has the institutions, working methods and relationships to make the rule of law relevant to peace and security, human rights and development. One of those institutions is none other than the International Court of Justice. Paragraph 31 of the Declaration recognizes the invaluable contribution of the Court in promoting the rule of law. The Philippines reaffirms its support for the Declaration, and we affirm our duty to comply with the decisions of the Court in contentious cases.

Article 1, paragraph 1, of chapter I of the Charter of the United Nations reminds us of our peremptory duty,

> "to bring about by peaceful means, and in conformity with the principles of justice and international law,

adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

That is the very rationale for the 1982 Manila Declaration on the Peaceful Settlement of International Disputes (resolution 37/10), whose thirtieth anniversary we commemorated two years ago. The Manila Declaration was negotiated and adopted by the General Assembly during the Cold War, when non-aligned countries were seeking to consolidate their political and economic independence. The Manila Declaration supported their aspirations by articulating the norms of the peaceful settlement of disputes as outlined in Chapter VI of the Charter of the United Nations.

From the *Corfu Channel* case in 1947 to the adoption of the Manila Declaration in 1982, a span of 35 years, the Court disposed of 49 contentious cases. Since 1982, however, the caseload of the Court has increased, as it disposed of more than 80 contentious cases in a comparably shorter period of 32 years. In the period under review, the Court was seized of seven new contentious cases, bringing its docket to 13 cases — or actually now 14, as we have just learned from President Tomka.

The sovereign parties to those cases come from all over the world, half of them from Latin America. Yesterday, at an event co-organized by Mexico and the American Society of International Law, we learned of ideas as to why Latin American countries repose great trust in international adjudication, including by the Court. We thereby learned how Latin America as a group has contributed to the progressive development of international law. It is an example that we believe the rest of the world should follow.

That ever-increasing confidence, especially among developing countries, in the capabilities, credibility and impartiality of the Court to settle disputes exclusively by peaceful means is not unrelated to the norms, values and aspirations articulated in the Manila Declaration. The most fundamental of those is the non-use or threat of use of force. After all, the Manila Declaration reflects the international community's increasing reliance on the rule of law as a cornerstone not only of the peaceful settlement of disputes, but also of the maintenance of international peace and security. Only respect for the rule of law at the international level can guarantee the order and stability that we desire and deserve. That is how we contribute to the progressive development of international law.

The mandate and the jurisdiction of the Court have become sharper over the years. The creation of the International Criminal Court and specialized dispute settlement mechanisms like the International Tribunal for the Law of the Sea and the Appellate Body of the World Trade Organization does not make the Court any less important in the twenty-first century. On the contrary, the contemporary international legal architecture only strengthens the Court as the only forum for resolving justiciable disputes between States concerning the vast field of general international law. As a matter of fact, the Court is still seized of disputes concerning genocide, territorial and maritime issues, environmental damage and the conservation of living resources.

If there is anything that the Charter of the United Nations and the Statute, jurisprudence and experience of the International Court of Justice all teach us, it is that smaller nations, if their cause is just, should have no fear of the big Powers. It is that, through the work of the Court, the rule of law in international relations has a chance to prevail. The Philippines therefore renews the call for Member States that have not yet done so to accept the compulsory jurisdiction of the Court.

Finally, we also call on the Security Council to seriously consider Article 96 of the Charter of the United Nations and make greater use of the Court as a source of advisory opinions and of interpretation of the relevant norms of international law, particularly on the most current and controversial issues affecting international peace and security.

Mr. Diener Sala (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to express its deep gratitude to the International Court of Justice for the arduous work it has carried out this year, as well as to thank its President, Judge Tomka, for presenting the Court's report (A/69/4).

The important and intensive work carried out by the Court over the past year demonstrates the international community's confidence in it as the principal international judicial organ. The Court's strength is seen in its universal calling - the parties to disputes represent all regional groups and continents - in States' use of the various procedural means set out in the Statute, and in the diversity of the substantive matters at issue in the disputes.

In that regard, my delegation would like to point out that of the 17 cases on the list of cases heard by

the Court during the period covered in the report, 8 involved States from Latin America and the Caribbean. One of them was resolved by the Court and another was withdrawn by the States that brought the proceedings. That is a testament to the commitment our region has towards compliance with international law and the principle that the peaceful settlement of international disputes is absolute.

