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25th plenary meeting
Thursday, 25 October 2018, 3 p.m.
New York

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

In the absence of the President, Mr. Gertze (Namibia), Vice-President, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 76 (*contiued*)

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)

Mr. Bandeira Galindo (Brazil): Let me start by thanking the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for his informative report (A/73/4) on the Court's activity. I would also like to commend the judges of the Court for their outstanding contribution to the application of international law and the peaceful settlement of disputes.

These remarks are aligned with those delivered by the representative of Cabo Verde (see A/73/PV.24) on behalf of the Community of Portuguese-speaking Countries.

The annual presentation of the report of the International Court of Justice affords us a unique opportunity to assess what international law can do to defuse tensions and promote a more peaceful world. By fostering dialogue through the common language of international law, the Court is an effective channel for preventive diplomacy and cooperation. Secretary-General Guterres has underscored the need for the United Nations to focus on prevention, which is inextricably linked to the peaceful settlement of disputes. The Court is at the core of those efforts. For it is more than just another avenue listed in Chapter VI of the Charter of the United Nations. It is the main judicial body of the United Nations and the only international court of a universal character with general jurisdiction. 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, human rights, treaty interpretation and the use of force — just to name a few. Through its judgments and advisory opinions, it has upheld the principles of the Charter and helped to ensure the primacy of law in international affairs. The Court's pronouncements also provide fundamental guidance to States in the interpretation of international norms, including multilateral treaties, in accordance with the Charter.

The Court's latest report is yet another chapter in its auspicious history, with four judgments, 13 orders and five new contentious cases. As the report highlights, the pending cases involve States from four continents, including six from Africa, seven from the Americas, six from Asia and five from Europe. The high level of activity, the diverse geographical spread of cases and the variety of subject matter demonstrate the renewed vitality of the Court and its universal role in promoting justice. It also reminds us of the heavy demands placed on the Court and the efforts that it has been making to keep up with its increasing workload. Brazil also welcomes the Court's outreach efforts, which bring it closer to a variety of audiences and therefore help to disseminate international law. The Court's internship

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programmes, as well as its participation in events organized by universities, are good examples of effective outreach activities.

In conclusion, let me reaffirm Brazil's unwavering support for the Court and its role in strengthening the rule of law at the international level. We believe that the International Court of Justice will continue to play a key role in promoting a culture of peace, tolerance and justice, thereby advancing the goals of the United Nations.

Mr. Bin Momen (Bangladesh): Bangladesh thanks the President of the International Court of Justice for his report (A/73/4) providing a summary of the Court's extensive judicial activities over the reporting period, which involved a number of contentious, as well as new, cases. We would like to take this opportunity to once again congratulate the Court on its crucial role in promoting the pacific settlement of international disputes and upholding the rule of law at the international level, thereby contributing to the maintenance of international peace and security, as stipulated by the Charter of the United Nations.

We underscore the importance of upholding the Court's standing as the principal judicial organ of the United Nations and of making enhanced use of its jurisdiction to de-escalate tension and prevent conflicts among Member States. The pending contentious cases before the Court involve Member States from various parts of the world, thereby reaffirming the universal character of the Court's jurisdiction. We remain mindful of the General Assembly's call on Member States to accept the Court's jurisdiction in accordance with its Statute. It is also incumbent on the General Assembly, the Security Council and other United Nations organs to make use of the Court's competence and seek its advisory opinion on legal questions arising under the remit of their respective activities. The judicious and authoritative nature of the Court's decisions in the past should foster confidence in its ability to provide sound advisory opinions and interpretation on relevant norms of international law. Settling international disputes peacefully through recourse to the International Court of Justice is certainly a cost-effective option, not least for the Court's efforts to act expeditiously. We appreciate its determination to address incidental proceedings brought before it with urgency, despite its otherwise busy schedule.

As a nation unequivocally committed to the peaceful settlement of disputes, including through recourse to international law, Bangladesh duly acknowledges the Court's judgments, advisory opinions and ongoing work concerning territorial integrity and sovereignty, the unlawful use of force and interference in the domestic affairs of States, among other issues. With our precedent for resolving long-standing maritime boundary delimitation issues with our neighbouring countries through legal and peaceful means, we continue to follow with interest the Court's work on territorial and maritime disputes, as well as the conservation of natural and living resources. As an Indian Ocean rim country, we are particularly interested in the request for an advisory opinion made to the Court by the General Assembly on the question of the Chagos archipelago.

Bangladesh attaches great importance to the Court's advisory opinion of 2004 concerning the illegality of Israeli settlements in the occupied Palestinian territories, which continue to pose a formidable obstacle to a meaningful resumption of the Middle East peace process. We reaffirm our unwavering support to the inalienable right of the Palestinian people to an independent and viable State of Palestine, with East Jerusalem as its capital.

Bangladesh is an annual sponsor of the General Assembly resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons". Pursuant to the Court's conclusions, we continue to underscore the importance of negotiating in the Conference on Disarmament a comprehensive convention that addresses all aspects of nuclear disarmament under strict and effective international control. We consider the recently adopted Treaty on the Prohibition of Nuclear Weapons to be a critical building block in our efforts to achieve a world free of nuclear weapons.

Bangladesh will continue to encourage the Court to give due consideration to developing country candidates as part of its internship and university trainee programmes. We appreciate the Court's redesigned, user-friendly website. We underscore the need for addressing the reported uncertainty about the Court's temporary relocation from its current premises.

Finally, we thank Switzerland for its voluntary contributions this year to the Secretary-General's Trust

Fund to assist States in meeting expenses incurred during the settlement of disputes through the Court.

Ms. Durney (Chile) (*spoke in Spanish*): Allow me to begin by conveying our country's congratulations to the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, on his election, in February this year, to such a high honour.

Chile was pleased to receive the full report on the work of the Court for the period from 2017 to 2018 (A/73/4), which was presented by its President, and we thank him for his briefing. We have followed the Court's work during the reporting period with special attention. It reflects the intense efforts made to address increasingly varied and complex issues in international law, including territorial and maritime law, consular law, human rights, environmental issues, international responsibility and reparations, State immunity and the interpretation and application of international treaties. Those issues reflect a community of States open to receiving the Court's decisions in order to guide their conduct under international law.

The Court's primary role in the area of international justice deserves to be highlighted, along with its judgments and advisory opinions. We value the high responsibilities of the International Court of Justice and its mission. Its work is called on to reflect the pre-eminence of international law and its mission should legitimize the system in place for the settlement of legal disputes. As the principal judicial organ of the United Nations, the Court plays a fundamental role in the interpretation and application of international law, while generating valuable jurisprudence that contributes to the clarification and determination of applicable international law, as well as to the validity and effectiveness of an international legal order designed to strengthen peaceful coexistence among peoples. The Court also plays a very important role in clarifying the spaces of law for States and the necessary scope of action for diplomacy, as well as the relevance of multilateralism in establishing binding international instruments, a duty we are called on to fulfil as States Members of the Organization. States must be confident that the work of the Court is conducted with the highest standards of impartiality and independence, which is essential when seeking recourse to the Court. Those values are key to preserving the Court's role and to safeguarding the integrity of the principle of the peaceful settlement of disputes.

Our country recently took note of the Court's final judgment in a case concerning it and is currently party to another case pending before the Court. Chile has participated in the processes while reaffirming its commitment to international law and peaceful relations among States at every step. As we have said before, strengthening international law as a framework for cooperation and the construction of a genuine international community among States is a central principle that guides Chile's foreign policy. International law establishes the fundamental elements for coexistence among countries and the peaceful settlement of disputes arising among them. In that context, Chile emphasizes the essential role of international treaties in the relations between States, inasmuch as they are an expression of their consent and regulated by international law, thereby constituting an objective normative basis for action. Chile honours its commitments under international law. Similarly, we adhere to the legal principles that underpin our Organization. For Chile, observing those norms and principles strictly, and complying with them in good faith, is essential to ensuring the pre-eminence of the rule of law and peaceful and stable relations over time among nations.

Chile trusts in the primacy of international law in relations with other States and is convinced that the value and prestige of the principal judicial organ of the United Nations will be preserved in a global context where differences exist among States. We must therefore continue to reaffirm our commitment to the fundamental principles of the Charter of the United Nations and the role of international law and the functions of the International Court of Justice, and we expect the same commitment from all Member States.

Today's report points to an increase in the number of cases before the Court, a trend that is also indicative of the trust that States place in the Court to resolve their disputes. We would like to highlight the efforts made and measures taken to make procedures more expeditious. Not only does it strengthen the rule of law by providing rulings on legal matters and ever more rapidly offering the parties solutions to their differences, it also has clear practical advantages in terms of costs, both for the Court and for States. The report also points out that the Court is making greater efforts to reach out to the public, students, academics, judges, lawyers and other interested communities through the development of its multimedia platform and website and the propagation

of its work through various media. That approach is relevant in terms of articulating international relations. International law plays a key role in society and it is essential that it be respected and effective.

In conclusion, we join the expressions of respect and support for the Court. We trust that the Organization will continue to provide the necessary human and material resources, according to its legal duties and important functions.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): Allow me to congratulate the President of the General Assembly on her election.

I would like to align myself with the statement made earlier by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries (see A/73/PV.24).

First, I thank the President of the International Court of Justice for his report (A/73/4), which gives us another opportunity to interact with the President of the principal judicial organ of the Organization and informs us about the important work done by the Court during the reporting period.

Four decisions were highlighted, three of them on cases between Nicaragua and Costa Rica. In those cases the Court determined the set maritime delimitation between both countries, both in the Caribbean Sea and in the Pacific Ocean. That settled an issue that had been outstanding for many years between both countries and it will have a positive practical effect on all types of relations between them. Similarly, the Court also defined a portion of the land border in the northern part of the Harbour Head area, establishing Nicaragua's sovereignty over the Harbour Head lagoon and the sandbar in front of it. Nicaragua continues to work to reflect those changes in its official publications and relevant technical legislation. The Court also defined the compensation that Nicaragua owed to Costa Rica for certain clean-up activities carried out in the border area in accordance with its sovereign rights. As the Court's report indicates, that compensation was transferred on 8 March 2018, shortly after the judgment was delivered.

Nicaragua's Government is committed to the rule of law and the promotion of international law and would like to take this opportunity to reaffirm that in all cases to which it has been a party, including those three cases, it has always faithfully complied with its international obligations, and it hopes for reciprocity in that regard. My country still has two cases pending against the Republic of Colombia, for which this year we have submitted the relevant replies in due time and form. We have also safeguarded our right to an additional pleading on the counter-claim presented by Colombia in one of the cases.

Nicaragua also participated in the oral hearings held in response to resolution 71/292, on the request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. We are confident that such an advisory opinion would be of great assistance to the General Assembly in the fulfilment of its duties, especially those related to the decolonization process. Historically, the work of the Assembly has been greatly supported by the advisory opinions on situations referred to the Court, issued by a body of judges who are highly qualified to occupy such important positions of authority. It should be noted that the consultative nature of those opinions has no impact on the weight they carry with respect to the bilateral and multilateral relations of Member States, which represent all regions and continents.

Finally, on the issue of the Court's budgetary needs, I would also like to draw the attention of Member States to the fact that the report points to a considerable increase in the number of requests for provisional measures, which cannot be anticipated and represent an extraordinary expense for the Court, particularly because they take priority over other proceedings and normally require oral hearings. We therefore suggest keeping that in mind when approving the Court's budget.

