



# General Assembly

Seventy-fifth session

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Tuesday, 3 November 2020, 10 a.m.  
New York

Official Records

*President:* Mr. Bozkir . . . . . (Turkey)

*The meeting was called to order at 10 a.m.*

## Agenda item 74 (continued)

### Report of the International Court of Justice

#### Report of the International Court of Justice (A/75/4)

#### Report of the Secretary-General (A/75/313)

**Ms. Offermans** (Netherlands): I would like to start by expressing the gratitude of the Kingdom of the Netherlands to the President of the International Court of Justice for his presentation of the report of the Court (A/75/4).

The Netherlands is grateful to be hosting the principal judicial organ of the United Nations and would like to reiterate its full support for, and commitment to, the Court. The Court's contribution to the maintenance of international peace and security, through the settlement of the disputes brought before it and through the advice on legal questions provided to international organizations, is of great significance.

As the report states, the fact that the cases currently pending before the Court have emanated from all regions of the world and cover a wide variety of subjects supports the notion that the International Court of Justice truly is the world court. The Netherlands would also like to express its appreciation for the way in which the Court continues to operate despite the challenges posed by the current pandemic.

I would like to focus on three issues. The first is the trust fund for the Judicial Fellowship Programme. The Judicial Fellowship Programme was established in 2000 and enables law graduates from different parts of the world to enhance their knowledge of international law, jurisprudence and the practice of the Court. However, financial constraints have made it difficult for law graduates from universities in developing countries to benefit from the Programme.

For the Programme to be inclusive and to ensure the representation of all legal traditions in the world, the participation of law graduates from all States and regions is essential. In his report to the General Assembly last year (see A/74/4), the President of the International Court of Justice proposed the establishment of a trust fund. The Netherlands would like to thank the President for that initiative, which we strongly support.

I am therefore happy to confirm that, together with Argentina, Senegal, Singapore and Romania, the Netherlands is co-facilitating a General Assembly resolution to establish the trust fund for the Judicial Fellowship Programme of the International Court of Justice, with the aim of awarding fellowships to eligible nationals of developing countries. The draft resolution calls on States, international organizations, individuals, corporations and other entities to contribute voluntarily to the trust fund. The core group intends to organize the first informal meeting soon to discuss the draft resolution and hopes for a speedy adoption in the General Assembly.

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Secondly, the Netherlands regrets the fact that no additional State has accepted the compulsory jurisdiction of the Court by making a declaration under Article 36, paragraph 2, of the Statute since the President of the International Court presented its report last year. We cannot but emphasize the importance of the acceptance of the jurisdiction of the Court by States. The consent of States is essential for the Court to exercise one of its main functions — the resolution of legal disputes between States.

The Netherlands 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 Article 36, paragraph 2, of the Statute and to do so with as few reservations as possible. In that context, I would like to repeat that, in my Government's own declaration accepting the compulsory jurisdiction of the Court, limitations to the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands have been eliminated as far as possible. Our only reservation to the jurisdiction is one of *ratione temporis* — the Netherlands will accept all disputes arising out of situations or facts that took place no earlier than 100 years before the dispute is brought before the Court. We regret that other States maintain reservations and note, with some concern, that more rather than fewer reservations are being made with regard to the acceptance of the Court's compulsory jurisdiction.

As an alternative to the acceptance of the compulsory jurisdiction of the Court without reservations, the incorporation of compromissory clauses in any treaty to provide for the jurisdiction of the Court may be considered. The Netherlands will make a declaration accepting the Court's jurisdiction when such a clause is optional. Even so, the Netherlands continues to prefer the acceptance of the compulsory jurisdiction by means of a declaration under Article 36, paragraph 2, of the Statute, since the wording of a compromissory clause may limit the jurisdiction to such an extent as to force the Court to declare itself without jurisdiction, or it may force the Court to consider only part of a dispute.

Thirdly, the President referred to issues related to the premises of the Court — the Peace Palace in The Hague. The Netherlands shares the Court's concerns regarding the safety of the staff of the International Court of Justice and the security of the premises, as well as the sense of urgency with respect to the implementation of the necessary renovations. To that

end, the Government of the Netherlands has made an amount of €150 million available for the renovation, including for the temporary relocation of the staff of the Court throughout the course of the renovation.

The Dutch Parliament has been informed about the renovation by the Minister for Foreign Affairs in a letter that is publicly available. The decision to make the required funds available was based on the responsibility of the Netherlands as the host State of the Court. The most urgent renovations required to ensure the safety of the staff of the International Criminal Court and the security of the premises are currently being carried out. It has not yet been possible to agree on the start of the more structural renovation as a result of ongoing discussions on its modalities. My Government hopes to finalize the discussions soon so that renovations can start and unnecessary delays can be avoided.

We will continue to keep the Court informed about any developments and the Ministry of Foreign Affairs intends to remain in close consultation with the Court on any outstanding issues. 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 welcomes the Court's endeavour to read a judgment within six months from the closure of the oral proceedings. Considering the complexity of the cases brought before it and the fact that the Court faces a full docket, that is an impressive achievement. It contributes greatly to the effective and prompt settlement of disputes. Let me end, therefore, by thanking the Court again for its outstanding work.

**Mr. Leal Matta** (Guatemala) (*spoke in Spanish*): Allow me to begin by expressing the gratitude of the Republic of Guatemala for the work of the International Court of Justice. We also thank the President of the Court, Abdulqawi Ahmed Yusuf, for his presentation of the report of the Court (A/75/4), in particular with regard to the peaceful settlement of disputes, in accordance with the principles and purposes of the Charter of the United Nations and the Statute of the Court.

