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President: Mr. Muhammad-Bande . . . . . (Nigeria)

The meeting was called to order at 10.05 a.m.

Agenda item 72

Report of the International Court of Justice

Report of the International Court of Justice (A/74/4)

Report of the Secretary-General (A/74/316)

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

Judge Yusuf, President of the International Court of Justice: At the outset, I would like to congratulate you, Mr. President, on your election to preside over the General Assembly at its seventy-fourth session, and to wish you every success in executing your distinguished role. It is a great honour for me to address the General Assembly for the second time in my tenure as President of the International Court of Justice as the Assembly considers the annual report of the Court (A/74/4). The Court greatly appreciates the interest shown in its activities and the support given to its work by the General Assembly.

Since 1 August 2018, the starting date of the period covered by the annual report, the Court's docket has remained full. Right now there are 16 contentious cases pending before the Court, despite the fact that a number of other cases have been disposed of during the past year. As my presentation today will show, the cases before the Court involve States from every part of the world and touch on a wide range of issues, including questions of consular protection, the formation of customary rules of international law in the area of decolonization and maritime and territorial disputes.

Over the course of the year, the Court has held hearings in five contentious cases and one advisory proceeding. It began with hearings in two pending cases involving claims by the Islamic Republic of Iran against the United States of America concerning alleged breaches by the respondent of the 1955 bilateral Treaty of Amity, Economic Relations and Consular Rights. The first set of oral proceedings was on a request for the indication of provisional measures, submitted by Iran, and the second was on preliminary objections raised by the United States. The Court then held hearings on the merits in a case brought by the Republic of India against the Islamic Republic of Pakistan on alleged violations of the consular rights of an Indian national. That was followed by hearings on a request for the indication of provisional measures submitted by the United Arab Emirates in a case brought against it by Qatar in the case concerning allegations of racial discrimination. More recently, oral proceedings were held on preliminary objections raised by the Russian Federation in a case brought against it by Ukraine concerning allegations of terrorism financing and racial discrimination. In addition, the Court heard the oral statements of participants in the advisory proceedings concerning the status of the Chagos archipelago, held as a result of a request by the General Assembly.

In the period under review, the Court delivered three judgments, one advisory opinion and two orders on provisional measures. On 1 October 2018, it rendered

its judgment on the merits in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. On 13 February 2019, it delivered its judgment on the preliminary objections in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*. On 25 February 2019, the Court gave its advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (A/73/773). Finally, on 15 July 2019, it delivered its judgment on the merits in the case concerning *Jadhav (India v. Pakistan)*.

In addition to numerous procedural orders, the Court issued two orders on requests for the indication of provisional measures. The first was on 3 October 2018, in the case concerning *Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*. The second was rendered on 14 June 2019, in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*.

As is customary, I will now give a brief account of the substance of the decisions and the opinion delivered by the Court in the period under review. I used the opportunity of last year's address to give an overview of the Court's judgment in the case between Bolivia and Chile in my introduction, since the Court rendered that decision in the autumn of 2018 (see A/73/PV.24). I will therefore focus today on the other decisions rendered by the Court in the period under review, beginning with the judgment of 13 February 2019 on the preliminary objections raised by the United States in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*. The case was initiated by Iran on 14 June 2016 on the basis of a compromissory clause in the 1955 bilateral Treaty of Amity, Economic Relations and Consular Rights between the two countries. The case relates to legislative and executive acts undertaken by the United States that had the practical effect of subjecting the assets and interests of Iran and Iranian entities to enforcement proceedings in the United States. Iran claimed in its application, inter alia, that this was contrary to the immunities enjoyed by Iran and Iranian entities as a matter of international law and as required by the 1955 Treaty.

The United States raised five preliminary objections. In its judgment, the Court rejected three of those objections, upheld one and found that one did not possess an exclusively preliminary character, meaning that the Court would consider it when dealing with the merits of the case. The case will therefore proceed to the merits stage, although it will not include claims relating to sovereign immunity, the subject of the preliminary objection that the Court upheld. Moreover, the jurisdiction of the Court in considering claims relating to the Central Bank of Iran, known as Bank Markazi, will be addressed along with the merits. The Court had to confront several interesting questions of international law in ruling on the preliminary objections raised by the United States, two of which I would like to highlight here today.

First, in ruling on one of the United States objections, the Court had to deal with the question of whether its jurisdiction extended to potential violations of customary international law, in particular the law of sovereign immunities, when the case had been brought on the basis of a compromissory clause in a treaty. The Court answered that question in the negative, concluding that the dispute could not be considered to relate to the interpretation or application of the Treaty of Amity, as required by the compromissory clause, since none of the Treaty provisions invoked by Iran referred to immunities or could actually be considered to incorporate them by reference. The Court therefore lacked jurisdiction to consider questions of immunity.

Secondly, in ruling on another of the United States objections, which asked the Court to dismiss all claims of purported violations of the Treaty that were based on treatment accorded to Bank Markazi, the Court determined that it would need to examine whether or not, as a matter of treaty interpretation, a central bank was a company within the meaning of the 1955 Treaty. That was because the Treaty accorded rights and protections only to companies of a contracting party. The Court considered that this was largely a question of fact, since it is the nature of the activity actually carried out that determines the characterization of the entity that engaged in it. The Court therefore found that in order to answer the question, it would need to examine Bank Markazi's activities within the territory of the United States at the time of the contested measures. Given that Iran principally argued that the nature of the activities engaged in was of no relevance to the characterization of an entity as a company within the meaning of the Treaty, the Iranian party had made little attempt to elaborate on the commercial activities of Bank Markazi. Consequently, the Court considered that it did not have all the facts before it to answer

the question of whether or not Bank Markazi could be considered a company within the meaning of the 1955 Treaty. It therefore decided that the question did not possess an exclusively preliminary character and should thus be considered at the merits stage.

I will now turn to an overview of the advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. It was given by the Court on 25 February in response to a request made by the General Assembly, as set out in resolution 71/292, adopted on 22 June 2017. The proceedings were closely followed by many States Members of the United Nations. A total of 31 States participated in the written proceedings, and 22 States presented oral statements. The African Union also took part in both phases of the proceedings.

I would like to recall that the General Assembly put two questions to the Court. In order to give its opinion on the first question, which was whether the process of decolonization of Mauritius was lawfully completed having regard to international law, the Court had to first determine the content of the law applicable to the process of decolonization. In that regard, the Court recalled the enshrinement in the Charter of the United Nations of the principle of respect for the equal rights and self-determination of peoples as one of the purposes of the United Nations and the fact that the Charter includes provisions aimed at enabling non-self-governing territories ultimately to govern themselves. That was therefore the context in which the Court had to determine, among other issues, when the right of self-determination had become a rule of customary international law binding on all States.

In that regard, the Court stated that resolution 1514 (XV), entitled "Declaration on the granting of independence to colonial countries and peoples" and adopted in 1960, had a declaratory character with regard to the right to self-determination as a customary norm in view of its content and the conditions of its adoption. The Court also noted that the nature and scope of the right to self-determination of peoples were reiterated in the Declaration on principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)). By recognizing the right to self-determination as one of the basic principles of international law, the Declaration confirmed its normative character under customary international law.

The Court thus arrived at the conclusion that in terms of the applicable law, the right to self-determination was already a customary rule of international law by the mid-1960s. After recalling that the right to self-determination of the peoples concerned was defined in resolutions 1514 (XV) and 2625 (XXV), to which I just referred, by reference to the entirety of a non-self-governing territory, the Court noted that both State practice and *opinio juris* at the relevant time confirmed the customary law character of the right to territorial integrity of a non-self-governing territory as a corollary of the right to self-determination. As a result, the peoples of non-self-governing territories were entitled to exercise their right to self-determination in relation to their territory, as a whole, and the integrity of that territory must be respected by the administering Power. It follows that any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, would be considered contrary to the right to self-determination. In the light of that, the Court found that as a result of the Chagos archipelago's unlawful detachment and its incorporation into a new colony, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968.

The Court then addressed the second question put to it by the General Assembly regarding the consequences under international law arising from the continued administration of the Chagos archipelago by the United Kingdom. The Court stated that in the light of its earlier finding on the non-completion of the decolonization process, the continued administration of the archipelago constituted an internationally wrongful act. The Court thus concluded that the United Kingdom had an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible. The Court added that since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right. In the same vein, all Member States must cooperate with the United Nations to put into effect the modalities required to ensure the completion of the decolonization process.

The advisory proceedings on the Chagos archipelago highlighted the usefulness of advisory opinions for the organs and agencies of the United Nations. Advisory proceedings provide legal clarity by enabling the Court to determine the current status of specific principles and rules of international law. Indeed, following the Court's

advisory opinion, the Assembly affirmed, in accordance with that opinion, that the decolonization of Mauritius had not been lawfully completed and proceeded to set out the modalities and time frame for the withdrawal by the United Kingdom of its colonial administration.

I now turn to the judgment rendered by the Court on the merits in the *Jadhav* case, brought by India and involving the Islamic Republic of Pakistan. The case was instituted by India following the arrest and detention of an Indian national, Mr. Kulbhushan Sudhir Jadhav, who was accused by Pakistan of acts of espionage. In April 2017, Mr. Jadhav was sentenced to death by a military court in Pakistan. India argued that consular access was being denied to one of its nationals, in violation of the 1963 Vienna Convention on Consular Relations, which I will refer to simply as the Vienna Convention. In its judgment, the Court found that Pakistan had violated its obligations under article 36 of the Vienna Convention and that appropriate remedies were due in that case.

The Court had to address several issues regarding the interpretation and application of the Vienna Convention in the specific circumstances of the case. One of the issues that the Court had to examine was the question of whether the rights relating to consular access set out in article 36 of the Vienna Convention were in any manner to be excluded in a situation where the individual concerned was suspected of carrying out acts of espionage. The Court noted in that regard that there is no provision in the Vienna Convention containing a reference to cases of espionage, and neither does article 36 of the Convention, concerning consular access, exclude from its scope certain categories of persons, such as those suspected of espionage. The Court therefore concluded that article 36 of the Vienna Convention was applicable in full to the case at hand.