Mr. Sharma (India): At the outset, allow me to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for presenting the report on the judicial activities of the Court for the period from August 2017 to 31 July 2018 (A/73/4). I also thank him and the Vice-President of the Court, Judge Xue Hanqin, for guiding the work of the Court during that time.

The main purpose of the United Nations is to maintain international peace and security. The International Court of Justice, in its role as the principal judicial organ of the United Nations, has a large share of the responsibility for achieving that objective in its task of resolving disputes between States. The Charter of the United Nations and the Statute of the Court entrust the Court with dual jurisdiction. The Court exercises

jurisdiction in settling disputes of a legal nature that are submitted to it by States. That is its contentious jurisdiction. The Court also exercises jurisdiction in giving advisory opinions on legal questions at the request of United Nations organs or specialized agencies that are authorized to make such requests. That is its advisory jurisdiction. As a matter of reference, the Court is currently dealing with a request from the General Assembly for an advisory opinion for which oral proceedings were conducted just this past month.

To take stock of the work it has carried out since it began its activities in April 1946 and its first case was submitted in May 1947, 175 cases had been entered into the Court's General List as of July 2018. The Court has delivered more than 120 judgments and rendered 27 advisory opinions, with one more currently pending. During the 2017-2018 judicial year, the Court delivered judgments in four cases. It also handed down 13 orders required for different purposes at different stages of proceedings of the cases and held public hearings in three cases. Its report reveals that as of 31 July, the Court had 17 contentious cases, including one involving my own country, India, and one advisory case pending on its docket. Both its workload and the quality of its work show that the Court has stood up to the test of fulfilling the task of settling disputes between States and acquired a well-deserved reputation as an institution that maintains the highest legal standards in accordance with its mandate.

With regard to the Court's subject matter and issues, the cases before the Court involve complex factual and legal issues relating to a variety of fields, including territorial and maritime delimitation, consular rights, human rights, environmental damage and conservation of living resources, international responsibility, the immunity of States, their representatives and assets, and the interpretation and application of international treaties. Those facts clearly illustrate the importance of the Court's role in upholding the rule of law. The Court's activities are directly aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions. It has a crucial role in the interpretation and clarification of the rules and principles of international law as well as in the progressive development and codification of international law.

The report of the Court reflects the importance that States attach to the Court and the confidence that they repose in it. That is evident in the number, nature and variety of cases that the Court deals with and its ability to deal with the complex aspects of public international law. That is very apparently confirmed by the fact that the pending contentious cases were submitted by States from four continents, which speaks to the universal character of the Court. It is significant to note that the Court has not lost sight of adapting its working methods, including in handling emergent situations, responding to its increased workload and dealing with the complexity of the cases submitted to it.

We appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and the website, which now features the Court's entire jurisprudence, as well as that of its predecessor, the Permanent Court of International Justice. Those sources provide useful information to States wishing to invoke the jurisdiction of the Court. The report notes that it has become necessary to temporarily shift the Court from the Peace Palace in The Hague to elsewhere so that the building can be decontaminated and renovated. In that context, we appreciate the efforts of the authorities of the host country to restore the building and at the same time ensure the Court's unhindered functioning. Finally, India wishes to reaffirm its strong support to the Court and acknowledge the importance that the international community attaches to its work.

Mr. Carazo (Costa Rica) (*spoke in Spanish*): It is an honour for Costa Rica to once again participate in the annual meeting of the General Assembly to consider the report on the work of the International Court of Justice, which is the only international tribunal of a universal nature that has general jurisdiction and is the principal judicial organ of the United Nations. I thank President Abdulqawi Ahmed Yusuf for his report (A/73/4) and congratulate him on his election as President of the International Court of Justice.

During the period under review in the report, the work of the Court was once again very intense, with four judgments delivered, including three in which my country was one of the parties involved, and 13 orders, including one concerning the request submitted by the General Assembly for an advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. We also know that the Court has 17 contentious cases on its current list, in addition to an advisory opinion. In that same period, the Court held public hearings for three cases and accepted five new ones.

It is of particular note to us that there are cases from four different continents and that they are very diverse, covering issues such as territorial and maritime disputes, consular rights, human rights, environmental damage and the conservation of living resources, international responsibility and reparation for damages, the immunity of States and their representatives and property and the interpretation and application of international conventions and treaties. That diversity of issues, as well as the fact that in the past 20 years the activity of the Court has increased considerably, shows its universal nature and the importance that members attach to its decisions and judgments, as well as to the fundamental role that it plays in the maintenance of international peace.

The peaceful settlement of international disputes is an essential goal of the United Nations. The role of the Court is therefore key to maintaining international peace and security and promoting the rule of law at the international level. It is therefore a responsibility of the Organization and its States Members to support the Court in the fulfilment of its tasks. That requires the Organization to ensure that the Court can continue to attend to the cases submitted for its consideration efficiently, objectively and with absolute legal and procedural independence, while guaranteeing the budgetary resources that it needs to fulfil its mandate.

Costa Rica recognizes that international law, especially as administered through the International Court of Justice, and respect for the rule of law at the international level provide the necessary tools for the continuance of the community of nations. We believe it is essential that all States comply with the Court's decisions in a manner that is complete and in good faith in order to ensure justice and peace. In this report on the work of the International Court of Justice, I should again mention that Costa Rica was involved in three cases, which led to judgments that we accepted and that delimited and settled both long-standing and short-term disputes. We abide by the jurisdiction of the Court, in the belief in our obligation to fully comply with the judgments that are made. We insist on the importance of ensuring that the Organization considers options for following up on judicial decisions in order to avoid situations of contempt that violate the rule of law.

The International Court of Justice plays a key role in the promotion and development of the rule of law at the international level. It carries out that function not only by means of its advisory opinions and judgments, but also through its various activities in the areas of academia and publicity and through the easy access to its decisions provided by its website. In that regard, we are particularly pleased with the Court's efforts to give special attention to young people by promoting its approach to international law through its internship programmes. We also recognize the role that the Court can play in contributing to achieving the Sustainable Development Goals through its status as an organ that has helped to prevent the use of force, defend peoples' right to self-determination, advocate for the preservation of the environment and recognize and avert future violations of human rights.

Costa Rica accepted the compulsory jurisdiction of the Court in 1973 and we respectfully invite States that have not yet done so to consider using the mechanism provided for in article 36 of the Statute of the Court and to accept its jurisdiction accordingly. We are confident that the Court will continue to work diligently in order to fairly and impartially resolve the disputes that are submitted in accordance with the mandate entrusted to it by States through the Charter of the United Nations. In that regard and in accordance with our traditional respect for the instruments of international law and the rule of law, my country reiterates its commitment to faithfully abide by all of the Court's decisions, while reaffirming our full confidence that the Court will continue to strengthen peace and justice through its objective execution of its tasks.

Mr. Biang (Gabon) (*spoke in French*): I am pleased to address the General Assembly at this plenary meeting on the report of the International Court of Justice (A/73/4). I would like to take this opportunity to congratulate the President of the Court, Mr. Abdulqawi Ahmed Yusuf, on his comprehensive and detailed report, as well as his outstanding leadership of the International Court of Justice, whose importance and leading role in the promotion of international law is greatly appreciated by the Sixth Committee, which Gabon chairs.

We are pleased to note the Court's important contribution to the settlement of disputes between States, as evidenced by the growing number of inter-State disputes submitted to it, many of which remain pending. The Court is unquestionably fulfilling its role as a major instrument in the service of international peace and security, as provided for in its Statute. On behalf of Gabon I would like to commend the Court's excellent work despite the complexity of the questions

submitted to it, whether they are disputes about the implementation or interpretation of international legal instruments or on the delimitation of borders or the continental shelf. The Court has always been able to live up to its responsibilities and the requirements of impartiality, independence and justice that underlie its decisions and advisory opinions.

The Court can be proud of the seriousness of its work, which is the bedrock on which its credibility depends. It honours the institution and strengthens the confidence of Member States in the rule of law and in its role as an instrument in their service in seeking peaceful solutions to the disputes that may otherwise divide them. The General Assembly is also the appropriate forum in which to commend the Assembly's support for the Court's work during the 2017-2018 biennium. We hope that support will continue in line with the growing needs of the Court. I would like to conclude by emphasizing the importance of the Court's normative role in promoting the rule of law, which enables it to contribute more effectively to the peaceful settlement of disputes and the prevention of conflicts.

Mr. Skinner-Kleé Arenales (Guatemala) (*spoke in Spanish*): At the outset, I would like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for introducing the extensive report contained in document A/73/4 and updating us on the Court's important judicial activity, which has been particularly intense in the past two decades. There is no doubt about the importance of the International Court of Justice in resolving disputes that are submitted by Member States. The fact that the volume of its work has increased in recent years is testament to the renewed confidence that States have in the Court's work of resolving disputes in fully and impartially.

Based on our multilateral approach, Guatemala values the Court's importance as the main judicial organ of the United Nations for settling disputes between States. Its contribution is essential to States' peaceful coexistence and useful cooperation. We also recognize that all of the Court's work, through its judgments and advisory opinions, contributes to generating confidence in and due compliance with the norms of international law and generally accepted international practices.

Finally, I would be remiss if I did not mention the referendum of 15 April in which Guatemalans had the opportunity to decide whether to submit to the International Court of Justice the territorial, insular and maritime dispute that has endured for more than 150 years, latterly with our neighbour the State of Belize, and before that with its former colonial ruler, the United Kingdom of Great Britain and Northern Ireland. The people of Guatemala agreed overwhelmingly to submit this controversial dispute to the International Court of Justice, thereby affirming Guatemala's desire to resolve that long-standing dispute peacefully and in accordance with international law, and to have a special relationship and a permanent dialogue with our neighbour in order to resolve our shared problems.

Mr. Venezis (Cyprus): It is a privilege to address the General Assembly as it considers the report of the International Court of Justice (A/73/4). We are grateful to the President of the Court, Judge Abdulqawi Ahmed Yusuf, for his introduction of the report and his insightful remarks on the work and functioning of the Court.

During the period under review, the International Court of Justice once again experienced a particularly intense level of activity, delivering judgments on four cases, issuing 13 orders, holding public hearings on three cases and taking on five new contentious ones. Despite that activity, another 19 cases are currently pending before the Court. That consistently high workload demonstrates the confidence placed in the Court and the respect shown to it by States. That trust is reiterated in paragraph 8 of resolution 71/146, in which the General Assembly emphasizes

> "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes".

The considerable increase in the Court's workload over the past 20 years is proof that States will not hesitate to turn to the Court to seek clarification on the law, particularly in times of crisis or when their rights risk being irreparably harmed. For that reason, we believe that it is essential that the Court's work should be facilitated and supported by all Member States and that the Court should dispose of the necessary resources to be able to mobilize in a timely manner and effectively address such requests.

The same paragraph of resolution 71/146 further recalled that

> "consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies".

In that regard, and in the spirit of upholding the Charter of the United Nations, the Republic of Cyprus also participated in the written and oral proceedings in the request for an advisory opinion, set out in resolution 71/292, presented by the Group of African States and adopted by the General Assembly, on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965. The hearings have been completed, and the judges will deliberate on the General Assembly's request for clarification for all Member States on important issues of decolonization, including the right to self-determination and territorial integrity.