The fact that the volume of the work of the Court remained intense during the reporting period attests to the trust of Member States in the international judicial organ to impartially and effectively resolve disputes, in accordance with international law. We take note of the contentious cases addressed by the Court during the reporting period. Guatemala welcomes the invaluable

work of the International Court of Justice to peacefully settle the disputes referred to it. The trust of Member States in the Court, as reflected by their referral of disputes to the Court for its consideration, demonstrates the importance of its work in the international order. It strengthens its universality, which, in turn, helps build a rules-based order, in particular one based on international law.

We believe that its work is vital for peaceful coexistence and cooperation among States, as well as the strengthening of the rule of law at the international level. Similarly, we acknowledge that the work of the International Court of Justice, through its rulings and advisory opinions, helps provide legal certainty to, and the proper enforcement of, the norms of international law, as well as international practices that have been adopted.

History has documented innumerable long-standing conflicts and the various attempts to resolve them. Regrettably, at times those disputes were resolved by force, which left a legacy of pain caused by the loss of countless lives. We therefore note that the work of the International Court of Justice is the result of many years of continuous development in conflict resolution methods at the international level. As established through the Charter of the United Nations, the Court has the trust of Member States to conduct fair and objective deliberations of contentious cases. The work of the 15 judges of the International Court of Justice is essential. To that end, it should be regarded in the same manner as the effective fulfilment of the commitments made by States that have voluntarily submitted to its jurisdiction.

As the General Assembly knows, Guatemala and Belize have concluded the process to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice. It is a demonstration of Guatemala's focus on peace, as we seek a lasting solution to this long-standing dispute. Guatemala, in April 2018, and Belize, in May 2019, engaged in peaceful consultations that led to a positive outcome. The primary objective was to resolve the dispute at the International Court of Justice. On 7 June 2019, the Court officially received Guatemala's territorial, insular and maritime claim on Belize for review and a final verdict, pursuant to the commitment by both States through a special agreement to submit the territorial, insular and maritime claim of Guatemala to the jurisdiction of the Court.

Guatemala welcomes the fact that the International Court of Justice extended the time limits for the filing of the Memorial of Guatemala until 8 December and the Counter-Memorial of Belize until 11 June 2022, which is reflected in the report under consideration today. We hope that relations between Guatemala and Belize will continue to be strengthened. We take this opportunity to sincerely thank the Group of Friends of Belize and Guatemala for its support in the process.

We decided that the International Court of Justice should be the Court to deliver a final verdict on the matter as we believe that its resolution will lead to economic, social and political benefits to both countries, as well as to development for those living in adjacent areas. That allows the world to see us as responsible democratic countries that champion peace.

In conclusion, we are concerned about the financial challenges faced by the Court due to cash-flow problems in 2019 and 2020. The report of the Court states that the situation has resulted in considerable challenges that might even hinder the implementation of the Court's mandate in the current biennium. We welcome the fact that the Court has taken cost-cutting measures. Nonetheless, we urge Member States to comply with their financial obligations to ensure that the Court can continue fulfilling its mandate.

Let me reiterate our gratitude to and support for the Court and its judges in the conduct of their work. Their decisions help to provide legal certainty on particularly delicate issues for States.

**Mr. Gafoor** (Singapore): I thank you, Mr. President, for convening today's very important meeting.

I would also like to thank the President of the International Court of Justice, His Excellency Mr. Abdulqawi Ahmed Yusuf, for his comprehensive presentation yesterday (see A/75/PV.19) on the activities of the Court.

It is evident that the Court is busier than ever. Its docket covers diverse areas of public international law and involves parties from all over the world, including eight from my region. In short, interest in the Court is at an all-time high. We welcome the participation of the President of the Court at the recent high-level meeting to commemorate the seventy-fifth anniversary of the United Nations and fully endorse his comments that "[a]n international rule of law cannot ... exist without a

judicial body to which disputes can be referred and by which they may be resolved” (A/75/PV.3), and that

“[t]he quality of the work of the Court has ... enabled it to acquire a growing confidence among States to entrust to it the resolution of their disputes” (*ibid.*).

Turning to the report of the Court (A/75/4), Singapore would like to make three points. First, Singapore is honoured to be part of the cross-regional group of five States that will shortly submit, for the consideration of the General Assembly at the current session, a draft resolution on the establishment of a trust fund for the Court’s Judicial Fellowship Programme. The representative of the Netherlands mentioned that point earlier today. Singapore attaches great importance to the Judicial Fellowship Programme because it allows young legal practitioners to learn about the Court by working directly with those who know the Court best. This can serve only to advance international rule of law.

We therefore join the Court in underscoring the need to promote greater diversity in the Judicial Fellowship Programme, in particular by promoting access to the Programme by nationals of developing countries from universities in developing countries. We hope that the draft resolution establishing the trust fund will receive the support of all Member States.

Secondly, we note the most recent developments concerning the presence of asbestos in the Court’s physical premises. We look forward to receiving further information about the Court’s relocation in due course, including the date, venue and duration of such relocation. We trust that the Court’s temporary premises will be sufficiently equipped for the Court to continue to carry out its judicial function, in the efficient and seamless manner to which we have all now become accustomed.

Finally, Singapore has been deeply encouraged by the Court’s rapid response to the coronavirus disease (COVID-19) pandemic, including the amendments to its rules of procedure and the use of video-conferencing to hold meetings and convene public hearings. Those adjustments were mentioned by the President of the Court yesterday in his video message. We commend him and his leadership for navigating this difficult time. We appreciate the Court’s efforts to harness technology to discharge its judicial function. We also commend the tireless work of the Court’s staff to facilitate the Court’s response to the COVID-19 pandemic.

The rules-based multilateral system and international law are key to devising effective solutions for the range of challenges that will arise as the world seeks to recover from the pandemic and address other existential threats, such as climate change. That is why Singapore has been, and continues to be, a staunch supporter and defender of the United Nations and its principal judicial organ, the International Court of Justice.