Another interesting legal question that the Court had to address was whether a bilateral agreement on consular access concluded between the two parties in 2008 could be read as excluding the applicability of the Vienna Convention. The Court considered that this was not the case. More precisely, the Court noted that under the Vienna Convention, parties were able to conclude only bilateral agreements that confirmed, supplemented, extended or amplified the provisions of the instrument. Having examined the 2008 agreement, the Court came to the conclusion that it could not be read as denying consular access in the case of an arrest, detention or sentence made on political or security grounds, and that it did not displace obligations under article 36 of the Vienna Convention.

The Court was also called on to interpret the meaning of the expression “without delay” in the notification requirements of article 36 of the Vienna Convention. The Court noted that in its case law, the question of how to determine what was meant by the term “without delay” depended on the given circumstances of a case. Taking into account the particular circumstances of the *Jadhav* case, the Court noted that the fact that Pakistan made the notification some three weeks after Mr. Jadhav’s arrest constituted a breach of its obligation to inform India’s consular post “without delay”, as required by the provisions of the Vienna Convention.

I now come to the crux of the Court’s ruling, in which the Court considered the reparation and remedies to be granted after it had found that the right to consular access had been violated. In line with its earlier jurisprudence in other cases dealing with breaches of the Vienna Convention, the Court found that the appropriate remedy was the effective review and reconsideration of the conviction and sentence of Mr. Jadhav. The Court moreover clarified what it considered to be the requirements of effective review and reconsideration. It stressed that Pakistan had to ensure that full weight would be given to the effect of the violation of the rights set forth in the Vienna Convention and guarantee that the violation and the possible prejudice caused by the violation would be fully examined. While the Court left the choice to Pakistan of the means for providing effective review and reconsideration, it noted that effective review and reconsideration presuppose the existence of a procedure that is suitable for the purpose and observed that it is normally the judicial process that is suited to that task.

The Court is pleased to note that following its ruling, it received a communication from Pakistan dated 1 August 2019 confirming its commitment to implementing the judgment of 17 July 2019 in full. In particular, Pakistan stated that Mr. Jadhav had been immediately informed of his rights under the Vienna Convention and that the consular post of the High Commission of India in Islamabad had been invited to visit him on 2 August 2019.

(*spoke in French*)

As far as the substantive orders rendered by the Court in the period under review are concerned, I

covered the order delivered on 3 October 2018 in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* in last year's address. This year my review will therefore be limited to the order of 14 June 2019 in which the Court rejected the request for an indication of provisional measures submitted by the United Arab Emirates in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*.

In the second case, instituted on 11 June 2018, Qatar alleged that the United Arab Emirates had adopted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin and resulting in human rights violations. I would like to recall that along with its application, Qatar filed a request for an indication of provisional measures, and that by an order dated 23 July 2018, the Court indicated certain provisional measures directed at the United Arab Emirates and also indicated that both parties should refrain from any action that might aggravate or extend the dispute or make it more difficult to resolve. On 22 March 2019, the United Arab Emirates in its turn requested that the Court indicate certain provisional measures aimed at preserving its procedural rights in the case.

In particular, the United Arab Emirates asked the Court to order that Qatar immediately withdraw its communication submitted to the Committee on the Elimination of Racial Discrimination and that Qatar immediately take steps to ensure that it did not impede the United Arab Emirates in its attempts to assist Qatari citizens, including by unblocking access to a website through which Qatari citizens could apply for a permit to return to the United Arab Emirates. The Court, however, considered that the measures requested by the United Arab Emirates did not concern plausible rights of that country under the International Convention on the Elimination of All Forms of Racial Discrimination. The United Arab Emirates also asked the Court to indicate measures related to the non-aggravation of the dispute. However, in accordance with the Court's case law, such measures could be indicated only as complementary to specific measures to protect the rights of the parties. Therefore, having found that the conditions for the indication of specific provisional measures had not been met in this instance, the Court could not indicate measures with respect solely to the non-aggravation of the dispute. Moreover, such measures had already been prescribed by the Court in its order of 23 July 2018 and remained binding on the parties.

Since my address last year before the Assembly (see A/73/PV.24), Guatemala and Belize brought, on 7 June 2019, by means of a special agreement, a new dispute before the Court concerning Guatemala's territorial, insular and maritime claim. The innovative nature of this case was due to the democratic and participative approach adopted by both Guatemala and Belize in deciding to bring their dispute for resolution to the Court. Indeed, in accordance with the special agreement, before the referral to the Court, both countries first held national referendums in order to ascertain whether their respective populations supported the idea of submitting the dispute to the Court for a final settlement. Following a positive response in both referendums, the case was referred to the Court by an official notification made by the two States. The Court welcomes the possibility of once again providing assistance to two neighbouring countries in a dispute relating to critical issues relating to their respective territories.

This concludes my summary of the Court's judicial activities over the past year. I would now like to take this opportunity to touch on a few important non-judicial matters before the Assembly today.

To begin, I wish to refer to the ongoing initiative of the Court to ensure that its rules and methods of work correspond to its changing requirements. In particular, in the past year, the Court has decided to revise several articles of its Rules of Court. These amendments were considered in detail by the Court's Rules Committee and, afterwards, by the full Court. I am pleased to announce that this process has, so far, led to the amendment of a first set of articles, namely articles 22, 23, 29, 76 and 79 of the Rules of Court. These amendments were promulgated on 21 October and took effect on that date. The amendment of other rules is currently under consideration by the Court, but I would like to take a few moments to briefly explain the amendments adopted.

First, the Court considered amendments to articles 22, 23 and 29 of the Rules of Court. Articles 22 and 23 concern the election of the Registrar and Deputy-Registrar respectively, while article 29 sets out the process by which a Registrar or Deputy-Registrar may be removed from office. As part of the Court's ongoing modernization efforts, article 22 has been amended

to eliminate the requirement that a candidate for the post of Registrar be proposed by a member of the Court. This nomination procedure has been replaced by the publication of a vacancy announcement and the solicitation of applications in order to ensure an open and transparent competition, which would allow for a larger pool of highly qualified candidates. The period of time before the end of an incumbent's term when such a vacancy announcement would be issued has been extended from three to six months, so that the Court will have adequate time to recruit candidates of the highest calibre from among all States Members of the United Nations. With regard to the process by which a Registrar or Deputy-Registrar may be removed from office under article 29 of the Rules of Court, this provision has been modified so as to bring greater clarity in terms of the procedural modalities to be followed. All three articles have also been amended so as to make them gender-neutral.

Secondly, the Court has amended article 76 of its Rules, which concerns the revocation or modification of decisions concerning provisional measures. As Member States are no doubt aware, the power of the Court to indicate binding provisional measures to either or both parties to a pending dispute provides an important safeguard to parties in cases in which there is an imminent risk that irreparable prejudice would be caused to their rights pending the Court's final decision. The amendment to article 76 seeks to clarify that the Court can revoke or modify its orders on provisional measures, both at the request of a party and on its own initiative. That is, of course, subject to the Rules of Court.

The Court also amended article 79 of its Rules, which relates to preliminary objections. In fact, that article allows for two distinct procedures: the first relating to cases in which preliminary objections are raised by a party, and the second relating to cases in which preliminary questions of jurisdiction or admissibility are identified by the Court itself. In order to better distinguish between these two scenarios, the Court decided to restructure the subparagraphs of article 79, dividing them into three separate parts. According to that new restructuring, article 79 deals exclusively with preliminary questions identified by the Court, while article 79*bis* addresses preliminary objections raised by the parties concerned, and article 79*ter* deals with general procedural issues applicable within both scenarios.

The Court believes that in order to carry out its judicial work in an efficient and orderly manner, it must be able to rely on rules and methods of work that are clear and, whenever necessary, amended as required to provide a framework appropriate for a modern judicial institution. Therefore, despite a heavy caseload, the Court remains committed to pursuing a review of its rules and methods of work, in particular so that it can efficiently deal with that important caseload. That modernization effort also extends to improving the working environment of the Registry of the Court and updating its Staff Regulations.

In that context, I am pleased to inform the Assembly that, following an exchange of letters on 16 January between the President of the Court and the Secretary-General of the United Nations, the Court has now fully associated itself with the United Nations internal justice system. Given the unique character of the Court and the administrative autonomy of its Registry vis-à-vis the United Nations Secretariat, it took some time to establish the specific terms of that new system and put in place all of the necessary practical arrangements. The Court welcomes the fact that Registry staff members will now have access to all services offered under the United Nations internal justice system. In particular, they will now be able to receive support from the Office of the United Nations Ombudsman and Mediation Services in their efforts to reach an amicable settlement of disputes, and seek advice from the Office of Staff Legal Assistance. The Court's decision to fully associate itself with the United Nations internal justice system was made after a thorough consultation with Registry staff and forms part of a series of measures — including the hiring of an official responsible for staff welfare — aimed at fostering a more positive working environment at the Peace Palace in The Hague.

(*spoke in English*)

Allow me to turn now to the matter of the Court's budget, which remains extremely modest given the institution's considerable responsibilities under its mandate and its growing caseload, representing less than 1 per cent of the regular budget of the United Nations. The Court is cognizant of the fact that the United Nations as a whole is currently facing financial constraints, which has led to a cash-flow crisis. In these difficult circumstances, the Court understands the efforts being made by the Organization's other organs and programmes in seeking to reduce budgetary

expenses. However, it is important to strike the right balance between budgetary austerity and the absolute need to ensure the integrity of the Court's judicial functions and its ability to carry out its statutory mission.

