



# General Assembly

Seventy-second session

**35**<sup>th</sup> plenary meeting  
Thursday, 26 October 2017, 3 p.m.  
New York

Official Records

*President:* Mr. Lajčák . . . . . (Slovakia)

*In the absence of the President, Mr. Brown (Liberia), Vice-President, took the Chair.*

*The meeting was called to order at 3.05 p.m.*

## Agenda item 74 (continued)

### Report of the International Court of Justice

#### Report of the International Court of Justice (A/72/4)

#### Report of the Secretary-General (A/72/345)

**Mr. Yelchenko** (Ukraine): I would like to join previous speakers in welcoming His Excellency Judge Ronny Abraham, President of the International Court of Justice, to the General Assembly and in thanking him for his comprehensive briefing (see A/72/PV.34) this morning.

Today's discussion once again recognizes the crucial role that the Court plays in the areas of the peaceful settlement of international disputes and the interpretation of the rules of international law. The impartiality and independence of the International Court of Justice explains the strong demand for the Court to consider complex disputes and lays a solid foundation for respect for its decisions. Recently, multifaceted issues involving international relations previously untouched by the Court have been brought to its attention. This trend is very inspiring, especially given the Security Council's occasional inability to reach decisions that would contribute to resolving

conflict situations, owing to the abuse of the right of veto.

The annual report of the Court (A/72/4) states that 72 of the 193 States parties to its Statute have now made declarations recognizing the jurisdiction of the Court as compulsory. The willingness of States to make respect for the law their primary consideration in international relations has a determinant effect on how the Court's decisions are implemented. Ukraine supports the further expansion of the jurisdiction of the Court to cover a wide range of legal disputes that may arise between States.

Given that Article 33 of the Charter of the United Nations envisages an obligation to settle any international dispute peacefully, Ukraine actively uses the mechanisms provided by international courts and tribunals to settle existing disputes, protect human rights and fight against impunity. The International Court of Justice is one of the main tools in this regard. Accordingly, Ukraine initiated proceedings in the Court against the Russian Federation in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. On 19 April, the Court delivered an order on Ukraine's request for the indication of provisional measures in the case, stating that the Russian Federation must

“refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

17-35142 (E)



Accessible document

Please recycle



conserve its representative institutions, including the Mejlis ... and ensure the availability of education in the Ukrainian language”

and that

“[b]oth [p]arties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”.

There is no doubt that the aforementioned order plays an important role in preventing irreparable harm by the Russian Federation to the human rights of Ukrainian citizens while this case is pending.

Failure to comply with the Court’s decisions is recognized as an internationally wrongful act, a breach of various obligations arising ex contract and a duty imposed by customary international law. We believe that cases of non-compliance with the Court’s decisions must be thoroughly addressed by the United Nations system so as to find a way to compel States to implement the Court’s decisions in good faith. It is important to recall that the San Francisco Conference considered the possibility of qualifying a refusal to comply with the decision of the Court as an act of aggression. We therefore strongly believe that only full implementation by the Russian Federation of the Court’s order will demonstrate that country’s respect for the Court’s judgments as well as its obligations under international law.

Furthermore, I would like to emphasize the importance of the voice of the United Nations in this situation, which is clearly reflected in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled “Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine),” released on 25 September 2017. According to the report,

“[t]he human rights situation in Crimea has significantly deteriorated since the beginning of its occupation by the Russian Federation”.

The report also contains recommendations for the Russian Federation designed to ensure implementation of the measures set forth in the Court order. As we see it, six months after the issuance of the Court order, the Russian Federation continues to neglect its duty to implement all elements of the order.

In the light of the ongoing deterioration of the human rights situation in Crimea, Ukraine has submitted a revised draft resolution for the consideration of the Third Committee on the “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” (A/C.3/72/L.42), based on last year’s resolution 71/205 and relevant recommendations of the OHCHR. Ukraine would greatly appreciate the valuable support of all delegations and would welcome more sponsors for the draft.

In conclusion, I would like to emphasize that the judicial work of the Court is of utmost importance in promoting and strengthening the rule of law as part of common efforts to protect the established international order. I want to take this opportunity once again to thank President Abraham and his fellow judges for their efficient efforts in upholding the role of the Court.

**Mr. Celarie Landaverde** (El Salvador) (*spoke in Spanish*): We wish to begin our statement by thanking the President of the International Court of Justice, His Excellency Judge Ronny Abraham, for presenting the report of the Court (A/72/4), which details both the administrative and judicial activities undertaken by the principal international organ for resolving disputes between States Members of the United Nations over the last year. In this regard, my delegation notes with satisfaction that, during this period, the International Court of Justice again worked intensively in the jurisdictional sphere, issuing four final judgments and 14 orders in a number of cases involving contentious procedures and requests for advisory opinions.