**Mr. Heusgen** (Germany): Let me too thank you, Mr. President, for convening today’s very important meeting on the International Court of Justice.

The International Court of Justice is the principal judicial organ of the United Nations and the most important guardian of international law, as it is the only Court with a legal basis in the Charter of the United Nations itself and therefore has a truly universal membership.

This year, we celebrate the seventy-fifth anniversary of the United Nations Charter, which still has the same appeal as it had in 1945. It enshrines the timeless and enduring core principles of international law and the DNA of a just and legitimate international order, such as the commitment to maintain international peace and security and the prohibition of the use of force in international relations. In that regard, the International Court of Justice plays a paramount role and is a unique contributor to the evolution of the legal framework relating to the peaceful settlement of conflicts, in accordance with the rules of international law, by means of contentious proceedings as well as through its advisory capacity.

However, the Court’s jurisdiction, like that of other international tribunals and arbitration tribunals, is based on the consent of the States concerned. That is a well-established principle in international law. Consent may be granted ad hoc with regard to a specific dispute or it may be declared in advance in a general way, as provided for in Article 36, paragraph 2, of the Statute of the Court. In 2008, Germany made a general declaration under paragraph 2 of Article 36 of the Statute of the Court, recognizing the Court’s jurisdiction as compulsory. In that regard, we call on other States to consider taking a similar stand. I would like to add my voice to other speakers who have called for the same steps to be taken by other States, such as our colleague from the Netherlands, the host nation of the Court, a little earlier.

Closely connected with the jurisdiction of the Court is the issue of parties to a case complying with the judgment of the Court. Article 94 of the Charter of the United Nations states that when States have submitted to the Court's jurisdiction, they must respect and follow the Court's decisions. Failure to comply with a judgment undermines respect for the Court and its general efficiency as a mechanism to settle disputes. It is imperative to accept legally binding decisions by international courts and tribunals, including rulings on their own competency to decide on a case, as well as decisions that go against immediate national interests, because we believe that the rules-based system itself is in all our national interests.

Allow me to highlight the advisory capacity of the Court. In our opinion, the issuance of advisory opinions in accordance with Article 65 of the Court's Statute is very important. Germany supports the call issued last week in the Security Council by Judge Yusuf, President of the ICC, for the Security Council to more often request the Court to give advisory opinions on any legal question. To resolve divergences of views or conflicts, that instrument fulfils an important task in safeguarding the rules-based international order. The practical significance of the Court's decisions and opinions reaches far beyond the actual claim or even the substantive law in question. They have a direct effect on the political debate. There are many examples of that. To name just one, the proceedings in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, in particular the indication of provisional measures on 23 January, is an important step towards accountability in justice.

Germany has always been a staunch supporter of the Court's crucial role in peaceful conflict resolution. That is why Germany promotes and supports the candidacy of Mr. Georg Nolte as a judge of the International Court of Justice for the period from 2021 to 2030. Mr. Nolte is one of the most renowned international lawyers. He currently serves as a member of the International Law Commission in his third term and chaired the Commission at its sixty-ninth session. He has the broad-based experience needed to serve as a judge at the International Court of Justice and is outstandingly well qualified and highly regarded internationally. The Government of the Federal Republic of Germany is convinced that Mr. Nolte would make a tremendous contribution to the work of the Court.

The International Court of Justice is the most prominent instrument for settling disputes on the foundation of the law, as the increasing number of cases before the Court demonstrate. We call on all States to support the Court and its work.

**Ms. Ponce** (Philippines): The Philippines thanks Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his report (see A/75/4). We congratulate him on his successful presidency of the Court. We associate ourselves with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries.

On this seventy-fifth year of the United Nations and of its Charter and in a year defined by the coronavirus disease pandemic, this annual dialogue between the General Assembly and the International Court of Justice takes on even more meaning, as it reminds us that the Court is an integral part of the United Nations architecture on the maintenance of international peace and security. The fact that the International Court of Justice has continued to discharge its mandate and functions so efficiently despite the challenges brought about by the pandemic is an assurance that the rule of law prevails. We particularly appreciate its quick decision to adapt its working methods to allow tasks to be carried out remotely during the pandemic, including the amendment of its rules of procedure to allow for hybrid hearings. It is a beacon that other international bodies would do well to emulate.

The International Court of Justice is 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, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

The 1982 Manila Declaration on the Peaceful Settlement of International Disputes asserts the same commitment. Significantly, it holds a special regard for the Court, as it reminds States to be fully aware of the role of the International Court of Justice as the principal judicial organ of the United Nations, and encourages recourse to the Court in the peaceful settlement of disputes.

We continue to welcome the increasing workload of the Court, the broadening of the subject matter of the cases brought before it and the geographical diversity of States bringing cases before it, which is illustrative of

the vitality and universal character of the jurisdiction of the principal judicial organ of the United Nations. That is a show of trust and confidence by States in the Court's critical role in the peaceful settlement of disputes and the promotion of the rule of law. The speedier resolution of disputes before the Court is no doubt a factor in that 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 such a show of trust and confidence must be accompanied by the commensurate budget and funds necessary for the proper functioning of the Court. The Court deserves no less, having handed down three judgments and seven procedural orders, indicated provisional measures in a case and conducted hearings in five cases during the relevant period covered by the report — a high level of activity indeed at a time of the pandemic. The Philippines therefore supports the provision of adequate financial resources essential for the Court's discharge of its judicial functions, in particular the costs directly connected with the organization and management of oral and written proceedings in cases submitted to it, so that it can cope effectively with the increased demand for its services.