The Court must be given the means to carry out its work in the service of sovereign States and the international community, in accordance with the relevant provisions of the Charter of the United Nations and the Court's Statute. These statutory obligations mean that the Court has no control over the volume of its work. It cannot foresee the number of contentious cases or advisory proceedings that will make up its docket in a given year, nor can it predict the number of urgent incidental proceedings — such as requests for provisional measures of protection — upon which it may be called to deal with. Unlike other United Nations organs, it does not have programmes that can be cut or expanded. It cannot turn away Governments that have submitted disputes to it, nor can it put disputes on hold for years owing to budgetary cuts. There is therefore a real sense of disquiet at the fact that the budgetary restrictions in place may undermine the Court's ability to meet the challenges of its substantial workload, at a time when the caseload of the Court continues to increase. It is, of course, in the interests of the entire Organization that the Court be able to fully achieve its guiding purposes of justice and the rule of law in a manner that also constitutes an undoubtedly extremely cost-effective means of settling disputes peacefully. I wish to stress that point at a time when the number of cases on the Court's docket remains very high.

Allow me to address one further matter, namely the Court's Judicial Fellows programme, which is an arrangement that allows interested universities to nominate their recent law graduates to pursue their training in a professional context at the Court for a period of nine months each year. Participating universities are responsible for providing the necessary financial resources to their candidates during their fellowship at the Court. The Court has already made a number of efforts to involve the widest possible range of universities in its Judicial Fellows programme. Over the years, the Programme has been expanded, broadening the geographical distribution of its sponsoring institutions.

Those institutions have, in turn, been encouraged to present candidates from a range of nationalities and backgrounds. Nevertheless, the same financial conditions continue to apply, meaning that only those universities with sufficient resources — which are most frequently from developed countries — are able to participate in the Programme and to nominate fellows. It is therefore felt that improvements are warranted with regard to how the candidates are funded in order to ensure the broadest range possible of participating fellows from all parts of the world.

To give further impetus to the possibility of having a diverse group of participants in the programme, the Court is of the view that it is necessary to establish a trust fund for the Court's Judicial Fellows Programme. The Court would like to seek the approval of the General Assembly for the creation of such a trust fund, the terms of reference of which are being elaborated in collaboration with the United Nations Secretariat, as are the practical aspects of its administration. A proposal to this effect will be formally presented early next year to the General Assembly, and we hope that it will meet with its approval.

Before I come to my closing remarks, I would like to provide a brief update on the asbestos-related situation at the Peace Palace, a matter of concern that I raised during my address to the Assembly last year (see A/73/PV.24). I am pleased to inform the Assembly today that on 14 October I received a very reassuring letter from the Minister for Foreign Affairs of the Netherlands, His Excellency Mr. Stephanus Blok, in which he emphasized the importance that the Government of the Netherlands attaches to the presence of the International Court of Justice at the Peace Palace in The Hague. He informed me that discussions between the Dutch Government and the Carnegie Foundation, the owner of the Peace Palace, are currently ongoing and, until an agreement is reached between them, preparations for the renovation of the Peace Palace will be put on hold. The Minister proposed that this intervening period should be used for discussions between the Court and his office with regard to appropriate arrangements to ensure a smooth off-site relocation of the Registry and other Court services when the renovations start, although that date has not yet been fixed. These discussions will hopefully start on my return to The Hague, and I must say that I warmly welcome this initiative by the Government of the Netherlands.

Almost a century ago, the Statute of the Permanent Court of International Justice, the Court's predecessor, was approved by the Assembly of the League of Nations. Any doubts about the establishment of a permanent court of international justice have since been dispelled

and the fears of those worried about the dangers of a *gouvernement des juges* have failed to materialize. Quite the contrary, those voices have been silenced. States regard the Court as a guardian of the rule of law at the international level.

On many occasions, including in this very Hall, States have expressed their great appreciation for the work of the Court. It is most encouraging to see that an ever-increasing number of States from all parts of the world are placing their trust in the Court to find lasting judicial settlements to their disputes, sometimes amid geopolitical realities characterized by tensions. Even with the most seemingly intractable disputes, a ruling of the Court can signal the starting point for a new era in bilateral relations between disputing parties and mark an end to long-standing differences. It is equally encouraging to see the continued relevance of the Court's advisory procedure, which enables the Court to provide authoritative pronouncements on complex legal issues that arise in the context of the work of the main organs and institutions of the United Nations system.

Finally, as an example of the growing trust placed in the work of the Court, I am delighted to report to the Assembly that on 30 September, the Registry of the Court received a depositary notification of the Declaration of the Republic of Latvia recognizing the jurisdiction of the Court as compulsory. At present, therefore, there are 74 States from all continents that have recognized the jurisdiction of the International Court of Justice as compulsory ipso facto and without special agreement in relation to any other State accepting the same obligation. Much remains to be done before the Court can be empowered to settle all disputes between all States and anchor even further the rule of law at the international level. The pace might be slow, but the trend towards a wider acceptance of the compulsory jurisdiction of the Court in the international community is quite clear.

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

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

Mr. Gafoor (Singapore): I would like to begin by thanking the President of the International Court of Justice, His Excellency Judge Abdulqawi Ahmed Yusuf, for his comprehensive briefing on the activities of the Court during the reporting period. We would also like to take this opportunity to express our sincere thanks to Mr. Philippe Couvreur, who held the post of Registrar of the Court until 30 June, for his many years of distinguished service. As mentioned in the report of the International Court of Justice (A/74/4), the role of the Registrar is threefold: it is judicial, diplomatic and administrative. Mr. Couvreur skilfully discharged all three functions with distinction and professionalism, and he contributed significantly to the work of the Court and its eminence. We would also like to congratulate Mr. Philippe Gautier upon his election as the new Registrar of the Court. We have full confidence in his abilities, and we wish him every success in his new appointment.

As we approach the seventy-fifth anniversary of the United Nations in 2020, it is timely for us to reflect on the establishment of the International Court of Justice by the United Nations Conference on International Organization, which met in San Francisco in 1945. The San Francisco Conference unanimously adopted the Statute of the International Court of Justice on 26 June 1945 as an integral part of the Charter of the United Nations, thereby constituting the Court as one of the six main organs of the Organization. During the San Francisco Conference, it was said that the Court will be both the symbol and the expounder of the triumph of right as the criterion of international relations. We believe that the Court has lived up to that expectation, as evidenced by its contribution to the peaceful settlement of disputes for more than 70 years.

As we reflect on the past, it is also pertinent to look to the future and reaffirm our collective commitment to multilateralism. In that regard, the International Court of Justice contributes significantly to multilateralism by upholding and promoting the rule of law at the international level. The universal, rules-based multilateral system is particularly vital for a small country such as Singapore. We cannot afford to have international relations work on the basis that might is right. Singapore therefore strongly supports the role of the International Court of Justice in the peaceful settlement of disputes. That also means abiding by the decisions and rulings of international courts and tribunals concerning disputes to which we are parties, regardless of whether the outcome is in our favour.

Singapore wishes to comment on three aspects of the report before us today. First, we note that the Court experienced a particularly high level of activity in the period under review. We also note that the

cases submitted to the Court covered a broad range of international law issues and involved a variety of States from many regions. We commend the Court for setting itself a very demanding schedule, including by considering several cases simultaneously and dealing with the numerous incidental proceedings as promptly as possible. The volume and diversity in the Court's work is testament to the confidence that Member States have in the role of the Court in resolving international disputes peacefully. In that regard, we encourage the Court and its Registry to continue its good work by administering and resolving the cases before it fairly and expeditiously.

However, we note with concern that while the workload of the Court has increased in recent years, the approved budget for the Court has not grown commensurately. In addition, the ongoing cash-flow problems of the United Nations have impacted the ability of the Court to carry out its judicial activity, in particular those relating to interpretation, translation, court reporting and text processing. While the Court has made every effort to accommodate those financial limitations, we cannot expect the Court to do more, while being given less resources.

We believe that it is very important for the General Assembly to allocate the necessary budget and resources to the International Court of Justice to carry out its important statutory responsibilities. It is equally important that we ensure that the current financial difficulties facing the United Nations do not undermine the ability of the Court to deal with its current workload. In that regard, we also call on Member States that have not yet paid their contributions to the regular budget to do so promptly so that the Court may fully discharge its functions without any hindrance.

The second point is in respect of the presence of asbestos in the Court's building, on which we just heard an update from the President of the Court. We welcome the decision of the authorities of the Netherlands to undertake major works to decontaminate and completely renovate the old building of the Peace Palace. It is of vital importance that members and staff of the Court and Registry have a safe working environment, and efforts must continue to ensure that working conditions do not pose a hazard to their health.

Finally, we welcome the new mobile device application, which the Court launched in May. I am happy to report that I have downloaded the application on my phone, and I find it very useful. The application, which is free and publicly accessible, allows users to keep abreast of developments at the Court, including by allowing users to receive real-time notifications as soon as a new decision or press release is published. That is an extremely helpful feature, which is useful not only to Member States and their officials but also the general public, including practitioners, academics and students. We welcome such efforts to make the work of the Court more accessible, including to people in places where mobile Internet access is more readily available than access to a desktop computer. Such efforts promote the dissemination and wider appreciation of international law.

In closing, Singapore welcomes the participation of the President of the International Court of Justice in meetings not only of the General Assembly but also of other organs of the United Nations. We note that in October last year, the President of the Court addressed the Security Council on the importance of the rule of law at the international level for the vitality of the cooperation between the Court and the Security Council. In his briefing, the President stated that the rule of law is the Court's very raison d'être, as well as the condition for its success, and that without the rule of law at the international level, there would be no need for an International Court of Justice.

Singapore cannot agree more with that statement of the President. The Court was created at a time when the world saw a collective need for international relations to be governed by law. To date, the Court has performed its role as guardian of that universally held belief. As we approach the seventy-fifth anniversaries of the Court and of the Organization, we are confident that the Court will continue to contribute significantly to the rule of law and the multilateral rules-based system by providing an objective and authoritative forum for States to resolve their disputes in accordance with the established rules and principles of international law.