All of the foregoing proves that the Court plays a far-reaching and fundamental role in the peaceful settlement of disputes, in large part because Member States can bring disputes in a wide range of matters within the sphere of international law, including human rights, environmental damage, the preservation of natural resources, international reparations and other forms of damages and State immunity, to name but a few, making the Court the principal judicial organ of the United Nations. Its role in the maintenance and promotion of the rule of law at the international level is momentous, contributing, through its judgments and advisory opinions, to the strengthening to the rule of law itself. It is also the only international tribunal of universal character with dual general jurisdiction.

It is therefore important to remember that one of the most important foundational principles of international

law is the obligation of all States to resolve their international disputes by all possible peaceful means, including the International Court of Justice. This obligation has led over the years to States' trust in the Court, which is reflected in the number of cases submitted to it for adjudication; some are still pending.

Despite this obligation, however, and despite the establishment of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, it cannot be denied that while access to the peaceful settlement of disputes exists for all States in theory, the ability to do so is not the same for all the countries in the international community, owing to the fact that in recent years the costs of presenting claims or defending national interests in controversies before the Court have been increasing, thus making access to international justice more expensive. We therefore believe that we should take into account that the fact that States with low tax revenues or high debts are impeded from gaining access international justice in any form, which makes it necessary for us to find solutions and adopt measures to address this issue, which could undoubtedly affect the membership of the Organization in one way or another.

Furthermore, we believe that the increase in the Court's workload should attract the budget allocations needed so that the Court can resolve matters and provide rulings in a timely manner. We also believe that professional positions within the Court should be held by people from across the various geographic areas and legal systems of the world and in adherence to the principle of gender parity.

My delegation notes with satisfaction that over the past year the International Court of Justice has published and distributed its work in French and English. We also note that the Court's website has been revamped and is now viewable in French and English. Nevertheless, we would like to see all these official publications disseminated in the six official languages of the United Nations, so as to raise even greater awareness as to international law and the work of the Court, particularly among civil servants, lawyers and other legal experts, university professors and teachers.

In addition, we note with satisfaction and welcome the activities undertaken, both in New York and at the Palais des Nations in Geneva, to mark the seventieth anniversary of the International Court of Justice. Such celebratory activities invite us to remember that

the United Nations was conceived as an institution whose primary vocation was to maintain peace and the international order. Indeed, one of the fundamental pillars of the Organization is the peaceful resolution of disputes through the International Court of Justice.

Finally, the Republic of El Salvador wishes to express its commitment to the work of the International Court of Justice, the principal judicial organ of the United Nations. We will support it in its efforts to maintain peace and international security. We also pay a just tribute to the seventieth anniversary of the constitution of the highest jurisdictional body, as well as to one of the most distinguished, universal and illustrious Salvadorans, the jurist and diplomat José Gustavo Guerrero, who was the first President of the International Court of Justice.

**Ms. Dagher** (Lebanon) (*spoke in French*): Allow me to thank the President of the International Court of Justice, His Excellency Mr. Ronny Abraham, for the report of the Court (A/72/4), which provides us with important information on the activities of the Court for the past judicial year. I would be remiss if I did not acknowledge the work done by the members and personnel of the Court.

Lebanon, deeply committed to the principles of law and the ideals of international justice, wishes in its turn to underline the major and pre-eminent role of the Court in the promotion of international peace and security. It should be recalled here that the Preamble of the Charter of the United Nations states that we, the peoples of the United Nations, are determined to

“establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

In that respect, the Court, as the principal judicial organ of the United Nations, has made every effort to maintain the primacy of international law and consolidate the ideal of the rule of law. For more than seven decades it has contributed, through its more than 300 judgments, including orders and advisory opinions, to the harmonization of the norms of international law, which leads to greater predictability and clarity of those norms. The jurisprudence of the Court is also an essential contribution in that it specifies the content of the fundamental principles of international law and works towards its development.

Moreover, the increase in the number of cases before the Court is also a sign of its vitality. Indeed, it reflects the confidence that States place in that organ and their willingness to settle their differences peacefully. In addition, faced with a body of international treaties that tend to expand and diversify, we can only rejoice in the Court's productivity, which demonstrates its capacity to respond to its new challenges.

Let me also highlight the special importance for Lebanon of the use of both languages, namely, French and English, in the work of the Court, in accordance with Article 39 of its Statute. That linguistic diversity, which reflects a legal tradition and culture, promotes, through the use of both languages, a greater coherence of the Court's jurisprudence.

Let us recall that what distinguishes the Court most is its universal nature, since all States Members of the United Nations are ipso facto parties to its Statute. Hence the need to always be mindful, as set out in Article 9 of the Statute of the International Court of Justice, to have a Court composed of judges such that

“in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured”.

A Court with a more balanced composition would be a Court that would gain even more legitimacy and effectiveness.

Finally, it is also in that perspective that Lebanon has nominated the current Permanent Representative, Mr. Nawaf Salam, as Judge for the period 2018-2027, and is confident that with his academic and professional experience, Ambassador Salam will contribute to the laudable work of the Court.