The Philippines has recognized the compulsory jurisdiction of the Court since 1972. We renew our call on other States to do the same. We recognize that recourse to the International Court of Justice is a uniquely cost-effective solution given that, despite the complexity of the cases involved, the period between the closure of the oral proceedings and the reading of a judgment or an advisory opinion by the Court does not exceed six months.

The relationship between the Court and the Security Council is fundamental to the maintenance of peace and security. We once again call on the Security Council to seriously consider Article 96 of the United Nations Charter and to make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law.

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 Fellowship Programme. In that regard, we support

the proposal for the establishment of a trust fund to enable the participation of graduates from developing countries, thereby guaranteeing the geographic and linguistic diversity of participants in the Programme. That is critical, as the diverse geographical spread of cases indicates how States are increasingly turning to the Court, reflecting the value and trust in it placed by the States Members of the United Nations in its role in achieving the cardinal principle of the Charter — the maintenance of international peace and security.

**Mr. Umasankar Yedla (India):** Allow me at the outset to thank Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for his detailed and comprehensive presentation of the report of the Court, as contained in document A/75/4. I also thank him and Vice-President Xue Hanqin for guiding the work of the Court.

The United Nations was established to save succeeding generations from the scourge of war. The founding fathers of the United Nations sought to achieve that objective through the twin approach of prohibiting the use of force under paragraph 4 of Article 2 of the Charter and promoting the peaceful settlement of international disputes under Article 33. As a central element to the promotion of international peaceful settlement, departing from the model of the League of Nations, the United Nations Charter, through Article 92, established the International Court of Justice as its principal judicial organ. Furthermore, in the case of disputes under the consideration of the Security Council, paragraph 3 of Article 36 directs the Security Council to recommend to the parties to refer all legal disputes to the International Court of Justice. Finally, Article 92 of the Charter makes the Statute of the International Court of Justice an integral part of the Charter.

The aforementioned clearly indicates the respect for, and the central role assigned to, the ICJ within the Charter system. That status is unique to the International Court of Justice and is not enjoyed by any other tribunal established since 1945.

Accordingly, the Court plays an important role in maintaining the rule of law throughout the world. Everything that the Court does is aimed at promoting and reinforcing the rule of law through its judgments and advisory opinions. Over the past 75 years, the Court has dealt with a variety of legal issues. Its judgments covered disputes concerning sovereignty over islands,

the navigational rights of States, nationality, asylum, expropriation, the law of the sea, land and maritime boundaries, enunciation of the principle of good faith, equity and legitimacy of use of force. The issues currently before it are equally wide-ranging, and its judgments have played an important role in the progressive development and codification of international law. Despite the caution it has exhibited and the sensibility it has showed to the political realities and sentiments of States, the Court has asserted its judicial functions and consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. Thereby the Court clearly emphasized the role of international law in regulating inter-State relations, which are necessarily political.

The Court's phenomenal docket increase during the 1990s stands testimony to its high standing and authority, not only in the United Nations system, but also among the international community itself. It also indicates the increased relevance of, and respect for, the due process of law that States exhibit and is an affirmation of faith in the Court. From being in a situation where, in the early 1970s, it was called the Court without a case, it is now faced with the problem of plenty and finds itself in a position of being unable, within its existing resources, to respond effectively and in time to the demands made on it by its increasing workload.

As emphasized in its report, even after taking various measures to rationalize the work of its Registry, making greater use of information technology, improving its working methods and securing greater collaboration from the parties to reduce the time taken for individual cases, the Court will be unable to cope with the growth of its workload without a significant increase in its resources. Accordingly, the decision of the Heads of State and Government taken at the Millennium Summit to strengthen the International Court of Justice, in order to ensure justice and the rule of law in international affairs must be implemented urgently by providing the Court with adequate resources to enable it to carry out its designated functions as the principal judicial organ of the United Nations.

We acknowledge that the Court has admirably fulfilled the task of settling disputes between States peacefully and has therefore acquired a well-deserved reputation as an institution that maintains the highest legal standards in accordance with its mandate under the Charter of the United Nations and its Statute,

which is an integral part of the Charter. Moreover, the International Court of Justice has been getting exponentially busier in the past few years, and its docket of contentious cases continues to expand.

In response to the coronavirus disease pandemic that occurred during the reporting period, we appreciate the series of measures adopted by the Court to contain the spread of the virus and to protect the health and well-being of its judges and staff and their families, while ensuring the continuity of activities within its mandate. Despite these circumstances, the Court continued to discharge its judicial functions. To that end, the Court made the necessary arrangements to hold virtual meetings and to adapt its working methods to allow tasks to be carried out remotely during the pandemic.

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

Finally, India wishes to reaffirm its support for the Court and acknowledges the importance that the international community attaches to the Court's work.

**Mr. Takht Ravanchi** (Islamic Republic of Iran): Allow me to begin by thanking Judge Ahmed Yusuf, President of the International Court of Justice, for his valuable and informative report on the Court's activities (A/75/4). 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. My delegation aligns itself with the statement delivered on behalf of the Movement of Non-Aligned Countries.

The International Court of Justice has a pivotal role in the recognition and application of international law through its judicial work. The consensual basis of the Court's jurisdiction is not a deficiency; rather, it is in fact the strength of the Court, which upholds the rule of law in 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 to provide advisory opinions is reserved for legal questions of general international law and not for bilateral disputes. The Islamic Republic of Iran has always believed in the authority and integrity

of the Court and considers it as an important means for the peaceful resolution of disputes between States.

Using coercive measures as an instrument of its foreign policy throughout the past years, the United States imposed unlawful sanctions against Iran. Its unacceptable behaviour has continued unabated and even intensified following its withdrawal from the Joint Comprehensive Plan of Action, targeting, directly or indirectly, Iranian companies and Iranian nationals, with the intention of increasing the pressure on the Islamic Republic of Iran and limiting more than ever its ability to engage in free trade with other countries, while creating uncertainty for all actors that would wish to have any economic relationship with Iran. The United States President has brazenly announced that sanctions will go into full effect in order to reach their highest level and create for Iran bigger problems than it has ever had before.

