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New York

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

In the absence of the President, Mr. Ibragimov (Uzbekistan), Vice-President, took the Chair.

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

Agenda item 72 (*continued*)

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)

Mr. Jia Guide (China) (*spoke in Chinese*): At the outset, on behalf of the Chinese delegation, I would like to thank President Yusuf for his briefing on the report of the International Court of Justice (A/74/4). Our thanks also go to all the judges and staff of the Court for their hard work over the past year. As the principal judicial organ of the United Nations, the International Court of Justice is the most authoritative and influential of its kind in the world.

In carrying out its judicial functions under the Charter of the United Nations and its own Statute since its inception, more than 70 years ago, the International Court of Justice has delivered more than 130 judgments and almost 30 advisory opinions covering a wide range of important issues of international law, such as territorial sovereignty, the delimitation of maritime boundaries, decolonization, non-interference in internal affairs, refraining from the use of force, diplomatic and consular relations and unilateral sanctions. Through its activities, the Court has played a vital role in the interpretation, application and development of international law and has made important contributions to the peaceful settlement of disputes and the maintenance of international peace and stability.

In recent years, the international community has increasingly recognized the role that the International Court of Justice can play in the peaceful settlement of disputes and has added a steadily growing number of cases to the Court's docket, attesting to its increased trust and confidence in the Court. In the past year alone the Court has dealt with a good number of cases, including that of *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*, which attracted wide international attention and for which an advisory opinion from the Court (see A/73/773) was requested. The Court decided to accept the case in view of its historical relevance to the United Nations decolonization process and the possibility it provided for giving legal direction to the General Assembly in fulfilling its related functions, and it subsequently rendered an advisory opinion on the subject. We should point out that the advisory opinion does not undermine the validity of the principle of the consent of States, according to which an issue that is essentially a purely bilateral dispute cannot be referred to international jurisdiction without the consent of the State in question, whether as an advisory proceeding or a contentious case. We hope that the Court's advisory opinion will help the parties concerned work out a proper negotiated solution to their substantive dispute.

Separately, 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 entire bench of the Court unanimously endorsed the indication of provisional measures whereby the United States should remove any impediments affecting humanitarian needs arising from the unilateral sanctions on Iran reintroduced in May 2018. That is testament to the fact that the Court is deeply concerned about the negative impact that unilateral sanctions may have on the sanctioned State and its people. China supports the Court in continuing to fulfil its judicial functions in good faith and making renewed and ongoing contributions to safeguarding and promoting international law and advancing fairness and justice at the international level.

As a long-standing and active champion of the peaceful settlement of international disputes, China is committed to a negotiation- and consultation-based approach to the resolution of international disputes. We object to anyone having reflexive recourse to unilateral actions that escalate tensions and broaden disputes. The current rocky state of international relations has led to volatility. The unilateral actions and bullying of a particular State present unprecedented challenges to multilateralism and international law and have brought them under attack, to the serious detriment of the interests of all States. In that context, the Court will have an even more prominent role to play in defending international law and resolving disputes through peaceful means. China will work ever more steadfastly with the international community, including the International Court of Justice, to safeguard the international system, with the United Nations at its centre, and an international order based on international law.

Ms. Sekhar (India): It is my great honour to deliver this statement on behalf of my country, India. We would like to begin by expressing our gratitude and appreciation to Judge Yusuf, President of the International Court of Justice, for his in-depth and comprehensive report (A/74/4) on the judicial activities of the Court for the period between August 2018 and July 2019. We thank him and Vice-President Xue Hanqin for guiding the work of the Court during the reporting period.

The main purpose of the United Nations is to maintain international peace and security. The International Court of Justice, in its role as the principal judicial organ of the United Nations, has great responsibility for helping to achieve that objective by working to resolve disputes between States. The Charter of the United Nations and the Statute of the Court have entrusted it with dual jurisdiction — contentious jurisdiction, to decide disputes of a legal nature submitted to it by States, and advisory jurisdiction, to give its opinion on legal questions at the request of United Nations organs or specialized agencies authorized to make such a request. Taking stock of the work the Court has done to date since its first sitting in April 1949 and the submission of its first case in May 1947, the Court has been seized of a total of 177 cases. It has delivered more than 120 judgments and rendered more than 27 advisory opinions.

We note that the Court experienced a high level of activity during the period under review. It delivered judgments in three cases, handed down 16 others at different stages of proceedings and held public hearings in six. The report of the Court shows that as of July the Court had 16 contentious cases, with a new advisory case pending on its docket, reflecting its efficient management of its work. The subject matter and issues brought before the Court involve complex factual and legal issues relating to a variety of areas, including territorial and maritime delimitation, consular rights, human rights, environmental damage and the conservation of living resources, international responsibility, the immunity of States and their representatives and assets, and the interpretation and application of international treaties. The Court plays a crucial role in the interpretation and clarification of the rules and principles of international law and in ensuring its progress, development and codification. The Court's activities are directly aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions.

The report of the Court reflects how important States consider it and the confidence they place in it daily. That is evident from the number, nature and variety of cases that the Court deals with and its ability to handle the complex aspects of public international law as it does so. That is also clear from the fact that the pending contentious cases have been submitted by States from different continents, which speaks to the universal character of the Court. It is significant that the Court has not lost sight of the importance of adapting its working methods, including in handling emerging situations, responding to its increased workload and dealing with the complexity of the cases submitted to it. In performing its judicial functions, the Court

has remained sensitive to political realities and the sentiments of States, while acting in accordance with the provisions of the Charter, its own Statute and other rules of international law.

We appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which now features the Court's entire jurisprudence as well as that of its predecessor, the Permanent Court of International Justice. All of these are sources of useful reference material to States interested in resorting to the jurisdiction of the Court.

Finally, as a country whose civilizational ethos is based on the rule of law, India appreciates and applauds the work of the Court. We affirm our strong support for its work and acknowledge the importance that the international community attaches to its guiding role.

Ms. Pino Rivero (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement delivered this morning by the representative of the Republic of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

Cuba welcomes Judge Yusuf's introduction of the report of the International Court of Justice for the period 1 August 2018 to 31 July 2019 (A/74/4) and reiterates its commitment to the strict application of international law. The Cuban delegation has recognized the work of the Court since its inception. Its decisions and advisory opinions have been particularly significant to the development of public international law, for which it is an important source, as well as to the cases submitted for its consideration. We welcome every effort to achieve the peaceful settlement of disputes, in accordance with paragraph 1 of Article 33 of the Charter of the United Nations, and we have declared our acceptance with prior consent of the jurisdiction of the International Court of Justice.

We deplore the fact that some of the Court's judgments have not been enforced, in flagrant violation of Article 94 of the Charter, based on which every State Member of the United Nations commits to complying with the rulings of the Court in all litigation to which it is a party. In that regard, Cuba notes with concern that the effectiveness and enforceability of the Court's judgments may be subject to criticism, and not without reason, when certain countries still refuse to recognize verdicts that they do not like. Unfortunately, their refusals to comply with the Court's judgments, combined with their use of their veto rights in the Security Council to obstruct the United Nations mechanisms designed to enforce those judgments, reveal the inadequacies of the tools the Court has to implement its decisions. That situation demonstrates how important it is to reform the United Nations system in order to provide additional guarantees to developing countries vis-à-vis more powerful nations, and the same is true for the International Court of Justice.

The work of the International Court of Justice as a whole plays a crucial role in strengthening the rule of law at the international level, while through its judgments and advisory opinions it contributes to a more precise interpretation of international law. Cuba would like to thank the Court for the publications it has made available to Government parties and for its online resources, which constitute valuable materials for the dissemination and study of public international law, particularly for developing countries, some of which are often deprived of information related to advances in international law. In Cuba's case, that is due to the obsolete and absurd blockade policy imposed on it by the United States and overwhelmingly rejected by the international community.

We reiterate once again that the Republic of Cuba is a peaceful country that is respectful of international law and has always faithfully honoured its international obligations under the international treaties to which it is party. We would like to take this opportunity to reiterate our commitment to peace.

Mr. Lefeber (Netherlands): Let me first thank the President of the International Court of Justice for his presentation this morning (see A/74/PV.20) of the Court's report (A/74/4). My Government reveres the outstanding contributions that the Court, as the principal judicial organ of the United Nations, makes to resolving disputes between States and advising international organizations on legal questions. Considering the increasing number of disputes brought before the Court, and the variety of legal questions submitted to it, the Court's performance continues to elicit our admiration. We should not underestimate the importance of the fact that through its work, the Court contributes significantly to the maintenance of international peace and security. The Kingdom of the Netherlands therefore continues to be proud to be the host country of the Court and would like to stress its full support and commitment to the Court.

The consent of States is essential to the Court's ability to exercise one of its main functions, the resolution of legal disputes between States. My Government therefore encourages all States Members of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by making a declaration under paragraph 2 of article 36 of the Court's Statute, and to do so with as few reservations as possible. In that respect, we welcome the fact that another State has made such a declaration since the Court's 2018 report (A/73/4).

In my Government's own declaration accepting the compulsory jurisdiction of the International Court of Justice, we have eliminated limitations to the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands as far as possible. Our only reservation with regard to the Court's jurisdiction is *ratione temporis*, so that the Netherlands will accept all disputes arising out of situations or facts that took place no earlier than 100 years before the dispute is brought before the Court. We regret that other States maintain reservations and note with some concern a recent trend towards more rather than fewer reservations to the acceptance of the Court's compulsory jurisdiction. As long as universal acceptance of the compulsory jurisdiction of the Court without reservations is pending, the Netherlands welcomes the incorporation of compromissory clauses into any treaty in order to provide for the jurisdiction of the Court. When such a clause is optional, the Netherlands will make a declaration to accept the Court's jurisdiction. Yet the wording of such clauses may limit the jurisdiction to such an extent as to force the Court to declare itself without jurisdiction or to consider only part of a dispute.

Both the Court, in its report, and the Court's President, in his presentation, referred to the current issues relating to the premises of the Court, the Peace Palace. The Netherlands shares the Court's concerns about the safety of the premises and acknowledges the sense of urgency with respect to the implementation of the necessary renovations. The Government of the Netherlands has made €150 million available to that end. Unfortunately, the start of the renovation has been delayed by complex ownership issues. We are currently in the process of implementing a series of measures to guarantee the Court's safe and smooth functioning, including by upgrading perimeter control, minimizing fire hazards and taking regular measures to exclude the presence of asbestos. As the President of the Court indicated in his briefing today, my Government has invited the Court to discuss those issues in order to ensure the Court's effective functioning during and after the renovation. We hope to resolve the outstanding issues as soon as possible, and as the host State of the principal judicial organ of the United Nations, the Netherlands would like to assure the Court of its full commitment to it.

Finally, the Netherlands is conscious of the full docket of the Court. While that means an increase in the Court's workload, we consider that a positive development and congratulate the Court on the increasing demand for its contribution to the settlement of international disputes and for its advisory opinions. Let me therefore end by thanking the Court once again for its outstanding work.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): Nicaragua associates itself with the statement made this morning by the delegation of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

Nicaragua is grateful to the President of the International Court of Justice for his report (A/74/4), which gives us another opportunity to interact with the President of the principal judicial organ of the United Nations, while also informing us about the important work carried out by the Court during the reporting period. The report is distinguished by the fact that it reflects two completely opposed realities. On one hand, it confirms the sustained level of intense judicial activity that the Court has experienced over the past 20 years, and on the other, it shows the cuts that have been made to the institution's budget. On top of that, there have also been increases in the annual contribution that the United Nations makes to the Peace Palace.