Mr. Musayev (Azerbaijan): It is an honour for the Republic of Azerbaijan to take the floor on behalf of the Movement of Non-Aligned Countries in connection with the consideration of agenda item 72, entitled "Report of the International Court of Justice", to which we attach great importance.

At the outset, allow us to thank the President of the International Court of Justice for his presentation of the report to the General Assembly on the activities of the

International Court between 1 August 2018 and 31 July 2019, as requested by this body last year and contained in document A/74/4, of which we have taken due note.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and the non-use or threat of use of force. In that context, the Court has a significant role to play in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations and in such a manner that international peace and security, as well as justice, are not endangered. Moreover, the States members of the Movement have agreed to promote their endeavours aimed at generating further progress to achieve full respect for international law and, in this regard, commend the role of the Court in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Charter and the Statute of the Court, in particular Articles 33 and 94 of the Charter.

Noting the fact that the Security Council has not sought an advisory opinion from the International Court of Justice since 1970, the Non-Aligned Movement urges the Security Council to make greater use of the Court, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of international law. In this regard, at the ministerial meeting of the Coordinating Bureau of the Non-Aligned Movement, held in July in Caracas, Venezuela, the Ministers of the Movement decided to encourage those in a position to do so to make greater use of the Court and to consider conducting consultations among the States members of the Movement as and when appropriate, with a view to requesting advisory opinions of the Court, including in cases in which unilateral coercive measures that are not authorized by relevant organs of the United Nations and are inconsistent with the principles of international law or the Charter of the United Nations may undermine international peace and security.

The Non-Aligned Movement takes this opportunity to invite the General Assembly, other organs of the United Nations and duly authorized specialized agencies to request advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities. Moreover, the States members of the Movement reaffirm the importance of the Court's advisory opinion issued on 8 July 1996 on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex). In this matter, the Court concluded unanimously that there exists an obligation to pursue in good faith negotiations leading to nuclear disarmament in all aspects under strict and effective international control and bring them to a conclusion.

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

Ms. Hallum (New Zealand): I have the honour to deliver this statement on behalf of Canada, Australia and my own country, New Zealand (CANZ).

The CANZ countries would like to thank the President of the International Court of Justice for his report on the Court's work over the past year (A/74/4). In his report, the President notes that everything the Court does is aimed at promoting and reinforcing the rule of law. As countries that consider the rule of law to be the foundation of the international rules-based order, we applaud the Court's singular focus and clarity of purpose. The CANZ countries have all accepted the compulsory jurisdiction of the Court and recognize its role as the principal judicial organ of the United Nations. We again take the opportunity to recall resolution 72/119 and urge Member States that have not yet done so to accept the compulsory jurisdiction of the Court.

States that accept the Court's jurisdiction have demonstrated their confidence in it by referring disputes to it for resolution. The higher the number of States that accept the compulsory jurisdiction of the Court, the greater the opportunity for the timely and peaceful resolution of disputes relating to questions of international law — an outcome that is in the interests of all of us.

States should be assured by the diverse geographical spread of cases and the wide variety of subject matters that the Court has demonstrated it can deal with. As international rules governing interactions between Member States continue to develop, the Court may have the opportunity to provide transparent and impartial clarification on questions of international law with greater frequency.

We appreciate the Court's able management of its significant caseload. On average, judgments and advisory opinions are delivered within six months of the closure of oral proceedings, which is commendable. We encourage the Court to continue its efforts aimed at balancing urgent and less time-critical issues to provide timely and appropriate decisions and guidance.

The Court's role in deciding those disputes submitted to it in accordance with international law is vital to the rules-based international order. The CANZ countries note that the principle of consent is at the foundation of international law and international dispute settlement, including in the exercise of the jurisdiction of the Court. The improved accessibility of the Court's jurisprudence is a positive step that will help ensure that the work of the Court and its significant impact become more widely known.

We will continue to support the Court's contribution to the peaceful settlement of inter-State disputes, the maintenance of international peace and security and the advancement of international legal jurisprudence.

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

Let me first thank President Yusuf for the report of the International Court of Justice covering the period from 1 August 2018 to 31 July 2019 (A/74/4) and for his briefing to the General Assembly today.

The Nordic countries attach great importance to the International Court of Justice — the principle judicial organ of the United Nations. The Court has earned a solid reputation as an impartial institution with the highest legal and moral standards. The Court diligently fulfils its role in accordance with its mandate under the Charter of the United Nations. It stands as the cornerstone of the rules-based international order. As President Yusuf so succinctly said in The Hague in September,

> "[t]here is no nation on earth that does not benefit from the rules-based multilateral system which governs all facets of international relations today, and it is in the interest of all to safeguard and protect those rules."

During the reporting period under review, the Court has experienced a high level of activity. It delivered judgments in three contentious cases, gave one advisory opinion, handed down 16 orders, held public hearings in six cases, and was seized in two new contentious cases. The 16 cases now pending before the Court involve parties from four continents — Africa, America, Asia and Europe. The geographical spread of cases pending before the Court is illustrative of the global character of the Court's jurisdiction.

The current and pending cases also involve a wide variety of subject matters, such as the interpretation and application of treaties, territorial and maritime disputes, diplomatic and consular rights, economic relations, human rights, international responsibility and compensation for harm. This diversity testifies to the universal character of the Court's jurisdiction, to its growing specialization in complex aspects of international law, and, importantly, to the willingness of States to entrust their disputes to the Court.

The Court's role in the maintenance of international peace and security is significant. It contributes to international peace and security in two ways — first, by settling disputes, the aggravation of which might lead to international tension, and secondly, by developing and clarifying principles of international law, which in turn provides a basis for peaceful relations among States. The submission of a dispute to the Court is not an unfriendly act and should not be regarded as such. It is rather an act to fulfil the obligation of all States to settle their disputes peacefully.

The Nordic countries recall that the General Assembly regularly calls upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice, in accordance with its Statute — most recently in its resolution 73/207. Today, 193 States are parties to the Statute of the Court and therefore have access to it.

We welcome the recent declarations recognizing as compulsory the jurisdiction of the Court, in accordance with Article 36, paragraph 2, of the Statute of the Court, bringing the total number of such declarations now to 74. Furthermore, we note that more than 300 bilateral or multilateral treaties that provide the Court with jurisdiction *ratione materiae* in the resolution of disputes between States parties are also listed on the Court's website. In addition, the Court's jurisdiction can be established by special agreement between the States concerned. Finally, jurisdiction upon consent yet to be given or manifested by the State against which the application is made, in reliance on article 38, paragraph 5, of the rules of the Court is also an option.

The practice of the Court has contributed to the prevention and resolution of international disputes and to the strengthening of the rule of law. While the judgments are binding only upon the parties concerned, the Court's jurisprudence has far-reaching impact. It has proven to be most useful as guidance in the interpretation of international law.

We need to ensure that the Court has adequate resources to fulfil its mandate. In order to facilitate the judicial settlement of disputes through the Court, the Nordic countries have made voluntary payments to the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice. We thank States that have made similar contributions to the trust fund and encourage all States to consider contributing.

The Nordic countries would also like to express their appreciation for the Court's redesigned and updated website, which gives instant access to past and pending cases, judgments and opinions, including the jurisprudence of the Court's predecessor, the Permanent Court of International Justice. The website provides useful information for States and international organizations wishing to make use of the procedures open to them at the Court. The Nordic countries also appreciate the dissemination work that the Court carries out by means of its publications through multimedia platforms and social media, which facilitates the wider study, recognition and dissemination of the Court's important work.

In conclusion, the Nordic countries would like to use this opportunity to reaffirm their continuing support for the International Court of Justice.

Mr. Fialho Rocha (Cabo Verde): It is my honour to deliver this statement on behalf of all States members of the Community of Portuguese-speaking Countries (CPLP): Angola, Brazil, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, Timor-Leste and my own country, Cabo Verde.

I begin by expressing our gratitude to the President of the International Court of Justice, Judge Yusuf, for the comprehensive report on the work of the Court during the judicial year 2018-2019 (A/74/4). Further, in addressing the current meeting, I would like to make on the following points.

First, the importance of the International Court of Justice rests on its universal character, its general jurisdiction and the crucial role it plays in the international legal system, a role which has been increasingly recognized and accepted. All States Members of the United Nations are parties to the Statute of the Court, and 74 of these States have recognized its jurisdiction as compulsory. As recently as September, another State, Latvia, submitted to the Registrar of the Court the depositary notification of its declaration recognizing the jurisdiction of the Court as compulsory. Moreover, approximately 300 bilateral and multilateral treaties confer jurisdiction to the Court over the settlement of disputes that may arise from their interpretation and application.

Secondly, the Court has often recalled that everything it does is aimed at promoting the rule of law. This is in fact the case. It is worth mentioning the outstanding contribution of the International Court of Justice to the development and clarification of international law, including on topics in relation to, inter alia, the use of force, territorial and maritime disputes, international responsibility, compensation for harm, self-determination, the immunity of States and their agents. In addition to strengthening the international rule of law, the Court provides legal certainty and enables the peaceful settlement of inter-State disputes, helping to prevent differences between States from erupting into violence. Indeed, by playing a fundamental role in the settlement of disputes between States, the Court holds important responsibilities within international society.

The high rate of compliance with the Court's judgments throughout its history is very encouraging, as it demonstrates the respect and trust of States in the independence, credibility and impartiality of the world court. We acknowledge that there is frequently tension between law and power. The obligation of States to settle their disputes in a peaceful manner and the need of sovereign consent to resort to mechanisms like the Court are sometimes hard to harmonize. However, it is our firm belief that the Court is an institutional pillar of the international society capable of working towards a more balanced and peaceful future.

Thirdly, the heavy workload and the wide range of subjects that the Court has ruled upon confirms its success and vitality. Indeed, the Court's cases come from all over the world, relate to a great variety of matters and are of great factual and legal complexity, which reaffirms the universal character of the Court, the expansion of the scope of its work, and its growing

specialization. The Court is making impressive efforts to cope with the very demanding level of activity required of it. At the same time, it is important that States Members of the United Nations acknowledge the Court's need for adequate resources.