In response to those wrongful acts, carried out in contravention of the Treaty of Amity, Economic Relations and Consular Rights of 1955, the Charter of the United Nations and international law, the Islamic Republic of Iran instituted proceedings against the United States in the International Court of Justice on 16 July 2018. At the same time, in view of the urgency and the risk of irreparable prejudice to its rights, including irreparable economic and social damages, requested the Court to indicate provisional measures.

On 3 October 2018, the Court issued an order for provisional measures unanimously requiring the United States to remove any impediments to the importation of foodstuffs, agricultural commodities, medicines and medical devices, as well as spare parts, equipment and services necessary for the safety of civil aviation. It also ordered the United States to ensure that the licences and necessary authorizations for the aforementioned goods and services are granted and that payments and other transfers of funds are not subject to any restriction.

Regrettably, the United States not only has failed to comply with the Court's order but, by imposing new rounds of sanctions, has also deliberately defied that order. It is noteworthy that the Court, in paragraph 100 of its order, reaffirmed that its orders on provisional measures have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed. Needless to say, the non-compliance of the United States involves its international responsibility.

In that context, in line with the Court's order and Security Council resolution 2231 (2015), Member States are expected to stand against the United States' lawless policy of intimidation and pressure. Any action to the contrary would amount to disregarding the Court's order and be tantamount to providing assistance to the transgressor.

Recently, in flagrant violation of the Court's order, the United States has intensified its pressure on the Iranian people amid the pandemic outbreak, thereby exacerbating the situation with the intention of depriving Iran of access to medicines, equipment and resources, which are much needed to effectively combat the deadly virus. To give one example, one can refer to the recent decision of the United States to sanction, in violation of the provisional order of the Court, numerous Iranian banks, making it more difficult than ever for the Iranian financial system to conduct transactions, even in humanitarian-related areas.

As a result, the Islamic Republic of Iran brought such non-compliance to the Court's attention in more than one case. The answer provided by the United States in that regard was always the repetition of its previous contentions that it is bound by the order and that humanitarian transactions are exempt from its sanctions — a claim that simply is pure fabrication and false.

Moreover, by tightening the grip of the sanctions, which is an essential element of its so-called maximum pressure campaign against my country, the United States has violated the Court's order for provisional measures, which require that both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve. The United States has deliberately moved in a completely different direction from that which the Court ordered.

To challenge the application of the Islamic Republic of Iran in a preliminary phase, the United States has resorted to erroneous objections. The Islamic Republic of Iran, in its observations and submissions, as well as in the sessions of oral proceedings, has shown the invalidity of these arguments, which can be considered abusive in some cases, as they have been previously rejected by the Court on numerous occasions.

The Islamic Republic of Iran is party to another case with the United States of America, which was brought to the Court because of the adoption by the



United States of America of a series of measures that, in violation of the Treaty of Amity, Economic Relations and Consular Rights, had, or are having, a serious adverse impact on the ability of Iran and Iranian companies to exercise their rights to control and enjoy their property, including the confiscation of money belonging to the Central Bank of the Islamic Republic of Iran by judgments of the United States courts. Rejecting the objections made by the United States, in 2019 the Court held that it had jurisdiction over the case and the application of the Islamic Republic of Iran was admissible. At the moment, the Islamic Republic of Iran has submitted its reply to the counter-memorial of the United States.

In conclusion, let me once again emphasize the unparalleled importance of the Court in clarifying, recognizing and developing the rules of international law.

**Mr. Hossain** (Bangladesh): I thank you, Mr. President, for convening this important meeting. My delegation thanks Judge Abdulqawi Ahmed Yusuf, President of the International Court of Justice, for presenting the report of the Court (A/75/4), which provides a summary of its extensive judicial activities over the reporting period. We also take note of the Secretary-General's report on his trust fund to assist States in the settlement of disputes through the International Court of Justice (A/75/313).

We underscore the importance of upholding the International Court of Justice's standing as the principal judicial organ of the United Nations and of making enhance used of its competence to de-escalate tensions and prevent conflicts among Member States. We reaffirm the universal character of the Court's jurisdiction. We remain mindful of the General Assembly's call on Member States to accept the Court's jurisdiction in accordance with its Statute. We would also like to emphasize that the cooperation of Member States, including in relation to specific proceedings in the implementation of the Court's judgement and orders, remains critical. We wish to take this opportunity to congratulate the International Court of Justice on its crucial role in promoting the pacific settlement of international disputes and upholding the rule of law at the international level, thereby contributing to the maintenance of international peace and security, as stipulated by the Charter of the United Nations. With our precedent in resolving outstanding maritime boundary delimitation issues with our neighbouring countries through legal and peaceful means, we continue to

follow with interest the Court's work on territorial and maritime disputes, as well as the conservation of natural and living resources.

As a nation with an unequivocal commitment to the peaceful settlement of disputes, including through recourse to international law, Bangladesh immensely values the judgments and orders of the International Court of Justice. As the General Assembly is aware, Bangladesh is currently hosting more than 1.1 million Rohingya refugees who fled atrocities in Myanmar. In that regard, a legal proceeding has been initiated at the International Court of Justice by the Gambia against Myanmar under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, calling for the protection of the Rohingya population from genocide. On 23 January, the Court issued an order indicating provisional measures against Myanmar. The order concluded that the Court has *prime facie* jurisdiction to deal with the case. It also found that the Rohingya in Myanmar appeared to constitute a protected group within the meaning of article 2 of the Convention and that there was a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar. As an affected country, Bangladesh welcomes the order of the Court and urges Myanmar to fully implement the provisional measures.