My delegation would like to emphasize the great legal value of the Court's rulings, both for States parties to the action and for the international community as a whole, given that its jurisprudence serves as an auxiliary source of primary importance for determining the validity and content of norms. The Court has an essential role to play in the development of international law, particularly in leading the dialogue with other legal bodies, which enriches international law and helps prevent its fragmentation.

From an objective perspective, the Court's work has become more complex, since States repeatedly resort to all the other procedural alternatives available under the Statute, such as requests for provisional measures and interpretation of judgments. The Court's determination on those requests are critical to preventing the escalation or emergence of new disputes. That was made clear in the cases *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)*, as well as the interpretation that the Court provided of the its *Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand).*

Also, from a substantive point of view, the Court, in its two judgments handed down during the period covered by the report, addressed important issues such as compliance with treaty obligations with respect to the conservation of living resources, in particular in the light of the principle good faith, as we saw in the case *Whaling in the Antarctic (Australia v. Japan).* We also saw that in the Court's settlement of the case *Maritime Dispute (Peru v. Chile)*, which complements the extensive jurisprudence it has generated on the issue.

Mexico wishes to express its gratitude to the General Assembly for its willingness to authorize new posts and other budgetary requests made by the Court. We call on the Assembly to continue providing the Court with the tools it needs to properly carry out its duties as the Organization's principal judicial organ. It must also provide the Court with the resources required for the celebration of its seventieth anniversary in 2016.

Mexico would also like to express its sincere appreciation to the Registrar of the Court, Mr Philippe Couvreur, for his high-quality performance in the three dimensions of his role - legal, diplomatic and administrative. We also express our appreciation to the Carnegie Endowment for housing the Court in the Peace Palace in The Hague. Likewise, Mexico recognizes the work carried out by Mexican judges throughout the Court's history.

I wish to conclude my remarks by calling on those States that have not done so to accept the compulsory jurisdiction of the Court, in accordance with Article 36, paragraph 2, of the Statute, thereby strengthening the rule of law at the international level to ensure that all States have access to a robust judicial mechanism for the peaceful settlement of disputes.

Mr. Plasai (Thailand): It is my honour to deliver this statement on behalf of the Kingdom of Thailand on this agenda item. At the outset, I would like to thank President Tomka for his able presidency and for his thorough report on the activities of the International Court of Justice during the past year.

The Court has played an active role in addressing disputes between States on diverse issues. For this reporting period, the issues ranged from judgment interpretation to maritime delimitation, from the preservation of wildlife to the integrity of the environment. With such a diversity of cases, the report reflects the remarkable efforts made by the Court in managing its docket efficiently and expeditiously.

This year's report includes a case to which Thailand was a party, namely the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the case concerning the* Temple of Preah Vihear (Cambodia v. Thailand) *(Cambodia v. Thailand)* - "Phra Viharn" in the Thai language. The case represents what is probably the first time that the judges on the bench interpreted a judgment in which none of them had taken part in the original proceedings.

Yet a reading of the interpretive Judgment of 11 November 2013 shows that the Court took the time and made the effort to carefully and thoroughly review the records of the original proceedings. Indeed, the Court underlines, in paragraph 69 of the Judgment, that the pleadings and the record of the oral proceedings in

1962 are "relevant to the interpretation of the Judgment, as they show what evidence was, or was not, before the Court and how the issues before it were formulated by each Party".

Overall, I am pleased to say that the Judgment of 11 November 2013 is considered to be based on well-grounded reasoning and consistent with the Court's past jurisprudence. It also gives importance to the need for both countries to hold talks. The Judgment helps clarify several points of law that are crucial and thus will constitute a clearer and useful basis for future consultation or negotiation between the two parties, both for the matter decided by the Court in 1962 - that is, as the Court puts it, sovereignty over a defined area of territory - and beyond. The Judgment has also contributed in a positive manner to various aspects of the existing jurisprudence on judgment interpretation, some of which I would like to mention for the record.

First, in interpreting the 1962 Judgment, the Court reaffirmed that the principle of *non ultra petita* must be respected in the context of judgment interpretation. In other words, the Court reaffirmed that questions that were not properly submitted by the applicant to the Court, and therefore not decided by the Court in the original proceedings, cannot be subject to interpretation.

