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Thursday, 25 October 2018, 10 a.m.
New York

President: Ms. Espinosa Garcés. . . . . (Ecuador)

In the absence of the President, Mr. Korneliou (Cyprus), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 76

Report of the International Court of Justice

Report of the International Court of Justice (A/73/4)

Report of the Secretary-General (A/73/319)

The Acting President: I will now make a statement on behalf of the President of the General Assembly.

"First, I would like to congratulate the International Court of Justice on the election of new judges, including the President and Vice-President of the Court. Seventy-three years after its founding, the Court, a hallmark component of the Charter of the United Nations, remains as relevant as ever.

"In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as a testament to the principles of peace and justice in a multilateral world. Today's debate builds on 50 years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. That historic exchange is particularly pertinent to the seventy-third session of the General Assembly, which aims to make the United Nations relevant to all. The Court system serves as a bulwark against arbitrariness and provides a mechanism for the peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the Court may be far away, but its impact is real.

"I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court's workload increased over the past 20 years, but that trend has continued into the period under review, demonstrating unequivocally that there remains a need and a desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the Court and the fact that those cases stem from four continents are also testament to the universality of the Court. In fact, as of today, a total of 73 Member States have accepted as compulsory the jurisdiction of the Court.

"In addition to the Court's role in advancing multilateralism, its judgments and advisory opinions directly influence the development and strengthening of the rule of law in countries the world over. As stated in the report of the Court:

> 'Everything the Court does is aimed at promoting and reinforcing the rule of law; through its judgments and advisory opinions, it contributes to developing and clarifying international law.' ***(A/73/4, para. 16)***

> "Finally, at a time when human rights abuses and conflicts devastate the lives of millions and when tensions simmer in regions throughout the world, the adjudication of disputes between States remains an essential role of the Court in preserving peace and security. We welcome the Court's continued readiness to intervene when other diplomatic or political means have proved unsuccessful. For Member States, respect for the decisions, judgments, advice and orders of the Court remains critical to the efficacy and longevity of the international justice system. The General Assembly has therefore called on States that have not yet done so to consider accepting the jurisdiction of the Court, in accordance with its statute.
>
> "In conclusion, allow me to reiterate that if we are to preserve the international multilateral system, adherence to and respect for international law remain key. I thank the Court for sharing its report and wish the Assembly a successful debate."

It is now my honour to invite Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, to take the floor.

Judge Yusuf, President of the International Court of Justice: It is an honour for me to address the General Assembly for the first time since my election as President in February on the occasion of its consideration of the annual report of the International Court of Justice (A/73/4). The Court greatly values this time-honoured tradition, which enables us to present a succinct overview of the Court's judicial activities on a regular basis.

I am pleased to have the opportunity to do so at an Assembly meeting under the presidency of Ms. María Fernanda Espinosa Garcés. I congratulate her on her election to the presidency of the Assembly at its seventy-third session and wish her every success in her post.

Between 1 August 2017 — the starting date of the period covered by the Court's report — and today, the docket of the Court has remained extremely full, with 17 contentious cases and one advisory proceeding currently pending before it, a number of other cases having been decided in the course of the year. Indeed, it has been a particularly busy and productive period.

During that time, the Court has held hearings in six cases. The Court first heard the oral arguments of the parties on the preliminary objections submitted by France in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*. It then held hearings on the merits in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. In June and August, the Court heard the oral arguments of the parties on two requests for the indication of provisional measures submitted, in turn, in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)* and in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*. In September, the Court heard the oral statements of the participants in the proceedings on the request for an advisory opinion submitted by the General Assembly in respect of the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. Finally, a few weeks ago, it held hearings on the preliminary objections submitted by the United States of America in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*.

Since 1 August 2017, the Court has also delivered four judgments. On 2 February, the Court rendered two judgments on the merits, the first one on the question of the compensation owed in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, and the second one in the joined cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*.

On 6 June 2018, the Court rendered its judgment on the preliminary objections in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, and on 1 October 2018, it gave its ruling in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*.

In addition, the Court issued 17 orders, including an order on the admissibility of counterclaims in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)* and two orders indicating provisional measures: first, in the aforementioned case instituted by Qatar against the United Arab Emirates; and secondly, in the recently instituted case between the Islamic Republic of Iran and the United States of America concerning alleged violations of the bilateral

Treaty of Amity, Economic Relations, and Consular Rights of 1955.

As is customary, I shall now give a brief analysis of the substance of those decisions.

I begin by recalling certain elements of the judgments rendered in the cases opposing Costa Rica and Nicaragua. On 2 February, the Court rendered its judgment on the question of compensation in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*. In particular, the Court was called upon to determine the amount of compensation to be awarded to Costa Rica for material damage caused by Nicaragua's unlawful activities on Costa Rican territory, as established in the Court's judgment of 16 December 2015. In that connection, it is recalled that Costa Rica had claimed compensation for two categories of damage: first, quantifiable environmental damage caused by Nicaragua's excavation of two channels (*caños*) on its territory in 2010 and 2013, and, secondly, costs and expenses incurred as a result of Nicaragua's unlawful activities.

With respect to environmental damage, the Court indicated that compensation could include indemnification for the impairment or loss of environmental goods and services and payment for the restoration of the damaged environment when natural recovery might not suffice to return an environment to the state in which it was before the change occurred. The Court found in particular that, in excavating the two *caños*, Nicaragua had removed many trees and cleared vegetation and that those activities had significantly affected the ability of the two impacted areas to provide certain environmental goods and services — namely, trees, other raw materials (fibre and energy), gas regulation and air quality services, as well as biodiversity. The Court stated that it was appropriate to approach the valuation of environmental damage from the perspective of the ecosystem as a whole, and it awarded Costa Rica the sum of $120,000 for the impairment or loss of the environmental goods and services of the impacted area in the period prior to recovery. The Court also considered that the payment of compensation for some restoration measures in respect of the wetland was justified, and it awarded Costa Rica the sum of $2,708.39 for that purpose.

The Court then dealt with Costa Rica's claims for costs and expenses incurred as a result of Nicaragua's unlawful activities in the northern part of Isla Portillos, ruling that some of those costs and expenses had a sufficiently direct and certain causal nexus with the wrongful conduct of Nicaragua. In particular, the Court considered that part of the costs and expenses incurred by Costa Rica in monitoring that area, and in preventing irreparable prejudice to the environment, including costs relating to the construction in 2015 of a dyke across one of the *caños*, was compensable. Thus, the Court awarded Costa Rica a total of $236,032.16 under that heading.

Turning to Costa Rica's claim for interest, the Court held that Costa Rica was not entitled to prejudgment interest on the amount of compensation for environmental damage since the Court had already taken full account of the impairment or loss of environmental goods and services in the period prior to recovery. Costa Rica was, however, awarded prejudgment interest on the costs and expenses found compensable, in the sum of $20,150.04. The Court further decided that, in the event of any delay in payment, post-judgment interest would accrue on the principal sum; that interest would be paid at an annual rate of 6 per cent.

The total amount of compensation awarded to Costa Rica was thus $378,890.59 to be paid by Nicaragua by 2 April 2018. Following that judgment, Nicaragua, by a letter dated 22 March 2018, informed the Court that it had transferred to Costa Rica the total amount of compensation awarded.

On 2 February, the Court handed down a second judgment on the merits in the joined cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* and *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*. I recall that the proceedings in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* were brought by an application of Costa Rica on 25 February 2014. The proceedings in the case concerning *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)* were brought by an application of Costa Rica on 16 January 2017. The two cases were joined by an order of the Court handed down on 2 February 2017.

The Court observed in its judgment that the case concerning *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)* raised issues of territorial sovereignty that were expedient to

examine first because of their possible implications for the maritime delimitation in the Caribbean Sea. The Court first held that the question of sovereignty over the coast of the northern part of Isla Portillos on the Caribbean Sea had not been decided in its judgment rendered on 16 December 2015. It then recalled that, according to its interpretation of the Treaty of Limits between Costa Rica and Nicaragua of 15 April 1858, in the 2015 judgment:

> "the territory under Costa Rica's sovereignty extends to the right bank of the Lower San Juan River as far as its mouth in the Caribbean Sea".

Noting that the report submitted to it by Court-appointed experts had dispelled all uncertainty about the geography of the area, the Court found that Costa Rica had sovereignty over the whole of Isla Portillos, with the exception of Harbor Head Lagoon and the sandbar separating it from the Caribbean Sea. The latter features were found to be under the sovereignty of Nicaragua.

The Court then held that, by establishing and maintaining a military camp on the beach of Isla Portillos, Nicaragua had violated Costa Rica's territorial sovereignty as defined in the judgment, and ruled that the camp had to be removed from Costa Rica's territory. The Court considered that the declaration of a violation of Costa Rica's sovereignty and the order addressed to Nicaragua to remove its camp from Costa Rica's territory constituted appropriate reparation.

The Court next turned to the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)*, beginning with the delimitation in the Caribbean Sea. With respect to the starting point for the delimitation, the Court considered it preferable, due to the great instability of the coastline in the area, to select a fixed point at sea — 2 nautical miles from the coast on the median line — and connect it by a mobile line to a point on solid land on Coast Rica's coast that was closest to the mouth of the San Juan River.

The Court delimited the territorial sea, in accordance with article 15 of the United Nations Convention on the Law of the Sea and with its own jurisprudence, in two stages: first, it drew a provisional median line; secondly, it considered whether any special circumstances existed that justified an adjustment to that line. As to special circumstances, the Court in particular stated that the instability of the sandbar separating Harbor Head Lagoon from the Caribbean Sea and its situation as a small enclave within Costa Rica's territory also called for a special solution. Noting that should territorial waters be attributed to the enclave, they would be of little use to Nicaragua, while breaking the continuity of Costa Rica's territorial sea, the Court decided that the delimitation in the territorial sea between the parties would not take into account any entitlement that might result from the enclave.