As of 31 July, there were 16 pending cases before the Court from four different continents, including the American continent. Nevertheless, part of the budget that had been allocated for the reporting period was withheld until July this year. With regard to this year's budget, it is extremely worrisome that only 64 per cent of the allocated budget has been made available. Nicaragua understands that this is a situation facing other entities of the United Nations system. However, we believe it is essential to keep in mind that the peaceful settlement of disputes is the foundation for the maintenance of peace and the rule of law at the international level. Without the work of the Court, the

international judicial system would collapse and our confidence in it would disappear.

The work of the International Court of Justice is not limited to strengthening the rule of law at the international level through the development of international law and the maintenance of peace. Rather, its work has also proved essential in enabling other United Nations organs such as the General Assembly to perform their functions successfully. The advisory opinion on *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773) is a concrete example of that. Nicaragua actively participated in the written and oral process, given the fundamental importance of the issue of decolonization to the Organization. We believe that the Court's ruling serves to strengthen any future action that the Assembly may take to finalize the process of the decolonization of Mauritius.

We are pleased with the actions taken to improve coordination between the Court and the Secretariat, which have enabled an improved and more effective dissemination of decisions, orders, calendars of hearings and readings of judgments. We also note the Court's effort to make practical use of available social networks.

In conclusion, Nicaragua regrets that the financial situation of the Organization has dominated our attention during this opportunity for interaction with the President of its principal judicial organ, and we hope the Assembly will take into account everything that has been said here when making budget decisions. We also call for increased voluntary contributions to the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

Ms. Ponce (Philippines): The Philippines thanks Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his in-depth report on the Court's activities for the period August 2018 to July 2019 (A/74/4).

Our delegation associates itself with the statement delivered this morning by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

This annual dialogue between the General Assembly and the International Court of Justice reminds us that the Court, as the mandated principal judicial organ of the United Nations, is an essential part of the United Nations architecture for the maintenance of international peace and security, which is the very reason we are here at all. The International Court of Justice is therefore critical to the fulfilment of our peremptory duty, under paragraph 1 of Article 1 of the Charter of the United Nations, to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustments or settlements of international disputes or situations that might lead to a breach of the peace.

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

We welcome the increasing workload of the Court, the broadening of the subject matter of the cases brought before it and the geographic diversity of States bringing cases before it. As the report indicates, the Court has 18 pending contentious proceedings before it and one pending advisory proceeding. The pending contentious cases involve five African, seven Asian, nine American and five European States. We also note that the breadth of cases submitted covers territorial and maritime disputes, diplomatic and consular rights, economic relations, human rights, international responsibility and compensation for harm and the interpretation and application of international treaties and conventions.

The mention of a "particularly high level of activity" in the Court's report is most welcome. That is a show of trust and confidence by States in the Court's critical role in the peaceful settlement of disputes and promotion of the rule of law. The speedier resolution of disputes before the Court is no doubt a factor in the increased recourse to the International Court of Justice, as is the determination of the Court not to be swayed by political pressure or to politicize cases, unlike other international courts.

We stress that that show of trust and confidence must be accompanied by the commensurate budget and funds necessary for the proper functioning of the Court. The Philippines has recognized the compulsory

jurisdiction of the Court since 1972. We renew our call on other States to do the same.

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

Beyond the exercise of its judicial and advisory powers, we welcome the Court's role in promoting the rule of law through its academic and public outreach programmes. We are pleased that the Court highlights its interest in young people through its proactive involvement in university events and through its Judicial Fellows Programme. We will encourage our law schools to participate in the Programme. We support the proposal announced this morning for the establishment of a trust fund to enable the participation of graduates from developing countries in the Programme (see A/74/PV.20).

At the seventh Biennial Conference of the Asian Society of International Law, which was held from 22 to 23 August and was hosted by the Philippines for the first time, we had the privilege of the participation of Judge Yuji Iwasawa and retired Judge Hisashi Owada, former President of the International Court of Justice and the first President of the Asian Society of International Law. Judge Iwasawa is the first sitting judge to visit our country in an official capacity, and we deeply appreciate that. Our hosting of the Conference is a manifestation of our support for the rule of law and international law in general, and for the international judicial system led by the International Court of Justice in particular. The more than 500 participants considered the theme "Rethinking international law: finding common solutions to contemporary civilizational issues from an Asian perspective".

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

Ms. Orosan (Romania): At the outset, let me express our gratitude to the President of the International Court of Justice for the presentation of the annual report (A/74/4), which gave us a clear picture of what has been a very busy period in the life of the Court. We also express our appreciation to all members of the Court for their tireless efforts and dedication to the cause of international law and international justice.

We want to pay a special tribute to the former Registrar of the International Court of Justice, Mr. Philippe Couvreur, who put his energies for almost 40 years behind the cause of international law, serving the International Court of Justice day by day in his very modest and simple way. Romania honoured his work and dedication by offering him an important distinction of my State, namely, the National Order for Excellence. We have no doubt that the new Registrar will prove to be just as able in assisting the Court and States. We would like to wish him the best of luck in his endeavours.

It seems that every year we see a further increase in the workload of the Court. That trend has manifested itself for some time and shows no sign of abatement. Not only is the number of cases on the docket increasing, but the kinds of disputes are becoming increasingly varied and the questions of law and fact before the Court increasingly complex. We want to congratulate the members of the Court on their success in maintaining the customary high quality of their work, despite the constant increase in the number of cases and the diversity of their subject matter.

Romania welcomes the growing role of the International Court of Justice, as its judicial pronouncements are essential to the maintenance of world peace and stability. That role is even more significant today, when the rules-based international order is having to address emerging challenges. Some of them stem from conduct that ignores or undermines the norms of international law, while others are related to new developments, including the rapid advances in fields such as information and communications technology, or to natural processes such as climate change and sea-level rise.

By clarifying international law and contributing to its development through its judgments and advisory opinions, the Court has a very important role to play in ensuring that the international rules-based order remains resilient in the face of current tests and that it addresses

the needs of the international community related to adaptation to technological and natural changes.

In order to fulfil that role, States must give the Court the necessary tools. One way by which States can uphold the role of the Court is by strengthening the jurisdictional base for the Court's adjudicatory function. Romania firmly believes that a large number of States provide their consent for the jurisdiction of the Court. In 2015, we joined the ranks of the countries that had accepted the compulsory jurisdiction of the Court, and we encourage all States that have not yet done so to consider taking such a step.

I would like to conclude by reiterating our belief that in its future activity the Court will continue to uphold its high standards of professionalism and efficiency. We also hope that one day the Court will become universal.

Mr. Diakité (Senegal) (*spoke in French*): My delegation supports the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20) and would like to make some comments in its national capacity.

Like those who have preceded me, I would therefore like to thank President Abdulqawi Ahmed Yusuf for his thorough and detailed presentation of the report on the activities of the International Court of Justice (A/74/4). Through the President, we would like to convey our gratitude to all those who contribute daily to the success of the Court's work.

The judicial activities of the International Court of Justice, as described in the report under consideration, show a clear increase in the number of decisions rendered by the International Court of Justice on the merits and incidental proceedings, not to mention an increasing diversity of cases. While the number and importance of the cases demonstrate the priority given by the United Nations to the peaceful settlement of disputes in accordance with international law, their diversity in terms of geographical distribution illustrates the universal nature of the competence of the principal judicial organ of the United Nations. We should also note that in addition to the traditional areas of the disputes it considers, such as those relating to territorial sovereignty or maritime delimitation, the Court is increasingly seized of a wide range of subjects, such as human rights, diplomatic relations or environmental protection.

Moreover, through its decisions and advisory opinions, the International Court of Justice continues to promote fundamental values of humanity with a direct and specific impact on the daily lives of peoples and relations between States. That is universal recognition that the Court is an essential part of the mechanism for the peaceful settlement of disputes between States established by the Charter of the United Nations and of the system for the maintenance of international peace and security in general.

For that reason, as we do every year, we urge the Court to always treat all the cases before it with due diligence and impartiality and to continue to discharge the duty entrusted to it under the Charter with the greatest possible integrity, swiftness and efficiency, which is the guarantee of its credibility. We also reiterate our call on States, the General Assembly and the Security Council to ensure compliance with and implementation of its decisions. We call on States that have not yet done so to consider accepting the Court's jurisdiction.

It should also be recalled that the credibility and effectiveness of the Court's work depend to a large extent on its ability to take into account all legal systems in its work, in addition to ensuring multilingualism. The consistency of its case law also depends on that.

Mr. Gallegos Chiriboga (Ecuador) (*spoke in Spanish*): First of all, I would like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for presenting the report on the activities of the Court for the period from 1 August 2018 to 31 July 2019 (A/74/4).

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

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

reiterate our full support for the important work of the International Court of Justice and our commitment to and respect for its decisions.

The report presented this morning details the intensive work of the Court. I would like to highlight the three judgments handed down this year in important cases on diverse issues, as well as the pending contentious cases affecting four different continents. That reaffirms the universal nature of the Court as well as its integrity, impartiality and independence. We would also like to highlight the 16 orders handed down by the Court or its President, the public hearings held in six cases and the advisory opinion requested by the General Assembly, all of which we have followed very closely.

We have seen how the workload of the Court has significantly increased over the past 20 years, which reflects the confidence that States have in submitting disputes to the Court. It is important to emphasize the fundamental role played by the Registry in maintaining high levels of efficiency and quality and thereby providing a rapid response to urgent situations and matters. We reiterate that it is essential to ensure that the Court has at its disposal all the necessary resources and funds to fulfil its mission. We are fully confident that it will continue to work impartially to fairly resolve all the cases and disputes submitted to it.

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

Ms. Durney (Chile) (*spoke in Spanish*): I would like to begin by extending our country's greetings to the President of the International Court of Justice, His Excellency Judge Abdulqawi Ahmed Yusuf. Chile was pleased to receive the full report he submitted on the activities of the Court during the period under review (A/74/4). We take this opportunity to congratulate Mr. Philippe Gautier on his appointment as Registrar of the Court and we wish him every success in his important duties.

We have paid particular attention to the activities of the Court during the period under review. The report describes the Court's hard work in addressing increasingly diverse and complex issues within the scope of international law, including territorial and maritime disputes, diplomatic and consular rights, human rights, water resources, decolonization, international responsibility of States, compensation for harm, sovereign immunity and the interpretation and application of international treaties.

During the period under review, the Court delivered three judgments, including one that concluded a case in which our country was the respondent. The Court also handed down 16 orders in connection with various pending contentious proceedings, including in relation to a case that also involves our country. Lastly, during this period, the Court gave an advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773).

Those issues reflect the pre-eminence of law in a community of States that have recourse to the Court and are committed to respecting its decisions in guiding their conduct under international law. In that regard, Chile would like to highlight the Court's primary role in the area of international justice, along with its judgments and advisory opinions, even though the latter are not binding. We value the great responsibilities of the International Court of Justice and its mission. Its work is called on to reflect the pre-eminence of international law and its mission carries with it the legitimacy that the Charter of the United Nations confers on the system of settling legal disputes.

As the principal judicial organ of the United Nations, the Court plays a fundamental role in the interpretation and application of international law. Its work establishes valuable jurisprudence that contributes to the clarification and determination of applicable international law, as well as the effectiveness of an international legal order developed to strengthen the peaceful coexistence of States.