The Republic of Cyprus is one of 73 States that have made a declaration — some with reservations — recognizing the jurisdiction of the Court as compulsory. In that context, the Republic of Cyprus stresses the importance of ensuring that the decisions of the Court are universally accepted and implemented by all Member States, without any exceptions or on a selective basis.

The Court's jurisdiction is further complemented by the more than 300 bilateral or multilateral treaties or conventions providing for the Court to have jurisdiction ratione materiae in the resolution of various types of disputes, its prorogated jurisdiction, as well as its jurisdiction in advisory proceedings.

The Republic of Cyprus reiterates its call to all States that have not yet done so to recognize the Court's jurisdiction in accordance with article 36 of its Statute, thereby promoting and facilitating its ability to maintain and promote the rule of law throughout the world.

Ms. Zolotarova (Ukraine): We welcome the President of the International Court of Justice to the General Assembly and thank him for his comprehensive presentation of the report (see A/73/4).

Our debate today is another confirmation of the effectiveness of the pacific settlement of international disputes and of the fact that there are no real alternatives to it. What we all observe and what the report confirms is that an ever-increasing number of States are turning to the Court to seek protection of their rights and the rights of their people, affirming their trust in the ability of the Court and its members to administer justice.

Questions that are under the consideration of the Court today are vitally important not only to the parties of the disputes but to the entire international community, as they will affect the future application and interpretation of different areas of international law and various bilateral and multilateral treaties. The Court's position will become a source of international law that will be quoted not only by scholars but also in decisions of various international judicial authorities, arbitral tribunals and even World Trade Organization dispute settlement practice.

We would like also to note the Court's recent practice of emphasizing in its orders on provisional measures a reference to article 41 of the Statute, reaffirming that its orders have a binding effect and create international legal obligations for parties that the provisional measures address. Unfortunately, not all States respect the Court's orders and take genuine measures to implement them in good faith.

I would like to remind the Assembly of the Court's order on provisional measures of 19 April 2017 in the case instituted by Ukraine against the Russian Federation concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. In its decision, the Court required Russia, among other things, to

> "refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to preserve its representative institutions, including the Mejlis."

A year passed, and it became apparent that Russia does not believe that it should suspend its discriminatory ban on the Mejlis under the language of the Court's order. On 19 April, therefore, Ukraine asked the Court to provide a definitive interpretation of its order. The language of the order is clear and requires that the ban be lifted immediately. We appreciate all the efforts that the Court has made to ascertain the views of Ukraine and the Russian Federation in that regard. Ukraine welcomes the Court's reaffirmation of the binding nature of its order and its direction to Russia to report on concrete steps taken to implement it by 18 January 2019.

I would also like to recall the other part of the order, to "ensure the availability of Ukrainian-language education". We assert that it has not been implemented, either. By ignoring the Court's order, Russia continues to violate a binding decision, which clearly shows its attitude to the Court, the Charter of the United Nations and international law. In that regard, we call on the entire international community to insist that Russia abide by international law, including the binding rulings of the International Court of Justice.

Allow me to take this opportunity to provide, in addition to the information from the report, an update regarding the case that Ukraine initiated at the Court against the Russian Federation in 2017.

On 12 June 2018, Ukraine submitted a memorial to the International Court of Justice documenting serious violations of international law by the Russian Federation. The memorial, accompanied by voluminous evidence, establishes that the Russian Federation has violated the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. It catalogues Russia's brazen and comprehensive assault on human rights and international law in the territory of Ukraine, and the tremendous toll those acts have taken on the Ukrainian people and the whole world.

In joining the International Convention for the Suppression of the Financing of Terrorism, Russia pledged to suppress the financing of terrorism, but in Ukraine it is doing the opposite. Illegal armed groups in Donbas have perpetrated horrific acts of terror against civilians, using arms from the Russian Federation. And Russia has violated its international obligations by failing to prevent its officials and others of its nationals from providing weapons to groups known to engage in terrorist acts. With Russian support, those groups attacked Malaysia Airlines Flight MH-17, taking nearly 300 innocent lives; unleashed deadly barrages of rocket fire on Ukrainian cities, including assaults on a checkpoint near Volnovakha and residential neighbourhoods in Kramatorsk, Mariupol, and Avdiivka; and planted bombs that ripped through patriotic marches, popular nightclubs and other peaceful locations.

The Russian Federation has likewise pledged to eradicate racial discrimination but is doing the opposite in Ukraine. In Crimea, which it has illegally occupied, Russia maintains a policy of racial discrimination and cultural erasure directed against ethnic communities that have dared to oppose its purported annexation. Russia has trampled the political, civil, and cultural rights of those communities, including by banning the Mejlis, the representative institution of the Crimean Tatar community, abducting and murdering Crimean Tatar and Ukrainian activists, prohibiting cultural gatherings and suppressing media outlets and restricting opportunities for children to be educated in their native language. Rather than responding to the merits of Ukraine's case, Russia seeks to avoid accountability for its unlawful actions and has filed preliminary objections, arguing that the Court lacks jurisdiction over the case.

Ukraine wants to reiterate its commitment to the peaceful settlement of disputes. We value the impartiality and expeditiousness of the Court's activities. We recognize that the Court plays a crucial role in maintaining and promoting the rule of law all over the world, especially in situations of conflict.

Mr. Eick (Germany) (*spoke in French*): At the outset, I would like to thank the President of the International Court of Justice, Mr. Abdulqawi Ahmed Yusuf, for the presentation of his report (A/73/4) this morning (see A/73/PV.24).

Today we are seeing a constant increase in the norms of international law. At the same time, the fundamental rules and achievements of international law are being challenged. At a time like this, the International Court of Justice is more than ever a vital institution. As the principal legal organ of the United Nations, it makes proceedings for the peaceful settlement of conflicts available to States. Together with other central institutions such as the International Criminal Court, the International Tribunal for the Law of the Sea and the International Court of Arbitration, the International Court of Justice represents a major pillar of the rules-based international order. It makes a decisive contribution to the maintenance of international peace and security. Germany would therefore like to underscore its ongoing and unwavering support for the Court as a mechanism for the settlement of disputes and promoting conflict resolution based on the rule of law.

(*spoke in English*)

I would like to highlight two aspects in particular. First, as we are all aware, the Court's jurisdiction is based on the consent of the States concerned. That is a well-

established principle of international law, enshrined in article 36 of the Statute of the Court, which allows for the exercise of jurisdiction, when consent is given on an ad hoc basis, with regard to a specific dispute, but also when consent is granted in advance, on the basis of a general declaration by a State. Germany submitted a general declaration in 2008 under article 36, paragraph 2, of the Statute, thereby accepting the jurisdiction of the Court as compulsory. We encourage all other States to consider taking a similar step.

Secondly, however, the reverse side of that principle means that the International Court of Justice cannot settle disputes between parties without their consent. That is particularly important considering the Court's jurisdiction, which not only covers contentious cases but also advisory opinions on general legal questions requested by organs of the United Nations such as the General Assembly. Any attempts to blur the line between those two aspects would put the Court in a difficult position.

(*spoke in French*)

In conclusion, we have observed an increase in the number of cases brought to the Court over the past few years. We welcome that development, which reflects the fact that more and more countries are turning to the Court to resolve their conflicts. Of course, that ever-greater workload poses a challenge with regard to the Court's capacities, but one that the Court has shown itself capable of coping with. We must all make sure that continues to be the case in future. The International Court of Justice is the main instrument for the peaceful settlement of conflicts between States. Let us use it, protect it and maintain it together.

Ms. Yánez Loza (Ecuador) (*spoke in Spanish*): First of all, I would like to thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for presenting the report on the activities of the Court for the period from 1 August 2017 to 31 July 2018 (A/73/4).

One of the main objectives of our Organization, as enshrined in the Preamble to the Charter of the United Nations, is to create conditions in which justice and respect for obligations arising from treaties and other sources of international law can be maintained. The International Court of Justice, as the principal judicial organ of the United Nations and the only international tribunal with general jurisdiction under international law, enjoys all the prerogatives it needs to be able to promote and achieve all those objectives.

The Republic of Ecuador firmly believes that the rule of law is the basis of the international system and that the peaceful settlement of disputes, in accordance with the relevant provisions of the Charter and the Statute of the Court, particularly Articles 33 and 94 of the Charter, is essential to international peace and security. We are therefore keenly interested in the work of the International Court of Justice and have supported it with all possible means.

The report presented this morning details the Court's heavy workload. I would like to highlight the decisions handed down this year in important cases on diverse issues, as well as pending litigation affecting countries on four different continents. The latter highlights the Court's universal nature and its integrity, impartiality and independence. The Court also handed down 13 orders, held public hearings on three cases and received requests for advisory opinions by the General Assembly, which we have followed very closely.

We have seen the volume of work of the Court increase considerably over the past 20 years, which reflects the confidence that States have in the Court and in submitting their disputes to it. It is worth mentioning the fundamental role played by the Registry of the Court in maintaining high levels of efficiency and quality, thereby providing a swift response to urgent cases and situations. It is essential to ensure that the Court has at its disposal all the necessary resources and funds to fulfil its mission. We are confident that it will continue to work impartially to fairly resolve all the cases and controversies submitted to it. The Republic of Ecuador reiterates its full support, commitment and respect for its decisions.

I would like to conclude by wishing the judges of the Court every success in their current and future work. We encourage them to continue defending legal equality among States as a way to achieve genuine international peace and security.

Ms. Thongnopnua Yvard (Thailand): My delegation would like to express its appreciation to Judge Abdulqawi Ahmed Yusuf for the comprehensive report on the activities of the International Court of Justice over the past year (A/73/4). We would also like to thank all the judges and other staff of the Court for their tireless efforts in the service of international law.

Thailand notes that the Court continued to be very active during the reporting period. It rendered four judgments, handed down 13 orders, held three

public hearings and was seized of five new contentious cases. The cases that remain on its docket cover a wide array of complex issues and involve States from every continent. We appreciate the Court's efforts to manage those cases efficiently, despite their growing diversity and complexity.

The increasing number of cases presented to the Court confirms the full confidence that Member States have in the Court as the principal judicial organ of the United Nations in safeguarding the purposes and principles of the Charter and maintaining international peace and security. Through its judgments and advisory opinions, the Court plays an indispensable role and contributes to the pacific settlement of disputes and the advancement of the rule of law.

(*spoke in French*)

My delegation studied with great interest the Court's judgment rendered on 2 February on the case of *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, which is the Court's first compensation case for environmental damage.

The case of *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, where the Court examined what might give rise to an obligation under international law, clarifies the role of customary international law as well as that of the Vienna Convention on the Law of Treaties in that regard. Thailand welcomes that decision as a useful guideline for determining what constitutes a legally binding obligation under international law. Thailand also agrees with the Court's approach in observing that an obligation to negotiate is merely an obligation of means and not an obligation of results.

Thailand will continue to follow the work of the International Court of Justice very closely. The jurisprudence of the Court and the wisdom imparted by the Judges in its decisions contribute both to the clarification and the progressive development of international law. In addition, through its advisory opinions, the Court has also contributed to the peaceful settlement of disputes without having to hold adversarial and lengthy proceedings. As such, Thailand will continue to encourage the General Assembly, the Security Council and other organs of the United Nations, as well as the specialized agencies, to make greater use of the International Court of Justice and support its role in issuing advisory opinions on important questions and topics, in accordance with Article 96 of the Charter of the United Nations.