Fourthly, we welcome the widening scope and cooperation of international law, as the Court's judgments and advisory opinions have inspired other international decision-making bodies. Similarly, it is commendable that the Court is also paying due regard to the work of other international courts and tribunals. This positive trend should be encouraged since it lends greater coherence and legal certainty to the international system as a whole and enhances the international legal order through dialogue and cross-fertilization.

The rule of law plays an important role in the constitution and progress of the Community of Portuguese-speaking Countries, as its member States are committed to promoting peace, human rights and sustainable development through cooperation with one another and with other international organizations, including the United Nations. In this regard, I recall that the relationship between the Community of Portuguese-speaking Countries and the United Nations, dating back to 1999, is subject to periodic review, most recently as per resolution 73/339, of 12 September 2019. On that basis, the CPLP member States pledge their strong support to the Court in its ongoing fundamental role in settling disputes among States, strengthening the international rule of law for justice and peace, taking into consideration the situation of peoples and individuals.

The States members of the Community of Portuguese-speaking Countries remain confident that the Court will continue to overcome the challenges and meet the expectations that increasingly have an impact on it. The diversity, complexity and relevance of the cases submitted to the Court reflect the trust that States place in it.

In concluding this statement on behalf of the nine States members of the Community of Portuguese-speaking Countries, I convey once again our sincere appreciation of and thanks for the work of the International Court of Justice.

Mr. Válek (Czech Republic): On behalf of the Visegrád Group, comprising Hungary, Poland and Slovakia and my own country, the Czech Republic, I would like to thank the President of the International Court of Justice, Judge Yusuf, for presenting the report on the work of the Court during the period from 1 August 2018 to 31 July 2019 (A/74/4). I have the honour to present the common position of the Visegrád countries with respect to the Court's annual report.

The Visegrád Group is a staunch supporter of the International Court of Justice in the fulfilment of its role as the principal judicial organ of the United Nations. We recognize the central place of the Court in the peaceful settlement of disputes and acknowledge its sustained contribution to the maintenance of international peace and security for almost 75 years.

One of the greatest strengths of the Court rests in its truly universal character. All States Members of the United Nations may bring their dispute before the Court with confidence in its impartiality and wisdom in rendering international justice. The pending contentious cases demonstrate the broad geographical diversity of the parties appearing before the Court, including States from almost all continents. Moreover, the Court's universality means that its jurisprudence and cases cover a broad spectrum of questions from various fields of international law, such as territorial and maritime disputes, diplomatic and consular law, international responsibility and human rights law as well as the interpretation and application of treaties. We therefore appreciate the unique way in which the Court continuously and substantively contributes to the development of international law and to the strengthening of the rule of law within the United Nations system.

During the reporting period, the Court delivered judgments in three cases and issued its advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773). In general, as far as requests for advisory opinions are concerned, it is the view of the four Visegrád States that such requests should not be used as an alternative means of introducing matters relating to disputes for which contentious proceedings before the Court would be appropriate.

The strict observance of obligations related to the peaceful settlement of disputes is a prerequisite for the maintenance of international peace and security. The four Visegrád States are convinced that the principle of the peaceful settlement of disputes requires States not only to respect the procedure applicable to the dispute in question, but also to accept and implement in good faith

the outcome of such procedure. Under the Charter of the United Nations, each Member undertakes to comply with the decisions of the International Court of Justice in any case to which it is party. We therefore encourage all States having submitted their disputes to the Court to comply fully with their obligations resulting from the Court's decisions and to implement its judgments in good faith.

With regard to the jurisdiction of the Court, the Statute of the Court sets forth different means of acceptance, and the Visegrád Group believes that making full use of them increases the likelihood that States will submit their disputes to the Court. This forum, the General Assembly, is regularly involved in the elaboration and adoption of various multilateral treaties. We would therefore like to underline that we consider it important to include in such multilateral treaties clauses on the peaceful settlement of disputes, which provide for the submission of the disputes to the Court should the parties not be able to resolve their differences by other means. Many multilateral treaties contain such clauses, and the Assembly should, when encouraging further ratifications or acceptance of those instruments, encourage States to withdraw their existing reservations to such clauses. The countries of the Visegrád Group commend the Court for its work in the advancement of the noble cause of international justice and for its substantial contribution to the rule of law and to the strengthening of international law as the basis of equal and peaceful relations among States.

Mrs. Jovel Polanco (Guatemala) (*spoke in Spanish*): At the outset, I should like to express Guatemala's gratitude to the International Court of Justice for the hard work accomplished and to thank the President of the Court, Judge Yusuf, for introducing the report (A/74/4) updating us on the important judicial activity of the Court and in particular for its commitment to the peaceful settlement of disputes in accordance with the purposes and principles of the Charter of the United Nations and the Statute of the Court.

The continually demanding workload before the Court during the period under review reflects the trust that Member States place in the Court as the principal international judicial organ for resolving matters in a thorough, impartial and effective manner.

We take note of the contentious cases before the Court during the period under review. Guatemala underscores the trust Member States place in the Court by submitting their disputes for its consideration, reflecting countries' commitment to the principle of the peaceful settlement of disputes, its universality and its fundamental role in maintaining and promoting the rule of law throughout the world. We believe that the Court makes an indispensable contribution to the peaceful coexistence of States and cooperation among them. We likewise recognize that the work of the International Court of Justice, through its rulings and advisory opinions, strengthens the legal certainty of, and duly implements, the norms of international law and established international conduct.

History records the countless conflicts that have arisen over time and the range of approaches taken to resolving them. Unfortunately, some of those disputes were resolved by the use of force, leaving a painful legacy owing to the loss of countless human lives. In this regard, it is noteworthy that the work of the International Court of Justice is the result of many years of development in the methods of resolving conflicts at the international level; established by the Charter of the United Nations, it is invested with the trust of Member States to deliberate contentious cases fairly and objectively.

The task of the 15 judges of the Court is of paramount importance. States having voluntarily submitted to the Court's jurisdiction must support the Court by effectively upholding their commitments.

As the Assembly is aware, Guatemala and Belize have concluded the peaceful process for submitting Guatemala's territorial, insular and maritime claim to the International Court of Justice — a historic milestone for Guatemala, Central America and the world in the quest for a peaceful and lasting solution to this long-standing dispute between our two countries. The people of Guatemala, in April 2018, and the brotherly people of Belize, in May 2019, held their respective peaceful referendums, with positive results expressing the wish definitively resolve this dispute through the International Court of Justice. On 7 June 2019, the dispute between Guatemala and Belize was submitted to the Court pursuant to the commitments made by both countries under the Special Agreement between Guatemala and Belize to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice, of 8 December 2008, which was subsequently amended by a Protocol concluded on 25 May 2015. Guatemala welcomes the setting of deadlines by the Court for the filing of a Memorial by Guatemala by

8 June 2020 and of a Counter-Memorial by Belize by 8 June 2021, as reflected in the report before us today.

Relations between Guatemala and Belize are currently better than ever, and we are determined to continue strengthening this relationship. Our sincere and profound thanks go to the countries of the group of friends of Guatemala and Belize that have supported us in this process, which has prioritized dialogue as the true basis for democracy.

Through that step, Guatemala reaffirms its peaceful disposition to resolve this dispute with Belize in accordance with international law. We took the bold decision that the International Court of Justice will be the one to definitively resolve this matter, because we are sure that such resolution will bring economic, social and political benefits for both countries, as well as foster development for the peoples living in the adjacent areas. It also shows the world that we are responsible countries dedicated to democracy and promoting peace.

Notwithstanding everything I have just said, we are concerned that the Court is facing financial difficulties following the decision of the United Nations to temporarily withhold a portion of the budget approved for its entities, including the budget of the Court, as a result of the liquidity problems having arisen in 2018 and 2019. The report before us indicates that this situation has already resulted in great difficulties and could even hinder the Court's fulfilment of its mandate during the current biennium. We welcome the fact that the Court itself has taken cost-saving measures, including a rigorous evaluation of the financial situation in March 2019, with a view to adapting to the circumstances by maintaining a minimum level of judicial activity. Nevertheless, we urge Member States to meet their financial obligations to ensure that the Court can continue fulfilling its mandate.

In conclusion, I should like to reiterate once again our recognition of and support for the work of International Court of Justice and its judges, whose decisions help provide legal certainty in areas of particular sensitivity between States.

Mr. Bandeira Galindo (Brazil): At the outset, I should like to thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for his informative report on the Court's activities (A/74/4). I would also like to commend the judges of the Court for their outstanding contributions to the application of international law to the peaceful settlement of disputes. My remarks are aligned with those delivered by the representative of Cabo Verde on behalf of the Community of Portuguese-speaking Countries.

The presentation of the annual 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 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 these efforts, for it is more than just another avenue listed in Chapter VI of the Charter; 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, to mention just a few.

Through its judgments and advisory opinions, the Court upholds the principles of the Charter and contributes to ensuring the primacy of law and international affairs. The Court's pronouncements also provide fundamental guidance to States in the interpretation of international norms, including multilateral treaties and the Charter of the United Nations.

The Court's latest report is yet another chapter in its auspicious history, detailing three judgments, one advisory opinion, 16 orders and two new contentious cases. As the report highlights, the pending cases involve States from four continents and address a great variety of international legal issues. The high level of activity, the diverse geographical spread of cases and the diversity of subject matter demonstrate the renewed vitality of the Court and its universal role in promoting justice. Brazil praises the Court and its members for the efforts they have been making to keep up with their increasing workload.

Brazil also welcomes the Court's outreach efforts, which bring it closer to a variety of audiences and thus help to disseminate international law. The Court's internship programmes, as well as its participation in events organized by universities, are good examples of effective outreach activities.

In conclusion, I 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 Court will continue to play a key role in promoting a culture of peace, tolerance and justice, thus advancing the goals of the United Nations.