The confidence of States that the Court conducts its work according to the highest standards of impartiality and independence is critical to their seeking recourse to it. Those values are key to preserving the role of the Court and safeguarding the integrity of the principle of the peaceful settlement of disputes.

Our country has been a party in two cases before the Court in which a final judgment was rendered. During the period under review, we received the judgment handed down in the case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, which affirmed decisively that there had been no basis for an international obligation for that purpose. We are now an applicant party in another case pending before the

Court. By participating in those proceedings, Chile has continued to reaffirm its commitment to international law and the peaceful settlement of disputes between States as guiding principles that shape our country's foreign policy. In that context, and without commenting on specific cases, Chile would like to highlight the crucial role that international treaties play in relations among States played by international treaties. They are an expression of consent under the rule of international law and provide an objective normative basis for action. Chile upholds in good faith the commitments it has entered into under international law.

Chile places its trust in the rule of international law in its relations with other States and believes in the value and prestige of the principal judicial organ of the United Nations, which enjoys the broadest possible support in the current global context. Our commitment to the fundamental principles of the Charter of the United Nations with regard to the role of international law and the functions conferred on the International Court of Justice is steadfast, and we hope that conviction is shared by the rest of the States Members of the United Nations.

The report illustrates the Court's constant and steadily increasing workload over the past 20 years, a trend that is ample proof of the Court's prestige and credibility as the principal judicial organ of the United Nations. It also means that we must heed the needs that the Court has expressed if it is to be able to continue carrying out its mandate at the current level. In that regard, the report outlines the importance of providing the Court with the resources it needs to ensure that it is fully prepared to meet new demands. We want to emphasize the effort the Court has made to expedite its proceedings, which not only strengthens the rule of law through the Court's exercise of its competence in rendering decisions on legal matters, but also enhances the validity of its activities. The report also describes the Court's efforts to improve understanding of its work among the public, students, academics, judges, lawyers and other interested groups through its multimedia platform and website, social media and its new mobile application, which enables the international community to stay up to date on developments and news from the Court. We hope that in future those benefits will also be made available in Spanish.

We join others in expressing our support for the Court as the principal judicial organ of the United Nations. We trust that our Organization will continue to provide the Court with the human and material resources its judicial work and lofty functions require.

Ms. Brown (Jamaica): Jamaica is pleased to join in this discussion of the annual report of the International Court of Justice (A/74/4) during the international law week of the General Assembly. We thank the Court for its report, which highlights the diverse geographic spread of cases, illustrating the universal character of the Court's jurisdiction, as well as the wide variety of subject matter addressed, illustrating its general character. The growth in the Court's workload is notable, as is its very demanding schedule of hearings and deliberations, which facilitates the consideration of several cases simultaneously. The report points out that despite the complexity of the cases involved, the average period between the closure of the oral proceedings and the delivery of a judgment or advisory opinion by the Court does not exceed six months. This is certainly highly commendable and something that we would all like to see emulated in our domestic courts.

Among the pending contentious proceedings during the period under review, the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)* and the *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya*) are particularly notable, given the unsettled nature of some of the issues raised, as evidenced in the strong dissenting views expressed by some of the Court's members. Indeed, in the *Nicaragua v. Colombia* case, the Court was evenly split on the issue of *res judicata* as reflected in articles 59 and 60 of the Statute of the Court. That decision was reached with the casting vote of the President.

The decision of the Court to assume jurisdiction in the *Nicaragua v. Colombia* case concerning the delimitation of the outer continental shelf compels us to recall an earlier judgment of the Court in 2012, which drew the maritime boundary between Nicaragua and Colombia, as well as the decision of the Court in the case concerning the *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*. In both instances, the Court declined to delimit the maritime boundary extending more than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The International Tribunal for the Law of the Sea (ITLOS) adopted a contrary position in the case

of a *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal* (*Bangladesh v. Myanmar)*. In declining to draw a distinction between the inner and outer continental shelf, the Tribunal noted that given the decisions of the Commission on the Limits of the Continental Shelf to defer consideration of the submissions of Bangladesh and Myanmar in the light of their competing claims, should the Tribunal decline to delimit the continental shelf beyond 200 nautical miles under article 83 of the United Nations Convention on the Law of the Sea (UNCLOS), the issue concerning the establishment of the outer limits of the continental shelf of each of the parties under article 76 of the Convention could remain unresolved, which would not be conducive to the efficient operation of the Convention. It would be contrary to the object and purpose of the Convention not to resolve the existing impasse. ITLOS underscored its responsibility as a creature of the Convention to ensure the effective implementation of its provisions.

The *Bangladesh v. Myanmar* case concerned two States parties to UNCLOS, and therefore the question as to whether the customary regime on the outer continental shelf is reflected in the provisions of the Convention did not arise. The question is particularly relevant given the requirements of article 82 for payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, and the limit of 350 nautical miles established in paragraph 6 of article 76 of UNCLOS. Where either or both parties to a dispute are not parties to UNCLOS, the question would arise as to whether States parties to the Convention should be disadvantaged vis-à-vis non-parties in having to make payments or contributions through the International Seabed Authority — which distributes them to States parties to the Convention on the basis of equitable-sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the landlocked among them — in accordance with paragraph 4 of article 82 of UNCLOS. A decision that would disadvantage States parties to the Convention would certainly undermine its status as a constitution of the oceans.

This sort of dispute could only come before the International Court of Justice, not ITLOS, since under article 291 of UNCLOS, only States parties to the Convention and certain other entities specified in it may access the Tribunal. Indeed, such a dispute is now before the International Court of Justice in round two of the *Nicaragua v. Colombia* case. Interestingly, the decisions of the International Court of Justice in the second *Nicaragua v. Colombia* case and the *Somalia v. Kenya* case could suggest some convergence in the Court and the Tribunal's approaches to the law on the continental shelf and on how each of them views itself. In the *Somalia v. Kenya* case, the Court noted the importance of ensuring that the dispute is subject to a method of settlement that gives effect to the intent reflected in Kenya's declaration. As such, the Court did not wish to decline jurisdiction in favour of a tribunal that might be established under the UNCLOS dispute-settlement procedures when such a tribunal might determine that it had no jurisdiction despite the reservation made by Kenya to its optional clause declaration under paragraph 2 of article 36 of the Statute of the Court.

In support of its view, the Court cited the observation of the Permanent Court of International Justice that when the Court has to define its jurisdiction in relation to that of another tribunal, it cannot allow its own competency to give way unless confronted with a clause that it considers clear enough to prevent the possibility of a negative conflict of jurisdiction involving the danger of a denial of justice. The possibility of a negative conflict of jurisdiction creating a situation in which the other tribunal either fails or is not given an opportunity to exercise its jurisdiction therefore impels the Court to assume jurisdiction once it is seized of a matter even where the States parties have opted for an alternative mechanism for settling their maritime dispute under UNCLOS. The International Court of Justice has therefore accorded itself default jurisdiction under UNCLOS where States have made a declaration even with a reservation under the optional clause of article 36 of the Statute. At the same time, ITLOS, as stated in the *Bangladesh v. Myanmar* case, as a creature of the Convention, attributes to itself a special role in dispute settlement in promoting the objects and purposes of the Convention.

The architecture of part XV of UNCLOS positions an annex VII tribunal as the default mechanism for the settlement of disputes concerning the interpretation or application of the Convention. That seems to be the result of a lack of consensus between designating the International Court of Justice, the principal judicial organ of the United Nations, as the appropriate forum,

or creating a new, specialized tribunal, in this case ITLOS. Ultimately, flexibility has prevailed and, in any event, annex VII tribunals regularly include judges from both the Court and the Tribunal.

The overlapping nature of the jurisdictions of the Court and ITLOS in disputes involving the law of the sea suggests that the development of the law would likely benefit from close collaboration between the two judicial bodies. The report of the Court to the General Assembly, however, provides no information on this. Chapter VI, entitled "Visits to the Court and other activities", makes no mention of the Tribunal. Nor has my delegation detected references to ITLOS in any other section of the report. It seems likely that it would benefit both the Court and ITLOS, as well as States parties to the Convention, if the Court and the Tribunal exchanged perspectives on developments in the law from time to time, and that is something that my delegation would encourage. We would very much like to see reports of such exchanges in the Court's annual reports to the General Assembly in future.

Mr. Eick (Germany) (*spoke in French*): The International Court of Justice is the principal judicial organ of the United Nations and the most important guardian of international law. Designated in the Charter of the United Nations itself and equipped with a truly universal composition, the Court plays a vital role in the peaceful settlement of disputes through the application of the rules of international law and thereby makes a crucial contribution to the maintenance of international peace and security. Together with the International Criminal Court, the International Tribunal for the Law of the Sea and the International Court of Arbitration, the International Court of Justice represents a major pillar of the international rules-based order, with international law as its backbone. Germany has always been a stalwart supporter of the Court, and I want to take this opportunity to reaffirm that support today. I would like to focus on two points of significance for the International Court of Justice.

Mr. Inguanez (Malta), Vice-President, took the Chair.

First, State consent is the essential foundation of the jurisdiction of the Court. In 2008, Germany declared the Court's jurisdiction to be compulsory under paragraph 2 of article 36 of the Statute of the Court. In that regard, we encourage other States to consider taking similar measures. Mutatis mutandis, the Court may not settle disputes between parties without their consent. Any deviation from that principle would seriously jeopardize States' acceptance of the Court's role and would constitute a threat that could undermine its effectiveness. Entrusted with dual jurisdiction — contentious jurisdiction, for judging cases, and advisory jurisdiction, for issuing opinions on matters brought to it by bodies of the United Nations — the Court has an obligation to maintain the boundary between those two functions and should not give in to attempts to turn what is essentially a dispute between two States into an abstract legal issue.

My second point is closely related to the jurisdiction of the Court, and has to do with the fact that parties to a dispute must comply with the judgments of the Court. In accordance with Article 14 of the Charter, when a State submits to the jurisdiction of the Court, it must respect and follow its decisions. Any failure to apply a judgment undermines respect for the Court and its overall effectiveness as a mechanism for the settlement of disputes even beyond the dispute at hand.

In conclusion, I would like to once again remind the Assembly that the International Court of Justice is our pre-eminent instrument for the peaceful resolution of conflicts, based on law. The increase in the number of cases submitted to the Court in the past few decades shows that an ever-increasing number of countries are availing themselves of the possibilities that international law offers to settle disputes peacefully. We call on all States to support the Court and its work.

Mr. Oyarzábal (Argentina) (*spoke in Spanish*): The Argentine delegation would like to take this opportunity to thank the International Court of Justice for its tireless work and to commend it for its crucial role in upholding international law and maintaining international peace and security. The Argentine Republic welcomes the Court's role in promoting the rule of law all over the world, as the General Assembly recognized in resolution 73/206. In particular, Argentina welcomed the exchanges held between the President of the Court and the Legal Counsel of the United Nations between October 2018 and February 2019, which led to the decision to expand the cooperation between the Court and the Secretariat in the area of public information so that Member States can have a better understanding of the functions and work of this international tribunal.

The report presented by the Court (A/74/4), detailing its work over the most recent reporting period,

illustrates the geographic and thematic diversity of the matters before it, as well as the particularly intense workload that the Court had to contend with throughout the reporting period. Argentina would particularly like to underscore the important task of the Court's judges as guarantors of the principles enshrined in the Charter of the United Nations. That is especially significant with regard to the Court's exercise of its contentious jurisdiction, facilitating the settlement of international disputes by peaceful means in such a way as to ensure that neither international peace and security nor justice is put at risk.