The Court then proceeded to the delimitation of the exclusive economic zone and the continental shelf, using its established three-stage methodology. First, it drew a provisional equidistance line using base points located on the parties' natural coasts, including some Nicaraguan islands in the Caribbean Sea, among others the Corn Islands. Secondly, the Court considered whether there existed relevant circumstances that were capable of justifying an adjustment of the equidistance line provisionally drawn. It found in particular that, in view of their limited size and significant distance from the mainland coast, the Corn Islands should be given only half effect. Thirdly, the Court assessed the overall equitableness of the boundary resulting from the first two stages by checking whether there existed a marked disproportionality between the length of the parties' relevant coasts and the maritime areas found to appertain to them. In the circumstances at hand, the Court found that there was no such marked disproportion.

The Court focused next on the delimitation of the Pacific Ocean. Since Costa Rica and Nicaragua had agreed that the starting point of the maritime boundary in the Pacific Ocean should be the midpoint of the closing line of Salinas Bay, the Court fixed the starting point of its delimitation at that location.

As it did for the Caribbean Sea, the Court proceeded to delimit the boundary for the territorial sea in two stages. Having observed that both parties selected the same base points, the Court decided to use those points to draw the provisional median line. It considered that there were no special circumstances justifying an adjustment to that line.

For the purpose of delimiting the exclusive economic zone and the continental shelf, the Court again followed the three-stage methodology adopted in its jurisprudence. First, it drew a provisional equidistance line, using the base points selected by the parties. Secondly, it checked for relevant circumstances justifying an adjustment to that line, deciding to give

half effect to the Santa Elena peninsula on Costa Rica's coast in order to avoid a significant cut-off effect of Nicaragua's coastal projections. Thirdly, the Court assessed the overall equitableness of the boundary resulting from the first two stages by checking whether there existed a marked disproportionality between the length of the parties' relevant coasts and the maritime areas found to appertain to them. It found that the maritime boundary did not result in gross disproportionality and achieved an equitable solution.

After the judgment was rendered, Nicaragua informed the Court, by a letter dated 14 February, that it had removed its military camp from Costa Rica's territory, in accordance with point 3 (b) of the operative paragraph of that judgment.

(*spoke in French*)

The third judgment of the Court, the content of which I will explain, was delivered on 6 June. It concerned the preliminary objections raised by France in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*. That case was brought by Equatorial Guinea on 13 June 2016 relating to a dispute concerning the immunity from criminal jurisdiction of the Vice-President of Equatorial Guinea, Mr. Teodoro Nguema Obiang Mangue, as well as the legal status of a building located at 42 avenue Foch in Paris, which Equatorial Guinea claimed was the premises of its embassy in France. In its application, Equatorial Guinea intended to base the jurisdiction of the Court on article 35 of the United Nations Convention against Transnational Organized Crime, or the Palermo Convention, and on article 1 of the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes.

On 31 March 2017, France raised three preliminary objections. With regard to France's first preliminary objection, relating to the Palermo Convention, the Court concluded in its judgment that the rules of customary international law governing the immunities of States and their agents were not incorporated in article 4 of the Convention. However, the aspect of the dispute concerning the immunity invoked in favour of the Vice-President of Equatorial Guinea and the immunity invoked in favour of the building located at 42 Avenue Foch in Paris did not relate to the interpretation or the application of the Palermo Convention. The Court therefore considered that it did not have jurisdiction to rule on that aspect of the dispute. It then noted that Equatorial Guinea had also based on the Palermo Convention its complaints relating to the excessive criminal jurisdiction that it accused France of exercising in order to identify "predicate offences" associated with the offence of money laundering. The Court considered that the violations of which Equatorial Guinea was accused did not fall under the provisions of articles 6 and 15 of the Palermo Convention and that it was therefore, again, not competent to rule on that aspect of the dispute. As a result, the Court concluded that it did not have jurisdiction on the basis of the Palermo Convention and upheld France's first preliminary objection.

The Court then turned to France's second preliminary objection, which concerned jurisdiction under the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes. Equatorial Guinea drew on the Vienna Convention as grounds to denounce France's non-compliance with the inviolability of the building located at 42 avenue Foch in Paris, which it claimed housed its diplomatic mission. The Court noted that the parties disagreed as to whether the building in question was part of the premises of the Mission of Equatorial Guinea in France and could therefore benefit from the treatment afforded to such premises under article 22 of the Vienna Convention. It concluded that that aspect of the dispute fell within the scope of the Convention and that it therefore had jurisdiction in the dispute over the status of the building in question, including any claims relating to the furnishings and other property present on the premises at 42 avenue Foch in Paris. Consequently, the Court rejected France's second preliminary objection.

Lastly, the Court examined France's third preliminary objection, according to which the conduct of Equatorial Guinea amounted to an abuse of rights and the referral to the Court an abuse of procedure. In the Court's view, that preliminary objection concerned the admissibility of the application. The Court observed that an abuse of process related to proceedings initiated before a court or tribunal and could be considered at the preliminary stage of such proceedings. However, the Court added that only exceptional circumstances could justify its dismissal of an application for abuse of process on the basis of applicable jurisdiction. The Court deemed that such were not the circumstances in that particular case. With respect to the abuse of rights, the Court stated that such could not be invoked

as grounds for inadmissibility when the establishment of the right in question fell within the scope of the merits of the case. Accordingly, the Court held that any argument relating to an abuse of rights would be considered at the substantive stage. The Court therefore did not consider Equatorial Guinea's application inadmissible on grounds of abuse of process or abuse of rights and rejected the third preliminary objection raised by France.

As in its judgment the Court declared itself competent on the basis of the Optional Protocol to the Vienna Convention, the proceedings on the merits resumed. By an order made on the same day as its judgment, namely, 6 June, the Court set 6 December as the time limit for France to submit its counter-memorial.

I now come to the fourth judgment of the Court during the period in question. In the judgment of 1 October, the Court decided on the merits of the case concerning the *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. I would recall that that application was introduced on 24 April 2013 by the Plurinational State of Bolivia against the Republic of Chile concerning a dispute in relation to "Chile's obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean".

After presenting the historical background of the dispute, in its judgment the Court proceeded to the systematic examination of the eight separate legal grounds invoked by Bolivia in support of its claim. The Court first considered Bolivia's argument based on bilateral instruments, concluding that none of those instruments established an obligation on Chile to negotiate Bolivia's sovereign access to the Pacific Ocean. The Court also did not find convincing the argument that Chile's declarations and other unilateral acts created an obligation to negotiate Bolivia's sovereign access to the sea. It noted that those declarations and unilateral acts did not indicate the defendant having undertaken a legal obligation but rather that the defendant was willing to enter into negotiations.

Turning to the consideration of Bolivia's argument based on acquiescence, the Court noted that Bolivia had not identified any declaration requiring a response or reaction from Chile to prevent an obligation from arising. The Court concluded therefrom that the acquiescence could not therefore be considered a legal basis of an obligation to negotiate Bolivia's sovereign access to the sea. The Court then turned to Bolivia's argument based on estoppel, concluding that, although Chile had repeatedly stated that it was willing to negotiate Bolivia's sovereign access to the sea, such representations did not establish an obligation to negotiate, as it had not been demonstrated that Bolivia had changed its position to its detriment or to Chile's advantage on the basis of those representations.

With regard to the argument that the fact that the respondent, in challenging its obligation to negotiate and in refusing to conduct further negotiations with Bolivia, had prevented the latter's legitimate expectations from prevailing, the Court concluded that, even if reference was made to legitimate expectations in certain judgments of arbitral tribunals concerning investment disputes, it did not follow that there was a principle in general international law based on legitimate expectations that could lead to an obligation.

The Court also concluded that it could not accept the argument that an obligation to negotiate Bolivia's sovereign access to the sea could be based on Article 2, paragraph 3, of the Charter of the United Nations or article 3 of the Charter of the Organization of American States, since those provisions prescribed only that States should settle their disputes by peaceful means or procedures, without imposing a specific method of settlement, such as negotiation. It also considered Bolivia's argument that certain resolutions of the General Assembly of the Organization of American States confirmed Chile's commitment to negotiating Bolivia's sovereign access to the sea. The Court could not accept that argument, as none of those resolutions indicated that Chile had an obligation to negotiate and that both parties had recognized that the resolutions were not binding as such.

Finally, the Court found that, having concluded that there was no such obligation arising from any of the invoked legal bases taken individually, a cumulative consideration of the various bases could not add to the overall result. The Court therefore concluded that Chile had not undertaken a legal obligation to negotiate Bolivia's sovereign access to the Pacific Ocean. However, it added — and I would like to stress this — that its finding should not be understood as precluding the parties from continuing their dialogue and exchanges, in a spirit of good-neighbourliness, to address the issues relating to the landlocked situation of Bolivia, the solution to which they have both recognized to be a matter of mutual interest.

I will now report on three non-judicial orders issued by the Court during the reporting period. I would first like to mention the Court's order of 15 November 2017 on the counter-claims filed in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*. I recall that, on 26 November 2013, the Republic of Nicaragua instituted proceedings against the Republic of Colombia, alleging specific violations of Nicaragua's sovereign rights and maritime zones declared by the Court's judgment of 19 November 2012. On 19 December 2014, Colombia raised preliminary objections to the jurisdiction of the Court. By a judgment dated 17 March 2016, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to adjudicate upon the dispute between Nicaragua and Colombia regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court declared appertain to Nicaragua in its judgment of 19 November 2012.