**Mr. Iteboje** (Nigeria): I thank you, Mr. President, for convening this important meeting to consider the report of the International Court of Justice (A/72/4). Nigeria is grateful to the President of the Court, Judge Ronny Abraham, for his comprehensive report and insightful remarks (see A/72/PV.34).

My delegation aligns itself with the statement made earlier by the representatives of Algeria and Iran on behalf of the Group of African States and the Non-Aligned Movement, respectively (see A/72/PV.34).

The International Court of Justice is an important part of the United Nations mechanisms for the promotion of the rule of law and the maintenance of international

peace and security through the administration of international justice. To be sure, the Court has made tremendous contributions to the promotion of and respect for the rule of law at the international level. Furthermore, over the years, the Court has continued to play a vital role in the maintenance of international peace and security through its rulings and judicial notices. It has also contributed remarkably to the corpus of international jurisprudence.

We have reviewed the Court's report before us, covering the period 1 August 2016 to 31 July 2017. We have taken note of the judicial and other activities of the Court during the reporting period, and we commend the Court for the measures it has taken in recent years to enhance its efficiency, which has facilitated the effective management of its increasing workload. In particular, we note that during the period under review, the Court experienced a high level of judicial activity, which included the delivery of judgments in *Marshall Islands v. Pakistan*, *Marshall Islands v. India*, *Marshall Islands v. United Kingdom*, and *Somalia v. Kenya*. There were public hearings and a request for an advisory opinion. The diversity of those cases illustrates the universal character of the jurisdiction of the Court.

In addition, it is significant that the cases submitted to the Court involved a wide variety of subject matters, including territorial and maritime disputes, consular rights, environmental damage and conservation of living resources, human rights, international responsibility and compensation for harm and the immunity of States. That variety of subject matter represents the general character of the jurisdiction of the Court and attests to its relevance as the principal judicial organ of the United Nations and as a mechanism for the peaceful resolution of disputes.

We also note that during the period under review, the General Assembly requested the Court to render an advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. We hope the Court's decision would facilitate the early settlement of the territorial dispute between Britain and Mauritius.

Nigeria notes with appreciation the launch of the Court's new website. We believe that the website will enhance the experience of all visitors, as well as meet the needs of the legal, diplomatic and academic communities. Similarly, it will ease the work of members of the press. Students will also benefit from

the huge amount of information and knowledge to be accessed.

Nigeria will continue to abide by its commitment to the promotion of international justice and the peaceful settlement of disputes, as a State party to the Statute of the International Court of Justice. By accepting the Court's ruling on our border dispute with Cameroon, we have demonstrated our conviction and our commitment to the precepts and principles of the Court. We encourage all Member States to continue to offer their support to the activities of the Court in its efforts to promote international justice and the rule of law.

**Mr. Llorentty Solíz** (Plurinational State of Bolivia) (*spoke in Spanish*): The Plurinational State of Bolivia expresses its gratitude for the report of the International Court of Justice (A/72/4) corresponding to the period from 1 August 2016 to 31 July 2017. The report was presented by the President of the International Court of Justice, Judge Ronny Abraham (see A/72/PV.34), to whom we express our full support for the important work that he carries out.

Bolivia, as a peace-loving State and promoter of the culture of peace, and as a State whose primary vocation is to uphold international law, adheres to the purposes and principles of the Charter of the United Nations and the fundamental pillars pursuant to which the International Court of Justice discharges its functions. The universal jurisdiction of the Court and the work that it has been doing in the 71 years since its creation demonstrate that it looks to ensure dialogue among neighbouring and sisterly nations, calling for peaceful means always to be set above the use of the force, aggression, military incursions and unilateral actions. In that light, the work of the Court, both in its jurisdictional and advisory capacities, is crucial to guarantee and maintain international peace in accordance with the principles of the Charter.

Bolivia takes due note of the jurisdictional activities of the Court. We note the new cases brought before the Court, particularly the General Assembly's request, in resolution 71/292, of 22 June, for an advisory opinion on the legal consequences of the separation of the Chagos archipelago from the Republic of Mauritius in 1965.

It is noteworthy that after an extended period of time, the International Court of Justice is once again taking up its advisory role. Such a role is a peaceful and preventive way to deal with disputes, and it contributes significantly to States' fulfillment of

the obligation to settle their international disputes peacefully. The principle of the peaceful settlement of disputes — recognized by the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and by the Manila Declaration on the Peaceful Settlement of International Disputes — remains valid among the international community at a time when we are facing new and more complex challenges.