Apart from that, in the various cases brought before it during the period under review, the Court focused on the treatment of certain principles, in particular the non-use or threat of use of force, in *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* and *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*; the fulfilment of obligations undertaken in good faith, in *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*; and the principle of the sovereign equality of States and non-interference in the internal affairs of other States, in *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*.

In that regard, the Court permanently monitors respect of international law, human rights and international humanitarian law, ensuring full compliance with the rights and obligations arising from international treaties and instruments. Moreover, it is worth noting the speed with which the Court has acted in time-sensitive cases, ordering provisional measures where necessary to avoid irreparable harm, as in the case of *Jadhav* (*India* v. *Pakistan*), where they were intended to prevent the execution of a convicted person. On occasion, it has imposed on both parties the obligation to refrain from any act that might aggravate or extend the dispute or hinder its settlement, as it did, for instance, in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination* (*Ukraine v. Russian Federation*) and 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 addition, Argentina also notes the importance of the Court's consultative function to the exercise of the competences of other bodies of the Organization. The findings of the principal judicial body of the United Nations determine and interpret the rules of law that are applicable not only to the United Nations but also to all countries of the international community. For example, the advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773) deals with a decolonization process in which there was a breach of territorial integrity by the colonial Power. The highest court of the United Nations decided, by 13 votes to 1, that the separation of the Chagos Archipelago was invalid and entailed an illegal act engaging international responsibility. It was also of the opinion that the administering Power has the obligation to put an end to the administration of Chagos and thus enable the completion of the decolonization of Mauritius, and it called on all States to cooperate with the United Nations to that end.

The highest court in The Hague stressed the central role of the General Assembly in decolonization matters. In that connection, it emphasized the need to comply with the Assembly's resolutions and indicated that it behoves the Assembly to determine and oversee the modalities of a territory's decolonization. Specifically, it ruled out the possibility of referendums being held without the intervention of the Assembly. It therefore underscored the value of the Assembly and the Special Political and Decolonization Committee, which deals with and follows up on decolonization issues. The Court confirmed the binding character of the principles contained in resolution 1514 (XV), which, in considering the principle of the self-determination of peoples, expressly condemns the undermining of national unity and territorial integrity. That 1960 resolution is of fundamental relevance. The Court also emphasized that in some cases, self-determination does not apply to populations that do not constitute peoples entitled to that right.

Our delegation pledges to continue supporting the valuable work of the International Court of Justice and hopes that all delegations will continue to defend and respect international law.

Mrs. González López (El Salvador) (*spoke in Spanish*): We begin by thanking the President of the International Court of Justice, His Excellency Judge Abdulqawi Ahmed Yusuf, for the presentation of his report (A/74/4) detailing the administrative and judicial activities carried out in the last year by the highest international body for the settlement of disputes between States Members of the United Nations.

My delegation is pleased to note that the Court was intensely active once again in lawmaking, issuing three judgments, an advisory opinion and 16 rulings on alleged violations of sovereign rights and maritime spaces, as well as holding public hearings on immunities and criminal proceedings and initiating two new contentious matters. All of that demonstrates the Court's fundamental role in the peaceful settlement of disputes, as shown by the fact that Member States have brought to it disputes on such important and varied matters of international law as human rights, environmental damage, the conservation of natural resources, international reparations and reparations for damages, and State immunity. This principal United Nations organ, as the only universal international court with general concurrent jurisdiction, also plays a vital role in the promotion and maintenance of the rule of law at the international level by strengthening it through its judgments and advisory opinions.

For that reason, it is vitally important to remember that one of the most relevant founding principles of international law is the obligation of all States to resolve our international disputes by every peaceful means possible, including the International Court of Justice. Compliance with that obligation has been reflected over the years in the trust that States have placed in the Court and in the number of cases that have been submitted to it or that remain pending. Notwithstanding that obligation and the existence of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, we cannot deny that while all States have the possibility of access to the peaceful settlement of disputes, the capacity to do so is not the same for all member countries because the cost of filing claims or defending their interests in disputes has increased in recent years, making access to international justice more expensive.

We believe it should be borne in mind that some States with low tax revenues or high debts are prevented from accessing international justice in any form and that it is therefore necessary for us to work together to seek solutions and measures to address the issue, as it will undoubtedly affect the membership of this international Organization in one way or another. We are also of the view that given its increased workload, the Court should be allocated the budget it needs in order to continue to issue its resolutions and rulings in a timely manner. We also believe that professional positions at the Court should be held by individuals from all legal systems, with equitable geographical representation and a gender focus.

My delegation is pleased that last year the Court's publications were distributed in both French and English and that there is a revised version in both languages on its website. However, we would like these publications to be distributed in all six official languages of the United Nations, which would make international law and the work of the Court more widely known to Government officials, jurists, lawyers, professors and academics. Lastly, we express the commitment of the Republic of El Salvador to supporting the work of the International Court of Justice in the maintenance of international peace and security.

Mr. Alabrune (France) (*spoke in French*): On behalf of France, I would like to thank the President of the International Court of Justice for presenting his report on the activities of the Court (A/74/4). The report attests to the important role that the Court plays in the peaceful settlement of disputes among States. As shown by the list of cases on the Court's docket, its workload in terms of contentious proceedings has increased in recent decades.

France would like to reaffirm its deep commitment to the International Court of Justice, whose contribution to the peaceful settlement of international disputes is vital to the maintenance of international peace and security. The Court's decisions help to ease tensions among States and reach solutions when other means of peacefully settling disputes do not permit that. Recourse to the International Court of Justice is based on State consent, which can be expressed through the different modes of acceptance of its contentious jurisdiction, in accordance with the provisions of its Statute.

While the Court's decisions are binding on the parties because of the *res judicata* authority attached to them, respect for those decisions and proper State implementation hinge on the high quality of the Court's decisions. References to the its case law by other international courts and tribunals attest to that. The Court also plays an important role through the exercise of its advisory functions. Although they are not binding on States and have a different function from judgments, which they are not designed to replace, advisory opinions make guaranteeing a better understanding of international law possible and therefore strengthen its authority.

Finally, France would like to emphasize the importance it attaches to the representation of different languages and legal cultures within the Court, as that diversity contributes to the quality of its work and the authority of its case law. In this period of challenges for multilateralism, the International Court of Justice remains an essential institution for peace and the legal international order. That is why I want to take this opportunity on behalf of France to reiterate to the Court and all its members and staff our deep gratitude for the work they have accomplished.

Mr. Mavroyiannis (Cyprus): At the outset, I would like to thank President Yusuf for his introduction (see A/74/PV.20) of this year's report of the International Court of Justice (A/74/4). I also want to thank former Registrar Philippe Couvreur for his dedicated service to the Court in his nearly 20 years as its Registrar. The International Court of Justice remains intrinsic to the raison d'être of the United Nations, which is to replace the use of force and the rule of might with the prevalence of the rule of law at the international level and the peaceful settlement of disputes among States. It is fundamental to the architecture of the international rules-based order, which has the Organization at its core, and an indispensable pillar of effective multilateralism.

The Court's judicial activity is generally acknowledged to be a success story, and the Court continues to reaffirm its central role year after year by settling disputes and creating and consolidating international law through its opinions and rulings and promoting the primacy of international law. We should be proud of the achievements of that principal organ of the United Nations, and it is our collective duty to promote and protect it as an institution. Furthermore, all organs of the United Nations must ensure that the conditions required for the Court to discharge its statutory responsibilities, in both its adjudicatory and consultative competences, at such a high level are met — that is, its autonomy, its independence and the availability to it of all the necessary means. In addition, from a strategic point of view, we welcome every step in the direction of expanding the scope of the competence of the Court, both *rationae personae* and *rationae materiae*. It is our duty to create the conditions for that to happen. While the credibility of the Court is undoubtedly a major and decisive factor in that regard, it is also crucial to increase the number of States that accept the optional clause of compulsory jurisdiction under paragraph 2 of Article 36 of the Court's Statute, and to broaden the scope of their acceptance.

Furthermore, the number of treaties, both those concerning the settlement of disputes and those containing clauses for the settlement of disputes that confer jurisdiction on the International Court of Justice, should be increased and consolidated. We alsoneed to further promote the idea of the availability of the Court as the means par excellence for the settlement of disputes with a legal dimension, even in cases where there is no prior commitment and a special agreement would be required.

Finally, the consultative function of the Court should be used to an even greater degree to play a central role in the work of other organs and institutions in the fulfilment of their respective missions. The authority of the Court must always be upheld. To that end, it is imperative that the decisions of the Court be universally accepted and implemented, without any exceptions. The overall record in that respect is very positive, but we must be vigilant if we want to preserve such precious acquis. In that regard, the Security Council should always be ready to play the role assigned to it by paragraph 2 of Article 94 of the Charter. Going even further, we would like to see the permanent members of the Council commit to refraining from the use of their veto in instances falling under the remit of Article 94.

Besides the outstanding performance of the Court in adjudicating disputes among States, which, as we see in the report, are constantly increasing, I would also like to underline the advisory function of the Court, which is proving more and more that it is of cardinal importance to the United Nations system and the international rules-based order. In that context, I want to single out the 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 position of my delegation with regard to the substance of the opinion was stated during our discussions here in May of this year (see A/73/PV.83). What I want to underline more broadly is the importance of the clear reaffirmation of the important, pertinent norms of international law, most of which have emerged or have been consolidated in the aftermath of the creation of the United Nations, such as self-determination, decolonization, the sovereign equality of States and their territorial integrity, environmental law and the law of the sea and the delimitation of maritime zones. The vital contribution of the International Court of

Justice to the settlement of related disputes among States in a cooperative and pragmatic way that rises above ideological, national and political issues that present obstacles to the spirit that should prevail in international relations today is a great achievement.

Before concluding, I would like to express my concern about the financial situation of the Court. We heard President Yusuf state here today that the Court's budget is inadequate to its growing caseload and that its underfunding could undermine its ability to perform its functions properly. For our part, we welcome the considerable increase in the Court's workload over the past 20 years because it demonstrates that States are more and more comfortable with resorting to the Court in order to seek authoritative pronouncements on complex legal issues. That compels us to find durable solutions to the Court's shortfalls by making the necessary resources available to it, together with the ability to mobilize them in a timely manner and ensuring that we continue investing in this institution in a manner that enables it to fulfil its mandate.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): We thank the President of the International Court of Justice, Mr. Abdulqawi Ahmed Yusuf, for his report (A/74/4) and his presence among us.

The Plurinational State of Bolivia commends the work carried out by the International Court of Justice over the more than 70 years of its existence. Its contributions to the development of international law and international peace and security have been significant, as is shown by the renewed interest of States in using it to resolve their disputes peacefully, as well as in the advisory opinions that the Court can issue at the request of any entity authorized to do so under the Charter of the United Nations. We are unquestionably living in very tense times with regard to international law and justice. The debate about the effective validity of international law often seems to become submerged by political and short-term interests. It is therefore vital to look critically at international law's genesis, the precedents it establishes and its effectiveness, in the spirit of the Charter of the United Nations through its institutions, including the International Court of Justice.

We have duly noted the increase in the effectiveness and efficiency of the Court in carrying out its tasks, including its outreach and networking activities for promoting the value of international law in the maintenance of international peace and security. We also take note of the scope of the economic and budgetary requirements outlined in the Court's report. We appreciate how efficiently they have been managed, and we are ready to support the efforts and measures required to meet them.