Secondly, the Court also reaffirmed that the principle of *res judicata* must be respected in an interpretation proceeding, namely, points not decided with binding force in the original proceedings cannot be the subject of interpretation. Accordingly, the Court has kept strictly within the limits of the original Judgment and refrained from tackling questions that it did not decide in 1962.

Thirdly, the Court considers that the scope of the *res judicata* of the 1962 Judgment corresponds to that of the subject matter of the original proceedings - namely and exclusively, sovereignty over the Temple of Preah Vihear and the promontory on which it stands - and to no other issue.

The *Temple* interpretation case remains an important issue in Thailand. The level of public awareness of the case and the high demand for information and explanation have been unprecedented. During the oral proceedings and the reading of the Judgment last year, the Thai public followed the Court's proceedings with huge interest and in real time through live television broadcast nationwide from The Hague to Thailand, with simultaneous interpretation into Thai. Almost never in Thai history has an official international event generated such public interest. In the process, needless to say, the role of the International Court of Justice as the principal judicial organ of the United Nations has been underlined and has become better known and understood in my country. It is our hope that the Judgment will contribute to good neighbourliness between Thailand and Cambodia, two countries that share a common destiny as brothers in the Association of Southeast Asian Nations.

I would like to conclude by expressing my appreciation to the judges and the Registry of the International Court of Justice for their efficiency and professionalism, as well as their contribution to international justice. It has been an honour and a privilege for me to serve as the agent of the Kingdom of Thailand in this case.

Mr. Alabrune (France) (*spoke in French*): I would like to thank the President of the International Court of Justice for his very informative presentation of the report on the Court's activity for the past year (A/69/4).

As the list of cases on its docket serves to highlight, the Court's litigation activity has increased remarkably over the past 20 years, testifying as much to States' confidence in its jurisdiction as to the role played by the Court, as the principal judicial organ of the United Nations, in the quest to settle disputes peacefully and strengthen the rule of law.

In that regard, if the Court's judgments and decisions are accepted by the parties because of the authority of the *res judicata* attached to them, States' respect for and willingness to comply with them are also a function of the quality of the Court's decisions. The Court's judgments and decisions can thus help ease political tensions and enable States to find solutions that other peaceful ways of resolving disputes do not offer. The Court's Judgment of 11 November 2013 in the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the* Temple of Preah Vihear (Cambodia v. Thailand) *(Cambodia v. Thailand)* is an illustration of that. The decision should help calm the territorial dispute between Cambodia and Thailand and enable them to find a solution to the issue of delimiting their common border in that area.

Border disputes are an important part of the business of the Court, and over the past decade, maritime disputes

have become increasingly important in that category. One example is the case *Maritime Dispute (Peru v. Chile)*, on which the Court delivered its Judgment on 27 January 2014. Other cases, still pending, include that of *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*, *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)* and the case recently instituted by Somalia against Kenya on *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, which concernins the two States' common maritime boundary.

In addition, this year has once again enabled us to appreciate the diversity of areas that the Court ends up dealing with. Among the disputes on the Court's docket, four touch on aspects of the obligation to negotiate - the three applications of the Marshall Islands for proceedings having to do with negotiations to end the nuclear arms race and nuclear disarmament, and Bolivia's case against Chile in *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. The obligation to negotiate is thus presented as one of the cornerstones of public international law, cutting across the various branches of the law.

This year also featured a number of applications instituting proceedings based on article 38, paragraph 5 of the Rules of Court. This year, in keeping with a basic trend, States again made particularly full use of incidental proceedings, with the Court handing down 13 orders, as compared with three judgments. While that has enabled the Court to clarify the terms of its judicial function, it has also helped to lengthen proceedings and increase the Court's workload.

Overall, the special appeal of the International Court of Justice is testament to the quality of the motives supporting its judgments and the well-balanced solutions that result.

I would like to take this opportunity to once more express to the Court, on behalf of France, our gratitude for its work, which this year, as in the past, continues to reflect its sustained and effective action.

Ms. Chadha (India): I would like to join other delegations in thanking Judge Tomka, President of the International Court of Justice, for presenting us with the Court's comprehensive report on the judicial activities of the Court over the past year (A/69/4).