Mr. Bermúdez Álvarez (Uruguay) (*spoke in Spanish*): Uruguay is grateful for the report of the International Court of Justice (A/73/4) and congratulates the Judges on the intense work done during the period covered by the annual report presented today. We would like to highlight the fact of the many issues submitted for the Court's consideration, in both litigious claims and advisory opinions.

Five new cases had been brought before the Court by 1 August, while there were 17 pending cases as of 31 July, with decisions having been handed down on some of them. The Court's rulings and advisory opinions are always based on in-depth legal analysis and reflect the independence and objectivity of a judicial organ with prestige and responsibility. It is essential that we Member States give our full support to the Court and its work by reaffirming our commitment to law and justice in the resolution of matters submitted to its jurisdiction.

Uruguay would like to take this opportunity to reiterate its complete adherence to the purposes and principles of the Charter of the United Nations, the rights of peoples, the principles of law and the fulfilment of treaties. Our foreign policy is based on respect for such commitments. Faithful to those principles, we have always promoted the development of international law, while our jurists have contributed to the generation of norms of international law by concluding treaties that have contributed to its codification. Throughout history, distinguished Uruguayan jurists have played a fundamental role and held a position of prestige in the field of international law, among them Eduardo Jiménez de Aréchaga, who was both a member and President of the Court.

The International Court of Justice is one of the principal organs of the United Nations and is in charge of dispensing justice, not only for Member States that have accepted its jurisdiction in their respective treaties but also for those who accede to it voluntarily for concrete cases. Since the peaceful settlement of disputes is one of the principles enshrined in the Charter, the Court and its Statute have been — and are — intrinsic to the United Nations system since its inception. We rely on the work of the International Court of Justice as a guarantee in defence of multilateralism.

Uruguay has been a defender of the peaceful settlement of disputes, having been one of the first

States to accept the jurisdiction of the International Court of Justice and incorporate it into its international agreements. Uruguay has respected its rulings and has received its advisory opinions as relevant input into international law. The Court has expanded the scope of the matters submitted to its expertise by taking on cases of humanitarian law and international human rights law and by incorporating concepts and including in its judgments citations from other tribunals.

The Court plays a fundamental role in maintaining and promoting the rule of law, contributing to the maintenance of peace and security and strengthening and developing international law. It is the duty of all States to defend its independence and integrity. As a judicial organ, it is essential that its judgments be respected and complied with.

I should not conclude without reiterating Uruguay's commitment to the Charter and the progressive development and codification of international law, as well as our respect for the International Court of Justice and its detailed and well-founded judgments.

Ms. Al Thani (Qatar) (*spoke in Arabic*): I would like to thank the President for convening this important meeting, as well as to welcome the President of the International Court of Justice, whom I thank for his comprehensive briefing.

The General Assembly has a keen interest in its annual debate held to listen to the President of the International Court of Justice and provide Member States with an opportunity to make comments and renew their support for the Court. It is a testament to the crucial role the Court plays in the peaceful settlement of disputes. States' respect for the decisions of the International Court of Justice is therefore a test of their commitment to international law and the principles of friendly relations and cooperation among States, in accordance with the Charter of the United Nations. Non-compliance with the Court's decisions is considered illegitimate internationally and a violation of the commitments imposed by international law. It also undermines international efforts to maintain international peace and security.

In view of the risks that non-compliance with the decisions and rulings of the International Court of Justice entails, compliance with the purposes and principles of this international Organization requires that the Court's decisions not be compromised. Ways must be found to ensure that States implement the decisions of the Court in good faith. The San Francisco Conference, which established the United Nations, viewed non-compliance with the Court's decisions as a hostile act.

The State of Qatar has always upheld the role played by the International Court of Justice in the peaceful settlement of disputes, in accordance with Article 33 of the Charter, and has contributed over the past two decades to the prevention and settlement of many disputes in our region, with a view to promoting efforts aimed at maintaining international peace and security. In that regard, our record proves that we have sought recourse to the International Court of Justice and respected its decisions. My country implemented Court decisions in good faith more than two decades ago. We take the opportunity afforded by this meeting to renew Qatar's support for the Court in the peaceful settlement of disputes. In line with that commitment, we have always made use of the mechanisms provided by international judicial bodies, particularly the International Court of Justice, in the settlement of current disputes and protecting the rights of Qataris.

With regard to the case concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, on 23 July the Court issued an order to the United Arab Emirates wherein the latter is committed to reuniting Qatari families that were separated because of measures taken by the United Arab Emirates on 5 June 2017, allowing Qatari students affected by its decision to continue their education in the United Arab Emirates or to obtain their educational records and continue their studies elsewhere and allowing Qataris who have been affected access to courts and other judicial bodies in the United Arab Emirates.

The objective of the decision by the International Court of Justice is to protect the interests and rights of Qataris against the discriminatory measures taken by the United Arab Emirates. That decision confirms our determination to deal with the crisis, its effects on the maintenance of international peace and security and its humanitarian consequences within the context of international law, international and bilateral conventions and current international mechanisms for the settlement of disputes.

In conclusion, the State of Qatar reiterates its full support for the work of the International Court of Justice and the important role it plays. We renew our

commitment to its decisions as the principal judicial organ of the United Nations. We will continue to support its efforts for the maintenance of international peace and security.

Mr. Jiménez Piernas (Spain) (*spoke in Spanish*): Let me begin by congratulating the International Court of Justice on its work since the previous reporting period. The Court delivered six judgments this year, while another six cases were filed with the Registry. That reflects the confidence that States have in the Court as their preferred venue for the peaceful settlement of disputes within the international system, as the President of the International Court of Justice stated earlier (see A/73/PV.24).

It is undeniable that the Court has been able to adapt to what is required of it and has accordingly developed and adapted its procedural rules. Nonetheless, it is appropriate to comment on certain matters that in our view, continue to go unchecked owing to a lack of precision, and that if addressed would promote the principle of procedural economy, strengthen its effectiveness and improve its procedural transparency. The following considerations are not a purely theoretical exercise but are rather based on practical experience before the Court. Given the time constraints, we are circulating a written version of this statement. I will focus only on some suggestions for conducting the Court's judicial work more effectively, based on cooperation and collaboration, and I will not limit myself to courtesies.

First, with regard to promoting the principle of procedural economy, Spain believes that without needing to reform the Statute of the Court, several measures could be taken to shorten and streamline the Court's written and oral proceedings. With regard to the written phase, the practice of a single round of written arguments should be encouraged, allowing States to request a second round only in extremely exceptional circumstances. It is not surprising that in order to ascertain the parties' arguments, it is much more useful to read the applicant's reply and the respondent's rejoinder rather than the memorial and counter-memorial. Concerning oral proceedings, pursuant to article 61 of the rules of Court, prior to a hearing its members could indicate or identify any points of fact or issues of law on which the parties should focus during their oral arguments. That would prevent the parties from making drawn-out statements that make it difficult to identify the most relevant points of contention. Without having to resort to the strict time limits that are imposed by other international courts, such as the European Court of Human Rights and the Court of Justice of the European Union, on oral arguments, oral proceedings should be more expeditious, and above all, we should find ways of making members of the Court more proactive during that phase, beyond their authority to ask the parties questions at any time.

Secondly, as a means for streamlining proceedings before the Court, strict procedural requirements for counter-claims may undermine the principle of procedural economy. Discussion on the admissibility of such claims may in practice be used as a delaying tactic. It would be worth considering possibly reducing those requirements, which, in our view, would be a more pragmatic solution that would not undermine the procedural interests of the parties to the dispute and would result only in procedural economy.

Lastly, procedural economy is an end in itself that not only the parties but also the members of the Court must promote and require. The introduction of procedural practices that shorten the written and oral phases before the Court should be compatible with the adoption of mechanisms that promote procedural expeditiousness in the Court's internal working methods. In that regard, our delegation believes that the practice of issuing extensive separate and dissenting opinions, which are occasionally longer than the judgment itself, is not, strictly speaking, in keeping with the performance of judicial functions. International law should be taught and disseminated at The Hague Academy of International Law, whereas in the Great Hall of Justice of the Peace Palace it must be applied and interpreted. As a show of basic courtesy to the parties before the Court, separate and/or dissenting opinions should be limited to an examination of the points of fact and the issues of law relevant to the dispute.

With regard to improving the effectiveness of the judicial function, international litigation has become increasingly complex in recent times. That is a consequence both of the sectoralization of international law and the inevitable proliferation of international judicial bodies of a sectoral or regional scope, as well as the leading role that non-State actors such as transnational corporations and non-governmental organizations have assumed. In that regard, without making it necessary to introduce changes to the procedural rules governing the intervention of third parties, Spain believes it would be in the Court's interest to establish mechanisms for third

parties — States, international organizations and other actors — to submit relevant information in writing within the context of a contentious procedure. In the case of international organizations, that would enable them to present relevant information to the Court on the scope of the legal norms developed in a given regional or sectoral area in cases in which parties to the litigation are member States of the Court.

For example, one might consider the scope of a given regional customary rule or cases in which a problem involving the normative coordination between a specialized regional subsystem and general international law arises. With regard to other international actors, the complexities that arise in many of the disputes submitted to the Court today, including matters relating to the protection of human rights and the environment, present an opportunity not only for the relevant international organizations, but also for specialized non-governmental organizations, to provide complementary information that could be of interest to the members of the Court.

In conclusion, we are truly pleased with the measures announced by President Judge Yusuf at the end of his statement this morning regarding changes to the Court's practice with regard to the participation of members of the Court in international arbitration, in particular investment and trade arbitration, which currently allows for exceptional participation by its members in inter-State arbitration only.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): Bolivia is a founding State Member of the United Nations system and, in that capacity, for more than half a century has participated in building a new legal order in which the use of force is forbidden and States commit to preserving peace, security and international justice. Among other major steps, they agreed on various mechanisms for achieving the peaceful settlement of disputes and established the main legal organ of the United Nations, the International Court of Justice in The Hague.

The Plurinational State of Bolivia commends the International Court of Justice for the work it has done over the more than 70 years of its existence. Its contribution to the development of international law, peace and international security has been significant, as evidenced by the renewed interest of States in using it to settle their disputes by peaceful means and of the General Assembly in requesting advisory opinions.

The International Court of Justice has contributed to the mission of rendering justice. That concept, which, together with international peace and security, is covered in Articles 3 and 2 of the Charter of the United Nations and was inserted at the initiative of Latin American countries, as was recalled just a few days ago in The Hague when we celebrated the memory of Judge José Gustavo Guerrero, the Court's first President. It is relevant to refer to Latin American countries because at present we are the primary users of the International Court of Justice. It should be noted that in recent years Latin American countries have been involved in almost 50 per cent of pending cases.

In that regard, the Court has been able to gradually provide solutions to diverse boundary problems and other issues that arose during the prolonged colonial period, which was not always felicitous where the delimitation of territories and maritime areas was concerned. In the early years of the lives of our republics, such issues were the cause of military conflicts, invasions and occupations that, as in the rest of the world, favoured the law of winner-take-all, with no international law to light the way to peaceful and just solutions.