In its counter-memorial filed on 17 November 2016, Colombia submitted four counter-claims. The first and second were based on Nicaragua's alleged violation of its duty of due diligence to protect and preserve the marine environment of the south-western Caribbean Sea and the right of the inhabitants of the San Andrés archipelago to benefit from a healthy, sound and sustainable environment; the third concerned Nicaragua's alleged infringement upon the customary artisanal fishing rights of the local inhabitants of the San Andrés archipelago to access and exploit their traditional fishing grounds; and the fourth concerned the adoption by Nicaragua of Decree No. 33-2013 of 19 August 2013, which established straight baselines and, according to Colombia, had the effect of extending Nicaragua's internal waters and maritime zones beyond what international law permits.

In its order, the Court began by recalling that under article 80, paragraph 1, of the rules of Court, two requirements must be met for the Court to be able to entertain a counterclaim as such, namely, that the counterclaim come within the jurisdiction of the Court and that it be directly connected with the subject matter of the claim of the other party. The Court concluded that there was no direct connection, either in fact or in law, between Colombia's first and second counterclaims and Nicaragua's principal claims. It therefore found that those two counterclaims were inadmissible as such. In addition, the Court considered that Colombia's third and fourth counterclaims and Nicaragua's principal claims were directly connected in fact and in law. In that regard, the Court noted that the facts underlying their respective requests related to the same period and the same geographical area and were of the same nature insofar as they alleged similar types of conduct. The Court also noted that the parties had invoked the same legal principles and pursued the same legal aim by their respective claims.

The Court then concluded that Colombia's third and fourth counterclaims came under its jurisdiction. It further recalled that once the Court has established jurisdiction to entertain a case, it has jurisdiction to deal with all its phases; the subsequent lapse of the title cannot deprive the Court of its jurisdiction. In the present case, the subsequent termination of the Pact of Bogotá between the parties, which followed the filing of the application, did not deprive the Court of its jurisdiction to entertain those counter-claims filed by Colombia on that legal basis. The Court therefore found that Colombia's third and fourth counterclaims were admissible as such. It also ordered the submission of a reply from Nicaragua and a rejoinder from Colombia on the requests of both parties and set deadlines for the filing of those procedural documents.

As I mentioned earlier, during the reporting period the Court also issued two orders indicating interim measures, which I will briefly present in chronological order. On 23 July, the Court ordered interim measures in the case concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* (*Qatar v. United Arab Emirates*). The case was brought by Qatar on 11 June against the United Arab Emirates concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965. In its statement of claim, Qatar claimed that, in violation of certain rights guaranteed by the Convention, the United Arab Emirates had banned the entry of all Qataris into its territory and expelled those already there. On the same day, Qatar had submitted a request for interim measures on the protection of its rights under the Convention, pending a decision on the merits of the case.

In accordance with its usual method, in its order, the Court first examined whether the jurisdictional clause contained in article 22 of the Convention conferred on it prima facie jurisdiction to hear the

merits of the case. It considered that the acts mentioned by Qatar were likely to fall within the scope ratione materiae of the Convention. The Court found that the evidence available to it at that stage of the proceedings was sufficient to support the existence of a dispute as to the interpretation or application of the Convention. It also found that the procedural conditions previously applicable to it, as set out in article 22 of the Convention, had been met. It concluded that, prima facie, it had jurisdiction under that article.

The Court then examined the rights whose protection was sought, noting that the measures taken by the United Arab Emirates appeared to target only Qataris, without regard to the individual situation of the persons concerned, and that they could constitute acts of racial discrimination under the Convention. The Court found that at least some of the rights claimed by Qatar under article 5 of the Convention were plausible. That applies, for example, to the right to marry and choose a spouse, the right to education, as well as the rights to freedom of movement and access to justice. The Court also concluded that there was a link between the rights for which protection was sought and the interim measures requested by Qatar. The Court was also of the view that some of the rights in question were such that any prejudice to them could prove irreparable and that there was therefore urgency.

The Court therefore concluded that the conditions for which the Statute of the Court required the indication of interim measures were met. It decided that, in order to protect Qatar's substantive rights, the United Arab Emirates should ensure that, first, Qatari-Emirati families separated as a result of the measures on 5 June 2017 are reunited; secondly, Qatari students affected by the measures adopted on 5 June 2017 could complete their studies in the United Arab Emirates or obtain their academic records if they wished to study elsewhere; and thirdly, Qataris affected by the measures adopted on 5 June 2017 could have access to the courts and other judicial bodies of the United Arab Emirates. The Court also called on both parties to refrain from any action that could aggravate or extend the dispute or make it more difficult to resolve. By an order issued on 25 July, the Court set the deadline for the filing of a memorial by the State of Qatar and a counter-memorial by the United Arab Emirates.

On 3 October, the Court issued a second order indicating provisional measures in the case concerning *Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights* (*Islamic Republic of Iran v. United States of America*). On 16 July, Iran began proceedings against the United States concerning alleged violations of the 1955 Treaty of Amity, Economic Relations and Consular Rights, which I will refer to as the 1955 Treaty. In its statement of claim, Iran stated in particular that the dispute concerned the decision of the United States, announced on 8 May, to reinstate restrictive measures directly or indirectly targeting Iran and Iranian nationals and companies — measures that the United States had previously decided to lift as part of the Joint Comprehensive Plan of Action, which I will refer to as the action plan. According to the applicant, such measures are a violation by the United States of certain obligations under the 1955 Treaty, in particular those relating to fair and equitable treatment, the prohibition of restrictions on payments and freedom of trade. Iran intended to base the Court's jurisdiction on Article 36, paragraph 1, of the Statute and article XXI, paragraph 2, of the 1955 Treaty, the latter provision being an arbitration clause by which the parties had agreed to refer to the Court any dispute between them concerning the interpretation or application of the Treaty not satisfactorily adjusted through diplomacy, unless they had agreed to settlement by some other pacific means.

Iran also submitted a request for interim measures on 16 July. In its ruling on this request, the Court began by ascertaining whether the provisions invoked by the plaintiff appeared to constitute, prima facie, a basis on which to establish its jurisdiction. It first ensured that a dispute existed between the parties as to the interpretation or application of the 1955 Treaty. It found that the evidence before it at that stage of the proceedings was sufficient to establish that the measures Iran criticized the United States for adopting could, prima facie, fall within the scope *ratione materiae* of the 1955 Treaty.

The Court held that the provision relied on by the United States, which does not prohibit contracting parties from taking certain measures to protect their vital security interests, did not exclude the authority it held as part of the arbitration clause of the Treaty. It further found that the dispute had not been satisfactorily settled through the diplomatic channel and that the parties had not agreed to settle it by other peaceful means. The Court concluded that the 1955 Treaty gave it jurisdiction, prima facie, to hear the dispute, so long as

the dispute concerned the interpretation or application of the Treaty.

The Court then turned its attention to the rights for protection that had been sought. It considered that the rights claimed by Iran were plausible, to the extent that they were based on a possible interpretation of the 1955 Treaty and on the *prima facie* establishment of the relevant facts, and that the exercise of some of these rights was likely to be undermined by the measures adopted by the United States. At the same time, the Court found it necessary to take into account the fact that the United States invoked paragraph 1 of article XX of the 1955 Treaty to assert its vital security interests. It noted that these interests may affect at least some of the rights guaranteed to Iran under the 1955 Treaty but, all things considered, would not affect others in the same way. Iran's rights, the exercise of which could be threatened, included those related to the importation and purchase of goods necessary for humanitarian purposes, such as medicines and medical equipment, food and agricultural products, and goods and services necessary for the safety of civil aviation, such as spare parts, equipment and related services required for civil aircraft.

The Court then turned to the question of the link between the rights claimed by Iran and the provisional measures it requested. The Court concluded that there was a link between some of these rights, the protection of which was sought, and certain aspects of the provisional measures requested. It further considered that there was always a risk that the measures taken by the United States would have irreparable consequences and that this was therefore a matter of urgency. For all of these considerations, the Court concluded that the conditions under which its Statute would support these provisional measures were indeed met. It therefore indicated the following precautionary measures.

First, the United States must, through means of its own choosing, remove any impediment that the measures announced on 8 May pose to free export to the territory of the Islamic Republic of Iran of medicines and medical equipment; food and agricultural products; and spare parts, equipment and related services, including post-sale services, maintenance, repairs and inspections necessary for the safety of civil aviation. Secondly, the United States must ensure that, where the goods and services referred to in the first part are concerned, the necessary permits and authorizations are granted and payments and other transfers of funds are unrestricted. Thirdly, the two parties must refrain from taking any action that might aggravate or extend the dispute before the Court or otherwise render a solution more difficult.

(*spoke in English*)

I will now turn to the new cases brought before the Court. In addition to the two cases just referred to — between Qatar and the United Arab Emirates and between the Islamic Republic of Iran and the United States of America, in which the Court issued orders indicating provisional measures — a further four sets of contentious proceedings have been instituted since 1 August 2017.

On 29 March, the Co-operative Republic of Guyana instituted proceedings against the Bolivarian Republic of Venezuela with regard to a dispute concerning "the legal validity and binding effect of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899". In its application, Guyana claims that the 1899 award was a full and final settlement of all questions relating to the determination of the boundary line between the colony of British Guiana and Venezuela but that, for the first time in 1962, Venezuela contested the award as arbitrary and null and void.

According to Guyana, this dispute remains ongoing. Guyana therefore requests the Court to confirm the validity of the 1899 award and to order Venezuela to respect the boundary established pursuant to that award. From the outset, Venezuela has challenged the jurisdiction of the Court to entertain the case. By an order dated 19 June, the Court decided that the written pleadings in the case should first address the question of its jurisdiction. It fixed the respective time limits for the filing of a memorial by Guyana and a counter-memorial by Venezuela.

Two further sets of proceedings were brought before the Court on 4 July. First, the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates submitted to the Court a joint application constituting an appeal against the decision rendered by the Council of the International Civil Aviation Organization (ICAO) on 29 June. That took place in the context of proceedings initiated by the State of Qatar against those four States on 30 October 2017, pursuant to article 84 of the Convention on International Civil Aviation, also known as the Chicago Convention.