It is important to underscore the fact that this year the Court will renew a third of its body of judges through the election procedure established by the Charter and the Statute of the Court. Through that procedure persons of the highest moral and professional character will be elected, but also it will form a Court that is essentially independent of the countries of origin of those selected. It is therefore crucial that, in the Court as a whole, the main civilizations and the principal legal systems of the world should be represented, as established by the Statute of the Court, and for that there must be equitable geographical representation among members. That aspect merits special attention by the Court and by the States that turn to it, because multiple legal orders interact in it, as a reflection of a more globalized world, multipolar, pluralized and more complex. The true international nature of the Court is found precisely in its exercising jurisdiction with understanding of a more universal and dynamic international law, with a tribunal that overcomes the antiquated tradition of only two Eurocentric court systems.

Upon reading the report and seeing the pre-eminence of cases originating in Latin America, it becomes evident that more judges from that region are needed and that consideration should be given to introducing Spanish as one of the official languages of the Court.

We have taken due note of the increase in the effectiveness and efficiency of the Court's tasks with the use of the new technologies, as well as of its work of dissemination and integration to promote the value of international law in the maintenance of peace and international security. Without a doubt, that contributes to better understanding and performance with regard to the challenges entailed by the evolving agendas and the complex cases that are brought to the Court. However, it is the proven quality of its decisions, its proven adherence to international law, evidence and reasoning, its demonstrated probity and independence

that are considered to be its main contribution and greatest value to the community of nations.

We also take note of the scope of the economic and budgetary requirements described in the report, and we value their appropriate use according to what is reported. With that understanding, we express our readiness to support all decisions that are necessary to satisfy those needs.

Bolivia has two cases before the Court. We are a plaintiff in one and a defendant in another. We accept and respect the jurisdiction of the Court and have confidence that its decisions will contribute to the positive resolution of the disputes that are separating two neighbouring and brotherly nations. As President Evo Morales did, we reiterate to the Assembly that Bolivia believes in the peaceful settlement of disputes between States in order to achieve the integration of our peoples. That is the path that we have chosen to follow as firm supporters of international law. The Court has a long way to go along the path of achievement. There are cases that peoples and States bring to The Hague in the hope of receiving justice, reparation and adequate and reasonable settlements, as well as in the hope for a new beginning with bigger and better opportunities for all parties.

In conclusion, Bolivia reaffirms that it upholds the peaceful resolution of conflicts. We reiterate our faithful adherence to the principles of international law and to the provisions of the Charter. It is not force that bestows rights; rather, it is the cause of law, justice and legislation that repairs inequality and injustice.

**Mr. Sharma** (India): I begin by thanking Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report on the judicial activities of the Court for the period from August 2016 to July 2017 (see A/72/PV.34). I thank him and Vice-President Yusuf for guiding the work of the Court.

The Court is entrusted with the task of the peaceful resolution of disputes between States, which is fundamental for the fulfilment of one of the purposes of the United Nations, namely, the maintenance of international peace and security. From its first sitting in April 1946 until July 2017, the Court has been seized of 168 cases and has delivered more than 120 judgments and 27 advisory opinions. We acknowledge that the Court has fulfilled the task of settling disputes between the States peacefully and admirably and thus has acquired a well-deserved reputation as an

institution that maintains the highest legal standards in accordance with its mandate under the Charter of the United Nations and its Statute, which is an integral part of the Charter.

The report of the Court, contained in document A/72/4, illustrates the importance that States attach to the Court and the confidence they have in it. The importance of the Court is evident from the number, nature and variety of cases that it deals with and its ability in dealing with complex aspects of public international law. The diverse geographical spread of cases is illustrative of the universal character of the jurisdiction of the Court. Furthermore, the Court has not lost sight of adapting its working methods to respond to the increased workload and complexity of the cases submitted to it.

The Court plays an important role in maintaining the rule of law throughout the world. Everything the Court does is aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions. 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 performing its judicial functions, the Court has remained highly sensitive to the political realities and sentiments of States while acting in accordance with the provisions of the Charter of the United Nations, its own Statute and other rules of international law.

To date, 17 contentious cases are pending before the Court. During the judicial year 2016-2017, the Court delivered judgment in four cases. These cases involve complex factual and legal issues, inter alia, in the areas of maritime delimitation, rights of navigation, territorial sovereignty and the environment. During the past judicial year, the Court handed down several orders and held public hearings in five cases. One such case was brought by India, on which it held hearings on the request for the indication of provisional measures submitted by India.

The Court has a dual jurisdiction, wherein it decides, in accordance with international law, disputes of a legal nature that are submitted to it by States and renders advisory opinions on legal questions at the request of the organs of the United Nations or specialized agencies authorized to make such requests. During the 2016-2017 period, the Court received a request

for an advisory opinion. On 22 June the Assembly adopted resolution 71/292, in which, by referring to Article 65 of the Statute of the Court, the Assembly requested the Court to render an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. That function of the Court adds to its important role in clarifying and expounding key principles of international law.

We appreciate the efforts of the Court in ensuring the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which now feature the entire jurisprudence of the Court as well as that of its predecessor, the Permanent Court of International Justice. These sources provide very useful information for States wishing to submit a potential dispute to the Court.