One such conflict occurred in 1879, when Chile invaded Bolivia in the so-called War of the Pacific. The territorial limits were altered without peace treaties to provide definitive solutions to their consequences. It is worth recalling that a few years ago the International Court of Justice resolved the disputes over the maritime limits between Peru and Chile arising from that conflict, which also involved Peru, and defined a new maritime limit that resulted in Peru's sovereign incorporation of 20,000 square kilometres of territorial sea.

Bolivia also went to the International Court of Justice to resolve the worst consequence of that military confrontation, its loss of maritime access to the Pacific Ocean, by which it became a country without its own effective and sovereign access to the sea. Far from questioning the validity of the 1904 treaty that established the borders between the two countries, Bolivia brought a very simple case to the Court, in line with the sources of international law and especially with the purpose of resolving in good faith and in a peaceful way its unjust status as a landlocked country. The Organization of American States itself recognized Chile's obligation to negotiate access to the Pacific Ocean with Bolivia as an issue of hemispheric interest.

In its decision, announced a few days ago, the International Court of Justice dismissed the existence of that legal obligation, but also declared that this decision

> "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. With willingness on the part of the parties, meaningful negotiations can be undertaken."

Bolivia respects this decision, and it also hopes that the spirit of justice in the Court's declaration will be respected and fulfilled. We should note that this is not a matter merely of mutual interest but also of interest to the entire hemisphere. Its solution could contribute to healing one of the last open wounds in Latin America and, above all, to strengthening the spirit of good neighbourliness and integration between two brotherly peoples.

As President Evo Morales noted when he spoke to the General Assembly a few weeks ago,

> "Bolivia is certain that whatever the International Court of Justice decides, it will mark a new era in the relationship between Bolivia and Chile so that we can face the future with righteousness and a determination to explore mutually acceptable and lasting solutions. Our peoples and their leaders must unite their desire for peace and their political will in a single voice if they are to identify feasible, functional solutions that make them feel that they have won rather than lost. Practical solutions, forged by creative and effective diplomacy, have been found to even the oldest and most complex controversies in the world." (*A/73/PV.9, p. 33*)

That is why the Plurinational State of Bolivia, once it had received the judgment of the Court, immediately invited Chile to resume bilateral dialogue in a framework of the invitation issued by the Court in the conclusive part of its judgment.

We understand perfectly well that this is not the place for further comments about a specific case or the reparations or correctness of the case. I have preferred to note the importance of this ruling of the principal court of justice of the United Nations and its importance for the international community.

We are living in very tense times with respect to international law and justice. The debate on the effective validity of international law seems to be superseded by political and expedient interests, at least often in the United Nations. For that reason, it is important to look critically at the Court's output, the precedents it establishes and its effectiveness, in the spirit of the Charter of the United Nations, as it relates to its organs, including the International Court of Justice. We hope to see not only law but justice prevail, above and beyond strictly positivist visions or a fragmented concept of common law, which are not always useful to the implementation of international justice and less so for States that may have controversial views with regard to its scope.

In the global South and in Latin America, a peaceful continent where we see peaceful solutions to highly complex problems being developed and achieved, we remain convinced that it is only through dialogue, negotiation and peaceful solutions that we can resolve disputes between States. That is the path that 70 years ago inspired the American Treaty on Pacific Settlement, known as the Pact of Bogotá, signed in April 1948. Under that instrument, our Governments resolved to refrain from the threat or the use of force or any other coercive measure to settle their disputes and to resort to peaceful means at all times.

The decisions of the Court must support our peoples' commitment to peace and inspire the transformation of international law into an effective instrument of justice. Ultimately, it must promote new accessions to the Pact and avoid further withdrawals. We are sure that the International Court of Justice will rise to that challenge and we, the States, will be ready to support it.

Mr. Alabrune (France) (*spoke in French*): On behalf of France, I would like to thank the President of the International Court of Justice for introducing the report on the Court's activities (A/73/4) and to congratulate him on his election to the presidency.

I want to take this opportunity to congratulate the recently elected judges and those whose terms have been renewed. In that respect, France would like to remind the Assembly of the importance of the representation on the Court of different legal cultures and the use of two languages, whose balance contributes to the quality of the Court's work and the authority of its jurisprudence.

The Court's activity testifies to its importance in the settlement of disputes between States. As the list of

registered cases shows, the Court has seen its litigation activity grow in recent decades. Seventeen contentious proceedings are currently pending before the Court. Since the submission of last year's report (A/72/4), five motions to institute proceedings have been filed with the Registry. The Court delivered three judgments — two on the merits, one on preliminary objections — and two requests for the indication of provisional measures.

The Court's decisions help to heal relations between States and help them to reach solutions when other ways to peacefully settle disputes do not work. While the Court's decisions are binding on the parties because of the res judicata authority attached to them, respect for them and their due execution by States depend on their high quality, and references to the Court's jurisprudence by other international courts and tribunals attest to that.

In this time of challenges to multilateralism, the International Court of Justice remains an essential institution for peace and the international legal order. I want to take this opportunity to reiterate France's commitment to the Court as the principal judicial organ of the United Nations, and to reiterate to the Court and to all its members and staff our deep gratitude for their work.

Mr. Mikeladze (Georgia): At the outset, my delegation joins others in thanking the President of the International Court, Justice Judge Abdulqawi Ahmed Yusuf, for introducing his comprehensive report on the work of the Court (A/73/4).

Georgia is an ardent supporter of the International Court of Justice and remains committed to the principles enshrined in the Charter of the United Nations and the Statute of the Court. The Court has established its authority as the only international court of a universal character. The 17 cases currently under the Court's consideration illustrate the wide range of subject matters before it. Georgia is one of the 73 States that recognize the Court's compulsory jurisdiction, in accordance with article 36 of the Statute.

The importance of international law is a basic threshold for every civilized nation. In our era, when every area of interaction of the international community increasingly intersects, adhering to international legal rules and developing them further are crucial to achieving sustainable peace and stability at both the international and the domestic levels of State affairs.

Since the restoration of Georgia's independence in 1991, the incorporation of the international legal framework into our internal legal system has helped to shape our basic democratic institutions and given impetus to the constant evolution of the State's capabilities. The decisions and advisory opinions of the International Court of Justice were closely analysed by representatives of Georgia's legislative, executive and judicial branches and subsequently incorporated into Georgia's educational system, resulting in a comprehensive understanding of the Court's role in developing the legal rules of inter-State relations.

In conclusion, I reiterate that Georgia remains committed to its obligations under international law and human rights. Despite the illegal occupation of 20 per cent of its territory and the ongoing aggression against it, Georgia acknowledges the primacy of the peaceful settlement of disputes and upholds the principles enshrined in the Charter of the United Nations and the Statute of the International Court of Justice.

Mr. Khoshroo (Islamic Republic of Iran): At the outset, my delegation thanks the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for introducing the Court's detailed report (A/73/4) on its judicial activities over the past year. We also take this opportunity to commend the judges and all members of the Court for their unwavering commitment to and sense of duty in upholding the rule of law at the international level.

I align myself with the statement delivered by the representative of Venezuela on behalf of the Movement of Non-Aligned Countries (see A/73/PV.24).

In recent years, the importance of the rule of law in international relations has been recognized increasingly foten by the international community of States. The Court, as the principal judicial organ of the United Nations, has authority and influence that cannot be replaced or matched by other United Nations organs or even other international judicial bodies. Its role is critical to the peaceful settlement of international disputes and to preserving the international legal order, as well as the common interests of the international community of States as a whole.

One of the key achievements of multilateral diplomacy at the international level was the conclusion of the Joint Comprehensive Plan of Action (JCPOA), endorsed by Security Council resolution 2231 (2015), which in its thirteenth preambular paragraph emphasized

"promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran" and called on all Member States to support the implementation of the JCPOA.

It is very tragic that the United States, a permanent member of the Security Council, is now punishing and threatening sovereign States not for violating but for abiding by a Security Council resolution. The Islamic Republic of Iran has demonstrated its good faith by adopting and implementing the JCPOA in a way that has won repeated approval of its compliance from the International Atomic Energy Association.

Against that backdrop, on 8 May the United States unilaterally withdrew from the instrument, in blatant rejection of good faith and in violation of Security Council resolution 2231 (2015) (2015), declaring its intention to impose the strongest sanctions regime in history. Needless to say, those sanctions are illegal and run counter to well-established principles enshrined in the Charter of the United Nations and accepted by the community of nations, such as the sovereign equality of States, and the principles of non-intervention and non-interference in internal affairs of Member States and of freedom of international trade and navigation. In addition, the imposed sanctions contravene various provisions of the 1955 Treaty of Amity, Economic Relations and Consular Rights.

In order to legally and effectively counter this arrogant policy of violating the rules of international law, the Islamic Republic of Iran, on 16 July, filed an application, together with a request for provisional measures, to the International Court of Justice in order to protect its rights under the bilateral Treaty of Amity between the two countries, which were infringed as the result of the reimposition of sanctions previously lifted under the JCPOA.

Earlier this month, on 3 October, the Court unanimously indicated provisional measures and specified that the United States is obliged, in accordance with its obligations under the 1955 Treaty of Amity, to remove any impediments arising from the measures announced following its withdrawal from the Joint Comprehensive Plan of Action to free exportation to the territory of the Islamic Republic of Iran in certain domains. In its ruling, the Court also obliges the United States to ensure that it will issue the relevant licences and grant the necessary authorizations for the goods and services related to the items specified in orders and that payments and other transfers of funds will not be subject to restrictions. In that regard, I would like to underline the following points with respect to the indicated provisional measures.

First, the Court's unanimous order is a clear testament to the illegality of the United States sanctions against our country and its people, at least in the specified areas.

Secondly, in paragraph 100 of its order, the Court reaffirms that its "orders on provisional measures have binding effect" and thus create international legal obligations for the party to whom the provisional measures are addressed. The United States is therefore under an obligation to comply with the order of provisional measures as indicated by the Court, and any non-compliance will make it internationally responsible.

Thirdly, the Court considers that certain rights of Iran under the 1955 Treaty invoked in these proceedings that it has found plausible are of such a nature that disregarding them may have irreparable consequences. The Court indicates that the measures adopted by the United States have the potential to endanger civil-aviation safety and may have a serious detrimental impact on the health and lives of individuals within the territory of Iran. There is no question that this order could play an important role in preventing irreparable harm being done by United States actions to the rights of Iran and Iranians under the Treaty of Amity while this case is under consideration before the Court.

Fourthly, in its provisional measures, the Court indicates an additional measure directed at the parties to the dispute with a view to preventing the dispute's aggravation or extension. The United States is thereby under an obligation to refrain from any action that might aggravate or extend the dispute before the Court or make it difficult to resolve. We maintain that the imminent implementation of an additional set of sanctions by the United States, scheduled to be imposed after 4 November 2018, would certainly lie within the scope of prohibited acts, with an aggravating effect on the dispute at hand, and would qualify as illegal and wrongful acts contrary to the Court's dictum.

Fifthly, we note the letter dated 4 October from the Secretary-General addressed to the President of the Security Council, transmitting a copy of the Court's order indicating the aforementioned provisional measures (S/2018/899). We also recall Article 94 of the Charter of the United Nations, which stipulates 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".

We therefore call on the United States to implement the provisional measures, including refraining from measures such as wrongful sanctions that would aggravate the dispute.

Sixthly, to help preserve the primary role of the International Court of Justice as the principal judicial organ of the United Nations, other States are also expected to refrain from assisting the United States from imposing any impediments to transactions involving specified items, which would amount to a violation of the Court's order and would be tantamount to providing assistance to the wrongdoer.