Secondly, the Kingdom of Bahrain, the Arab Republic of Egypt and the United Arab Emirates submitted to the Court another joint application constituting an appeal against the decision rendered by the ICAO Council in proceedings initiated by Qatar against those three States on 30 October 2017, pursuant to article II, section 2, of the International Air Services Transit Agreement. The factual background of the two cases is the same. According to the applications, on 5 June 2017, after Qatar had allegedly failed to abide by its commitments under a series of instruments and undertakings referred to collectively as the Riyadh Agreements, the applicants adopted measures that included airspace restrictions to aircraft registered in Qatar.

On 30 October 2017, Qatar instituted proceedings against the applicants before ICAO, alleging that the airspace restrictions violated the Chicago Convention and the International Air Services Transit Agreement. In those ICAO proceedings, the applicants raised preliminary objections, which were rejected in two decisions of the ICAO Council rendered on 29 June 2018. Those are the two decisions that are being appealed before the International Court of Justice. Orders dated 25 July 2018 in the two cases fixed the respective time limits for the filing of a memorial by the applicants and a counter-memorial by Qatar.

On 28 September 2018, the State of Palestine instituted proceedings against the United States of America with respect to a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations of 18 April 1961. It is recalled that, on 5 July 2018, Palestine had filed a declaration pursuant to Security Council resolution 9 (1946), whereby it accepted the jurisdiction of the Court for the settlement of disputes under article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations Concerning the Compulsory Settlement of Disputes, to which the State of Palestine acceded on 22 March 2018. In its application, the State of Palestine contends that it flows from the Vienna Convention that the diplomatic mission of a sending State must be established on the territory of the receiving State.

That completes my summary of the Court's extensive judicial activities over the past year. In the spirit of transparency, I would now like to take this opportunity to touch upon the question of extrajudicial activities that members of the Court occasionally undertake, particularly in the field of international arbitration. The Court is cognizant of the fact that, while the judicial settlement of disputes offered by the Court is enshrined in the Charter of the United Nations, for several reasons States may be interested in settling their disputes by arbitration. In such instances, members of the Court have sometimes been called upon by States to sit on the arbitral tribunal in question, dealing with inter-State disputes in some cases and investor-State disputes in others. That is, of course, a testament to the high esteem in which the Court's judges are held by the international community.

Over the years, the Court has taken the view that, in certain circumstances, its members may participate in arbitration proceedings. However, in the light of its ever-increasing workload, a few months ago the Court decided to review that practice and to set out clearly defined rules regulating such activities. As a result, last month members of the Court came to the decision that they would not normally agree to participate in international arbitration. In particular, they will not participate in investor-State arbitration or in commercial arbitration.

However, in the event that they are called upon exceptionally by one or more States that would prefer to resort to arbitration instead of judicial settlement, the Court has decided that, in order to render service to those States, it will, if the circumstances so warrant, authorize its members to participate in inter-State arbitration cases. Even in such exceptional cases, a member of the Court, if authorized, will participate in only one arbitration procedure at a time. Prior authorization must have been granted for that purpose in accordance with the mechanism put in place by the Court.

However, members of the Court will decline to be appointed as arbitrators by a State that is party to a case pending before the Court, even if there is no substantial interference between that case and the case submitted to arbitration. That is essential to place the impartiality and independence of judges in the exercise of their judicial functions beyond reproach. Finally, I cannot stress enough that any participation of members of the Court in such inter-State arbitrations is subject to the strict condition that their judicial activities take absolute precedence.

Before I come to my closing remarks, I would like briefly to raise an issue that is of concern to the Court regarding the Peace Palace, which houses the principal

courtroom — the Great Hall of Justice — and the offices of the Registry. In 2016, following inspections of the premises, the Peace Palace was found to be contaminated with asbestos. As a result, the Netherlands authorities decided that major works should be undertaken to completely decontaminate and, at the same time, renovate the building. The Court understands that it is anticipated that the Peace Palace will have to close and that the Registry of the Court, including the Court's library and archives, will have to be temporarily relocated to other premises for perhaps a few years. However, the Court remains somewhat uninformed as to the modalities and time frame for that large-scale relocation. The Court has been told by the Netherlands authorities that details of the proposed relocation plans would be provided without delay so as to ensure a smooth transition period with minimum disruption to its busy schedule of work.

Despite those assurances, to date the Court does not have any further elements of clarification at its disposal. That creates an atmosphere of uncertainty that is not conducive to the performance of its judicial functions. We therefore trust that ample and adequate information will be received in a timely manner in the very near future.

That brings my first address before the Assembly as President of the International Court of Justice to an end. The Court has made every endeavour to fulfil the noble mission entrusted to it in terms of the advancement of international justice and the peaceful settlement of disputes between States. It has continued to focus its attention on many complex areas of international law raised by the multifaceted disputes brought before it. Those thorny legal issues often lie at the heart of the international community's current concerns. In that connection, the Court is acutely aware that, through its rulings, it has a responsibility to serve all Member States by safeguarding respect for the rule of law in international relations.

I am grateful for having been given the opportunity to address the Assembly today, and I wish the General Assembly at its seventy-third session every success.

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

Mr. Špaček (Slovakia): On behalf of the Visegrad Group, namely, the Czech Republic, Hungary, Poland and my own country, Slovakia, I thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for presenting the report on the work of the Court during the period 1 August 2017 to 31 July 2018 (A/73/4). I would also like to congratulate Judge Yusuf on his election as the Court's President in February this year and to acknowledge the Court's achievements under his leadership.

I have the honour to present the common position of the Visegrad countries with respect to the Court's report. Let me begin by underlining the key and irreplaceable role of the International Court of Justice, the principal judicial organ of the United Nations, in the peaceful settlement of disputes between States. The increasing number of States submitting their differences to the Court's adjudication reflects their confidence in the Court. During the period under consideration, five new contentious proceedings have been instituted before the Court and three judgments in four cases and several orders have been delivered by the Court. They are testimony to both the trustfulness and the efficiency of the Court in rendering international justice. The countries of the Visegrad Group are strong supporters of the Court, and they appreciate the Court's remarkable long-term contribution to the prevention of conflicts and to the enhancement of good and friendly relations among States.

With respect to the Court's report, I would like to address two issues that are mutually inseparable. The first concerns the broadening of acceptance of the Court's jurisdiction. The Statute of the Court offers States various means of acceptance of the Court's jurisdiction. Currently, 73 States out of the 193 States parties to the Court's Statute accept the Court's compulsory jurisdiction under Article 36, paragraph 2, of the Statute. Special agreements on the submission of differences between States to the Court offer another means of accepting the Court's jurisdiction. Their significance should not be underestimated.

In addition, the numerous treaties that are currently being negotiated, whether within or outside the United Nations, should routinely include, as an indispensable component, provisions on the peaceful settlement of disputes, including clauses on the Court's jurisdiction in terms of the interpretation and application of the treaty in question. States should be discouraged from making reservations to such clauses. The willingness of States to subject their disputes to the Court must go hand in hand with their willingness to implement the Court's decisions in good faith. Only then will the

Court's judgments and orders ensure that the system of international justice is truly effective.

The second issue I would like to highlight is the Court's significant contribution to the strengthening of the rule of law at the international level. The 17 cases on the Court's agenda concern different subjects and areas of international law, including maritime, territorial and environmental issues, human rights, State immunities, international responsibility, and the interpretation of treaties. The wide range of issues currently before the Court, together with the variety of regions from which the parties to those disputes originate, is a manifestation of the Court's universal character and its indispensable role in the noble mission of the United Nations to maintain the international legal order.

The countries of the Visegrad Group highly appreciate the achievements of the Court in interpreting, clarifying and reinforcing international law and wish the Court every success in its future work.

Mr. Moncada (Bolivarian Republic of Venezuela) (*spoke in Spanish*): It is an honour for the Bolivarian Republic of Venezuela to take the floor on behalf of the 120 States members of the Movement of Non-Aligned Countries on the occasion of the consideration of such an important agenda item.

We thank the President of the International Court of Justice for his presentation of the report on the work of the Court to the General Assembly (A/73/4).

The Non-Aligned Movement reaffirms its principled positions regarding the peaceful settlement of disputes, as well as its rejection of the use and threat of use of force. The International Court of Justice plays an important role in promoting the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered, as enshrined in the Charter of the United Nations, particularly in its Articles 33 and 94, and in the Statute of the International Court of Justice itself.

Regarding the advisory opinions of the Court, considering that the Security Council has not requested any kind of advisory opinion from the Court since 1970, the Non-Aligned Movement urges the Security Council to make greater use of the Court, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of the relevant rules of international law, in particular on contentious issues. It also urges the Council to consider having its decisions reviewed by the Court, mindful of the need to ensure that it adheres to the Charter of the United Nations and international law. The Non-Aligned Movement invites the General Assembly, the organs of the United Nations and other specialized agencies to request the advisory opinion of the Court on legal matters that fall within the scope of its activities.

The States members of the Non-Aligned Movement also reaffirm the importance of the unanimous advisory opinion of the International Court of Justice of 8 July 1996 on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex). In that regard, the Court found that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. Finally, the Non-Aligned Movement reiterates its call upon Israel, the occupying Power, to fully respect the advisory opinion of the Court of 9 July 2004 on the *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273). It calls upon all States to ensure that the provisions set forth in that advisory opinion are respected, with a view to ending the Israeli occupation that began in 1967 and achieving the independence of the State of Palestine, with East Jerusalem as its capital.

Mr. Fialho Rocha (Cabo Verde): It is my honour to deliver this statement on behalf of Angola, Brazil, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, Timor-Leste and my own country, Cabo Verde — all States members of the Community of Portuguese-speaking Countries (CPLP). Let me begin by expressing our gratitude to the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for his thorough report on the Court's work for the judicial year 2017-2018 (A/73/4).