The Court, being the principal judicial organ of the United Nations, is entrusted with the task of peacefully resolving disputes between States, which is important to the fulfilment of one of the core purposes of the United Nations: the maintenance of international peace and security. Since its establishment, the Court has accomplished that task admirably and has acquired a well-deserved reputation as an impartial institution maintaining the highest legal standards in accordance with its mandate under the Charter of the United Nations, of which the Statute of the Court is an integral part.

As the Preamble to the Charter states, one of the primary goals of the United Nations is to establish conditions under which justice and respect for international obligations can be maintained. The International Court of Justice, as the only Court with jurisdiction in general international law, is uniquely placed to play that role.

The report of the Court illustrates the importance that States attach to the Courtand the confidence they repose in it, as is clearly evidenced by the number, nature and variety of cases that the Court deals with and by the ability of the Court to deal with complex aspects of public international law.

The cases before the Court involve a wide variety of subject matter, such as territorial and maritime disputes, environmental damage and the conservation of living resources, violations of territorial integrity, violations of international humanitarian law and human rights, genocide, the interpretation and application of international conventions and treaties, and the interpretation of the Court's judgments.

The judgments delivered by the Court have played an important role in the interpretation and clarification of the rules of international law, as well as in the progressive development and codification of international law. In the performance of its judicial functions, the Court has remained sensitive to political realities and the sentiments of States while acting strictly in accordance with the provisions of the United Nations Charter, its own Statute and other applicable rules of international law.

The acceptance of the compulsory jurisdiction of the Court is a means to secure and promote the

peaceful settlement of disputes. Its foundation lies in the confidence expressed by States in the rule of law at the international level. States that have reposed faith in the system under Article 36, paragraph 2 of the Statute have done so for legal disputes that may arise between the parties inter se. This is confirmed by Article 59 of the Statute, which clearly provides that the decision of the Court has no binding force except between the parties and in respect of that particular case. Therefore, the filing of cases that seek universal objectives in complete disregard of this basic premise raises very serious issues for countries such as India that have accepted the compulsory jurisdiction of the Court.

As regards the Court's docket, we note that during the 2013-2014 judicial year, the Court delivered three judgments, held public hearings in four cases and handed down 13 orders. During this period, the Court was seized of seven new contentious cases. The total number of contentious cases currently before the Court, as clarified by President Tomka, now stands at 14.

The Court's second function - that of providing advisory opinion on legal questions referred to it by organs of the United Nations and specialized agencies - adds to its important role of clarifying key international legal issues. The report of the Court rightly points out in paragraph 17 that "everything the Court does is aimed at promoting the rule of law", in particular through its judgments and the advisory opinions.

We appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and through its website, which now features the Court's entire jurisprudence as well as that of its predecessor, the Permanent Court of International Justice.

We are glad to note that the Court is planning to celebrate its seventieth anniversary in April 2016 and is organizing a number of events on that occasion.

Finally, India wishes to reaffirm its support for the Court and acknowledges the importance that the international community attaches to the work of the Court in the advancement of international justice.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): Peru welcomes the annual report of the International Court of Justice to the General Assembly for the period from 1 August 2013 to 31 July 2014 (A/69/4).

My delegation wishes to begin by underscoring the crucial role played by the International Court of Justice as the principal judicial organ of the United Nations system for the peaceful settlement of disputes under the Charter. Its contribution to the promotion of the rule of law has been vital.

Peru wishes also to recall that in addition to the valuable work done by the Court in the peaceful settlement of inter-State disputes, the Court may, pursuant to Article 96 of the Charter, issue advisory opinions at the request of the General Assembly, the Security Council and other authorized bodies of the United Nations, and specialized agencies. There are two areas of jurisdiction of the Court, jurisdiction in contentious proceedings and advisory jurisdiction, and the Court's judgments and opinions help to promote and clarify international law as a genuine path to peace.

Peru is therefore pleased that the General Assembly has urged States that have not yet done so to consider recognizing the jurisdiction of the Court, pursuant to Article 36, paragraph 2 of its Statute.