Litigation before the International Court of Justice requires significant resources and time to reach a decision. Experience seems to confirm several criteria that we consider worth mentioning, in a spirit of the utmost constructiveness and respect with a view to fostering a more effective administration of justice. In that regard, it is important to point out that the Court's structure should reflect the enormous diversity of the judicial systems of its member countries. Unfortunately, the Court has few judges who can contribute to an understanding of Ibero-American systems, despite the number of cases from the region. In that regard, it is important for the Court to begin to make effective use of multilingualism, since the results of the use of native languages — for example, Spanish — by litigating countries are not always felicitous in interpretations of the literal meaning of French or English documents.

Apart from that, the existence of shared interests and experiences should lead to the consideration of the importance of exhausting available arenas for reaching settlements and reconciliation through collective solutions before pursuing litigation before the Court, which can be asymmetric, onerous and alien to the solutions provided for under international law itself.

Bolivia would like to highlight the Court's decision to limit the participation of its judges in other courts and arbitral tribunals during their term of office. We believe that decision is correct and restores the Court's image of integrity, while addressing the reservations of several States, like ours, that had previously expressed their concerns in that regard.

Bolivia has been engaged in a long and onerous case — *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)* — before the Court on an issue of recognized and long-standing significance, which is its status as a landlocked country and which continues to be an unresolved issue in the region. While the Court decided that Chile had not undertaken a legal obligation to negotiate, it also recognized that the two countries have a long history of efforts and intentions to reach a rapprochement and agreements to resolve

the situation, and that we must maintain our dialogue in a spirit of good-neighbourliness in order to achieve meaningful negotiations. The decision shows that the Court addressed certain related legal standards but not the dispute itself. Bolivia takes the Court's decision seriously and accepts it in good faith in all its provisions, including those that explicitly recognize that Bolivia's landlocked status is a persistent problem and that it is incumbent on the parties to find ways to resolve it in a spirit of good-neighbourliness. It is in exactly that spirit that Bolivia has already taken the initiative to begin constructive dialogue with Chile. We hope that justice as well as the law will prevail over strictly positivistic legal views or loose interpretations of customary law that are not always useful in the effective application of international justice, and even less so for States whose views on its scope might differ.

In Latin America and the Caribbean, a region of peace where peaceful solutions to the most complex problems are forged and sealed, we continue to believe that States can settle their disputes only through dialogue, negotiation and peaceful solutions. The decisions of the Court must support that aspiration to achieve peace and justice for our peoples, and must inform the development of international law so that it can be an effective instrument in the face of injustice. We are certain that the Court will live up to that challenge and that States will be ready to support it.

Mr. Bagherpour Ardekani (Islamic Republic of Iran): My delegation aligns itself with the statement made by the representative of Azerbaijan this morning on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

I would like to begin by thanking Judge Abdulqawi Ahmed Yusuf, the President of the International Court of Justice, for his valuable and informative report (A/74/4) on the Court's activity. We also commend the judges and staff of the Court for their unwavering commitment and sense of duty in upholding the rule of law at the international level.

The International Court of Justice was designed to serve as a bulwark against arbitrariness and provide a mechanism for the peaceful settlement of disputes in the face of forces directed against the multilateral system, including attacks on its legitimacy and a crisis of confidence in the concept of multilateralism and its institutions. Such attributes guarantee much-needed stability and certainty on international cooperation. The International Court of Justice therefore plays a paramount role in establishing conditions under which justice and respect for international obligations can be maintained.

The Court's judicial functions have been clearly defined. Its jurisdiction in contentious disputes is reserved for disputes between States and is based on the consent of the States concerned. That is a well-established principle of international law, enshrined in article 36 of the Statute of the Court. The consensual basis of the Court's jurisdiction is not a deficiency but in fact a strength for the rule of law and the international legal order, at the core of which is the sovereign equality of States as one of the fundamental principles of international law. That is why the Court's jurisdiction in issuing advisory opinions is reserved for legal questions regarding general international law, and not for bilateral disputes.

For the first time in the history of the United Nations, the United States, a permanent member of the Security Council, is engaging in penalizing and sanctioning nations across the entire world, in total disregard for the Charter of the United Nations — not for violating a Security Council resolution, but rather for implementing and abiding by resolution 2231 (2015). To legally counter that arrogant policy infringing on the rules of international law, the Islamic Republic of Iran filed an application, together with a request for provisional measures, with the International Court of Justice to protect its rights under the bilateral Treaty of Amity, Economic Relations and Consular Rights, which were infringed on as a result of the reimposition of sanctions by the United States.

On 3 October 2018, the Court unanimously indicated provisional measures, obliging the United States to remove any impediments arising from the measures announced after its withdrawal from the Joint Comprehensive Plan of Action in certain areas. The Court's unanimous order is a clear testament to the illegality of the sanctions of the United States against our country and our people, at least in the specified areas.

In response, the United States imposed numerous rounds of new sanctions and continued with the ones that already existed when the provisional measures were indicated. Such irresponsible behaviour is in clear defiance of the Court's order, and certainly falls within the scope of prohibited acts with an aggravating effect

on the dispute at hand and that would be categorized as illegal wrongful acts contrary to the Court's dictum.

In view of those circumstances, on 19 February the Islamic Republic of Iran requested the Court to exercise its power under article 78 of the rules of the Court to call on the United States to explain, as a matter of urgency, the specific steps taken to implement the Court's order. In its reply to the Court's call, the United States failed to provide such information and instead repeated its statements before the indication of the provisional measures, meaning that it does not consider itself bound by the Court's order. As noted by Iran in its letter to the Court, no agencies of the United States have taken any steps to comply with the Court's order. On the contrary, by adding multiple new sanctions since the Court's order under article 78, the United States has disregarded the Court's order in a more blatant manner.

The Court has made it abundantly clear, at least since the past decade, that its orders on provisional measures are binding and create international obligations — as also reaffirmed in paragraph 100 of the Court's order. The obligation of compliance with provisional measures is rooted in article 41 of the Statute of the Court, and the non-compliance of the United States therefore implies its international responsibility.

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

In addition, the United States has illegally and in flagrant violation of international law confiscated billions of dollars in assets from the people, the Government and the Central Bank of the Islamic Republic of Iran under the United States court's rulings, in clear breach of the principle of immunity. In that regard, the Islamic Republic of Iran instituted another proceeding against the United States before the International Court of Justice. On 13 February this year, the Court rendered its judgment on the preliminary objections of the United States and concluded that it has jurisdiction over the case and that the application is admissible. That case is now at the merits stage.

Let me conclude by reaffirming that the Islamic Republic of Iran will work to safeguard the international system with the United Nations at its core and defend international law based on the Charter. We sincerely hope that the International Court of Justice will make greater contributions to upholding the purposes and principles of the Charter and in promoting the rule of law at the international level.

Mr. Tiriticco (Italy): I wish to thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for his statement to the General Assembly today (see A/74/PV.20), which highlighted the abundance of case law in the Court over the past year and the growing contribution of the Court to the affirmation of the rule of law in international relations.

For Italy, the option of judicial scrutiny with regard to State activities is an essential feature for any system based on the rule of law. At the international level, the peaceful settlement of disputes is an obligation for States. Clearly set out in the Charter of the United Nations, it is a core value of the international community. In that context, it is essential to seek judicial settlement through the Court, the principal judicial organ of the United Nations. Resorting to a judicial mechanism is a solid and serious option for States that believe in an international community grounded in international norms. In 2014, Italy accepted the compulsory jurisdiction of the Court under article 36 of the Statute, and we encourage others to do the same. The fact that the Court's docket currently holds 16 pending cases and one case currently under deliberation attests to the enduring relevance of the principal judicial organ of the United Nations and the forward-looking spirit that animated the drafters of the Charter almost 75 years ago.

At the same time, as the international community expands to include new stakeholders and a more complex network of legal relations, we must recognize the growing call for the primacy of a set of principles. Those principles should constitute the pillars of peace and stability in that new and changing world order. One such fundamental principle emerging in international law is the inalienable right to human dignity. It draws its strength not only from the virtue of universality but also from the recognition granted by States, whether through their constitutions or by consolidating domestic jurisprudence. From that perspective, we want to share our vision that State sovereignty and the prerogatives of legitimate States under international law should always be reconciled with the need to safeguard human dignity and fundamental human rights. Italy is confident that

that vision will continue to be reflected in the decisions and judgments of the Court.

Ms. Telalian (Greece): Greece would like to express its gratitude to the President of the International Court of Justice, Mr. Abdulqawi Ahmed Yusuf, for his detailed presentation (see A/74/PV.20) of the Court's annual report (A/74/4) and its activities over the past year. Greece is a strong supporter of the Court, as it is a mechanism established by the Charter of the United Nations for the peaceful settlement of disputes among States, in accordance with international law, thereby contributing to the maintenance of international peace and security in general.

Greece has always been a staunch proponent of the principle of the peaceful resolution of disputes among States and the prohibition of the threat or use of force by States, in accordance with paragraph 4 of Article 2 of the Charter of the United Nations, which itself constitutes *jus cogens* norms and is a cornerstone of the preservation of peace and stability throughout the world. In addition, the Court plays a critical role in conflict prevention by delivering advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies, thus strengthening legal stability and certainty, which in turn contributes to the prevention of disputes. In that respect, as early as 1994 we actively demonstrated our trust and confidence in the International Court of Justice by accepting the compulsory jurisdiction of the Court, as stipulated under paragraph 2 of article 36 of its Statute. That acceptance was recently reviewed, and in 2015 we submitted a new declaration of acceptance of the Court's jurisdiction, which is still in force.

We also recognize with appreciation the important role that the Court plays in promoting and reinforcing the rule of law through its judgments and advisory opinions, which contribute to the development and interpretation of international law. The considerable increase in the Court's workload, as indicated in its annual report, clearly shows the importance that States from different regions of the world attach to the institution and the authority of its jurisprudence. That extends to a wide variety of international law issues, ranging from maritime delimitation to diplomatic and consular relations, transboundary waters, the immunity of State officials and questions of sovereignty. However, despite the general recognition of the Court as a key part of the mechanism established by the Charter of the United Nations for the peaceful settlement of international disputes, it is regrettable that only 73 States have so far recognized its compulsory jurisdiction. We call on States that have not yet done so to reconsider their position and accept the jurisdiction of the Court, thereby showing their active commitment to the principles of justice and the rule of law.

Lastly, we believe that full compliance with the decisions of the Court is not only an obligation of States Members of the United Nations under the Charter but also a prerequisite for the effective performance of the Court's important functions, and hence an essential element in the maintenance of the international legal order.

Mr. Koonjul (Mauritius): Let me first congratulate Judge Abdulqawi Ahmed Yusuf on the second year of his tenure as President of the International Court of Justice and thank him for his comprehensive report (A/74/4) on the activities of the Court covering the period 1 August 2018 to 31 July 2019.

Let me also pay tribute to Mr. Philippe Couvreur, the recently retired Registrar of the Court, for his tireless efforts to help make the work of the Court more accessible and easier to understand. During his nearly four decades of service at the Court, he helped shape its working methods and the conduct of its proceedings in a smooth, professional and above all very fair and impartial manner. Mauritius commends and thanks him for his indispensable service to international justice and the peaceful resolution of disputes in accordance with international law. My delegation also congratulates the new Registrar, Mr. Philippe Gautier, on his election. We are aware of his outstanding and impeccable service as Registrar of the International Tribunal for the Law of the Sea — a position that has prepared him well for his new post at the International Court of Justice. We are absolutely confident that he will be a truly excellent Registrar at the International Court of Justice, and we fully support him in his new functions.