The International Court of Justice is the only international court of a universal character with general jurisdiction. The Court holds important responsibilities in the international community. It also plays a fundamental role in the judicial settlement of disputes between States and the strengthening of the international rule of law. By providing legal certainty and enabling the peaceful settlement of inter-State disputes, the Court helps to prevent disagreements between States from erupting into violence. The high rate of compliance with the Court's judgments throughout its history is very encouraging, as it

demonstrates the trust of States in the independence and impartiality of the Court.

The Court has a crucial function in the international legal system and it is being increasingly recognized and accepted. All States Members of the United Nations are parties to the Statute of the Court, and 73 of those have recognized its jurisdiction as compulsory. Moreover, approximately 300 bilateral and multilateral treaties provide for the Court to have jurisdiction over the resolution of disputes arising from their application or interpretation. The heavy workload and the wide range of subjects on which the Court has ruled confirm its success. It must be noted that the Court's cases come from all over the world, relate to a great variety of matters and have great factual and legal complexity. That reaffirms the universality of the Court, the expansion of the scope of its work and its growing specialization. The Court is making impressive efforts to cope with the very demanding level of activity. However, it is also important for Member States to acknowledge the Court's need for adequate resources.

The Court has often recalled that everything it does is aimed at promoting the rule of law. Indeed, that is so. It is worth mentioning the outstanding contribution of the International Court of Justice to the development of international law, including with regard to the use of force, the delimitation of maritime boundaries, self-determination and the immunity of States and their actors, among others. The judgments and advisory opinions of the Court have inspired other international decision-making bodies. Similarly, it is commendable that the Court also pays due regard to the work of international tribunals. That positive trend should be encouraged, since it gives more coherence and legal certainty to the international system. CPLP member States strongly believe that international tribunals should cooperate towards the enhancement of the international legal order through dialogue and cross-fertilization.

We acknowledge that tension frequently exists between law and power. The obligation of States to settle their disputes in a peaceful manner and the need for sovereign consent to resort to such mechanisms are sometimes hard to balance. However, it is our firm belief that the Court is an institutional pillar of the international community. CPLP member States are confident that the Court will continue to overcome the challenges that it will increasingly be undertaken. The diversity and importance of the cases submitted to the Court illustrate the trust that States put in it. For our part, the CPLP member States pledge their strong support to the Court in carrying out its fundamental role in settling the disputes of States, as well as in strengthening the international rule of law towards justice and peace.

Ms. Mckenna (Australia): I have the honour to speak today on behalf of the group of countries Canada, New Zealand and my own country, Australia.

The group would like to thank the President of the International Court of Justice for his report on the work of the Court over the past year (A/73/4). The group firmly supports the Court and the international rules-based order. As the principal judicial organ of the United Nations, the Court plays a critical role in facilitating the peaceful settlement of disputes between States and in maintaining and promoting the rule of law throughout the world. The group notes that over the past 20 years the Court's workload has grown considerably. The cases submitted to the Court cover a diverse geographical spread of States and involve a wide variety of subject matters. The willingness of States to entrust the Court with their disputes reflects their deep respect for the Court and underlines the Court's institutional significance as a mechanism for States to resolve their disputes peacefully.

The importance that the Canada-Australia-New Zealand group of countries attaches to the role of the Court and to the peaceful settlement of disputes in accordance with international law is reflected in our acceptance of the compulsory jurisdiction of the Court. The group is convinced that the acceptance of the Court's compulsory jurisdiction by the widest possible assembly of States enables the Court to most effectively fulfil its role by broadening the options available to States to resolve their disputes and by allowing it to focus its attention on the substance of disputes more quickly. In that regard, the group recalls resolution 72/119 and urges States that have not yet done so to deposit with the Secretary-General a declaration of acceptance of the compulsory jurisdiction of the Court.

Finally, Canada, Australia and New Zealand would like to take this opportunity to acknowledge and thank Judge Owada and Judge Greenwood for their substantial contribution to the Court and to the development of international law. The group of countries congratulates Judge Salam and Judge Iwasawa on their election to the Court, as well as President Yusuf and Judge Abraham,

Judge Cançado Trindade and Judge Bhandari on their re-election.

Canada, Australia and New Zealand appreciate the Court's efforts to manage its demanding caseload. We encourage it to continue its efforts to provide timely and appropriate responses to urgent situations and to ensure high levels of efficiency and quality in its work. The group looks forward to the Court continuing to fulfil its mandate with the same meticulous and impartial attention as it has shown over the past year.

Mr. Jaiteh (Gambia): The Gambia has the honour to speak on behalf of the Group of African States. The African Group associates itself with the statement delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

At the outset, the African Group would like to congratulate Judge Abdulqawi Ahmed Yusuf on his appointment as President of the International Court of Justice and to thank him for the presentation of his detailed report (A/73/4). We would also like to extend our congratulations to the recently elected judges of the Court on their very successful election.

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 that the Court does is aimed at promoting the rule of law. The World Court hands down judgments and give advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and thereby 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 International Court of Justice. We commend States for no longer limiting their referral of cases to matters of little political significance, but also referring disputes involving weighty political issues. The number of cases currently pending on the Court's docket is a reflection of the esteem in which States hold the International Court of Justice.

Notwithstanding the proliferation of international judicial dispute-settlement mechanisms on both a specialized and a regional basis, the International Court of Justice continues to attract a wide range of cases, covering many areas. While its determination that there is an obligation to cooperate is based principally on treaty obligations, the Court also clearly draws upon general principles, particularly in making the link between procedural and substantive obligations.

The principle of prevention, enunciated in earlier decisions of the Court, notably the *Corfu Channel (United Kingdom v. Albania)* case and the advisory opinion on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex), is drawn upon significantly by the Court. As such, the African Group reaffirms the importance of the unanimous advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons*. In that decision, 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 its aspects under strict and effective international control. The African Group attaches great importance to that matter because Africa is a nuclear-weapon-free zone.

After another two decades, the International Court of Justice again had the opportunity to decide on issues pertaining to nuclear weapons. The African Group notes that the Court dismissed the three cases submitted by the Marshall Islands on the *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India), (Marshall Islands v. Pakistan) and (Marshall Islands v. United Kingdom)*. However, it is worth keeping in mind the closeness of the votes regarding those cases.

The African Group commends the efficiency and professionalism with which the Court has treated the request of the General Assembly, pursuant to its resolution 71/292, for an advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. Resolution 71/292 was adopted by an overwhelming majority, testifying the great interest that the membership of the United Nations attaches to the Court's opinion on the matter — an opinion that will assist the United Nations in its functions in relation to decolonization. The African Group welcomes the Court's decision that allowed the African Union to participate in the hearings on the question of the *Legal consequences of the*

separation of the Chagos Archipelago from Mauritius in 1965, as mentioned in the Court's most recent report.

We reiterate our full confidence in the Court as the principal judicial organ of the United Nations and in its very balanced and respected judges. The importance of the advisory opinion on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of legal disputes, in accordance with the Charter of the United Nations and international law.

In conclusion, it is for the foregoing reasons that the African Group is pleased to inform the Court that the request contained in document A/73/144 for the inclusion of an item entitled "Request for an advisory opinion of the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials" on the agenda of the General Assembly at its seventy-third session was unanimously adopted by the Assembly (see A/73/PV.3). The African Group looks forward to engaging the General Assembly with a view to presenting to the Court appropriate legal questions on this matter.

Mr. Mikami (Japan): I would like to begin by thanking Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his dedication and leadership, as well as for his in-depth and comprehensive report on the work of the Court (A/73/4). I also express my deep appreciation and support for the achievements of the Court during the reporting period, as well as for the dedicated work of the Registry under the able guidance of the Registrar, Mr. Philippe Couvreur, which has supported these achievements. I would also like to express my respect to former Judge Hisashi Owada for his long-standing contribution to the Court and welcome Judge Yuji Iwasawa, who assumed his post as a member of the Court this year.

Japan commends the International Court of Justice, the principal judicial organ of the United Nations, for the important role that it has played over the years in the peaceful settlement of international disputes and the promotion of the rule of law. The rule of law together with the peaceful settlement of international disputes provides the essential foundation for stable, rules-based international relations and are essential principles underpinning Japan's foreign policy. Japan became a State party to the Statute of the Court in 1954, two years before it joined the United Nations. Japan has accepted the compulsory jurisdiction of the Court since 1958.

Japan is making its own active efforts to promote the rule of law. Recently, we had the honour of hosting the fifty-seventh annual session of the Asian-African Legal Consultative Organization (AALCO) in Tokyo. As the host country, Japan took the initiative to introduce a new agenda item, "Peaceful settlement of disputes". In our discussions under this agenda item, the attention of the members was drawn to the fact that the submission of disputes to the International Court of Justice has increased progressively since the end of the cold war. In fact, during the 27 years since 1991, 81 contentious cases have been submitted to the Court, in sharp contrast to the 67 cases brought before the Court in the 45 years from 1947 to 1991. Today, 73 States have made the "optional clause" declaration under Article 36, paragraph 2 of the Statute, and about 300 bilateral and multilateral treaties recognize the Court's jurisdiction over disputes concerning the interpretation or application of those treaties.

As far as Asian and African countries are concerned, it was also pointed out that, generally speaking, Asia-Pacific States still seem cautious about utilizing the International Court of Justice mechanism. For example, as of 1 October, only eight Asia-Pacific States had made the "optional clause" declaration, which represents 15 per cent of the Group of Asia-Pacific States members. The increase in the number of cases brought before the Court speaks for itself, in that more and more States respect and support the legal wisdom of the Court and the role it plays in the peaceful settlement of international disputes. In order to encourage other States to follow suit, Japan sincerely hopes that the Court will continue to deliver fair judgments and advisory opinions that can enjoy the confidence of States. Japan believes that this is the only way for the International Court of Justice to enhance its credibility in the international community in the long run.