Let me conclude by reaffirming that the Islamic Republic of Iran acknowledges the importance that the international community attaches to the work of the International Court of Justice, especially at a time of ever-increasing challenges in today's interdependent and globalized world.

Mr. Atlassi (Morocco) (*spoke in French*): At the outset, I would like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for introducing the report contained in document A/73/4 on the activities of the Court during the period from 1 August 2017 to 31 July 2018. On behalf of Morocco, I also congratulate him on his election as President of the Court. I also welcome the judges of the Court who are here with us in the Assembly today.

Established by the Charter of the United Nations as the Organization's principal judicial organ, the International Court of Justice is the only international court of universal character with both contentious and advisory jurisdiction. It plays a vital role in the maintenance of peace, given the contentious cases before it, and in strengthening the rule of law. It is the Court that is most accessible and most often requested to decide on disputes and litigation between States. We note that in the exercise of their sovereignty, States all over the world have resorted to the Court with a view to resolving bilateral and even trilateral disputes relating to various contentious cases. That testifies both to their confidence in the Court and to the universal nature of its jurisdiction.

Because of that, the Court's workload has increased in recent years. Just for the period in question, the report indicates that since 1 August 2017, five new contentious cases have been referred to the Court and that the number of cases on its list as of 31 July was 17, involving a wide variety of issues and confirming the general nature of the Court's jurisdiction. The Court's activity as a whole forms part of a logical framework in seeking the peaceful settlement of disputes and therefore plays an eminent and valuable role complementary to that of the Security Council in ensuring international peace and security. Similarly, through its judgments and advisory opinions, the Court helps to develop, clarify, refine and strengthen international law and makes a very important contribution to the rule of law in the service of peace.

It also ensures the dissemination of its decisions through its publications, the development of multimedia platforms and its website, updated to facilitate consultation. Through its activities and events organized at universities and institutes, as well as its training programmes in international law for students, it unquestionably contributes to training in international law.

Furthermore, the Court clarifies international law with regard to the implementation of multilateral treaties and conventions. More than 300 bilateral or multilateral treaties and conventions provide for the Court's jurisdiction to rule on disputes concerning their application or interpretation. In addition, a number of disputes submitted to the Court were decided not by a ruling of the Court but simply because preliminary measures had helped to resolve them.

In conclusion, since today we live in a world that is undergoing profound and rapid transformation and major challenges — ranging from climate change to socioeconomic upheavals and, in particular, threats to peace and stability in the world, primarily from terrorism and violent extremism — in its work to promote and strengthen the rule of law, including clarifying international law, the Court must take such developments into account in order to deal with the requests submitted to it as a result of that transformation and change.

Mr. Carrillo Gómez (Paraguay) (*spoke in Spanish*): The delegation of the Republic of Paraguay thanks Judge Abdulqawi Ahmed Yusuf, President of

the International Court of Justice, for presenting the report on the work of the Court (A/73/4).

Given an international landscape marked by political uncertainty and economic volatility, Paraguay works actively for stability and common peace and the strengthening of the multilateral system and international cooperation. In that context, we want to contribute to this debate by highlighting the importance of the work of the Court, the value of its decisions and advisory opinions and its role in relation to the various stakeholders of the international community. We would also like to share our national experience of the Court and to call for strengthening its legitimacy and work, which we believe will increase the legitimacy of the multilateral system.

First, we emphasize the importance of the work of the International Court of Justice, borne out by the increase in its activities, the geographical diversity of the cases that it hears and the origin of its applicants, as well as the variety of issues submitted for its consideration. The universal character and general jurisdiction of the International Court of Justice, complemented by the reputation and worthiness of its judges, have made it a reliable promoter of international law, in accordance with the purposes and principles of the Charter of United Nations and the primacy of international law. Its work to clarify and develop international law includes the law's most diverse aspects, such as consular relations, the protection of human rights, the international responsibility of States and the interpretation of treaties, to name only a few. It is an effective tool for preventing confrontation and the use of force in the settlement of disputes between States.

Secondly, we want to highlight the contribution of the decisions and the advisory opinions of the Court to the international legal framework. The jurisprudence arising from its work contributes to ensuring predictability in the interpretation of customary international law and generally acceptable norms. Its efforts to publicize its work and disseminate international law also help to raise awareness about the importance of the peaceful settlement of international disputes and the significance of treaties and their observance, implementation and permanence over time. We believe that the use of Spanish as an official language of the Court would benefit the international legal system, and we advocate for that.

Thirdly, we note the role of the International Court of Justice in relation to the international community. We emphasize that the Court is the best option for peace for the peoples of the United Nations who want to establish conditions in which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, as stated in the Preamble to the Organization's founding Charter. With regard to the Court's position in relation to the General Assembly and the Security Council, we think it appropriate to consider the importance of the decisions of the most democratic and representative organ of the United Nations in ensuring compliance with the Court's decisions by all Member States, as well as the limitations inherent in the Security Council's structure to ensure compliance with the Court's decisions, a power provided for in Article 94 of the Charter. Such consideration could help to prevent contempt and provide guarantees of legal certainty. We emphasize the obligation of States to comply with the decisions of the Court in any case to which they are party. The fulfilment of such obligations must be complete and in good faith. We believe that States' acceptance of the Court's compulsory jurisdiction helps to strengthen the effectiveness and universality of the system for the peaceful settlement of international disputes. With respect to other stakeholders of the international community, we note the multiplier effect of the Court's publications and other initiatives, such as internships, in disseminating international law and in raising awareness of the importance of the multilateral dispute settlement system.

We also believe it important to share Paraguay's connection to the International Court of Justice, which can be understood only in the context of the long-standing legal tradition of the peaceful settlement of international disputes of Latin American and Caribbean States. The so-called Gondra Treaty of 1923, in honour of the Paraguayan intellectual Don Manuel Gondra, was adopted at the fifth Pan-American Conference to avoid or prevent conflicts between American States. It was one of the first manifestations of hopes for creating a system for the peaceful settlement of international disputes on the continent.

Unfortunately, Paraguay's role in that process of establishing American international law declined with the outbreak of war in the 1930s, but re-emerged, strengthened, in the following decade. Paraguay accepted ipso facto the jurisdiction of the International

Court of Justice in relation to any other American State in the Pact of Bogotá of 1948, or the American Treaty on Pacific Solutions.

In 1996, Paraguay very broadly extended its acceptance of the Court's compulsory jurisdiction ipso facto with regard to legal disputes provided for in its Statute without special agreement, in accordance with article 36 and with the sole limitation of ratione temporis. Regarding obligations pursuant to the jurisdiction of the Court, this year the Government of Paraguay ratified the 1933 Montevideo Convention on Rights and Duties of States, a landmark commitment undertaken by American nations to maintain peace and settle their disputes by recognized peaceful means. The Convention provides for the rights and obligations of States and sets out and establishes the principles of the political existence of the State, its conservation and prosperity, the free determination of its cultural, political and economic life, its legal equality and the inviolability of its territory.

Finally, we call for the strengthening of the legitimacy and for the endorsement of the work of the International Court of Justice by providing adequate resources for its proper functioning and by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, actions that we believe will also help to strengthen the legitimacy of the multilateral system of which the International Court of Justice is a part.

Mr. Elshenawy (Egypt) (*spoke in Arabic*): At the outset, I would like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for presenting the report of the Court on its work and activities between 1 August 2017 and 31 July 2018 (A/73/4). We associate ourselves with the statements delivered by the representatives of Venezuela, on behalf of the Movement of Non-Aligned Countries, and the Gambia, on behalf of the Group of African States (see A/73/PV.24).

Egypt firmly believes in the important role of the International Court of Justice as the main judicial organ of the United Nations. We see that the change in the political and legal environment between the establishment of the Court in June 1945 and the initiation of its work in April 1946 and the present day emphasizes the importance of the Court's role in the peaceful settlement of disputes between States, pursuant to the Charter of the United Nations, and in advancing and strengthening the rule of law.

The number of cases before the Court and of its advisory opinions have increased. There are diverse cases submitted to it on topics such as territorial and maritime disputes, consular rights, human rights, environmental damage and the conservation of biological resources, international responsibility and reparation for damages, the immunity of States, their representatives and assets, and the interpretation and application of international treaties and conventions. The cases involve States from four continents, including six in Africa, seven in the Americas, six in Asia and five in Europe. All of that demonstrates the universality of the Court and the absolute trust that exists in it and in its judges, all of whom are highly qualified and deserve the respect and appreciation of the international community. We therefore emphasize the importance of respecting and implementing the Court's decisions and advisory opinions.

Nevertheless, at a time when the International Court of Justice is considering an increasing number of cases, we note that recently it has received only one request for an advisory opinion, namely, on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*, in accordance with Article 96 of the Charter. In that regard, we would like to stress the importance of benefiting from the role of the Court with respect to its advisory opinions, as set out in the Charter, particularly on issues that give rise to legal disputes. In the same vein, we encourage States to recognize the compulsory jurisdiction of the International Court of Justice in accordance with Article 36 of its Statute and as requested by the General Assembly in resolution 70/118.

In addition, we welcome the important role of the Court in promoting the rule of law. Through its judgments and advisory opinions, the Court contributes to the development and interpretation of international law. It also strives to ensure a clear understanding of its decisions, which are disseminated around the world through its publications and its updated website.

In the light of all of this, Egypt believes that the General Assembly should provide the International Court of Justice with the necessary financial resources without any reduction so that it has the best possible conditions for enabling it to implement its mandate as the main judicial organ of the United Nations and

given the unprecedented complexity and level of its activities. We know that Member States have repeatedly emphasized the need to provide the necessary financial resources to the Court, particularly in view of its administrative independence.

In order to ensure that States can settle their disputes through the International Court of Justice, we urge them, especially those in the best position to do so, to contribute to the Secretary-General's Trust Fund, established for that purpose in 1989.

In conclusion, Egypt once again thanks the International Court of Justice and its President and assures them of its continued support.

Mr. Sipaco Ribala (Equatorial Guinea) (*spoke in Spanish*): At the outset, I would like to welcome Judge Abdulqawi Ahmed Yusuf and to thank him for his outstanding presentation of the report on the excellent work of the International Court of Justice (A/73/4), in which he concisely and clearly briefed us on the achievements of the Court and its current challenges. I would also like to congratulate him on his election as President of the Court.

The Republic of Equatorial Guinea associates itself with the statements made by the representatives of the Gambia, on behalf of the Group of African States, the Bolivarian Republic of Venezuela, on behalf of the Movement of Non-Aligned Countries, and Cabo Verde, on behalf of the Community of Portuguese-speaking Countries (see A/73/PV.24).

The Government of the Republic of Equatorial Guinea supports and advocates for the peaceful settlement of international disputes through robust preventive diplomacy and the promotion of frank dialogue and inclusive negotiations. We therefore believe that the International Court of Justice has a fundamental role to play in the peaceful settlement of international disputes and in strengthening the rule of law by promoting, applying, interpreting and even developing international law. The role of the Court is well recognized in the number and variety of cases submitted to it, as noted in the report. The trust that States, including the Republic of Equatorial Guinea, place in the Court emphasizes its determination to seek a peaceful and fair settlement of every dispute submitted to it and thereby prevent the use of force or the application of unilateral sanctions, which can sometimes have negative effects and lead to new waves of violations of international law or similar issues. That can have tragic consequences for the States involved, seen particularly in the suffering of children and women, the most vulnerable sectors of society.