Finally, India wishes to reaffirm its strong support for the Court and acknowledges the importance that the international community attaches to its work. That is also evident, as far as India is concerned, from the fact that India has renominated Judge Bhandari for election to the Court to make his services available for the cause of international justice.

**Mr. Trujillo** (United States of America): The United States would like to thank President Abraham for the comprehensive report to the General Assembly on the work of the International Court of Justice (A/72/4) over the course of the past year. The International Court of Justice plays an important role in adjudicating disputes among Member States, giving States that so consent a forum in which to settle their disputes peacefully in accordance with Article 33 of the Charter of the United Nations.

As the principal judicial organ of the United Nations, the International Court of Justice has, for more than seven decades, played an important role in pursuit of the overarching goal, as set forth in the Charter,

“to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

As in years past, we see States increasingly turning to the Court and to other international judicial tribunals to resolve their disputes. The Court has, in turn, increased its efforts to become more responsive to States, including by taking steps to increase its efficiency and to refine its procedures and working

methods to keep pace with the rapidly changing times. By providing a trusted channel for States to resolve some disputes upfront and helping to defuse others before they escalate, the Court continues to fulfil its Chapter XIV mandate.

The United States would also like to commend the Court for continued public outreach to educate key sectors of society about the role of the Court and to promote a better understanding of public international law. Those efforts demonstrate the Court’s enduring commitment to advancing the rule of law.

In conclusion, we are pleased to join so many others today in extending our thanks and commendation to President Abraham, his fellow members of the Court and all Court staff for their professionalism and their dedication to promoting international justice.

**Mr. Ly** (Senegal) (*spoke in French*): My delegation aligns itself with the statements made by the representative of Algeria on behalf of the Group of African States and by the representative of Iran on behalf of the Non-Aligned Movement (see A/72/PV.34).

In its national capacity, my delegation, like those who have spoken before me, thanks and congratulates President Ronny Abraham for his report on the activities of the International Court of Justice (A/72/4), which provides a broad overview of the developments in the treatment of the various cases pending before it and especially the content of the decisions it has handed down. Through the President, we wish to express our gratitude to all those who contribute to the success of the action of the Court on a daily basis.

It must be said that today’s meeting is, first and as always, an important moment enabling us to reflect on the Court’s action in the quest for international peace and security through law, as demonstrated by the increase in cases brought before the Court in recent years. It is also an opportunity to examine our possibilities in terms of strengthening our common commitment to promoting the rule of law and the primacy of law. Finally, it is an opportunity to exchange views on complementarity and to find harmony in the simultaneous exercise by the General Assembly and the Court of their respective functions in favour of international stability.

My delegation renews its support for the Court in the fulfilment of its mission, which is none other than to work for the peaceful settlement, in accordance with the principles of justice and international law,

of international disputes that could threaten peace. It is also the responsibility of the Court, the principal judicial organ of the United Nations, to resolve any legal issues that may arise between parties to a dispute. The resolution of those legal issues is often important and sometimes decisive in the political settlement of the dispute.

Equally through its jurisprudence the Court constantly contributes to the development of international law, the legal basis of our shared desire for a shared life in a reconciled world. Through its judgments and advisory opinions, the Court, while illuminating and fuelling doctrine, also participates in the dissemination of legal science by ensuring wide publicity of its decisions throughout the world. In that regard, respect for and implementation of its decisions must always be ensured.

My delegation reiterates that the credibility and effectiveness of the Court's work will largely depend on its ability to take into account, in its functioning, all legal systems, in addition to greater multilingualism. That applies equally to the coherence of its jurisprudence.

Finally, my delegation hopes that the Security Council and the Court will continue to work in a spirit of ever closer cooperation and ever stronger collaboration in order to win the permanent battle for peace and security on our planet, in line with the purposes and principles of the Charter of the United Nations and international law, which are the essential foundations of a more peaceful, prosperous and just world.

**Ms. Telalian** (Greece): Greece wishes to express its appreciation to the President of the International Court of Justice, His Excellency Judge Ronny Abraham, for his comprehensive report (A/72/4) on the judicial activities of the Court over the past 12 months.

Greece also takes the opportunity to commend the Court, as the principal judicial organ of the United Nations, for its constant role in promoting the peaceful settlement of international disputes in conformity with the principles of justice and international law and thus contributing to the furtherance of the overall objectives set out in the Charter of the United Nations.

The International Court of Justice has a prominent position in the contemporary system of international justice as the only international court with both general and universal jurisdiction in inter-State disputes, since it is open to all States and may, subject to the provisions

of the Charter and its Statute, decide on any question of international law. The increasing caseload of the Court, the complexity and diversity of the cases pending before it and the fact that those cases involve States from all continents provide clear evidence of the trust placed in the Court by States and the high level of expectations surrounding its members as the guarantors of respect for the rule of law and the principles of impartiality and independence. As a matter of fact, pending cases cover the most varied aspects of international law, ranging from classical areas, such as the law of the sea, diplomatic and consular relations and the law of State responsibility, to more contemporary ones, such as international environmental law, which has gained growing attention in recent years.