The International Court of Justice is the principal judicial organ of the United Nations. Its main objective is to settle legal disputes submitted to it by States in accordance with international law. The International Court of Justice also renders advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. It is extremely gratifying that the Court is now being solicited by an increasing number of States Members of the United Nations, given its function as the supreme judicial

organ of the United Nations system and the highest legal authority in the rules-based international order. The size of the Court's docket is strong testimony to the trust that Member States continue to place in it for the peaceful adjudication and settlement of disputes, and to its status as the ultimate authority on questions of international law submitted to it by the General Assembly and other United Nations organs. In that regard, it is a vital and top priority that we in the international community reinforce our support for the Court by allocating to it the resources it needs to do justice to the new cases brought to its attention.

Despite its inadequate financial resources, the Court deserves our commendation for its continuing enhancement of its website and improvement of its communications outreach by making increased use of social media platforms, among other things. Information today is a right and no longer a privilege. Ensuring that as many people as possible are kept informed is crucial in these times, as it brings clarity, certainty and calm to all. My delegation also welcomes the amendments to the Court's rules of procedure that took effect on 21 October and will help to further streamline its procedures.

At a time when multilateralism and the rules-based international order are being challenged, we more than ever need those who are committed to the Charter of the United Nations to ensure that the International Court of Justice is fully empowered and fully respected. I am pleased to say that most Member States recognize that. Regrettably, however, there are still a few countries that do not feel obligated to respect the Court and its opinions. I refer in particular to the Court's advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773), rendered on 25 February, about which President Yusuf addressed the Assembly this morning, among other issues (see A/74/PV.20). As he explained, the Court's opinion declared that the decolonization of Mauritius had not been lawfully completed, and that the ongoing administration of part of the territory of Mauritius was an internationally wrongful act of a continuing nature that implied the State responsibility of the colonial Power that, as we all know, expropriated the territory of Mauritius, in violation of resolution 1514 (XV). As President Yusuf further explained, the General Assembly, by an overwhelming majority of 116 to 6, endorsed the Court's ruling and demanded that the United Kingdom terminate its unlawful colonial administration of the Mauritian territory within a maximum period of six months. Those six months will expire on 22 November.

Today several delegations have emphasized the role of the Court in determining the content of international law applicable to the process of decolonization and have commended the Court in faithfully carrying out its function in this particular case. Sadly, the colonial Power has chosen to defy the Court and the General Assembly. It has gone to the extent of criticizing the Court for allegedly allowing Mauritius to circumvent the principle of consent when, in actual fact, the Court fully weighed the arguments made by that Power, both in its written submissions and oral pleadings, and rejected them. The colonial Power has also stated that it does not share the Court's approach on this matter and that it is free to ignore the ruling on the grounds that as an advisory opinion, the Court's decision is supposedly non-binding. Such a position undermines the Court and its authority.

The organs of the United Nations and responsible Member States are not free to ignore the Court's opinions. They are authoritative statements on international law. They are authoritative answers to the legal questions that have been presented. As President Yusuf said this morning:

> "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." (*A/74/PV.20, p. 8*)

The General Assembly indisputably has a role in promoting the credibility of the Court and respect for it. It is therefore clear that the landmark advisory opinion rendered on 25 February had the value of an authoritative legal determination on the lawfulness of the United Kingdom's conduct in denying the Mauritian people the right to self-determination, on its colonial occupation of a part of the territory of Mauritius, on the ongoing nature of its wrongful conduct and, especially, on its obligation — that is the word the Court used — to bring its colonial administration to an end as rapidly as possible.

Furthermore, given the *erga omnes* character of the obligation to respect self-determination as *jus cogens*, as well as the recognition of self-determination as a

peremptory norm under international law, the Court ruled that all Member States and all United Nations organs are under an obligation to assist in bringing the United Kingdom's unlawful colonial administration of the territory of Mauritius to an end as rapidly as possible. We would like to express our thanks and gratitude to all Member States for their support in that regard.

Let me conclude by re-emphasizing the vital role that the International Court of Justice plays in promoting the international rule of law and the peaceful settlement of disputes and in ensuring its accessibility to all the Members of the United Nations, whether they are large and economically and militarily powerful States or small ones with limited resources. Our hope for a better world is that the rulings of the highest court in the world will be duly implemented by all concerned. Otherwise, international law will exist in a vacuum and compliance will remain wishful thinking.

Mrs. Rugwabiza (Rwanda): First of all, I too would like to thank President Abdulqawi Ahmed Yusuf and his team at The Hague for their comprehensive report on the work of the International Court of Justice in the past year (A/74/4). The publication by the Court of its work is highly commendable and useful. Rwanda would also like to commend the International Court of Justice for its fulfilment of its mandate, as established in the Charter of the United Nations, under the able leadership of President Yusuf. Rwanda lauds the crucial role the Court plays in maintaining and promoting the rule of law and the peaceful resolution of disputes.

Rwanda associates itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

Since the creation of the International Court of Justice years ago, it has continued to play a vital role in international relations. As the principal judicial organ of the United Nations, it resolves disputes that cannot otherwise be resolved by or through the political organs of the United Nations. We are reminded of paragraph 1 of Article 1 of the Charter of the United Nations, with regard to our peremptory duty

> "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

Since 2014 we have seen the Court seized of contentious cases. That increasing confidence, especially among developing countries, with regard to the capabilities, credibility and impartiality of the Court in settling disputes exclusively by peaceful means, reflects the trust of Member States in it and in the norms, values and aspirations articulated in the Charter. The most fundamental of these is the non-use or threat of use of force. Of greater concern is the increased number of cases referred to the Court, which also reflects the increased inability of Member States to settle their disputes through diplomacy.

It is through the work of the Court that the rule of law in international relations has a chance to prevail. We call on the Security Council to seriously consider Article 96 of the Charter and make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law, particularly on the most urgent and controversial issues affecting international peace and security.

Finally, the Court has a lot to share with the international and regional courts in terms of experience and the objective manner in which it approaches its judicial functions and applies law within the bounds of justice rather than seeking justice outside the confines of law. Rwanda pledges that it will continue to offer unequivocal support to the Court in its fulfilment of its mandate and mission.

Mr. Sipaco Ribala (Equatorial Guinea) (*spoke in Spanish*): I would first like to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his admirable briefing on the work of the Court, which has provided us with a succinct and clear overview of the developments in its judicial activities.

My delegation aligns itself with the statements delivered by the representatives of Azerbaijan, on behalf of the Movement of Non-Aligned Countries, and Cabo Verde, on behalf of the Community of Portuguese-speaking Countries (see A/74/PV.20).

The Republic of Equatorial Guinea accepts the compulsory jurisdiction of the International Court of Justice, in accordance with paragraph 2 of article 36 of the Statute of the Court. If negotiations of disputes between States fail and the circumstances require it, we therefore do not hesitate to refer such matters to the International Court of Justice, as we have done on a number of occasions in the past, because the Court is yet another tool of the United Nations system that States

can employ in their quest for justice and the peaceful settlement of disputes, and in order to ensure peaceful coexistence in the world today.

Once again, the data speaks for itself. Given the number of cases submitted to the Court and their geographic diversity, as outlined in the Court's report, the universality of its jurisdiction is clear. The trust that States, including Equatorial Guinea, place in the Court underscores their strong desire to seek a peaceful and just settlement to every conflict that they bring before the Court, and thereby avoid resorting to force, which can play an adverse role and trigger new waves of violations of international law, with tragic consequences for the States concerned, particularly for women and children, the most vulnerable segments of society.

We welcome the close collaboration between the Court and the United Nations Secretariat in the field of public information, as well as the Court's launch in May 2019 of a mobile device application. Those are great successes.

We are grateful for all the steps President Yusuf has taken, and we note with appreciation his meticulous, objective, impartial and independent approach to all the proceedings he has conducted to date, always promoting the correct application and interpretation of international law and and respect for it above all. Equatorial Guinea sincerely puts its trust in the Court because we believe in its know-how. We know that the disputes we bring before the Court will benefit from fair resolutions that are truly appropriate to the issues raised.

I would like to conclude my statement by urging Member States to recognize the jurisdiction of the International Court of Justice, on the one hand, and on the other encourage the General Assembly and the Security Council to expand their collaboration with the International Court of Justice, in accordance with Articles 36, 94 and 96 of the Charter of the United Nations, bearing in mind that this principal organ was established to make a vital contribution to the United Nations as a mechanism for the peaceful settlement of disputes. The International Court of Justice could be, and is, a valuable instrument that the United Nations can use as a means for preventive diplomacy. We therefore urge all States to make use of it, and we ask the Security Council to refer all cases it deems necessary to the Court in order to avoid the use of force.

Mr. Moussa (Djibouti) (*spoke in French*): I would first like to say that my delegation aligns itself with the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20).

We would also like to thank Mr. Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his presentation of the report on the Court's activities (A/74/4), which has reminded us more than ever of the central importance of law in the peaceful resolution of disputes between States.

In a little less than a year, the international community will celebrate the seventy-fifth anniversary of the United Nations. It is always worth pointing out that the United Nations and its judicial organ, the International Court of Justice, are the product of a concerted effort by States to develop and bring peaceful solutions to the turbulent world of the early twentieth century. The fundamental objective was the creation of an international community governed by legal systems that foster peace and cooperation and prevent unilateralism and anarchy in any form. To a large extent, that noble objective has been achieved, given the ever-increasing number of cases before the Court. There can be no question that the degree to which States have recourse to the International Court of Justice serves as a barometer of the progress of public international law and its primacy in international relations.

From time to time modern history has enabled us to see the tensions that can emerge between strict interpretations of the law and national political Powers. Every era and generation poses specific challenges, and we must recognize that the international environment is constantly changing and that various factors — the effects of climate change, terrorism, the persistence of situations of armed conflict or status quo resulting from disputes, to name only a few — can endanger the rule of law. We are therefore compelled to acknowledge the persistence of disputes, particularly border disputes, whether on land or maritime, the legacy either of colonization or because some States struggle to assert their authority effectively throughout their territories.

Beyond that, in today's times, when we are seeing a crisis of confidence with regard to multilateralism and international institutions, the role and place of the International Court of Justice are more crucial than ever. In an effort to combat that those trends, since 2005 my country, Djibouti, has accepted the Court's compulsory

jurisdiction in accordance with paragraphs 2 and 5 of article 36 of the Statute of the Court. The diversity of the disputes handled by the Court is a testament to its importance, and its commitment to small States such as my country to administering the law and nothing but the law. No one is above the law or can be deprived of the protection of the law. In view of that, we call on all Member States that have not yet done so at this stage to recognize the compulsory jurisdiction of the Court and to work to see that any dispute that could jeopardize peace, international security and good relations between States is resolved through referral to the Court.

My delegation is certain that the entrenchment of equality and equity among Member States, the strengthening of the United Nations and the achievement of the Sustainable Development Goals for the well-being of our peoples undoubtedly require the rule of law. This is the condition sine qua non for a more just world aimed at the full realization of the three pillars of our Organization — international peace and security, development and human rights. The pursuit of this objective will unquestionably expand the Court's activities in the coming years, and in that regard, international law will be clarified and the world order strengthened.