In conclusion, Bangladesh will continue to encourage the Court to give due consideration to candidates from developing countries as part of its internship and university training programmes.

**Mr. López García de Lomana** (Spain) (*spoke in Spanish*): Allow me to begin by congratulating the International Court of Justice on its successful work during the period under review and by sincerely thanking its President, His Excellency Judge Yusuf, for the report on its activities presented to this organ (A/75/4).

Despite the many inconveniences brought about by the pandemic that we are suffering, the Kingdom of Spain joins other representatives in particularly thanking the Court for the speed with which it reacted to the events and set up new tools to continue its work under the new and emerging circumstances. It is only fair to acknowledge that, faced with a context that could cause anxiety, the Court responded quickly so as to continue carrying out its functions.

In that regard, the amendment of articles 59 and 94 of the Rules of Court, in force since 25 June, which

allows for the holding of hearings in virtual format in extraordinary situations, is a very appropriate decision. Along with the other organizational decisions taken in March and April, the Kingdom of Spain is confident that the Court will be able to maintain its pace of work.

The workload of the Court over the past few years has continued to increase, as a number of representatives have already highlighted in this debate. This fact is clearly a sign of the trust of States in this institution as a jurisdictional means for the peaceful settlement of disputes in the international system.

The diversity of both the States parties that submit their disputes to the Court and the issues addressed by them attests to the leading role that this institution plays as a guarantor of the proper interpretation and application of public international law. In that context, the Kingdom of Spain wishes to make two more specific points in the light of the Court's activities during the period under consideration.

First, from a substantive perspective, it should be noted that the Court's recent practice can make a significant contribution to the law of international State responsibility, in particular, with regard to the safeguarding of certain international erga omnes and absolute obligations. The cases still pending in relation to the application of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide fall into that category. The latter case, based on a claim by the Gambia against Myanmar, is of particular interest in that it could serve to illustrate the legal parameters of article 48 of the articles on responsibility of States for internationally wrongful acts of the International Law Commission.

As the Kingdom of Spain pointed out in its statement during the plenary discussion of the General Assembly on the Court's activity held during the seventy-fourth session of the General Assembly (see A/74/PV.20), we should welcome the fact that the Court did not disregard the protection of human rights in the disputes submitted to it. Nevertheless, Spain would like to recall that neither the Court nor the International Tribunal for the Law of the Sea are international human rights courts of universal scope. In international practice, the protection of human rights can be achieved through other channels in both universal and regional contexts and it is the duty of States to find ways, in those areas, to make that protection increasingly effective.

Secondly, at the procedural level, it should be noted that, with increasing frequency, some facts give rise to different processes submitted for the consideration of different international dispute resolution bodies. That trend is evidence of the progressive and intense sectorialization that the contemporary international order has undergone in recent decades. The Kingdom of Spain formulates this reflection with regard to both the cases relating to the appeal concerning the jurisdiction of the Council of the International Civil Aviation Organization under article 84 of the Convention on International Civil Aviation, whose judgments were handed down on 14 July, and those related to the application of the International Convention on the Elimination of All Forms of Racial Discrimination, which are still pending.

The proliferation of situations of parallel litigation before different international bodies, such as the parallel examination by international tribunals and other control mechanisms of the incidents affecting the Rohingya population in Bangladesh and Myanmar, is a symptom of the degree of complexity existing in the formal dimension of the international system and, in the opinion of the Kingdom of Spain, should not pose problems for the unity of public international law. States should strive to establish mechanisms that facilitate legal dialogue among different policy sectors at both the substantive and procedural levels. That would facilitate the work of different specialized courts and thereby avoid situations in which conflicting decisions might arise between different international courts of a regional or specialized nature.

In its statement during the plenary discussion of the General Assembly on the work of the Court held during the seventy-third session of the General Assembly (see A/73/PV.25), the Kingdom of Spain presented some proposals to facilitate and promote procedural economy in the written phase of the procedure during the oral hearings and during the phase of deliberations on the judgment, advisory opinion and order. As was noted at the time, not only has there been a quantitative increase in the number of cases submitted to the Court's jurisdiction, but that has also been accompanied by a qualitative increase in the incidental proceedings used in each litigation.

In this vein, the Kingdom of Spain welcomes the amendment of several provisions of the Court's rules of procedure, which entered into force on 21 October 2019, in particular the amendment of article 76, which

specified the possibility that the Court may, on its own initiative, revoke or modify the provisional measures it has established, and article 79, which specifies and details issues relating to preliminary objections. Also noteworthy is the amendment of articles 22, 23 and 29, which have been drafted in such a way as to be gender-neutral and clarify the procedure for removing the Registrar from office.

In any case, the Kingdom of Spain encourages the Court to continue to find new ways to strengthen the principle of procedural economy without undermining the proper administration of justice.

In conclusion, the Kingdom of Spain wishes to congratulate Mr. Jean-Pelé Fomété on his re-election as Deputy Registrar and recognizes and appreciates the efforts made by the Court to give greater public visibility and transparency to its jurisdictional work by using new information technology tools.

**Mr. Šimonović** (Croatia): I take this opportunity to also thank the President of the International Court of Justice for his comprehensive presentation on the activities of the Court during the reporting period.

The Charter of the United Nations established the International Court of Justice as the principal organ of the United Nations and imposed on all Member States an obligation to settle their disputes peacefully. On the occasion of the seventy-fifth anniversary of the Charter of the United Nations, we celebrate and highlight the valuable contributions of the International Court of Justice to preserving and developing international law and a rules-based order. The International Court of Justice has played an important role over the years in the peaceful settlement of international disputes and, at the same time, has contributed significantly to multilateralism, to which we are deeply committed, and to upholding and promoting the rule of law.