Greece has actively demonstrated its confidence in the International Court of Justice and its strong commitment to the peaceful settlement of international disputes by submitting, as early as 1994, a declaration of acceptance of the compulsory jurisdiction of the Court, under Article 36, paragraph 2, of its Statute. After reviewing that declaration in order to take account of new developments, Greece recently decided to reaffirm its confidence in the International Court of Justice by submitting a new declaration, in 2015.

Furthermore, it is of the utmost importance for us to emphasize the contribution of the Court in upholding and promoting the rule of law. Since its establishment, the Court has developed a robust case law, which has greatly contributed to both legal certainty and the promotion and clarification of international law, including through the confirmation and identification of rules of customary international law and *ius cogens* norms, the development of the law of the sea and the rules governing maritime delimitation, as well as the establishment of principles applicable to State responsibility.

Finally, we would like to address the role that the International Court of Justice can play in conflict prevention by facilitating the process of preventive diplomacy through the delivery of advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies. The advisory opinions rendered by the Court, although not binding *per se* and limited in number in comparison to its judgments in contentious cases, have nevertheless been generally recognized as carrying legal weight and moral authority. However, in our view, recourse to the Court's advisory function should not circumvent



the fundamental principle that a State shall not have its disputes submitted to judicial settlement without its consent.

Greece once again wishes to express to the Court its appreciation for its valuable contribution to the consolidation of world peace and justice through its jurisprudence over the years.

**Mr. Rosselli** (Uruguay) (*spoke in Spanish*): Uruguay thanks the International Court of Justice and its President, Judge Ronny Abraham, for his presentation (see A/72/PV.34).

The International Court of Justice, as one of the principal organs of the United Nations, is the body charged with imparting justice in this area, not only between those Member States that have accepted its jurisdiction, but also for those that accede to it of their own volition before a concrete case, and in accordance with what is provided in Article 93 of the Charter of the United Nations.

Since the pacific solution of controversies is one of the principles enshrined in the Charter, the Court and its Statute are intrinsic to the system of the United Nations system and have been since its conception. Its fundamental role in the peaceful resolution of disputes is duly valued. Its judgments are points of reference in international law. They shape doctrine and are cited by courts and other tribunals in their own judgments.

The Court has seen an expansion of the scope of the matters submitted for hearing and resolution, as its jurisprudence is important in terms of international humanitarian law and international human rights law, taking into account in its judgments citations from other courts, such as the Inter-American Court of Human Rights. That shows the development of international law and its progress and growth in the past 20 years, as indicated by Judge Abraham in his report (A/72/4). The Court has a fundamental role in the maintenance and promotion of the rule of law, contributing through both its judgments and its advisory opinions to the maintenance of peace and security and the strengthening and development of international law.

Uruguay has been and is a defender of the peaceful settlement of disputes, incorporating the jurisdiction of the International Court of Justice in all the treaties ratified by the Republic in which there was agreement, in that regard, with its counterparts. In that framework, my country has been respectful of its rulings, as

was shown recently in a case involving Uruguay in an application before the Court. Uruguay has also received its advisory opinions as relevant contributions to international law that ought to be followed by the international community.

The traditional position of Uruguay with respect to international law and the obligations resulting from its rulings has manifested itself in other jurisdictional areas at the regional and international levels. Uruguay's fidelity to policy regarding human rights has been reflected in the way it acts in cases to which it is party, as was the case initiated at the beginning of 2010 by the tobacco company Philip Morris before the International Centre for Settlement of Investment Disputes (ICSID), which went against two standards adopted by Uruguay for tobacco control and which resulted in a ruling favourable to Uruguay.

To conclude, I take this opportunity to reiterate Uruguay's commitment to the Charter of the United Nations, the Statute of the Court and the progressive development of international law and its codification.

**Ms. Pino Rivera** (Cuba) (*spoke in Spanish*): Cuba associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Movement of Non-Aligned Countries (see A/72/PV.34). We appreciate the presentation of the report of the International Court of Justice (A/72/4), and we also wish to express our commitment to the strict application of international law and the peaceful settlement of international disputes.

Cuba acknowledges the work done by the Court since its inception. Its judgments and advisory opinions have been of special importance, not only in terms of the cases submitted for its consideration but also for the development of public international law. The volume of cases referred to the Court, many of which correspond to the Latin American and Caribbean region, demonstrate the importance that the international community and this region in particular attach to the peaceful settlement of disputes.