The international community today enjoys the benefit of numerous peaceful means of dispute settlement other than the International Court of Justice, such as the International Tribunal for the Law of the Sea, arbitral tribunals, international investment tribunals and the dispute-settlement system of the World Trade Organization. Japan welcomes the availability of diverse forums to settle legal disputes and views the

current trend of States utilizing these various means as appropriate, but there is no doubt that the International Court of Justice occupies a special and central place among them.

In the AALCO conference, it was also pointed out by Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, that disputes between States may be "inherent to the process by which international law is made". In this regard, given the increasing diversification of the means of peaceful settlement, Japan would like to encourage international courts and tribunals to make efforts to ensure the consistency of jurisprudence created by these courts and tribunals in order to avoid the fragmentation of international law.

Let me conclude by reaffirming our unwavering support for the Court. We are convinced that the Court will continue to make a significant contribution to clarifying international law, thereby strengthening the rule of law.

Mr. Mohamed (Sudan) (*spoke in Arabic*): The Sudan aligns itself with the statements made by the representatives of the Bolivarian Republic of Venezuela and the Gambia on behalf of the Movement of Non-Aligned Countries and the Group of African States, respectively.

My delegation takes note of the report of the Secretary-General on the work of the International Court of Justice (A/73/4). We would like to thank Judge Abdulqawi Ahmed Yusuf, President of the Court, for introducing the report, which reflects the activities and work of the Court during the reporting period. Every year since 1968, the General Assembly has taken up consideration of the report of the International Court of Justice as an integral part of efforts aimed at promoting relations between the two main organs of the United Nations — the Court itself and the General Assembly.

It is undeniable that the role the Court plays is important. First of all, it contributes to the promotion of peace. Indeed, the United Nations was established to save succeeding generations from the scourge of war. The Charter of the United Nations provides, as one of the Organization's objectives, that conditions are to be established that lead to maintaining justice and upholding international law.

Accordingly, the International Court of Justice, as the main judicial organ of the United Nations, plays a key role. Although judgments rendered by the Court are binding solely for the parties concerned, the Court's jurisprudence still has far-reaching effects because of the strength of messages it sends to the world. By exercising its functions to bring about the peaceful settlement of disputes, it plays an important role in preventing the outbreak of conflicts, which is an important contribution to the wider United Nations efforts being made in the service of peace.

Secondly, the Court plays a role in promoting the rule of law, not only in terms of relations between States, but also across the United Nations system. The vision set forth in the United Nations Charter cannot be realized without the rule of law, which is the basis on which we carry out our work, be it for peace, security, sustainable development or human rights. The judgments delivered by the International Court of Justice, together with its advisory opinions, are essential parts of promoting the international community's commitment to the rule of law.

Thirdly, the International Court of Justice is more relevant today than ever. The annual report before us today details an increase during the reporting period in the level of attention paid by the States to the work of the Court, which once again shows that the Court is contributing to the maintenance of international peace and security by taking up and settling disputes from numerous States across the world. It is encouraging to see the current positive trend of States accepting the Court's compulsory jurisdiction. Furthermore, the General Assembly's annual consideration of the Court's report shows that Member States have an ongoing interest in the work being carried out at the Peace Palace in The Hague.

My delegation would like to express its appreciation for the role that the International Court of Justice has been playing in promoting the rule of law at the international level. Through its judgments, advisory opinions and other fundamental contributions to the system of the peaceful settlement of disputes, the Court, as the main judicial organ of the United Nations, has been carrying out its responsibilities set forth in the Charter. The Court's activities in adjudicating sensitive matters require political support from Member States and the allocation of a sufficient budget to allow it to completely fulfil its tasks. Today's debate on the annual report is a good opportunity for the General Assembly to reaffirm its support for the role and the work of the Court.

The many cases before the Court reveal the increasing level of trust in the International Court of Justice and its ability to settle disputes with impartiality, independence and in a manner that is accepted by the parties to a dispute. The Sudan would like to encourage the Court to take further measures to enhance its efficiency and ability in order to respond to the steady increase in its workload and responsibilities, particularly with respect to the swift consideration of cases before it.

My delegation also asks the General Assembly to call upon those States that have not yet recognized the compulsory jurisdiction of the Court to do so in order to promote the rule of law at the international level and enable the Court to carry out its work under the Charter. The Sudan also calls upon the Security Council, which has not requested an advisory opinion from the International Court of Justice since 1970 — almost a half-century ago — to take advantage of the Court's role as the main judicial organ of the United Nations and source of advisory opinions on the interpretation of principles of international law related to the Council's activities. We also call on the General Assembly and other United Nations organs and specialized agencies to request advisory opinions from the Court on questions of international law matters relevant to their programmes.

We commend the Court's unwavering impartiality since 1945. When we look at the history of the Court, we have seen that it has always been impartial, which reassures parties as they await judgments and orders on the various cases on the Court's docket, especially those currently under consideration.

In conclusion, the Sudan wishes to reiterate its appreciation for the role of the International Court of Justice and expresses its support for the Court in the exercise of its necessary functions.

Mr. Tenya (Peru) (*spoke in Spanish*): Peru, as a country committed to multilateralism and international law, welcomes the report introduced in the General Assembly today by the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, which describes the work carried out between 1 August 2017 and 31 July 2018 (A/73/4). Similarly, we congratulate Judge Yusuf on his election in February as President of the Court.

The International Court of Justice, the principal judicial organ of the United Nations, plays a fundamental role in the system of the peaceful settlement of disputes as established in the Charter of the United Nations, which is an essential contribution to the promotion of the rule of law at the international level. We therefore reaffirm the need for the Organization and, in particular, the Security Council, of which we are currently a part, to promote the use of means of peaceful settlement of disputes set out in Chapter VI of the Charter. Accordingly, having resorted to the contentious jurisdiction of the Court, we can testify to its effectiveness in resolving disputes between States. Indeed, we stress the peaceful settlement of the maritime delimitation dispute with Chile, and we highlight the compliance of both States with the resolution provided by the Court, in a spirit of good-neighbourliness.

Peru wishes to recall that, in addition to its contentious function, the Court may also, in accordance with Article 96 of the Charter, issue advisory opinions at the request of the General Assembly, the Security Council or other authorized organs of the United Nations and specialized agencies. These are the two areas of jurisdiction of the International Court of Justice, which, through judgments, orders, and opinions, contribute to promoting and clarifying the scope of international law as a true option for peace.

In the light of the foregoing, Peru is pleased to note that the General Assembly has once again urged States that have not yet done so to consider recognizing the jurisdiction of the Court, in accordance with Article 36, paragraph 2, of its Statute, as Peru has done along with 72 other States. My delegation also wishes to acknowledge the work of the eminent judges of the Court, in particular the President and the Vice-President.

We also wish to put on record our appreciation for the valuable task performed by the Registry of the Court, especially its Registrar and Deputy Registrar. In this context, we call on the General Assembly to continue to carefully consider the needs of the Court, taking into account its current activity, which has been particularly intense.

The sustained high level of activity of the International Court of Justice is an expression of the prestige enjoyed by the principal judicial organ of the United Nations. This prestige is also reflected in the diversity of the geographical distribution of the cases that have come before it, affirming the universal nature of its jurisdiction. In this vein, given what is established in Article 9 of the Statute of the Court, Peru wishes to

highlight the importance of Latin America's presence among the group of magistrates in order to ensure that the main legal systems of the world are duly represented.

It is also pertinent that we continue to reflect on ways to adapt the working methods of the Court to respond to the procedural burden and the complexities of the cases before it. We reiterate our appreciation to the host State, the Kingdom of the Netherlands, for its constant commitment to and support for the work of the Court. We emphasize the importance of cooperation between the Court and the other principal organs of the Organization that are based in New York. In this regard, my delegation encourages the continuation of the good relationship between the International Court of Justice and the Security Council.

I would like to conclude by once again stressing the profound significance that we attribute to the work of the International Court of Justice in the defence of a rules-based international order. This is essential if the international community is to effectively confront the serious global challenges and threats to international peace and security.

Mr. Gafoor (Singapore): My delegation would like to start by thanking the President of the International Court of Justice, His Excellency Judge Abdulqawi Ahmed Yusuf, for his very comprehensive briefing on the activities of the International Court of Justice over the past year. We also congratulate Judge Yusuf on his election as President of the Court, as well as Judge Xue Hanqin on her election as Vice-President. We would also like to congratulate the newest members of the Court, Judge Nawaf Salam and Judge Yuji Iwasawa, on their respective elections.

Singapore firmly believes that international relations must be governed by the rule of law in order to preserve international peace and stability and that the International Court of Justice plays a fundamental role in the rules-based multilateral system. For more than 70 years, the Court has helped to crystallize and clarify international law in areas as diverse as the law of the sea, territorial sovereignty, the use of force and treaty interpretation, to name but a few examples. In our view, the role of the Court is more important today than ever before. As mentioned by our Minister for Foreign Affairs during the General Assembly high-level debate, we have in recent years witnessed a crisis of confidence in the concept of multilateralism and its institutions (see A/73/PV.14). Whether in trade, security or dispute resolution, questions have arisen about whether the multilateral system can continue to deliver the effective solutions we need to overcome global challenges.

Against that backdrop, the compliance of all States with the agreed rules is especially important to small States, such as Singapore. That is why Singapore has been a staunch defender of the United Nations, international law and the rules-based multilateral system. We are very heartened by the statement in the report of the Court that everything the Court does is aimed at promoting and reinforcing the rule of law, which is the fundamental and primary role of the International Court of Justice. We encourage the Court to adhere unstintingly to this goal, and fundamental to that is the principle of the peaceful settlement of disputes, which is enshrined in Articles 2 and 33 of the Charter of the United Nations. The International Court of Justice performs a critical role in this context by providing an objective and authoritative forum for States to resolve their disputes in accordance with the established rules and principles of international law.