The rule of law, as a fundamental principle and a key component of the United Nations architecture, contributes to the maintenance of international peace and security and advances economic and social development throughout the world. As the highest and still the only global judicial body, the Court continuously contributes to those objectives with its judgements and advisory opinions. Its jurisprudence contributes to the promotion and development of international law.

The independence, impartiality and integrity of the Court guarantee its key role as a global guardian and

promoter of international law and a rules-based order. In order to achieve that, in addition to the professional qualifications of the judges, which are essential and key prerequisites, the fair participation of various States in the composition of the Court, as well as greater gender-balance, are needed and should be encouraged. As the elections for those prominent and responsible positions are imminent, those important elements should be particularly borne in mind. We are honoured that, for the first time ever, Croatia has nominated a candidate for judge of the Court in the upcoming elections, Professor Maja Seršić, and that she fully complies with the mentioned criteria.

Let me emphasize that Croatia reaffirms its strong commitment to an international order based on the rule of law and to uphold international law, which we find essential for peaceful coexistence and cooperation among nations.

**Mr. Mikeladze** (Georgia): At the outset, let me express appreciation for the comprehensive presentation by the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, delivered to the General Assembly yesterday (see A/75/PV.18).

Seventy-five years after the creation of the United Nations, the Court, as its principal organ, has become pivotal in the struggle for defending principles enshrined in the Charter of the United Nations. Being among the 74 countries that have made a declaration recognizing the compulsory jurisdiction of the Court, Georgia avails itself of this opportunity to note the accomplishments and challenges that are shaping how the Court is seen to be living up to the increased demands of international justice.

*Mr. Picco (Monaco), Vice-President, took the Chair.*

Georgia welcomes the judicial activity of the International Court of Justice, which has significantly increased during the reporting year. The number of inter-State cases submitted to the Court is a vivid testimony to the growing significance of the Court in the settlement of disputes between States and its key role in the United Nations mechanism for maintaining international peace and security.

The increase in the Court's workload during the pandemic, as well as the impressive manner in which the Court has tackled all obstacles to maintaining uninterrupted proceedings, are highly commendable.

As duly noted in the report (A/75/4), the Court plays a crucial role in maintaining and promoting the rule of law globally. The Court makes an immense contribution to developing and clarifying international law through its judgments and advisory opinions.

Unfortunately, we still live in a world in which blatant violations of the fundamental principles of international law are occurring even as we speak. In full disregard for international law, the Russian Federation, as the Power exercising effective control over the occupied Abkhazia and Tskhinvali regions of Georgia, has intensified steps towards their factual annexation, seeking full incorporation of those territories into its military, political and economic systems. The Russian Federation, as the occupying Power, has a clear obligation to protect the local populations of the occupied Abkhazia and Tskhinvali regions of Georgia and bears full responsibility for violations of human rights and fundamental freedoms therein.

Against this background, Georgia remains committed to the primacy of the peaceful settlement of disputes and upholds the principles enshrined in the Charter of the United Nations, which have no viable alternative. Furthermore, we believe in the primacy of international law with regard to relations with other States and are convinced that a strong international court of a universal character with general jurisdiction, along with commitments undertaken by countries to their obligations under international law, can play a decisive role.

In that respect, we continue reaffirming our commitment to the fundamental principles of international law, in particular the Charter of the United Nations.

**Mr. Jinga (Romania):** I wish to thank the President of the International Court of Justice for the presentation of the annual report (A/75/4), which is packed with insights into the vibrant life of the Court, during what has been an eventful year.

Let me recall that, in 2020, we celebrate the seventy-fifth anniversary of the Charter of the United Nations. One of the key provisions of that transformative, trailblazing document is related to the establishment of the International Court of Justice as one of the principal organs of the newly created United Nations. With the horrors of the Second World War still fresh in their minds, States sought to consolidate a mechanisms for the peaceful settlement of their disputes through a

judicial process, in conformity with international law and in a fair and equitable manner. The Court has amply fulfilled the high hopes placed in it and continues to do so.

That is clearly borne out by the report under consideration today. The overview of the judicial activity of the Court has given us a glimpse of the depth and complexity of the cases currently on the docket. The diversity of the subject matter of the cases is exceptional — they span several areas of international law and raise intricate and novel legal issues, which will undoubtedly allow the Court to break new ground in its already impressive jurisprudence.

At a time when we observe the disquieting tendency of some actors to undertake unilateral actions without reference to international law, actions which foment instability all over the world, the Court stands as a beacon of justice and law. We all have a duty to uphold the institutions that promote and sustain the rules-based international order, at a time when we witness attempts to undermine it. The commitment to the peaceful settlement of disputes, including through judicial processes, needs to be strengthened.

Concerning the role of the Court, allow me to recall that Romania is one of the States that have accepted the jurisdiction of the International Court of Justice as compulsory. This shows that respect for the supremacy of the rule of law in international relations is the bedrock of the foreign policy of my country. We strongly encourage States that have not yet made such a declaration to consider taking this step in order to place the Court on even firmer ground.

I would also like to mention that, together with Argentina, the Netherlands, Senegal and Singapore, Romania is supporting the initiative to establish a trust fund for the Judicial Fellows Programme of the International Court of Justice and is co-facilitating a General Assembly draft resolution to that end. Although the Judicial Fellows Programme is opened to applications from all over the world, financial constraints have impeded universities in developing countries from nominating law graduates. Given the importance of the Court's activity for the international community as a whole, we believe that eligible candidates from all regions should benefit from the opportunity provided by the Programme to enhance their knowledge of international law, jurisprudence and the practice of the Court.