It is therefore with that in mind that we urge all States Members of the United Nations to ensure that the Court has adequate resources at its disposal. This is all the more important because, as pointed out the President of the Court during his briefing (see A/74/PV.20), it follows from its statutory obligations that the Court must consider all disputes brought before it and that it has no mechanism for controlling the number of cases it takes up.

In conclusion, I want to reiterate Djibouti's unwavering support for the International Court of Justice, whose universal work is the guarantee of justice and equity.

Mr. Dang Dinh Quy (Viet Nam): I would like to express our appreciation for the comprehensive report by the President of the International Court of Justice (A/74/4). During the reporting period, the Court issued three judgments and one advisory opinion, handed down 16 orders and had public hearings in six cases. It was seized of two new contentious cases, putting the number of cases entered on its docket at 16.

We would like to take this opportunity to congratulate the judges for the considerable work that has been done and to recognize that as the principle judicial organ of the United Nations, the Court plays an indispensable role in the system for the maintenance of international peace and security. As the first prong of its jurisdiction, the Court has to decide cases submitted to it by States Members of the United Nations. The principle of peaceful settlement of disputes embodied in the Charter of the United Nations is one of the major principles governing international relations. In accordance with Article 33 of the Charter, States have a variety of measures for settling their disputes in an amicable manner, of which judicial settlement is an important one, together with negotiation, inquiry, mediation, conciliation and arbitration.

We know that of the 16 contentious cases pending on the Court's docket, five cases involve the subject of maritime disputes and questions of maritime delimitation, which are close to the heart of State sovereignty. We welcome that development, which means that States are increasingly referring complex and politically sensitive issues to the Court.

So far, 74 States have made declarations recognizing the Court's compulsory jurisdiction under article 36 of its Statute. In addition, we have a list of more than 300 bilateral and multilateral treaties and conventions providing for the Court's jurisdiction in the event of disputes. States can seek recourse to the Court's jurisdiction at any time during a specific dispute, based on the principle of State consent and in accordance with the Statute of the Court.

The second prong of the Court's jurisdiction is that of rendering advisory opinions in accordance with Article 96 of the Charter. In that regard, we call on the General Assembly, the Security Council and other authorized organs to make greater use of the Court as a source of advisory opinions and clarifications on legal questions.

My country greatly appreciates and respects all the relevant international legal processes and their contribution to the maintenance of international peace and security, including proceedings in the International Court of Justice. We participated in the written proceedings of the request for an advisory opinion of the International Court of Justice on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773). In June of this year,

we voted in favour of resolution 73/295, welcoming the advisory opinion of the International Court of Justice with a firm commitment to upholding the role of the principal judicial organ of the United Nations. Today we reaffirm our strong commitment to the principles of international law and assure the International Court of Justice of our full support.

Mr. Elgharib (Egypt) (*spoke in Arabic*): Egypt aligns itself with the statement made this morning by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A.74/PV.20).

We would also like to express our appreciation to Mr. Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his comprehensive briefing this morning on the report on the activities of the Court during the reporting period (A/74/4).

As a supporter of global multilateral action, Egypt believes in the International Court of Justice's critical role as the principal judicial organ of the United Nations system. We believe that the establishment of an effective, regular and rules-based international system requires strengthening the rule of law at the international level, an effort to which the Court is making an effective contribution. In carrying out the mandate set forth in the Statute of the Court, whether in relation to contentious cases submitted to it or solicited from it, the advisory opinions requested on various topics of international law or other activities mentioned in the report, the Court pays an important role in interpreting public international law, consolidating the universality of its provisions and raising awareness about it, in addition to interpreting, and sometimes establishing, provisions of international law through its jurisdictional determinations and advisory opinions.

The peaceful settlement of international disputes without prejudice to international peace, security and justice, as provided for in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, is one of the basic principles of public international law and the global multilateral system as a whole. Accordingly, we appreciate the pivotal role the Court plays in helping Member States to uphold these principles through its jurisdiction. We also find that the Court's advisory opinions may indirectly contribute to achieving that objective.

My country has always had a positive relationship with the International Court of Justice. In 1957, in accordance with paragraph 2 of article 36 of the Statute of the Court, we declared that we accepted jurisdiction of the Court on the Suez Canal and the arrangements for its operation as compulsory ipso facto. Egypt has also joined several multilateral international conventions that have recourse to the Court with respect to all disputes that may arise among States parties in relation to their interpretation or application.

In conclusion, Egypt reaffirms its continuous support for and positive interaction with the Court in implementing its critical mandates and responsibilities. We urge all States to do the same in order to realize our shared goal of a rules-based international system that upholds the rule of law, administers justice and maintains international peace and security.

Mrs. Harqoos (United Arab Emirates) (*spoke in Arabic*): At the outset, I thank the President of the International Court of Justice for his briefing (see A/74/PV.20) at this annual meeting of the General Assembly to consider the report on the activities of Court (A/74/4).

The United Arab Emirates reiterates its commitment to upholding international law and its firm support for the International Court of Justice as the principal judicial organ of the United Nations. The number and diversity of cases before the Court is the best gauge of the Court's importance in the peaceful settlement of disputes among States.

The Court is currently considering two cases involving the United Arab Emirates. My country has complied fully and in good faith with the orders and provisional measures handed down by the Court. We intend to thoroughly present our defence and affirm that the measures taken by the United Arab Emirates are in accordance with international law. I reaffirm that the measures taken by the United Arab Emirates, together with those taken by our brothers in the Kingdom of Saudi Arabia, the Kingdom of Bahrain and the Arab Republic of Egypt, are in response to Qatar's support for terrorism, extremism and interference in the internal affairs of other States. The measures that we have taken are in line with international law, including the International Convention on the Elimination of All Forms of Racial Discrimination.

We regret that Qatar has taken this important discussion as an opportunity to once again distort and

misinterpret the Court's judgments (see A/74/PV.20). In its orders of 23 July 2018 and 14 June 2019, the Court expressly confirmed that measures taken by the United Arab Emirates did not in any way affect the Court's jurisdiction in considering the merits and substance of the case and the admissibility of the application. Qatar's claims therefore not only violate the conditions established by the Court's orders, they also call into question the integrity and coherence of the proceedings.

The President of the International Court of Justice reaffirmed today that the Court has decided that both parties must refrain from all measures that would result in the aggravation or prolongation of the dispute or make it more difficult to resolve. This is a binding measure for both parties. We affirm that we are committed to respecting the Court's orders and call on Qatar to do the same.

Lastly, we once again express our profound gratitude to the Court and its members and staff for their valuable contribution to strengthening international law and promoting peace.

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

Mr. Bamya (Palestine) (*spoke in French*): My delegation aligns itself with the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/74/PV.20). I thank the President of the International Court of Justice for his briefing on the report on the important activities of the Court (A/74/4).

In response to the horrors of the Second World War, including the Holocaust, humankind founded the United Nations to embody, promote and defend the values that are enshrined in the Charter of the United Nations, as early as Chapter I, on the Organization's purposes and principles. Since the United Nations began we have often debated whether it is the Security Council or the General Assembly that is its genuine cornerstone. The former organ enjoys the advantage of power, once a consensus among its members has been reached, and the latter the advantage of representativeness. In reality, however, the real cornerstone is the International Court of Justice, which does not express the will of the Powers or that of the majority, but the voice of the justice that must guide us all. We call on the competent United Nations bodies, including the Security Council, to rely on the Court to guide their decisions and actions and ensure that they comply with international law.

Justice is the only acceptable basis for a multilateral order that is intended to be and must be based on international law and its administration. I represent a country that has suffered one of the worst injustices the world has seen since the founding of the United Nations. Our nation has been deprived of its right to self-determination, dispossessed of its land and subjected to oppression. Seventy years later, we are still in search of freedom, dignity, justice and peace. More than any other people, we know the values of the international order to which we continue to subscribe, as well as the limits of that order, which, despite the transparency of the relevant norms and rulings, has yet to decisively end this injustice, owing to the flaws in the decision-making process at the core of these institutions, as well as the implementation of their decisions.

The force of any legislative act or court decision lies in its moral and legal authority, as well as in its in its ability to enforce them. In this regard, we can perhaps say that the founders' mistake was in not making the Court's jurisdiction binding on all but submitting it to the goodwill of States. We call on all States to recognize the compulsory jurisdiction of the Court and to comply without delay with its decisions and opinions. We commend the 74 States that have made this very important choice for the peaceful settlement of disputes.

I would like to take a minute to respond to the argument according to which States are not required to comply with the advisory opinions of the Court. In an advisory opinion, the Court states the law and in doing so relies on norms, including compulsory ones, with which all States must comply. When the highest international tribunal makes a pronouncement on what the law is, it is not making a recommendation but dictating the action that must be taken by States.

Fifteen years after the Court issued its advisory opinion on the *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A-ES-10/273), we say clearly and simply that if the Court's conclusions had been respected, peace could have been a reality for the Palestinian people and all the peoples of the region. Unfortunately, in the absence of respect for international law, hopes for peace have been superseded by the reality of illegal annexation, the continued oppression of an entire people and persistent conflict.

In that regard, the State of Palestine stresses that it is not only up to the parties to a dispute or a conflict to comply with international law, as reaffirmed by the Court's decisions and advisory opinions. Third States must also fully comply with them and respect their obligations, including their obligation of non-recognition and non-assistance to States committing illegal actions and of ensuring that those that carry out or contribute to the commission of such acts are held accountable. In this regard, Palestine has once again turned to the Court to ensure respect for international law and the relevant Security Council resolutions on the very important and sensitive issue of Jerusalem. Every State has an obligation to respect and ensure respect for international law.

In conclusion, Palestine welcomes the increasingly significant role of the Court and the geographic and thematic diversity of the cases that it considers. We reiterate that it is the cornerstone of the multilateral edifice, and those who undermine its authority are jeopardizing that structure. Those who defend its authority and respect for its decisions and advisory opinions are the guarantors of the sustainability of a multilateral regime based on law, freedom and shared dignity. Palestine stands resolutely in that camp.

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

May I take it that the General Assembly takes note of the report of the International Court of Justice (A/74/4)?

It was so decided.

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

Mrs. Zabolotskaya (Russian Federation) (*spoke in Russian*): The Russian Federation feels compelled to comment on the statement by the delegation of Ukraine, which once again confused the General Assembly Hall in New York with the Peace Palace in The Hague and decided to continue judicial proceedings under the agenda item of the report of the International Court of Justice (A/74/4). The agenda item is intended for another purpose entirely, that of assessing the work of the Court for the period under consideration, and not for propagandizing one's own interpretations of judicial proceedings that have not yet been completed.

Ms. Durney (Chile) (*spoke in Spanish*): My delegation regrets that we have to use the right of reply to respond to the statement by the representative of the Plurinational State of Bolivia in which he referred to some unfounded legal positions that should be duly responded to and refuted.

The representative of the Plurinational State of Bolivia made an inaccurate reference to the clear and complete verdict of 1 October 2018 that definitively settled Bolivia's request through its conclusion that Chile has no obligation, and has never had any obligation, to negotiate sovereign access to the sea for Bolivia, and that any such claim is devoid of legal basis. Bolivia said that it accepted the decision, and yet is making statements that the decision does not reflect in any way, still less in its operative provisions. There is no possible way to suggest that there are any other interpretations of the ruling that respond to the dispute initiated by Bolivia or that there are other aspects that are still pending. That kind of assertion is contrary to the good faith in which judgments should be respected and is an attempt to rewrite a final ruling that cannot be appealed, in accordance with article 60 of the Statute of the International Court of Justice.