Turning to the work of the Court during the period under review, Singapore was involved in two cases before the Court, both of which were filed in 2017. The first concerned Malaysia's application for a revision of the Court's judgment of 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge*, pursuant to Article 61 of the Statute of the International Court of Justice. The second case concerned Malaysia's request for an interpretation of the same judgment, pursuant to Article 60 of the Court's Statute. On 29 May 2018, Singapore informed the Court that it agreed with Malaysia's requests for the discontinuance of both cases. The Court subsequently placed on record the discontinuance of both cases, which have been removed from the Court's list of cases. What is noteworthy is that both parties — Singapore and Malaysia — had gone through the legal process and amicably put the matter to rest. Singapore would also like to express its appreciation to the Registry of the Court for facilitating the efficient and expeditious administration of both of the cases I have just referred to.

Finally, on the issue of online resources and services, we welcome the Court's continued efforts to leverage technology and social media in order to raise awareness of and bring transparency to its work. The regular updates provided on its new website, as well as the live and on-demand coverage of its public sittings,

help to make the Court's proceedings more accessible, especially to the many small States that do not have a presence in The Hague.

In closing, Singapore reaffirms its very strong support for the work of the Court. We are aware that the Court's caseload continues to be very demanding, as we have just heard in the detailed briefing provided by the President of the Court. But we are confident that under the able leadership of President Yusuf and Vice-President Xue Hanqin, the Court will continue to discharge its duties efficiently and with great distinction.

Ms. Orosan (Romania): At the outset of my brief statement, let me convey the appreciation of the Romanian delegation for the valuable and detailed information included in this year's report of the International Court of Justice, in particular in respect of the judicial activity undertaken by the Court during the period concerned (A/73/4). The report illustrates a particularly high level of intensity in the work of the principal United Nations judicial body. Several cases were finalized, providing important clarifications in respect of difficult questions of international law for the benefit of legal practitioners everywhere. The current docket of the Court continues to register a substantial number of cases involving countries from various regions of the world and concerning issues of great interest, not only to the parties involved, but also to the entire international community.

We are fully aware that the increasing workload places additional burdens on the Court and makes even more uncompromising the need to ensure that the Court has sufficient resources to fulfil its tasks. Nevertheless, the increased willingness of States to turn to the Court is a trend to be welcomed. We cannot but remark that many of the cases submitted to the Court concern issues that are both complex and politically sensitive, which stands as proof of the trust that States continue to place in the Court as the principal means for peacefully resolving international disputes in the event that attempts to reach settlements through dialogue and negotiations do not bring the disputes to satisfactory resolution.

The Court cannot act *proprio motu* or in the absence of the consent of all State parties to a dispute brought before it. It is therefore States that, through their consent, empower the Court to act and give it the opportunity to contribute to world peace through dispute resolution based on the application of law. It is also through States' conduct in implementing the decisions of the Court that they abide by the logic of the United Nations Charter and act within the scope of the United Nations itself. This gives meaning to the system — a solid international legal order — that States have put in place to safeguard peace and security worldwide.

Romania can offer itself as an example of how its approach vis-à-vis the International Court of Justice has changed over time. From a State that recognized the compulsory jurisdiction of the Court's predecessor, the Permanent Court of International Justice, Romania became a State strongly opposed to the jurisdiction of the International Court of Justice during communism, only to revert to its initial position more than 50 years later when it deposited a declaration of acceptance of the compulsory jurisdiction of the International Court of Justice, in 2015.

Romania encourages States to accept the compulsory jurisdiction of the International Court of Justice to adjudicate international law disputes and notes that there are various means through which such acceptance can occur — either on an ad hoc basis, on a specific treaty basis or on a permanent basis. Irrespective of the means, we should empower the Court to act in an irreversible manner.

At the ceremony to commemorate the seventieth anniversary of the International Court of Justice, former Secretary-General Ban Ki-moon noted that if the path of peace is chosen and States entrust the judges to resolve differences between them, stability is fostered and the entire international community benefits. I would like to echo those words and underline that it is in everyone's best interest that States choose to resolve their disputes by taking recourse in the jurisdiction of the International Court of Justice when other means of peacefully settling a dispute have been unsuccessful. The Court is not there just to decorate our living space, but to adjust that space to accommodate and preserve harmony through the application of international law.

In a world marked by serious challenges to peace and security, the International Court of Justice, as a fundamental pillar of peace and good-neighbourly relations around the world, plays a central part in promoting the international legal order. Romania reaffirms its support for the main judicial body of the United Nations and underscores its trust in the Court's impartiality, effectiveness and professionalism.

Mr. Nfati (Libya) (*spoke in Arabic*): At the outset, I would like to thank His Excellency Judge Abdulqawi

Ahmed Yusuf, President of the International Court of Justice, for his valuable briefing. I congratulate him on his election as President of the Court and wish him and the other members of the Court every success.

My delegation aligns itself with the statements made by the representatives of the Bolivarian Republic of Venezuela and the Gambia on behalf of the Movement of Non-Aligned Countries and the Group of African States, respectively.

The international community has always deemed it necessary to have a permanent international judiciary for the settlement of international disputes. That aspiration was fulfilled when, after the formation of the United Nations, the International Court of Justice was established as one of the new Organization's principal organs. The Court plays a dual role: first, in settling disputes that are brought before it, and, secondly, in issuing advisory opinions. But the question that we ask ourselves today is whether the International Court of Justice is fulfilling the role entrusted to it.

We find that 80 per cent of the cases brought before the Court pertain to disputes between States, while 20 per cent involve requests for advisory opinions. The existence of an international court, even if it does not have full and final authority, has therefore led to situations where, thanks to the Court's work, the resort to force or war has been averted. However, certain States' interference with the Statute of the Court, together with their non-recognition of its compulsory jurisdiction, has in many cases weakened the role of the Court and impeded the implementation of its judgments, despite the fact that the Court has refused to show favouritism or to give favourable treatment to some at the expense of others, which is not always the case in certain national judicial bodies.

In December 2003, the General Assembly requested an advisory opinion from the International Court of Justice on the legitimacy of the Israeli occupying authorities' construction of a separation wall in the occupied Palestinian territories. On 9 July 2004, the Court issued an opinion on the illegitimacy of the wall, finding it to be a violation of international law. The Court demanded that construction of the wall be halted and that the Palestinians affected be compensated. The Court called upon the General Assembly and the Security Council to decide what additional steps were necessary to end the situation of illegality stemming from the construction of the wall.

The Court's request to the Security Council to take the necessary measures was made in accordance with the Charter of the United Nations, which states that

> "[e]ach 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".

The same Article also states that

> "[i]f any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment" .

Nevertheless, the Security Council has not to date taken any measures that might have honestly and objectively contributed to achieving justice and fairness in this case. The international community must respect the will of the Court and implement its judgments in accordance with its legal duties and obligations stipulated by international law. My country has been a litigant in the International Court of Justice on many occasions, and the State of Libya has abided by all judgments of the Court even when they did not necessarily serve our interests, because Libya respects international law and the rulings of the International Court of Justice, and because we commend the role of international law in serving justice.

In conclusion, we call for coming together to give the decisions and judgments of the International Court of Justice the support they need as well as to adopt practical mechanisms that ensure the implementation of those decisions and judgments.

Mr. Rietjens (Belgium) (*spoke in French*): At the outset, my delegation would like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for introducing the annual report of the Court (A/73/4). On behalf of the Kingdom of Belgium, I would like to commend the work of all the judges, in particular President Yusuf and Vice-President Xue Hanqin. As the Belgian representative, I would also like to take this opportunity to pay tribute to the Registrar, our compatriot Mr. Philippe Couvreur, who, together with his efficient team, has carried out his duties in an exemplary and highly appreciated manner for many years. Finally, I would like to congratulate Judge Nawaf

Salam and Judge Yuji Iwasawa on their recent elections to the Court.

Belgium has always attached great importance to the International Court of Justice, the principal judicial organ of the United Nations, which plays a crucial role in the peaceful settlement of disputes and thereby contributes to the prevention of conflicts and the achievement of the objectives of the United Nations.

In this regard, I would like to point out that 2018 marks the sixtieth anniversary of Belgium's acceptance of the Court's compulsory jurisdiction. On this occasion, we would like to encourage all States that have not yet done so to accept the compulsory jurisdiction of the Court. At the same time, we call on all States concerned to continue to accept this jurisdiction in the context of specific bilateral or multilateral treaties to which they are a party and which have designated the Court as the main instrument for settling disputes arising from these treaties.

Upon reading the report presented by President Yusuf this morning, Belgium could not but note that the Court's workload is constantly increasing. Indeed, at the moment, there are no less than 17 cases pending. This intensive activity reflects the trust that States have in the Court and their interest in finding a legal and peaceful solution to their disputes. The geographic diversity of the States concerned in cases submitted to the Court and the variety of the areas in which it is called upon to render judgment attest to the fundamental role played by the Court and the universal nature of its jurisdiction. Through both its judgments and its advisory opinions, which have significantly increased over the years, the Court has contributed substantially to the application, interpretation and accuracy of international law. Given the considerable scope of its jurisprudence and its contribution to determining and developing international law, we encourage States and international organizations to continue to include in future multilateral treaties provisions recognizing the Court's jurisdiction over disputes related to the application or interpretation of these treaties.

The representation of different legal systems, languages and cultures in the Court undoubtedly contributes to the efficiency and the quality of its decisions. However, we are firmly convinced that the Court can be truly effective only if its judgments, opinions and orders are respected.