I want to express our concern about some States' increasing tendency to violate the principles of the sovereign equality of States and non-interference in the affairs of others, enshrined in the Charter of the United Nations, the instrument governing the world's principal international organization, the United Nations. In that context, we firmly condemn all violations of those principles and of the privileges and immunities granted to Heads of State, senior Government officials and diplomatic representatives under international law.

The Republic of Equatorial Guinea recognizes the jurisdiction of the Court in matters submitted to it by States. Provided that the circumstances so require, once negotiations between the parties to a dispute have failed, we will therefore not hesitate to submit the matter to the International Court of Justice, as we have done previously, since it is another tool in the United Nations system available to States in the pursuit of justice and the peaceful settlement of disputes and to ensure peaceful coexistence in today's world.

With regard to the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, as expressed by the President of the International Court of Justice, we have taken very good note of all the Court's proceedings and are grateful once again for measures taken to ensure not only the sound application and interpretation of international law but above all its enforcement.

Let me conclude by urging States to submit contentious cases affecting them to the International Court of Justice and to comply with and accept its judgments, since every settlement of a dispute in the Court can serve as a basis for lasting peace. We urge the Court to persist in its diligent fight for international law through objective, independent and imparcial judicial action.

Mr. Koonjul (Mauritius): I wish at the outset to congratulate Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, on his election to preside over the world court, and to thank him for his very comprehensive report on the activities of the Court for the past year (A/73/4).

Let me also acknowledge the presence this morning of Judge Tomka and our former colleague Judge Salam.

I also wish to welcome Mr. Philippe Couvreur, the Registrar of the Court.

The International Court of Justice is the principal judicial organ of the United Nations created to settle legal disputes submitted to it by States, in accordance with international law, and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

We want to applaud the work being carried out by the Court, as well as the professionalism and calm with which the Court continues to handle its responsibilities. The sheer volume of cases before the Court, as reported by its President, is a clear testimony to the confidence that the Members of the United Nations place in that judicial organ for the peaceful settlement of disputes and guidance to the United Nations and its organs on legal issues.

It is indeed gratifying that the Court is now being solicited by a larger number of Member States, given its function as the supreme judicial organ of the United Nations system. In that context, since the International Court of Justice continues to have a full docket of cases each year, we ought to reinforce our support to the Court by allocating commensurate resources to enable it to do justice to the load of new cases being brought to its attention. In the same vein, we welcome the Court's decision to review and regulate the practice of participation by its judges in arbitration proceedings. That measure will no doubt further reinforce the credibility and integrity of the Court and its judges.

We are also very pleased that a larger number of countries are appearing before the Court or participating in its proceedings. That was very apparent in the proceedings relating to the request by the General Assembly for an advisory opinion on the legal consequences of the separation of the Chagos archipelago from Mauritius in 1965, in which numerous countries from different parts of the globe and even international organizations such as the African Union were able to participate for the first time. It is also worth underlining that the Court, and its Registrar in particular, continue to conduct the proceedings in a very smooth, professional and, above all, fair manner.

I want to once again express my appreciation and that of my country for the very important work being done by the International Court of Justice, and to thank the President for his very detailed report.

I would like to conclude by re-emphasizing the important role that the International Court of Justice plays in promoting the international rule of law and the peaceful settlement of disputes, and in ensuring the Court's accessibility to all Members of the United Nations, whether they are large States or small.

Mr. Ly (Senegal) (*spoke in French*): My delegation aligns itself with the statements made by the representatives of the Gambia, on behalf of the Group of African States, and Venezuela, on behalf of the Movement of Non-Aligned Countries.

Yesterday, 24 October, through the duly solemn commemoration of United Nations Day, the international community reaffirmed its commitment to the purposes and principles of the Charter of the United Nations, which declares in its Preamble that

> "We the peoples of the United Nations determined to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained ..."

Moreover, Chapter 14 of the Charter deals with the International Court of Justice, one of the main organs of our universal Organization, and sets out its Statute. The International Court of Justice acquires its full relevance in the light of those provisions, tasked with upholding the law and contributing to the creation and maintenance of a culture of justice throughout the world as one of the authorities of international law.

My country, Senegal, which has made the rule of law the essential pillar of its domestic and foreign policy, thanks President Abdulqawi Ahmed Yusuf and his colleagues and collaborators for their clear presentation of the activities of the International Court of Justice, which touched on a number of aspects of inter-State relations and other areas of international law.

For Senegal, the increase in the number and diversity of cases referred to the International Court of Justice is an additional assurance because it demonstrates the priority that nations accord to the peaceful settlement of disputes. What would the world be like if all the disputes referred to in the report were subject to the law of the jungle or settled by force of arms? It is also a sign that rigorously tested multilateralism remains the best guarantee of international peace and security.

That is the full purpose of today's meeting, an important moment for us to reflect on the work of

the International Court of Justice in the quest for international peace and security. It also enables us to consider opportunities to strengthen our common commitment to promoting the rule of law, a prerequisite for creating a more just and equitable world, ensuring peaceful relations among States and consolidating the three pillars of the United Nations — international peace and security, development and human rights. Lastly, it is a time to discuss complementarity and harmony in the simultaneous exercise by the General Assembly and the Court of their respective functions for the benefit of the international stability required for sustainable and balanced development.

In that regard, my delegation expresses the hope that our Organization and the Court will continue to work, in a spirit of ever-closer cooperation and ever-growing collaboration, to win the ongoing battle for peace and security on our planet, in accordance with the purposes and principles of the Charter of the United Nations and international law, which are the essential foundations of a world that is more peaceful and prosperous because it is more just. We also hope to see effective and efficient cooperation in ensuring respect for and the enforcement of the decisions of the Court, the principal judicial organ of the United Nations, which, through its jurisprudence, continues to contribute to the development of international law, the legal basis of our common desire to live together in peace.

In conclusion, in the firm belief that justice and the rule of law are powerful determinants of sustainable development, I reiterate my delegation's steadfast support for the Court, whose noble mission and vital and universal objective require it to take account of all the world's legal systems in its operations and to embrace multilingualism.

Mr. Escalante Hasbún (El Salvador) (*spoke in Spanish*): I want to begin by thanking the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for introducing his report (A/73/4) detailing the administrative and judicial activities undertaken by the world's highest court of justice.

El Salvador considers it appropriate to highlight the tribute that the International Court of Justice paid on 16 October in The Hague to the illustrious Salvadoran internationalist José Gustavo Guerrero, for the honour of having served as the last President of the Permanent Court of International Justice and first President of the International Court of Justice — an opportunity that also enabled him to leave a significant global legacy in the development of international law and the application of justice in matters between States.

Returning to the critically important issue under consideration, my delegation is pleased to note that in the past year, the International Court of Justice has once again been extremely active in its area of jurisdiction, issuing four judgments and 13 orders on various proceedings concerning alleged violations of sovereign rights and maritime spaces, as well as conducting public hearings on immunities and criminal proceedings, obligations to negotiate access to the Pacific Ocean and the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as five new contentious cases.

All of that points to the critical and fundamental role that the Court plays in the peaceful settlement of disputes, with Member States submitting claims on a wide range of matters within the scope of international law, such as human rights, environmental damage and the preservation of living resources, international reparations and compensation and State immunities, to name a few. That affords this principal organ of the United Nations a critical role in the promotion and maintenance of the rule of law at the international level as, through its judgments and advisory opinions, it consolidates its standing as the only international universal tribunal with general dual jurisdiction.

It is therefore of paramount important to recall that one of the most important foundations and principles of international law is the obligation of all States to settle our international disputes by peaceful means whenever possible, including through the International Court of Justice, which over the years has been reflected in the confidence that States have placed in it and the number of cases that have been submitted to its jurisdiction and are still pending.

That obligation notwithstanding, and despite the existence of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, we cannot deny that although all States are supposed to be able to have access to the peaceful settlement of disputes, not all countries in the international arena have the same ability to do so. That is because in recent years the costs of filing claims or defending one's interests in disputes have been increasing, making access to international justice more expensive. For that reason, it is our view

that we must keep in mind that some States with low tax revenue or high debts cannot access international justice in any of its forms. That is why we must work together to seek solutions and measures to address the issue, which undoubtedly affects the membership of the Organization.

Furthermore, we believe that given the growth in the Court's caseload, it should be given the budgetary resources necessary to continue to issue its decisions and judgments in a timely manner. We also believe that professional positions within the Court should be held by people from all legal systems and from all over the world, and should reflect a good gender balance.

My delegation welcomes the fact that last year the publications of the International Court of Justice were distributed in French and English, and that a revised version of both languages is available on its website. Nevertheless, we would like to hope that its publications could be made available in all six official languages, which would help further disseminate international law and the work of the International Court of Justice among Government officials, jurists, lawyers, teachers and academics.

Finally, we reiterate El Salvador's commitment to supporting the work of the International Court of Justice, as the principal judicial organ of the United Nations, in the maintenance of international peace and security. We want to pay a well-deserved tribute to the Court more than 70 years after its establishment as the highest court of justice in the world.

Mr. Lefeber (Netherlands): Let me first thank the President of the International Court of Justice for his introduction of the Court's report (A/73/4) and for the outstanding work of the Court as the principal judicial organ of the United Nations.

The Kingdom of the Netherlands continues to be proud to be the host country of the Court. The consent of States remains essential to the Court's ability to resolve legal disputes between States. My Government would therefore like to encourage all States Members of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by issuing a declaration under article 36, paragraph 2, of the Statute, and to do so with as few reservations as possible.

In that respect, we reiterate our concern about the trend in the direction of more, rather than fewer, reservations made to the acceptance of the Court's jurisdiction. In my Government's own declaration accepting the compulsory jurisdiction of the International Court of Justice, limitations to the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands have as far as possible been eliminated. Our only reservation is with regard to the Court's jurisdiction ratione temporis. The Netherlands will accept all disputes arising out of situations or facts that took place no earlier than 100 years before the dispute is brought before the Court.

The Netherlands would like to emphasize that the Court should be able to decide all legal disputes between States. Acceptance of the Court's jurisdiction as expressed through a declaration under article 36, paragraph 2, of the Statute is therefore to be preferred. Only when it is given a broad mandate will the Court be able to truly fulfil its functions as the principal judicial organ of the international community.

Pending universal acceptance of the compulsory jurisdiction of the Court without reservations, the Netherlands welcomes the incorporation of a compromissory clause in any treaty to provide for the jurisdiction of the Court. When such a clause is optional, the Netherlands will issue a declaration that it accepts the Court's jurisdiction. But the wording of such a clause may limit the jurisdiction to such an extent as to force the Court to declare itself without jurisdiction, or to consider only part of a dispute.

Furthermore, we are compelled to note with concern recent withdrawals from treaties containing such clauses by States when confronted with a case brought against them before the Court, even before the Court has had an opportunity to pronounce on the question of jurisdiction. Notwithstanding our pursuit of universal acceptance of the compulsory jurisdiction of the Court without reservations, the Court should not establish its jurisdiction where there is no consent of the parties to a dispute. The existence of consent is a prerequisite for the exercise of jurisdiction by the Court. In that respect, we have two observations.