Chile would like to reiterate that the ruling of the Court on 1 October 2018 on the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)* is a comprehensive legal text that does not admit of other interpretations. It does not leave outstanding the issues that Bolivia is trying to contest through its request. It is now just over a year since the International Court of Justice handed down its ruling, and the Government of Chile calls on Bolivia to end its efforts to distort a clear judgment and to focus on a constructive future relationship that deals with the interests of our peoples that genuinely coincide.

Mrs. Dickson (United Kingdom): I am taking the floor to exercise the United Kingdom's right of reply to the statement made this afternoon by the Ambassador and Permanent Representative of Mauritius.

The United Kingdom has no doubt about its sovereignty over the Chagos archipelago, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the archipelago, and we do not recognize its claim. However, we have a long-standing commitment, first

made in 1965, to cede sovereignty of the territory to Mauritius when it is no longer required for defence purposes. We stand by that commitment.

We were disappointed that the matter was referred to the International Court of Justice, contrary to the principle that the Court should not consider bilateral disputes without the consent of both States concerned. Nevertheless, the United Kingdom respects the Court and participated fully in the process at every stage and in good faith. An advisory opinion is advice provided to the General Assembly at its request and is not a legally binding judgment. The Government of the United Kingdom has considered the content of the opinion concerning *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773)carefully. However, we do not share the Court's approach. The United Kingdom notes that in its reply to the General Assembly, contained in paragraph 183 of the advisory opinion, the Court did not express the opinion that the United Kingdom committed an internationally wrongful act of a continuing character in relation to the separation of the British Indian Ocean Territory from Mauritius. In fact, some judges questioned whether it was necessary to make a statement of responsibility, which blurs the distinction between the Court's advisory and contentious jurisdictions.

Mr. Al-Thani (Qatar) (*spoke in Arabic*): My delegation regrets that it has been compelled to respond to the allegations in the statement by the representative of the United Arab Emirates. My country has shared irrefutable facts. We mentioned the important role played by the International Court of Justice and renewed our commitment to its judgments.

It is no longer a secret that the repeated false accusations today by the United Arab Emirates are an attempt to cover up its failure in the International Court of Justice on 14 June, when the Court rejected its request that provisional measures should be taken against Qatar in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v United Arab Emirates)*. On 23 July, the Court ordered provisional measures to be applied to the United Arab Emirates. That represents a condemnation of that State by the highest international judicial body and a legal and international victory for Qatar.

My country is known for its full respect for conventions and international law, and it is now possible for the international community to understand the goals of the campaign that has been waged against Qatar under the pretext of wrongful accusations, the true nature of which is increasingly clear with each passing day. Through the Court's two judgments, dated 23 July 2018 and 14 June 2019, which impose provisional measures on the United Arab Emirates because of its discriminatory measures against Qatari citizens and reject the request of the United Arab Emirates that provisional measures be taken against Qatar, the world can now see the illegal, unilateral and unjust measures that the United Arab Emirates instituted against Qatari citizens. They included serious violations of human rights law and of freedom of movement and expression. They ruptured family links, prevented students from continuing their studies and resulted in other unprecedented violations in our region and in the Gulf community, which is known for its good relations and cohesiveness. They run counter to international custom, basic rights and the United Nations Global Counter-Terrorism Strategy, which requires respect for human rights in counter-terrorist activities.

Qatar's leadership role in the fight against terrorism has been acknowledged in reports of the United Nations. None of the pretexts fabricated by the United Arab Emirates representative can therefore distort Qatar's honourable record in addressing this scourge. The position expressed by the United Arab Emirates is simply an attempt to evade its commitment to the region and to the United Nations. It is ironic that the representative of the United Arab Emirates mentions the principle of non-interference in the internal affairs of States, when her country is known for such interference as well as for its violations of the Charter of the United Nations and for sabotaging friendly relations among States.

Indeed, the foreign policy of the United Arab Emirates towards other States in its region is notable for its destructive nature. It is aimed at achieving the country's own narrow goals and ambitions, as is evident in its interference in Somalia, Libya, Yemen and elsewhere. The United Arab Emirates is indifferent to what its interference may trigger, whether it is the territorial integrity of States undermined, legitimate and internationally recognized Governments weakened, or, according to reports issued by the United Nations and international human rights organizations, the perpetration of human rights violations and war crimes by the country's proxies. The world has witnessed

the bitterness of the Governments of those countries, which have denounced the United Arab Emirates' sabotage and called on the international community to put pressure on it to end the destructive policies that are fuelling conflicts and crises. Furthermore, the United Arab Emirates is trying to cover up its human rights violations and interference in internal affairs in countries of the region and beyond, which should not be acceptable to the General Assembly.

The international community has recognized Qatar's commitment to international law, the Charter of the United Nations and regional and international peace and security, which is reflected in reports issued by the United Nations and international human rights organizations.

Mr. Koonjul (Mauritius): My delegation is very disappointed indeed that while we are discussing the activities of the International Court of Justice and the President of the Court and several other judges are present in this Hall, one delegation should still be contesting and challenging the decision and advisory opinion of the Court on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (see A/73/773). We understand that the delegation was disappointed that the matter was brought before the Court, but it was the wish of the General Assembly, which voted overwhelmingly to take this matter to the Court in its adoption of (resolution 71/292). If the Court had at the very least shared the opinion of the United Kingdom, it would have certainly told the General Assembly that it would either not have given an advisory opinion or ruled in favour of the United Kingdom.

Clearly, the Court and the General Assembly do not share the United Kingdom's approach to the issue. In fact, during proceedings at the Court, the United Kingdom argued extensively that the Court should exercise its discretion and refrain from giving an opinion. The Court considered those arguments and resoundingly rejected them. Of the 14 judges, 12 concluded that they did not see any compelling reason for the Court to deny the General Assembly's request.

The United Kingdom appears to believe that by merely insisting at every chance it gets that it has no doubt about its sovereignty over the Chagos archipelago, the issue will be closed. The American playwright John Patrick Shanley, whose most famous play is *Doubt: A Parable*, wrote that "certainty is a closed door; it's the end of the conversation". Where there is doubt, on the other hand, there can be growth and change.

To put it plainly, after the Court's opinion and the adoption of resolution 73/295, the colonial Power has come to a dead end. It cannot close the issue — it can only close itself off from growth and change. Of the 14 sitting judges, 13 concluded that the decolonization of Mauritius had not been lawfully completed, that the Chagos archipelago was an integral part of Mauritian territory, that the ongoing maintenance of colonial administration was an internationally wrongful act of a continuing character, and that the colonial Power was under a legal obligation to terminate it as rapidly as possible. The fourteenth judge did not disagree. Her lone opposition vote was based on her view that the Court should have declined to issue an opinion.

Nevertheless, the United Kingdom professes to have no doubt about its sovereignty over the Chagos. It was the Englishman John Heywood, in 1546, who first coined the phrase later immortalized by Jonathan Swift: "There are none so blind as those who will not see". It may choose to shut its eyes, but the United Kingdom cannot make the ruling of the International Court of Justice — and the overwhelming support of the General Assembly for that ruling — simply disappear.

The United Kingdom also contends that the advisory opinion is not binding. That may be technically correct in the abstract, but it is artfully misleading in the real-life circumstances of this case. To be sure, an advisory opinion does not carry the same binding force as a judgment of the Court in a contentious case, which of itself creates a legal obligation for the parties to comply with its terms. In this case, however, an overwhelming majority of the Court found that the colonial Power has an obligation under customary international law to terminate its colonial administration as rapidly as possible. In other words, the source of its obligation is customary international law, not just the advisory opinion itself. The advisory opinion is therefore an authoritative statement by the highest judicial organ of the United Nations system that such an obligation exists and that the colonial Power's non-compliance with it violates international law.

The colonial Power cannot avoid or escape this legal obligation. It is accountable internationally. Moreover, in Commonwealth countries, international law is part of the common law, and the colonial Power has recently been summoned to defend the lawfulness of its colonial

occupation of the Mauritian territory before its own national courts. In this regard, precisely because of the Court's advisory opinion, an appellate court has granted leave for an appeal in a case brought against the Crown by the former inhabitants of the Chagos archipelago. Furthermore, as everyone knows, the leader of the opposition party in the United Kingdom has taken a firm position that the advisory opinion will be respected whenever his party returns to power.

My delegation is therefore confident that, notwithstanding its current posture, the United Kingdom cannot forever remain immune to growth and change, especially when the position it is espousing is totally untenable.

Mrs. Harqoos (United Arab Emirates) (*spoke in Arabic*): My delegation would like to exercise its right of reply in response to the false allegations made by the representative of Qatar.

While Qatar claims that the measures it is taking are based in law, it is ignoring its obligations under the Riyadh Agreement, including its commitment to refraining from interfering in the internal affairs of the four signatory States to the Agreement and other States. Qatar also claims to respect international mechanisms for the settlement of disputes. However it has repeatedly distorted and misinterpreted the provisional measures of the International Court of Justice and has ignored the Court's orders, in particular its request to both parties in *Qatar v. United Arab Emirates* to refrain from taking any action that may fuel the conflict, prolong the proceedings before the Court or complicate settlement of the case.

More importantly, while Qatar insistently claims to be committed to confronting the threat of terrorism and has signed a number of new agreements, just as it signed the Riyadh Agreement, nothing has changed on the ground. Qatar continues its policy of financing and supporting terrorist and extremist groups, and, just as it violated the Riyadh Agreement, it will violate these new agreements as well. I would like to conclude by advising Qatar that the time has come for it to match its words with actions.

Mr. Al-Thani (Qatar) (*spoke in Arabic*): My delegation is compelled to exercise its second right of reply in order to refute the false allegations being made against my country by the delegation of the United Arab Emirates, as I did in my first statement in right of reply. It is regrettable that the representative of the United Arab Emirates continues to repeat these false allegations in an effort to politicize the work of the General Assembly and instigate arguments instead of discussing the main issues on the Assembly's agenda.

It is no longer a secret that the false accusations repeated today by the United Arab Emirates are an attempt to cover up its ongoing failure before the International Court of Justice. The Court's two orders, dated 23 July 2018 and 14 June 2019 respectively, confirmed that the United Arab Emirates had put in place discriminatory measures against Qatari residents, and rejected the request of the United Arab Emirates to impose provisional measures against Qatar. Through these orders, the world can see the illegal, unilateral and unjust measures that were taken by United Arab Emirates against Qatari citizens.

My country has taken steps to facilitate the implementation of the Court's orders, but they have been rejected by the United Arab Emirates. This impasse must now be resolved through the Registry of the International Court of Justice. We would like to remind the delegation of the United Arab Emirates that its attempts to evade the Court's decisions violate the Charter of the United Nations and the Statute of the Court. It is imperative that the Court's orders be implemented to bring redress for Qatari citizens. The State of Qatar will not hesitate to protect the interests and rights of its citizens and residents and will continue to defend them through internationally accepted legal means and procedures.

Given that we will be unable to take the floor again to respond to any further allegations that may arise, having exercised our second and final right of reply in accordance with the rules of procedure, my delegation reserves the right to respond to any such allegations in writing and for that response to be included in the official record of this meeting.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 72?

It was so decided.

The meeting rose at 6.05 p.m.