Mr. Alday González (Mexico) (*spoke in Spanish*): The world today faces enormous challenges that test the rule of law and erode multilateralism, such as climate change, armed conflicts, terrorism and human rights violations. In the face of this reality, the strength of global institutions and international law is crucial. It is from that perspective that Mexico is participating in today's debate.

The work of the International Court of Justice cannot be seen as just another item on the agenda of the General Assembly. It must be placed at the centre of our attention so that the peaceful settlement of disputes, through the work of the principal judicial organ of the United Nations, is duly valued.

The report introduced by President Yusuf (A/73/4) demonstrates the strength of the Court and underscores its relevance to the maintenance of international peace and security. To that end, it is very important to recall that, in the past decade alone, more than 20 new contentious cases have been brought before the Court from States in all regions of the world and that its advisory function has also been resorted to. Similarly, the great variety of issues that are being addressed, which range from territorial disputes, whether on land or at sea, to the immunities of State officials and the diversity of the legal sources invoked and analysed, demonstrate why the Court is indeed the highest judicial authority in the world.

However, my delegation is concerned that currently only 73 States Members of the United Nations, that is, less than half of the Organization's membership, have accepted the Court's compulsory jurisdiction and that some are even seeking mechanisms to avoid being subject to its jurisdiction. Faced with this scenario, Mexico reiterates that lack of accountability will always be a factor that weakens the rule of law. Moreover, it creates the risk that the emergence of new disputes could lead to conflicts with an international dimension.

We also recognize that while adjudication alone is not enough to restore the rule of law when it has been violated, it is a precondition for the implementation of measures to restore order and legality. In the end, the Court's effectiveness depends on compliance with its judgments. Cases of non-compliance, while still a small minority, considerably weaken its function.

That is a particularly sensitive issue for my country. For the first time in its history, in 2003, Mexico appealed to the International Court of Justice

in the so-called *Avena* case to resolve in good faith a dispute arising from the violation of article 36 of the Vienna Convention on Consular Relations with regard to 51 cases of Mexican nationals sentenced to death in various United States courts. With a favourable judgment issued in 2004, now, almost 15 years later, the judgment has yet to be complied with. Furthermore, over the course of these years, six Mexicans, all of whom were subject to protection by the judgment of the Court, have been executed. We believe that each of these executions is an additional violation of international law. We respectfully call for that not to be the case for Mr. Roberto Ramos Moreno, who is also covered by the judgment in the case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)*, and whose execution is scheduled for 14 November.

I reiterate the message with which I began my statement — the current threats to the rule of law compel us to give the International Court of Justice the place that the Charter of the United Nations itself accords it on a topic as crucial as the resolution of disputes, especially when they could lead to conflicts that threaten or disrupt international peace and security.

Ultimately, it is essential to remember that the best option will always be to turn to a court of law to adjudicate a dispute, that the court's judgments will continue to set the tone for a global order based on law and justice and that non-compliance with the law can never legitimize States' failure to meet their international obligations.

Ms. Rodríguez Abascal (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement made by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

The Republic of Cuba welcomes the introduction of the report of the International Court of Justice for the period 1 August 2017 to 31 July 2018 (A/73/4). We reiterate our commitment to the strict enforcement of international law.

My delegation recognizes the work of the Court since its inception. Its decisions and advisory opinions have been particularly significant, not only in the cases submitted for its consideration, but also for the development of public international law, since the Court is an important source thereof. The Republic of Cuba welcomes the peaceful settlement of disputes in accordance with Article 33, paragraph 1, of the Charter of the United Nations and has declared acceptance with prior consent of the jurisdiction of the International Court of Justice.

Cuba deplores the fact that some of the Court's judgments have not been enforced, in flagrant violation of Article 94 of the Charter of the United Nations, pursuant to which each State Member of the United Nations must commit to complying with the decisions of the International Court of Justice in all disputes to which it is a party. In this regard, my country notes with concern that the effectiveness and enforceability of the Court's judgment may be subject to criticism, not without reason, when some countries still do not recognize judgments unfavourable to them. Sadly, these countries' refusal to comply with the Court's decisions and their blocking of the mechanisms of the United Nations to enforce such decisions by availing themselves of their veto rights in the Security Council shows the flaws in the Court's enforcement tools. This situation makes clear the need to reform the United Nations system in order to provide additional guarantees to developing countries to level the playing field with powerful countries. The same is true for the International Court of Justice.

Cuba attaches particular importance to the advisory opinions of the International Court of Justice, including its advisory opinion of 9 June 2004, entitled *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273), which is fully applicable in the current circumstances. That is why, as has been stated in this Hall, Cuba urges that the Court's advisory opinion be fully implemented and calls on all States to respect and comply with the Court's provisions in that important matter.

The Republic of Cuba wishes to thank the Court for the publications it has made available to Governments parties and for its online resources, which are valuable materials for the dissemination and study of public international law, especially for developing countries, some of which are often deprived of information related to developments in international law. In the case of Cuba, that is due to an absurd and obsolete policy of blockade that is imposed by the United States and overwhelmingly rejected by the international community.

We once again reiterate that the Republic of Cuba has been a peaceful country that respects international law and has always faithfully honoured its international obligations under the treaties to which it is party. We

take this opportunity to reaffirm our commitment to peace.

Mr. Xu Hong (China) (*spoke in Chinese*): At the outset, allow me, on behalf of the Chinese delegation, to congratulate President Yusuf and Vice-President Xue Hanqin on their election to preside over the International Court of Justice. We thank President Yusuf for his report on the work of the Court (A/73/4), and we thank all the Court's judges and staff for their hard work over the past year.

Established by the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations. It is also the most authoritative and influential international judicial institution in the world today. Since its inception more than 70 years ago, the Court has performed judicial functions in accordance with the United Nations Charter and the Court's Statute, delivering more than 120 judgments and nearly 30 advisory opinions. These judicial activities have played an important role in the interpretation, application and development of the rules of international law, the peaceful settlement of international disputes, and the maintenance of international peace and security.

The workload of the Court has been increasing in recent years. In the past year in particular, the number of contentious cases and requests for advisory opinions from the Court has gone up, which attests to the Court's growing role in the peaceful settlement of international disputes and the international community's greater trust in and expectations of the Court. The contentious cases and the requests for opinion currently before the Court pertain to important issues in international law, such as territorial sovereignty, decolonization, immunities, human rights protection, and unilateral sanctions, inter alia, many of which involve the principle of State consent, invoked by international judicial authorities when settling disputes between States. The way the Court handles these cases will have a direct bearing on the interests of the States concerned or the important functions of the United Nations agencies and may have far-reaching implications for the development of the relevant rules of international law. Therefore, the Court must act in strict accordance with the law and preserve its authority and reputation through its actions.

The Court should be equipped with sufficient resources in order to ensure that it can perform its judicial functions effectively. In particular, given its increasingly heavy workload, it is all the more necessary for the Court to have resources commensurate with its actual needs. As a permanent member of the Security Council, China will continue to support the Court in obtaining the necessary assurances and support within the framework of the United Nations.

China is a staunch defender of the peaceful settlement of international disputes as an important principle of international law. It has always been committed to resolving international disputes through negotiation and consultation, and resolutely rejects frequent recourse to international actions that aggravate differences and extend disputes. At present, international relations are being severely challenged by unilateralism. China will work steadfastly alongside the international community to safeguard the international system with the United Nations at its core and defend international law based on the United Nations Charter. As a matter of course, this includes supporting the Court in the carrying out of its judicial functions, in accordance with law. We sincerely hope that the International Court of Justice will make greater contributions to upholding the purposes and principles of the Charter of the United Nations and promoting the rule of law at the international level.

Mr. Hitti (Lebanon) (*spoke in French*): At the outset, allow me to thank the President of the International Court of Justice, Mr. Abdulqawi Ahmed Yusuf, for introducing the report on the activities of the Court (A/73/4). I would also like to take this opportunity to congratulate him on his assumption of the presidency of the Court this year, as well as Ms. Xue Hanqin on her assumption of the vice-presidency.

The International Court of Justice remains an essential component of an international order based on multilateralism and a vital link in the promotion of friendly relations among States. It should be recalled here that, under Article 33 of the Charter of the United Nations, judicial settlement is one of the peaceful means available to States to resolve their disputes. The Court also plays a major role in safeguarding and developing international law, through both its contentious proceedings and its advisory opinions. The Court gives life to legal rules by proving that they cannot be reduced to abstract concepts.

One of the reasons for the safeguarding and development of international law is the Court's bilingualism. English and French, the Court's two

official languages, reflect a legal tradition, culture and system. Their balanced use therefore has an impact on the Court's jurisprudence. Professor Alain Pellet also said that bilingualism is "a guarantee of better justice that is more authentically international and therefore probably more acceptable to all specific litigants such as sovereign States".

The geographical diversity of the States using the Court illustrates its pre-eminence and further reinforces its universal character. In addition, the diverse range of areas covered by the Court's work, from territorial and maritime disputes to human rights, to the interpretation and application of international conventions and treaties, contributes to enriching the International Court of Justice's jurisprudence and clarifying aspects of international law. A recent example is the Court's unprecedented recognition, in its ruling on the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua),* of 2 February 2018, of the right to compensation for environmental damage.

Moreover, my delegation is pleased to note that the Court's ever-increasing workload has not prevented it from issuing rulings within a reasonable time frame. Indeed, it is mentioned in the report that the period between the closure of the oral proceedings and the reading of a judgment or an advisory opinion by the Court does not exceed six months on average. My delegation expresses its gratitude to the judges, as well as to the Registrar and all members of the Court, for the efficiency of their work.

As one of the founding countries of the United Nations, Lebanon remains firmly committed to international justice and the promotion of the rule of law; its support for the principal judicial organ of the United Nations is a clear and uncompromising manifestation of that commitment.

The meeting rose at 1.05 p.m.