Mr. Ahmed (Sudan) (*spoke in Arabic*): Mr. President, the Sudan aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries.

My delegation takes note of the report on the work of the International Court of Justice (A/74/4). We would like to express our profound thanks to the President of the Court, Judge Abdulqawi Ahmed Yusuf, for his introduction of the report, which reflects the activities and work undertaken by the Court during the period under review.

The annual consideration by the General Assembly of the report of the Court has been an established practice since 1968. It is an integral part of efforts aimed at promoting the relationship between these two primary organs of the United Nations, namely the General Assembly and the International Court of Justice. The International Court of Justice has self-evident functions.

First and foremost, the Court contributes to the cause of peace. The United Nations was established in order to save future generations from the scourge of war. The Charter of the United Nations stipulates, inter alia, that one of the Organization's purposes is to create conditions conducive to maintaining justice and respect for international law. The Court, as the principal judiciary organ of the United Nations, plays a primary and key role in this regard. In addition to the fact that the judgments of the Court are binding on the parties concerned, the jurisdiction of the Court has far-reaching implications beyond the cases its considers. This sends a strong message across the world. The Court also prevents conflicts through its key role in settling disputes peacefully, thereby contributing to the broader United Nations efforts to achieve peace.

Secondly, the Court undertakes its role in upholding the rule of law, not only in terms of relations among States but within the United Nations system itself. The vision enshrined in the Charter of the United Nations cannot be realized without the rule of law. This underpins all of our work, be it related to peace and security, sustainable development or human rights. The judgments delivered by the Court, as well as its advisory opinions, are critical to promoting the commitment of the international community to the rule of law.

Thirdly, the Court is more relevant than ever before and the annual report presented to us today shows in detail the Court's high level of activity and the interest on the part of Member States in the Court's work. In the period covered by the report, Member States from all over the world continued to submit their disputes to the Court. It is encouraging to note the ongoing positive trend in the level of acceptance of the compulsory jurisdiction of the Court. Furthermore, the annual consideration of the Court's report reflects the continued interest of States Members of the United Nations in the work undertaken at the Peace Palace in The Hague. My delegation expresses its appreciation for the role played by the Court in line with its responsibilities, as set forth in the Charter and as the main judiciary organ in the United Nations in promoting rule of law globally through its judgments as well as its advisory opinions and its contribution to enhancing the system of the peaceful settlement of disputes.

The intensified activities of the Court and its important role require that Member States provide greater political support and allocate sufficient budgetary resources that will enable the Court to fulfil its tasks to the best of its ability. The annual report provides a good opportunity for the General Assembly to reaffirm the role of the Court and to support its work. The many dispute cases that concerned States have referred to the Court show growing confidence in it and in its ability to settle those disputes objectively, independently and in a manner acceptable to States parties to conflict.

The Sudan encourages the Court to move forward and pursue measures to enhance the Court's efficiency and ability to confront its increasing workload and responsibilities, especially in relation to the disposal of cases before it, as soon as possible. My delegation also calls on the General Assembly to invite States that have not yet accepted the compulsory jurisdiction of the Court to do so in order to contribute to the upholding of the rule of law at the international level and to enable the Court to fulfil its mandate, as enshrined in the Charter.

The Sudan urges the Security Council, which has not sought an advisory opinion from the Court since 1970, to benefit from the Court, as the primary judiciary organ of the United Nations system and a source of

advisory opinions relating to the interpretation of the principles of international law related to the Council's activities. My delegation also invites the General Assembly and other organs and specialized agencies to seek advisory opinions from the Court regarding the interpretation of the principles of international law concerning their programmes. We particularly applaud the Court's continuing absolute objectivity since 1945, and its well-established history reaffirms this to our satisfaction. The Sudan reiterates its appreciation for the role of the International Court of Justice and expresses its support for the Court in fully upholding its responsibilities.

Mr. Celorio Alcántara (Mexico) (*spoke in Spanish*): Mexico thanks President Yusuf for introducing his report on the judicial activity of the International Court of Justice (A/74/4). The report confirms the trend of an increase in its work in recent years, both in dispute cases and in advisory opinions, as well as diversity in the regions resorting to it. This is a reflection of the trust placed in the Court by the States.

We have carefully followed its judgments on one of the most relevant issues of international law related to the legal consequences of complex historical and political processes, such as decolonization and secession. Regarding the advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965,* in addition to the juridical decisions reached in relation to the specific requests submitted by the General Assembly, the Court's action demonstrated the importance of that main organ of the Nations United in the interpretation and development of conventional and customary international law.

Similarly, its conclusions serve as a guide for the follow-up of the Assembly on this subject. The effective fulfilment by Member States of their diplomatic and consular obligations is of the greatest relevance for the international multilateral system to operate. In that regard, Mexico highlights the judgment issued by the Court on 17 July in the case of *Jadhav (India v. Pakistan)*, regarding the obligation to provide consular notifications on the detention of foreign citizens. Through the *Jadhav* case, the Court was able to expand and deepen its jurisprudence in relation to consular law and the importance of its unrestricted implementation.

This follows on from its judgment in the case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)* of 31 March 2004, one of the most important precedents in the matter. The consistency of the legal criteria that the Court maintained in the *Avena* case demonstrates, on the one hand, that violations of the rights of foreigners are as relevant today as they were 15 years ago, when the *Avena* ruling was issued. On the other hand, the most recent judgment handed down by the Court also serves to reiterate the importance of the body of rules establishing consular law, in particular those set forth in the 1963 Vienna Convention on Consular Relations. These are not dispensable rules that States can choose whether or not to abide by, but rather norms of international law that protect relations between States in their most basic dimension — their citizens. We take this opportunity to highlight resolution 73/257, adopted on 20 December 2018, in which the General Assembly urgently requested that the *Avena* ruling be fully and immediately implemented.

A healthy and functional multilateral system must rely heavily on the peaceful settlement of disputes. Therefore, the role of the International Court of Justice in the applicability of multilateralism is key. We must always remember that its work is essential to the achievement of the most important objectives of the United Nations system and that every dispute resolved successfully constitutes a major step in preventing the escalation of conflict and strengthening of the rule of law.

The availability of international tribunals represents the commitment of the international community to make use of the law as a method of dispute resolution. However, if that commitment is to be honoured, their decisions must be respected and enforced. The work of the International Court of Justice is not limited to settling disputes between States as a mere formality. The responsibility for the success of international justice lies with the effective implementation of the Court's decisions by States. We trust that all the members of the United Nations will assume their responsibility to give the International Court of Justice the place it deserves in their actions, thereby helping to ensure a world order based on law rather than force.

Mr. Jiménez Piernas (Spain) (*spoke in Spanish*): I would like to begin by congratulating the International Court of Justice on the quality of its work during the previous session and by sincerely thanking its President, Judge Yusuf, for his report to the Assembly on the Court's activities (A/74/4). The Kingdom of Spain

would also like to take this opportunity to acknowledge and pay tribute to the services rendered to the Court by Mr. Philippe Couvreur, its Registrar from 2000 to 2019, and to express its sincerest congratulations to the new Registrar, Mr. Philippe Gautier, and wish him every success in his new duties.

As many delegations have already emphasized, in the past few years the Court's workload has continued to grow, in an unquestionable sign of the confidence that States have in it as a judicial way to achieve peaceful settlements of disputes in the international system. The diversity both of the States parties that bring their disputes before the Court and of the issues involved is evidence of its leading role as a guarantor of the accurate interpretation and application of public international law. In that regard, the Kingdom of Spain would like to make three more-specific points in the light of the various decisions issued by the Court during the reporting period.

First, with regard to the potential normative value of the work of our Assembly, in its advisory opinion of 25 February 2019 on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773), the Court again reiterated the potential importance of General Assembly resolutions adopted by consensus as instruments with the power to declare, crystallize or establish international obligations under customary law. The normative interaction between such resolutions and international custom in any of its three forms reaffirms the principle of the autonomy of the legal sources of international public law and underscores the legislative function of the General Assembly within the United Nations, always provided that resolutions adopted by consensus truly reflect the will of the Member States.

Secondly, in its judgment of 1 October 2018 in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, the Court discussed the limits of the normative interaction between international custom and resolutions adopted by the assembly of an international organization. The adoption by consensus of a resolution by an international organization does not automatically create an international obligation under customary law for its member States. The key to confirming such an obligation is to determine whether the States concerned genuinely intend to recognize the existence of a rule of customary international law. Accordingly, in that judgment, the Court reiterated its own relevant case law and again insisted on the fact that the matter should be analysed with the utmost care, case by case, in keeping with the International Law Commission's commentary on conclusion 12 of its draft conclusions on the identification of customary international law (A/73/10).

Thirdly, we should welcome the fact that the Court did not disregard the protection of human rights in the disputes submitted to it, as evidenced by its judgment of 17 July 2019 in the *Jadhav (India v. Pakistan)* case with regard to the interpretation of paragraph 1 of article 36 of the 1963 Vienna Convention on Consular Relations. Despite the fact that an increasing number of disputes with aspects related to the protection of human rights are being submitted to the Court as a result of the higher profile that the field has acquired in the international order in the past few years, Spain would like to point out that neither the Court nor the International Tribunal for the Law of the Sea are universal international human rights courts. In international practice the protection of human rights is manifested in various ways in both universal and regional contexts, and in those contexts it is the job of States to find ways of making that protection ever more effective.

In its statement last year during the plenary discussion on the Court's activities (see A/73/PV.25), Spain presented the Court with some proposals to explore with the aim of promoting economy in the written phase of proceedings, during hearings and in deliberations on decisions, advisory opinions and judgments, so as to maximize the Court's limited financial and human resources and expedite its work. Not only has there been a quantitative increase in cases submitted to the Court, but that has also gone hand in hand with a qualitative rise in the incidental proceedings in each case. For example, to cite only cases that the Court heard during the reporting period, provisional measures were requested in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations and Consular Rights (Islamic Republic of Iran v. United States of America)* and the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*. Preliminary objections were also raised in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, and counterclaims were lodged in the cases concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*

and *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*.