Peru also wishes to acknowledge the work carried out by the eminent judges of the Court, in particular the President and Vice-President, as well as the judges ad hoc. Peru welcomes the forthcoming triennial renewal of the composition of the Court through elections slated for 6 November. Likewise, we are grateful for the intensive work done by the Registry of the Court, in particular its Registrar and Deputy Registrar.

The sustained high volume of work at the International Court of Justice is testimony to the prestige it enjoys as the principal judicial organ of the United Nations. That is explained by, inter alia, the many measures taken in recent years to enhance its efficiency and enable it to cope with a constant increase in its workload, and to more promptly deal with the growing number of incidental proceedings, as set out in paragraphs 9 and 10 of the report.

Likewise, Peru is pleased to note that for the biennium 2014-2015, most of the Court's requests for new posts and additional spending were granted. My delegation expects to see the same spirit reign in the biennium 2016-2017, when we will celebrate the seventieth anniversary of the Court.

Finally, as stated by the President of the Republic of Peru, Ollanta Humala Tasso, at the opening of this session of the General Assembly, my delegation wishes to highlight the settlement of the maritime border dispute with Chile through the judgment of the Court handed down on 27 January 2014; we heard the

President of the Court touch on this in his briefing. We note also that the enforcement of the judgment was the quickest in the history of the Court, as both parties had jointly pinpointed the geographic coordinates of the maritime border, in accordance with the judgment, within two months of the ruling. It is for that reason that the President of Peru said: "In general, the way in which the entire case was conducted makes Peru and Chile an example for the world." (*A/69/PV.9, p. 28*).

Mr. Yoshikawa (Japan): At the outset, I would like to thank Peter Tomka, President of the International Court of Justice, for his leadership and for his comprehensive report on the work of the Court.

As Prime Minister Shinzo Abe of Japan emphasized from this rostrum two years in a row, the rule of law is one of the most important aspects of Japan's foreign policy. Japan attaches particular importance to the activities of the Court, the principal judicial organ enshrined in the United Nations Charter. I appreciate the role it has played to enhance the rule of law in the international community.

International law provides the parties concerned with a common language. We hear mounting expectations across the globe for international law to serve as a device to disentangle the tensions of heated controversies. Cases referred to the Court involve a wide variety of subject matters, including territorial and maritime disputes, economic and environmental disputes and violations related to international humanitarian and human rights law. Despite the fact that the Court has been dealing with more complex cases in factual and legal terms, I appreciate that the Court maintains its high-quality work.

Japan strongly believes that more and more countries concerned should recognize the importance of international law and make good use of the International Court of Justice. For example, universal acceptance of the Court's jurisdiction in accordance with Article 36, paragraph 2, of the Court's Statute would enhance the function of the Court. Already in 1958 Japan unilaterally accepted the compulsory jurisdiction of the Court. The situation concerning the acceptance of the jurisdiction of the Court is, however, very poor. Only 70 out of the entire membership of the United Nations have accepted the compulsory jurisdiction of the International Court of Justice. Looking at the Asia-Pacific Group, which Japan belongs to, only 7 out of 54 countries have accepted it. I hope to see more countries, in particular members of the Asia-Pacific Group, do so.

In that context, Japan highly values the recent publication of the *Handbook on Accepting the Jurisdiction of the International Court of Justice*, a copy of which I have with me. Let me express my special gratitude to Switzerland for its leadership in compiling the handbook. My appreciation also goes to the other sponsors, namely the Netherlands, Uruguay, the United Kingdom, Lithuania and Botswana. Japan is proud to be among the seven producers.

I would also like to take this opportunity to refer to Japan's experience in the peaceful settlement of disputes at the International Court of Justice. It was an important year for Japan, as the Court delivered its judgment in the case *Whaling in the Antarctic (Australia v. Japan)*. Throughout the proceedings before the Court, Japan made clear its position on the issues involved in the case in full respect of the procedures. The decision that Japan's whaling research programme did not fall within the relevant article of the International Convention for the Regulation of Whaling was disappointing. However, Japan abides by the Judgment of the Court. Japan will continue to pursue its policy on the sustainable use of marine living resources in accordance with international law and based upon scientific evidence, taking into account the reasoning and conclusions contained in the Judgment.

Finally, I wish to reiterate Japan's unwavering support for the International Court of Justice.

The meeting rose at 1.05 p.m.