The Republic of Cuba addresses the peaceful settlement of disputes in accordance with Article 33, paragraph 1, of the Charter of the United Nations. We regret that some Court judgments have not been executed, in clear violation of Article 94 of the Charter of the United Nations, which establishes that each Member of the United Nations undertakes to comply with the decision of the International Court of Justice

in any case to which it is a party. That demonstrates the need to reform the United Nations system so as to grant greater guarantees to developing countries in the face of powerful nations. Cuba considers it useful for the Court to present a critical assessment of its relationship with the organs of the United Nations, especially the Security Council.

Many significant cases have been dealt with by the International Court of Justice. Cuba attaches great importance to the advisory opinion issued unanimously on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. In that, the International Court of Justice concluded that there is an obligation to undertake in good faith and bring to a conclusion negotiations for nuclear disarmament in all its aspects under strict and effective international control. Cuba also urges that the advisory opinion of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* be fully respected and calls on all States to respect and guarantee respect for the provisions of the Court in this important case.

We also attach great importance to the allocation of the budgetary resources necessary for the International Court of Justice to adequately carry out its work in order to achieve a peaceful settlement of the conflicts it has under its jurisdiction. We call for work to ensure that these resources reach the Court in a timely and appropriate manner.

We wish to thank the Court for the publications made available to the Governments parties and for the online resources, which constitute a valuable material for the dissemination and study of public international law, especially for developing countries. Many such countries, including our own, are often deprived of information related to the advances of international law. Cuba is a country with a peaceful vocation that is respectful of international law and has always faithfully fulfilled its international obligations derived from the treaties to which it is party. In that regard, we wish to take this opportunity to reiterate Cuba's commitment to peace.

Finally, our delegation wishes to underscore that the events that have taken place in recent years clearly demonstrate the importance of the International Court of Justice as an international jurisdictional body that resolves, in accordance with international law and peacefully and in good faith, disputes that have the greatest impact for the international community.

**The Acting President:** I now give the floor to the observer of the Observer State of Palestine.

**Mr. Bamya (Palestine):** The State of Palestine aligns itself with the statement delivered by the representative of Iran on behalf of the Non-Aligned Movement.

The State of Palestine stresses that the international rule of law is of paramount importance for the achievement of international peace and security and that there can be no rule of law without justice. Therefore empowering the International Court of Justice is an integral and key part of our efforts to ensure fulfilment of the purposes and principles enshrined in the Charter of the United Nations. The State of Palestine considers that the Court's well-established credibility and authority has allowed it to play an important role in the peaceful settlement of disputes. It calls on all States to recognize the compulsory jurisdiction of the Court as an important contribution towards upholding the international rule of law.

The State of Palestine stresses that all States and bodies of the United Nations must respect the decisions and opinions delivered by the Court. In this context, Palestine condemns Israel's disregard for and continuous breach of international law, including following the advisory opinion delivered by the Court in 2004, which declared the wall built by Israel in the occupied Palestinian territory, as well as its associated regime, illegal. It considered that such actions may amount to unlawful de facto annexation, in violation of the cardinal principle of the inadmissibility of the acquisition of land by force.

Palestine calls on all States to uphold their obligations under international law, including as they pertain to non-recognition, distinction between the occupied territory and the territory of the occupying Power, holding accountable those who commit violations and crimes, not rendering aid or assistance to the commission of unlawful actions and contributing to the early realization by the Palestinian people of their long-denied right to self-determination.

The State of Palestine is a strong advocate for the activation, strengthening and universality of international accountability mechanisms and has decided to join all those available to it. We are convinced, as demonstrated by our own experience and the ongoing occupation of our land and violation of our people's rights, that impunity fosters criminality

and that accountability alone can ensure respect for international law and advance peace.

*(spoke in French)*

In conclusion, the State of Palestine thanks the President of the International Court of Justice, His Excellency Ronny Abraham, for his report (A/72/4) and his efforts at the helm of the Court. We commend States for their recourse to the International Court of Justice to settle their disputes. Palestine stresses that the number of cases brought before the Court and their diversity, both in terms of topics examined and geographical range, constitutes further evidence of the importance of the Court and its mandate, as well as the need to work to consolidate its universality.

**The Acting President:** We have heard the last speaker in the debate on this item. May I take it that the General Assembly takes note of the report of the International Court of Justice?

*It was so decided.*

**The Acting President:** Several speakers gave asked to speak in exercise of the right of reply. May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to 5 minutes for the second intervention and should be made by delegations from their seats.

**Mr. Musikhin** (Russian Federation) *(spoke in Russian)*: We are compelled to comment on the statement by the delegation of Ukraine. We wish to recall that the debate on the report of the International Court of Justice is not the appropriate format for discussing the substance of cases that are being considered by that organ. Instead of making a constructive contribution to the debate, the delegation of Ukraine has once again embarked on propagandistic rhetoric. Moreover, it proceeded to distort the judgments of the Court.

The picture painted by the Ukrainian delegation is far removed from reality. To understand that, it should suffice to look at the order for provisional measures in the framework of the case of *Ukraine v. Russian Federation* and the materials dealt with in the proceedings.