The Kingdom of Spain, which wishes to lead by example, does not consider it necessary to restate in today's discussion the proposals made a year ago, limiting itself to encouraging the Court to continue to find mechanisms that promote the principle of judicial economy, while also ensuring that this approach does not hinder the good administration of justice.

Lastly, the Kingdom of Spain acknowledges and appreciates the efforts made by the Court to give greater public visibility and transparency to its work, including the revitalization of its website, the production in various languages of informational videos on the Court's activities and the livestreaming of its hearings on the Internet.

Mr. Hamamoto (Japan): I would like to begin by thanking Judge Yusuf, President of the International Court of Justice, for his dedication and leadership and for his in-depth and comprehensive report on the work of the Court (A/74/4). I would also like to express my deep appreciation for the dedicated work of the Registry and the judges of the Court.

Japan has high regard for the work of the International Court of Justice, which, as the principal judicial organ, has played an important role over the years of the United Nations in the peaceful settlement of international disputes and in the promotion of the rule of law. The international community today benefits from the existence of numerous means for the peaceful settlement of disputes, including the Court, the International Tribunal for the Law of the Sea, arbitral tribunals and the dispute-settlement system of the World Trade Organization. Japan welcomes the availability of diverse forums through which States can settle disputes. At the same time, there is no doubt that the International Court of Justice, as the principal judicial organ of the United Nations, occupies a special and central place among them.

The rule of law and the peaceful settlement of international disputes provides the essential foundation for stable, rules-based international relations, and their essential principles underpin Japan's foreign policy. Japan became a State party to the Statute of the Court in 1954, two years before it joined the United Nations. Japan has accepted the compulsory jurisdiction of the Court since 1958.

As President Yusuf stated this morning, 74 States have exercised the optional clause set forth in Article 36, paragraph 2 of the Statute to declare that they recognize the compulsory ipso facto jurisdiction of the Court, and about 300 bilateral and multilateral treaties recognize the Court's jurisdiction over disputes concerning their interpretation or application. Generally speaking, Asia-Pacific States still seem cautious about utilizing the International Court of Justice. As of 1 October, only eight Asia-Pacific States, representing roughly 15 per cent of the Group of Asia-Pacific States, have made the optional-clause declaration.

The increase in the number of cases brought before the Court speaks for itself, showing that an increasing number of States respect and support the legal wisdom of the Court and the role it plays in the peaceful settlement of international disputes. In order to encourage other States to follow suit, Japan sincerely hopes that the Court will continue to deliver credible judgments and advisory opinions, as has been the case until now.

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

Mr. Khalifa (Libya) (*spoke in Arabic*): I would first like to thank the President of the International Court of Justice for his annual report on the activities of the Court (A/74/4).

The international community has always deemed it necessary to have a standing international judiciary for the settlement of international disputes. The International Court of Justice was created as the principal judicial organ of the United Nations following the establishment of the Organization in order to fulfil that vision. The Court plays a dual role — first, in settling disputes that are brought before it by States in accordance with international law, and, secondly, in issuing advisory opinions. Still, it is worth asking today to what extent the Court has fulfilled its mandate.

We find that 80 per cent of cases brought before the Court pertain to disputes between States, while 20 per cent involve requests for advisory opinions. The existence of an international court, even if it does not have full and final authority, has led to many situations where war or the use of force has been averted, thanks to the Court's work. However, certain States' interference

in the functioning of the Court through their failure to accept the Court's compulsory jurisdiction — which, unlike national judiciaries, does not favour one party at the expense of others — has on many occasions weakened the role of the Court and impeded the implementation of its judgments.

In December 2003, the General Assembly requested an advisory opinion from the International Court of Justice on the legitimacy of the Israeli occupying Power's construction of a separation wall in the occupied Palestinian territory. On 9 July 2004, the Court issued an opinion on the illegitimacy of the wall, finding it to be in violation of international law. The Court demanded that construction of the wall be halted and that the Palestinians affected be compensated. The Court called on the General Assembly and the Security Council to decide on the additional steps needed to end the situation of illegality arising from the construction of the wall. The Court's request to the Security Council to take the necessary measures was made in accordance with paragraph 1 of Article 94, of the Charter of the United Nations, in Chapter of XIV, on the International Court of Justice, which provides that,

> "Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

Paragraph 2 of Article 94 further states that,

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

Even so, the Security Council failed to take the necessary measures that might have contributed to upholding justice and fairness in an impartial manner. It is nevertheless imperative for the international community to comply with the Court's judgments and to implement its rulings in accordance with its duties and obligations under international law.

The State of Libya has been a respondent in numerous cases before the Court and has complied with all its judgments, even if they were detrimental to the country's interests. My country respects the international judiciary, abides by its rulings, and applauds it for its role in consolidating the rules of justice.

In conclusion, all efforts should be made to fully support the decisions and judgments of the Court and to provide it with mechanisms to ensure the effective implementation of those decisions and judgments.

Ms. Zolotarova (Ukraine): We welcome the President of the International Court of Justice to the General Assembly and are grateful for his comprehensive briefing on the Court's annual report. This year's report (A/74/4) shows that the workload of the Court continues to grow. The geographical spread and variety of subject matters in the Court's cases are also illustrative and confirm the importance and universality of this judicial organ and the general character of its jurisdiction.

Today's discussion is further confirmation of the effectiveness of the peaceful settlement of disputes and the fact that there is no alternative to it. Moreover, in accordance with Article 2, paragraph 3 of the Charter of the United Nations and its further elaboration in Article 33, it is an obligation to settle all international disputes peacefully. In this regard, we fully support the statement in the report that the Court is

> "a key part of the mechanism established by the Charter of the United Nations for the peaceful settlement of inter-State disputes, and of the system for maintaining international peace and security in general" (*A/74/4, para. 11*).

The decisions of the Court are of paramount significance for maintaining and promoting the rule of law, and they contribute to developing and clarifying international law. We value the Court's work in the area of publications and public presentations, including the dissemination of its decisions by means of multimedia platforms, social media, the Court's website and the mobile-phone application. We note with appreciation the Registry's updated film on the Court on the occasion of the celebration of the Court's seventieth anniversary. It is available in a large number of languages, including Ukrainian, on the Court's YouTube channel.

As in previous years, the report also indicates that more and more States are turning to the Court to seek protection of their rights and the rights of their people, which confirms States' confidence in the ability of the Court and its members to administer justice. The legal questions under consideration by the Court are vitally important not only to the parties to disputes, but also

to the international community as a whole, as they will inform the future application and interpretation of different spheres of international law, including various bilateral and multilateral treaties.

The term "principal judicial organ" stresses the independent status of the Court in the sense that it is not subordinate or accountable to any external authority in the exercise of its judicial functions. The main task of the Court, as the Organization's principal judicial organ, is to ensure respect for international law. Even though, by nature, the Court is guided by tradition and precedent, we know that the Court is ready to face modern challenges, and the recent amendment of its Rules of Court is a very good example. We note that its regulations on provisional measures have also been amended.

In a statement delivered during the fifty-sixth session of the General Assembly, the President of the Court expressed his hope that the Court's contribution to the maintenance of international peace and security would be enhanced through the prescription of provisional measures (see A/56/PV.32). There is no doubt that such measures, which are ordered by the Court as a matter of urgency and for the purpose of safeguarding the rights of the parties, are binding on them. The recent practice of the Court is, pursuant to Article 41 of the Statute of the Court, to reaffirm and emphasize in its orders on provisional measures that they impose international legal obligations on the parties to whom the provisional measures are addressed. Unfortunately, not all States respect the Court's orders or take real measures to implement those orders in good faith.

Following its unlawful occupation of Crimea, Russia launched a wide-ranging campaign of cultural erasure directed against the Crimean Tatar and Ukrainian communities. Russia has engaged in the collective punishment of whole ethnic groups in illegally occupied Crimea. People continue to be unlawfully detained and disappeared, the Mejlis of the Crimean Tatar People is banned, culturally important gatherings are suppressed, education in the Crimean Tatar and Ukrainian languages is restricted, and all media outlets from those disfavoured communities are subject to intimidation. These actions constitute a massive violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

I would like to recall the Court's 19 April 2017 order in response to a request for the indication of provisional measures in the case brought by Ukraine against the Russian Federation on the interpretation and 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 to, among other things, refrain from

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

More than two years have passed, and it has become apparent that Russia does not consider that it must suspend its discriminatory ban on the Mejlis under the language of the Court's order. The order continues to be ignored despite its binding nature. The failure of the Russian Federation to comply with the order is reflected in relevant General Assembly resolutions. Moreover, the General Assembly strongly condemned the Russian Federation's total and continuing disregard of its obligations under the Charter of the United Nations and international law with regard to its legal responsibility for the occupied Ukrainian territory.

In his first report on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/74/276), the Secretary-General, on the basis of information collected by the Office of the High Commissioner for Human Rights, states that, as of 30 June 2019, the activities of the Mejlis remained outlawed in Crimea, notwithstanding the order of the International Court of Justice. The authorities of the Russian Federation, the report further states,

> "are called on to respect the right to peaceful assembly and to lift restrictions imposed on the Crimean Tatar community, including the ban on the Mejlis, in order to preserve its representative institutions" (*A/74/276, para. 74*).

I would also like to take this opportunity to recall the other part of the order, whereby Russia must "ensure the availability of education in the Ukrainian language". We are certain that provision order has also not been implemented.

The Secretary-General's report also notes "a reported decrease in the availability of education in the Ukrainian language", stating that,

> "there has been an increased tendency towards the Russian language becoming the predominant language of instruction in Crimea" (*ibid., para. 50*).

The Secretary-General therefore urges the authorities of the Russian Federation "to ensure the availability of education in the Ukrainian language" (*ibid., para. 74*).