First, the Court's judicial functions have been clearly defined. Its jurisdiction in contentious disputes is reserved for disputes between States. Its jurisdiction to give advisory opinions is reserved for legal questions at the request of the General Assembly, other organs of the United Nations and authorized specialized agencies within the scope of their activities. Those organs

should be conscious of the distinction between those two functions and respect it.

A bilateral dispute should not be brought to the Court under the guise of a request for an advisory opinion, because that would potentially circumvent the consent given to the Court by one or more of the parties to the dispute. The Netherlands therefore attaches importance to the wording of the request for an advisory opinion. It should contain a question of general international law, not one of the application of international law to a particular situation that essentially reflects a legal dispute between two or more States.

Secondly, the Netherlands would like to note that the Court should always assure itself of the existence of the consent of all the parties to a dispute. That consent can exist only if the parties to a dispute have mutually recognized the acceptance of the Court's compulsory jurisdiction.

In conclusion, the Netherlands is aware that the Court has a full docket. While that means an increase in the Court's workload, we see it as a positive development and congratulate the Court on the increasing demand for its work in the settlement of international disputes and its advisory opinions. Let me end by thanking the Court again for its outstanding work.

Ms. Ponce (Philippines): The Philippines thanks President Abdulqawi Ahmed Yusuf for his report (A/73/4). This annual exercise reminds us that the International Court of Justice is an integral part of the United Nations. Committed as we all are to the principle of the rule of law, we here in the General Assembly acknowledge its essential role in the United Nations mission, to which we all subscribe, the very reason we are here at all.

The International Court of Justice is therefore critical to the fulfilment of our peremptory duty, under Article 1, paragraph 1, of the Charter of the United Nations, to bring about by peaceful means, and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations that might lead to a breach of the peace.

The 1982 Manila Declaration on the Peaceful Settlement of International Disputes asserts the same commitment. It was negotiated and adopted by the General Assembly during the Cold War (see resolution 37/10), when non-aligned countries sought to consolidate their political and economic independence. The Declaration expressed their aspiration by articulating the norms of the peaceful settlement of disputes outlined in Chapter VI of the Charter of the United Nations. That affirmed that judicial settlement is the central role of the Court.

Indeed, we welcome the increasing workload of the Court and the broadening in subject matter of the cases brought before it, as well as the geographical diversity of the States parties. That is a show of trust and confidence in the Court's critical role in the peaceful settlement of disputes and the promotion of the rule of law. The speedier adjudication of disputes before the Court is no doubt a factor in the increased recourse to the International Court of Justice, as is the determination of the Court not to be swayed by political pressure or to politicize cases. The Philippines has recognized the compulsory jurisdiction of the Court since 1972. We renew our call to other States to do the same.

The relationship between the Court and the Security Council is fundamental to the maintenance of peace and security. We call once again on the Security Council to seriously consider Article 96 of the Charter and make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law. We note that the Council has not requested an advisory opinion from the Court since 1970. That is tantamount to an assertion of collective sovereignty in acting as the exception to the global acceptance of the Court's jurisdiction.

The Charter of the United Nations, together with the Statute, jurisprudence and experience of the Court, was meant to give all States, including small nations, an equal chance for justice. The Philippines therefore affirms its full support for the Court.

The Acting President: We have heard the last speaker in the debate on this item.

May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The Acting President: Several delegations have asked to speak in exercise of the right of reply. I would like to remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first statement and five minutes for the second, and should be made by delegations from their seats.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): We feel obliged to comment on the statement by the representative of Ukraine. Once again, apparently, her delegation did not hesitate to use an agenda item, the report of the International Court of Justice (A/73/4), not to evaluate the work of the Court during the reporting period but as propaganda for its position with regard to the proceedings against our country.

I shall now briefly comment on the real situation regarding the order on provisional measures. As was mentioned in its statement, Ukraine filed a request to the Court to construe the order, motivated by the fact that there were alleged to be fundamental disagreements between our two countries regarding the content of the order. We saw this as an attempt by Ukraine to impose its own understanding of the provisional measures. In response to the Court's request, we proposed not to consider Ukraine's application, since raising the question of the Court construing provisional measures is wrong in principle. There is nothing in the Statute of the Court, its rules of procedure or its case-law practice that implies that it has such powers, as distinct from the power to construe a decision already in force, as provided for in article 60 of the Statute. The Court agreed with our reasoning and did not construe its ruling of 19 April 2017. It contacted both parties with a request for information on the progress of the implementation of the provisional measures related to the activities of the Crimean Tatar representative institutions.

We respect the Court and its decisions, resolutions and requests. Russia sent its clarifications to the Court in May and June and we will provide it with additional information in January 2019.

Mr. Skoknic Tapia (Chile) (*spoke in Spanish*): Regrettably, in his statement today the representative of the Plurinational State of Bolivia gave a unilateral interpretation of the judgment issued by the International Court of Justice on 1 October and of the work of the Court. It seems totally inappropriate to us to start a debate in this forum on a matter that has been definitively decided by the Court. Indeed, the International Court of Justice dismissed the claim that Chile had incurred an obligation to negotiate with Bolivia and rejected all of the latter's claims, as the President of the Court explained at length this morning.

The judgment testifies to Chile's good faith in a whole history of bilateral exchanges. The paragraph cited by Bolivia does not constitute an invocation or appeal by the Court, which in any case does not have that authority. Rather, it is an observation by the Court, a natural consequence of the reasoning behind the judgment that States are free to negotiate and that Court rulings do not prevent diplomacy from taking its natural course. Nor do we share the belief that international law is not important to the conduct of international relations and the pursuit of justice and legal security.

Mr. AlAmiri (United Arab Emirates) (*spoke in Arabic*): My delegation would like to exercise its right to reply to the statement by the representative of Qatar regarding the decision by the International Court of Justice that requested both parties to refrain from any act that would exacerbate, perpetuate or make their dispute more difficult to settle. The United Arab Emirates is in fact committed to the three measures decided on by the Court and has applied humanitarian exceptions to spare our brother Qatari nationals the consequences of sovereign measures that we have taken regarding illegitimate activities undertaken by the regime in Qatar. The measures are not aimed at the Qatari people.

The number of Qatari nationals currently residing in the Emirates is 2,194. They have every right to stay or leave. The number of Qatari entries and departures has exceeded 8,442 since the beginning of the crisis, and 694 other Qatari nationals continue to receive an education at various educational institutions in our country. We look forward to working and coordinating with the members of the Committee on the Elimination of All Forms of Racial Discrimination with a view to informing them of all the facts related to the case while they consider those claims and allegations.

Mr. Al-Thani (Qatar) (*spoke in Arabic*): Regrettably, my country's delegation has to respond to the allegations in the statement by the representative of the United Arab Emirates. As the Assembly knows, my delegation has abided by the agenda item under consideration, the report of the International Court of Justice (A/73/4). We included no issue in our statement that is not covered in the report. The report contains all the Court's decisions for the period from 1 August 2017 to 31 July 2018, including its decision dated 23 July with regard to the request by the State of Qatar against the United Arab Emirates in view of its violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

The United Arab Emirates has breached its commitments under articles 2, 4, 5, 6 and 7 of the Convention. It has taken illegal measures, including collectively expelling all Qataris and denying them entry to the Emirates based on their national origin. That constitutes a violation of their basic rights, including the right to equal treatment before the Emirati Courts. They have not refrained from the expression of racial discrimination or hatred against Qatar and Qataris, including the criminalization of sympathizers with the State of Qatar and Qataris. They have not refrained from attacks through an international campaign, promoted and funded by the Emirates, in addition to incitement against the State of Qatar in social media. The aim is to silence Qatari media and attack Qatari entities. The Emirates has failed to protect Qatari nationals from racial discrimination and to provide them with adequate legal reparations through the courts and other legal institutions of the Emirates for the harm done to them.

The State of Qatar therefore requested that the International Court of Justice order the Emirates to take all necessary measures to comply with its obligations in accordance with the Convention on the Elimination of All Forms of Racial Discrimination, and to declare null and void all hostile measures against Qataris and any illegal measures taken against them based on their nationality.

In compliance with the order of the International Court of Justice, which requested that both countries refrain from any action aggravating the dispute, the State of Qatar has been abiding by it. Despite the fact that three months have elapsed since the Court issued the order, the United Arab Emirates has failed to abide by it. My country has also taken steps to implement the Court's decision that were rejected by the United Arab Emirates. The Assembly can refer to the Court's Registrar for further confirmation of this fact.

The delegation of the Government of the United Arab Emirates must be reminded that any attempt to avoid the implementation of the Court's decision is a violation of the Charter and the Court's statute. The Court's order must be implemented to achieve justice for Qatari nationals, and the State of Qatar will spare no effort to protect the interests and rights of Qatari citizens and of those residing in the country. We will continue to defend them through legal means and international procedures.

Mr. AlAmiri (United Arab Emirates) (*spoke in Arabic*): My country's delegation would like to respond to the false allegations in the statement by the representative of Qatar. They are erroneous, as usual. It appears that the representative of Qatar did not listen to what I said about humanitarian measures taken by the United Arab Emirates to ensure that Qatari nationals would not be affected. As for the political measures that were taken by the United Arab Emirates, they were aimed not at Qataris but at the regime in Qatar.

To put it briefly, the International Court of Justice is still seized of this case. We want to point out once again that as in any case under review concerning the settlement of a dispute, the two parties must engage in the Court's proceedings in good faith and not try to exploit them for political purposes.

Mr. Al-Thani (Qatar) (*spoke in Arabic*): My delegation is compelled to respond for a second time in order to clarify the erroneous allegations by the representative of the United Arab Emirates about the State of Qatar. Unfortunately, he has made those erroneous allegations during the non-politicized discussion of an item in which the emphasis should be on the report of the International Court of Justice (A/73/4). Regrettably, the Emirati delegation insisted on making those allegations while deflecting our attention and that of the General Assembly from the very important item under review, the International Court of Justice, which would contribute to a peaceful settlement under its mandate specified in the Charter of the United Nations and its Statute.

The objectives of the international campaign against the State of Qatar are well known to the international community. They are based on false accusations by the United Arab Emirates, which took illegal measures against my country, including significant human rights violations, violation of the freedom of movement and freedom of expression of connected families and students engaged in study and other unprecedented violations in our region and in Gulf societies, which are known for being cohesive and harmonious. Those measures contravene international conventions and charters, in addition to basic rights. They also run counter to the United Nations Global Counter-Terrorism Strategy, which calls for respect for human rights, because counter-terrorism activities cannot be undertaken where human rights are being violated.

The State of Qatar, according to United Nations reports, plays a leading role in counter-extremism and counter-terrorism that is commended by the States that have pioneered counter-terrorism. That honourable record cannot be discredited by the representative of the United Arab Emirates, under any pretext, so as to enable it to shirk its regional and international obligations. We reaffirm our rejection of the false accusations made by the representative of the United Arab Emirates against the State of Qatar to the effect that we interfere in their internal affairs. Our policies are well known. We are committed to international law, the Charter, the security and stability of the Gulf region and international peace and security. The world recognizes the extent of violations perpetrated by the United Arab Emirates in our region, violating General Assembly and Security Council resolutions and threatening regional stability.

In conclusion, considering that I will not be able to respond to any allegations after exercising my second right of reply, according to the rules of procedure, my country reserves its right to respond to those allegations in writing.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 76?

It was so decided.

The meeting rose at 6.05 p.m.