First of all, the Court did not support the statement of Ukraine about an alleged occupation or the status of Crimea. In that regard, the insinuation made by the Ukrainian delegation today is inappropriate. The Court rejected all Ukraine's requests for any sort of

provisional measures on the International Convention for the Suppression of the Financing of Terrorism, considering that they were not plausible. The Court also appealed to the parties to work for full implementation of the Minsk agreements, recognizing that those agreements were adopted and signed by a number of parties, including by the representatives of Donetsk and Luhansk — a fact that Ukraine seeks to deny.

As regards the International Convention on the Elimination of All Forms of Racial Discrimination, the Court did not support any of the provisional measures in the way that had been requested by Ukraine. Instead, the Court took a decision to apply three provisional measures that it formulated itself. Two of them are addressed to Russia and one to both parties, which for some reason the Ukrainian delegation forgot to mention. In the light of all that has been said, we would like to point out that we are respectful of the relevant rulings of the Court and have taken all the necessary measures for their implementation.

Incidentally, it is noteworthy that in considering issues of human rights in various forums, the Ukrainian authorities recently adopted legislation that bears all the signs of being discriminatory in virtually prohibiting the teaching in languages of national minorities. Maybe not everyone knows that that step triggered concern even among some of the allies of Kyiv in the European Union. A revealing statement was made by a country neighbouring Ukraine.

The new Ukrainian legislation encroaches on the rights of national minorities, making their situation worse than during the times of the Soviet Union. By engaging in recriminations against Russia, the Ukrainian authorities are actually pursuing a policy that substantially violates the rights of its own population. To that, we should add that the culprits are not just in Kyiv, but in those countries that consistently pander to its subversive policy.

We call on delegations to reflect upon this, including in the light of the recent messages of support for the latest anti-Russian steps of Ukraine.

**Mr. Yelchenko** (Ukraine): I wish to make a few points. First of all, I am greatly amused to hear the statement in exercise of the right of reply just delivered by the delegation of the Russian Federation. It appears that the Russian delegation came here only to make this right of reply. They did not make a statement on the substance of today's meeting, which in itself shows the

total disrespect for the report of the International Court of Justice.

My second point is that I did not say a single word that the Russian representative refers to in his right of reply. I never referred to the case in my statement, which the representative of the Russian Federation referred to several times.

My third point is that we were not referring to the case presented by Ukraine with reference to the International Convention for the Suppression of the Financing of Terrorism, which is relevant to Donbas. We referred only to the case that is relevant to Crimea.

My fourth point is that the President of the Court, Judge Abraham, spent around 15 minutes describing to the delegations present here the two cases presented by Ukraine against Russia.

My last point is on the substance of the statement by the Russian delegation, although I believe that that statement is not relevant to the agenda item we discussed today.

It is a clear and unequivocal fact that the temporary occupation and the subsequent attempt to annex the Autonomous Republic of Crimea and the city of Sevastopol and Russia's illegal actions in Donbas fall squarely under the definition of an act of aggression, in line with the provisions of article 3, paragraphs (a), (b), (c), (d), (e) and (g), of the annex to General Assembly resolution 3314 (XXIX). The Assembly's adoption of resolution of 68/262, on the territorial integrity of Ukraine, and resolution 71/205, on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, is a strong confirmation of that.

Russian actions in Ukraine constitute the most serious crime against the international peace that the United Nations is striving to preserve. They entail international responsibility of the Russian Federation as a State and the international criminal responsibility of its senior leadership. We urge the Russian Federation to cease internationally wrongful acts on the territory

of Ukraine, to offer appropriate assurances and guarantees of their non-repetition, and to make full reparation, compensation and satisfaction for the damage already caused.

Regarding the aforementioned International Court of Justice Order, we urge the Russian Federation to fully and unconditionally implement it, together with all the recommendations made by the Office of the United Nations High Commissioner for Human Rights in more than 20 reports on Ukraine.

In conclusion, we would like to draw the attention of the Russian Federation to the third provisional measure from the Court Order, namely, to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

**Mr. Musikhin** (Russian Federation) (*spoke in Russian*): I will be as brief as possible.

To begin, I would like to comment on the statement of the delegation to the effect that we did not speak during the debate. In the view of the Ukrainian delegation, that seems to mean something about our attitude to this debate. That has no relationship to reality. Our position on the report of the International Court of Justice and its activities as a whole is well known to the Court, and it has been brought to its attention in other formats, including at yesterday's Security Council briefing (see S/PV.8075). The delegation of Ukraine knows that very well.

As for the repeated accusations about occupation, our position is well known. We will not repeat it now. With respect to the third aspect, regarding the provisional measures indicated by the Court, once again I would like to recall that they apply equally to the delegation of Ukraine.

**The Acting President:** May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 74?

*It was so decided.*

*The meeting rose at 4.20 p.m.*