By ignoring the Court's order, Russia continues to violate a binding decision, demonstrating an unfortunate attitude towards the Court, the United Nations Charter and international law. In this regard, we call upon the international community to insist that Russia abide by international law, including the binding rulings of the International Court of Justice.

In that regard, I would also like to note, that next Friday, the International Court of Justice will issue its ruling on Russia's preliminary objections in the aforementioned *Ukraine v. Russian Federation* case. The decision is of paramount importance for Ukraine and its people. As my country is committed to the rule of law and the peaceful settlement of disputes, we are looking forward to hearing the decision. Ukraine will, of course, respect the Court's decision. I would like to take this opportunity to express Ukraine's hope and expectation that the Russian Federation will also respect and strictly follow the Court's orders and the justice it seeks to uphold.

The Court's work is part of the broader United Nations system's focus on international peace and security. That system is of vital importance to countries such as Ukraine that believe in the rule of law and the peaceful settlement of disputes between States. My country looks forward to continuing its work with like-minded countries within the United Nations system to promote peace, justice and the rule of law.

Ms. Cerrato (Honduras) (*spoke in Spanish*): My delegation appreciates the report of the International Court of Justice, contained in document A/74/4 and covering the period from 1 August 2018 to 31 July 2019, as presented by Judge Yusuf, President of the International Court of Justice, and acknowledges his contribution to the General Assembly at its seventy-fourth session.

Honduras recognizes the Court as the principal international judicial organ of the United Nations through which it has managed to peacefully resolve various international disputes. All of us Member States have also made a commitment to applying its decisions in any litigation to which we may have been a party. As a founding Member of the United Nations, Honduras has not only adopted the norms set forth by the Organization, but it has also made constant use of its mechanisms for the peaceful resolution of disputes to settle its differences with other States, including the International Court of Justice.

Just as Honduras adopts the principles and practices of international law that strive to promote solidarity among human beings, respect for the right to self-determination and attachment to universal peace and democracy, it also proclaims the unavoidable validity and obligatory execution of international legal and arbitral judgments. By virtue of this philosophy of the State, my country firmly believes that compliance with those international judgments handed down by a competent international court like the International Court of Justice, as well as the fulfilment in good faith of the commitments made through treaties, guarantees peace, harmony and security among peoples and Governments.

In that regard, Honduras welcomes the work of the Court for having maintained its resolve and effectiveness, even in difficult times, in its efforts to resolve international conflicts or deliver advisory opinions, regardless of the reported rise in workload over the last 20 years. The efforts of each of the institutions of the United Nations system, in particular the Registry of the International Court of Justice, to comply with the budgetary adjustments and limitations with which they have had to contend, are noteworthy.

In conclusion, Honduras reiterates its willingness to contribute to the search for solutions to the concerns and requests raised in the report, in order to ensure the utmost efficiency in the functioning of the Court.

Ms. Al-Thani (Qatar) (*spoke in Arabic*): I would like to thank the President of the International Court of Justice for his valuable report on the work of the Court. We reiterate our support for the Court and commend its important role in strengthening the rule of law at the international level, thereby establishing an international rules-based system.

The international community believes that international relations must be governed by the rule of law in order to maintain international peace and stability. Therefore, the role played by the Court today and the international multilateral system are more relevant than ever, especially in the light of the fact

that it is the only universal international court and, as the principal judicial organ of the United Nations, it plays an equally decisive role in interpreting the rules of international law and issuing advisory opinions on matters related to international peace and security. International compliance with the Court's judgments through its rich and long history reflects its status and international trust in its independence. It is therefore important that the Court enjoy the unlimited support of the international community so that it can carry out its key role in achieving justice and peace through its valuable efforts to settle disputes among States, develop international law and strengthen the rule of law.

Given that all States Members of the United Nations are parties to the Statute of the International Court of Justice, that there is widespread acceptance of its compulsory jurisdiction, and that its jurisdiction over disputes arises from the application or interpretation of more than 300 bilateral and multilateral treaties, respect for the Court's judgments is therefore an integral aspect of respect for the principles and purposes of the United Nations, international law and the principles of friendly relations and international cooperation. Hence, any failure to comply with the Court's judgements and orders should trigger the implementation of the relevant provisions of the Charter of the United Nations. In that regard, we recall that the San Francisco Conference, at which the United Nations was established, considered non-compliance with the Court's judgments to be an act of aggression.

Reiterating the commitment of the State of Qatar to abiding by the Charter and international law, my country is ever-ready to support the role of the Court in the peaceful settlement of disputes. We also manifested that readiness by resorting to the Court for matters related to the implementation of international law. We also comply with the Court's judgments, given that it is the highest international judiciary organ.

In accordance with this vision, and despite the violations and pressures to which we have been subject since the imposition, under weak pretences, of an illegal blockade and unilateral coercive measures for more than two years, the State of Qatar has resorted to the International Court of Justice, as the principal organ of the United Nations, to protect the rights of its citizens and residents affected by the measures taken by the United Arab Emirates on 5 June 2017. Those measures violate the International Convention on the Elimination of All Forms of Racial Discrimination.

The world has witnessed the integrity of the approach adopted by Qatar in dealing with the crisis in accordance with international law and within the framework of international mechanisms for the peaceful settlement of disputes. The legal position of the State of Qatar was reaffirmed by the order issued by the Court in July 2018; by the implementation of provisional measures against the United Arab Emirates for having violated the International Convention on the Elimination of All Forms of Racial Discrimination; and by the Court's decision of June 2019 to dismiss a request by the United Arab Emirates for provisional measures to be taken against the State of Qatar.

In conclusion, we renew our full support for the Court and its important role and reiterate our compliance with its decisions as the principal judicial organ of the United Nations. We will continue to support its efforts to maintain international peace and security and to strengthen the rule of law.

Mr. Kpayedo (Togo) (*spoke in French*): Togo endorses the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries regarding agenda item 72.

We thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his presentation of the report of the International Court of Justice for the period from 1 August 2018 to 31 July 2019 (A/74/4). My delegation takes note of and welcomes the fact that during that period, the Court experienced a particularly high level of judicial activity and rendered judgments on three contentious cases; that it gave its advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773)*;* and that the Court or its President issued 16 rulings during that same period.

In its resolution 73/207, of 20 December 2018, the General Assembly once again requested States that had not yet done so to consider accepting the jurisdiction of the International Court of Justice as provided for in the Statute. In that respect, and as emphasized in the aforementioned report, Togo, in addition to having been party to the Statute since 20 September 1960, is also one of the 74 States parties that have officially recognized as compulsory the jurisdiction of the Court.

Indeed, since 24 October 1979, the Togolese Republic, in accordance with the provisions contained in paragraphs 2 and 3 of Article 36 of the Statute of the Court and guided by its ongoing pursuit of the goal

of achieving a peaceful and equitable settlement of all international disputes, especially those in which it could become involved, and with the objective of contributing to the consolidation of an international legal order based on the principles enshrined in the Charter of the United Nations, has declared that it recognizes as compulsory, ipso facto and on condition of reciprocity, the jurisdiction of the International Court of Justice on all disputes concerning issues that are clearly set out in the aforementioned declaration.

Since then, as Togo believes that the Court plays a primary role in the maintenance and strengthening of the rule of law throughout the world and represents an essential component of the mechanism for the peaceful resolution of inter-State disputes as established by the Charter, my country's esteem and respect for that principal judicial organ of the United Nations has grown steadily over the years. Based on that trust, on 12 April the Government of Togo deposited with the Secretary-General its declaration in accordance with the relevant provisions of article 287 of the United Nations Convention on the Law of the Sea, of 10 December 1982. Thus Togo elected the International Court of Justice as one of the two judicial options available to it for the resolution of potential disputes relating to the interpretation or application of the Montego Bay Convention.

In addition, my country is convinced that through its judgments and advisory opinions, the Court contributes to the development of law and is also a party to several other international instruments that provide for recourse to this high jurisdiction in the event of disputes relating to the interpretation of those instruments.

Togo has been following the work of the Court with interest and notes that its workload has increased considerably over the past 20 years or so. In the face of the influx of new cases and cases on which it has already ruled, which reflect its dynamism, my delegation welcomes the work being done by the Court's current 15 judges and all of its former judges. In our view, all those judges have played their part in the Court's undeniable contribution to the peaceful settlement of several disputes and in the consideration of numerous claims submitted to it in the light of its contentious legal and advisory jurisdiction. We also acknowledge and commend the work of Mr. Philippe Couvreur, who has carried out with dedication his duties in handling the various cases submitted to the Court as its Registrar throughout the years in which he has occupied that post.

Similarly, my delegation welcomes the election on 22 May of Mr. Philippe Gautier as the new Registrar. It is convinced that the experience he has garnered over his 22 years with the International Tribunal for the Law of the Sea, notably in his role as Registrar, is a veritable asset for the Court, which will benefit from his expertise in the exercise of its judicial, diplomatic and administrative functions.

Togo would like to take this opportunity to thank the host country, the Kingdom of the Netherlands, for all the many forms of support provided to the Court, especially by granting its members the privileges and immunities necessary for them to exercise their important functions. In addition, the Togolese delegation welcomes the June 2017 launch of the new website of the Court, which is regularly updated to reflect new judicial developments on the cases before it, the timetable for its public hearings and the resources made available to the public, such as Court publications. We also welcome the May 2019 launch of the CIJ-ICJ free mobile application, which provides its users with essential real-time information on the Court's activities in both of its official languages, French and English.

Finally, Togo reaffirms the importance and relevance of multilateralism and international law and reiterates the Government of Togo's trust in the purposes and principles so clearly set out in the Charter.

As the credibility of the Court is largely in the hands of Member States, as is rightly underscored in the report, my country will continue to support its work and urges it to resolutely pursue its activities throughout the coming period, and, as it has always done, to give meticulous and impartial consideration to all the cases brought before it and fulfil its mission with the greatest integrity, swiftness and efficiency, as set out in the Charter of our common Organization.

The meeting rose at 12.55 p.m.