Therefore, Romania promotes the establishment of a trust fund to finance fellowship awards for meritorious nationals of developing countries. Such a trust fund should function on the basis of voluntary contributions from States, international organizations, individuals, corporations and other entities. We call upon all States to facilitate the swift adoption of the draft resolution.

We appreciate that, as highlighted in the report, during the period under consideration, the Court had to take measures in response to the coronavirus disease pandemic, as did virtually every international organization and State. We note that some of the hearings had to be conducted via videoconference or postponed and that several other steps were taken to allow for work to be conducted remotely, including the amendment of the rules of procedure. We wish to commend the Court for managing to maintain the seamless continuity and high standards of its work, despite these challenging circumstances.

I would like to conclude by reiterating our conviction that, in its future activity, the Court will continue to uphold its high standards of professionalism and efficiency.

**Ms. Squeff** (Argentina) (*spoke in Spanish*): At the outset, I would like to thank the President of the International Court of Justice for presenting the report (A/75/4) detailing the work carried out by the Court over the most recent period, as well as the report of the Secretary-General on the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice (A/75/313).

The Argentine delegation would like to take this opportunity to recognize the continued work of the International Court of Justice and to highlight the fundamental role that it plays in the defence of international law and the maintenance of peace and international security. In that regard, the Court constantly strives to uphold respect for international law, human rights and international humanitarian law, guaranteeing the full validity of the rights and obligations arising under international treaties and instruments.

In particular, Argentina wishes to underscore the important task of the judges of the Court as guarantors of the principles enshrined in the Charter of the Organization, which is of particular relevance in the exercise of its contentious function, enabling the settlement of international disputes by peaceful means

of so as not to endanger either international peace and security or justice.

With regard to the information contained in the report, Argentina underscores the importance of implementing digital tools used by the Court to continue its work in the context of the coronavirus disease pandemic. To that end, we welcome the amendment of its rules of procedure to include the use of digital technologies, in particular videoconferencing, both for the holding of hearings, such in the case of *Guyana v. Venezuela*, as well as to examine pending judicial matters and take action on procedural matters. That demonstrates the dedication of the International Court of Justice to promoting international law and continuing to perform its judicial functions.

Similarly, the initiative to establish a special trust fund for the Judicial Fellows Programme of the Court, which will be administered by the Secretary-General and will introduce a mechanism that will allow universities in developing countries to appoint candidates among their recent law graduates to continue their training for nine months within the Court.

My country deems it appropriate and shares the Court's opinion that there is a need to establish a special trust fund for that Programme in order to enhance the geographic and linguistic diversity of the potential participants. In that regard, Argentina together with the Netherlands, Singapore, Senegal and Romania, form the core group of the draft resolution that is being promoted by the Registrar of the Court, Mr. Phillipe Gautier. The revised draft resolution will be submitted to Members States at the plenary of the seventy-fifth session of the General Assembly.

In conclusion, the Argentine delegation wishes to reiterate its commitment to and support for the valuable work of the International Court of Justice and expresses the hope that all delegations will continue to strive to defend and respect international law.

**Ms. Flores** (Honduras) (*spoke in Spanish*): My delegation thanks the President of the International Court of Justice, His Excellency Yusuf, for his presentation yesterday of the report of the Court and takes note of the work of the Court for the seventy-fifth session of the General Assembly, contained in document A/75/4, comprising the period from 1 August 2019 to 31 July 2020.

Honduras recognizes the Court as the principal international judiciary organ of the Organization, by which it has peacefully resolved various international disputes, and also recognizes that all Member States have committed themselves to implementing its decisions in the disputes to which they have been parties.

Honduras, as a founding State of the United Nations, has not only adhered to its rules but has also always resorted to its mechanisms for the peaceful resolution of disputes with other States, such as the International Court of Justice. In that connection, Honduras wholeheartedly endorses the principles and practices of international law that promote human solidarity, respect for the self-determination of peoples and strengthen universal peace and democracy. It also affirms the primacy of the validity and mandatory implementation of international arbitration decisions and court judgments.

By virtue of this philosophy, my country is absolutely convinced that compliance with international judgments issued by a competent international court, such as the International Court of Justice, as well as compliance in good faith with the commitments agreed to in treaties, ensure peace, harmony and security among the peoples and Governments of the world.

Bearing that in mind, on the seventy-fifth anniversary of the United Nations, Honduras celebrates the efforts of the International Court of Justice to maintaining a consistent efficiency in resolving international disputes and issuing advisory opinions, despite the increase in work that has been reported over the past 20 years.

In this difficult time, when humankind is facing the coronavirus disease pandemic, all the institutions of the United Nations system, in particular the Registry of the International Court of Justice, have done an outstanding job in adapting to the adjustments and budgetary limitations that they have had to face.<sup>[P]</sup><sup>[SEP]</sup>In conclusion, Honduras reiterates its willingness to contribute to finding solutions to the concerns and requests raised in the report in order to ensure the most efficient functioning of the International Court of Justice.

**Ms. Al-Thani (Qatar)** (*spoke in Arabic*): It is my pleasure to thank the President of the International Criminal Court, His Excellency Judge Abdulqawi Ahmed Yusuf, for his comprehensive briefing.

The General Assembly's discussion this year of the Court's report (A/75/4) is particularly important as it coincides with the seventy-fifth anniversary of the United Nations, whereby the San Francisco Conference acknowledged that the statute of the Court is an integral part of the Charter of the United Nations. The founders, in establishing the Court, wanted to organize international relations according to international law.

Now more than ever, given the challenges facing international peace and security, there is an urgent need to support the work of the Court. The Court's budget should enable it to carry out its legal functions which are vital for the international community. That would contribute to meet the objectives of the United Nations and guarantee the respect of international law.

The State of Qatar is committed to the role of the Court in peacefully resolving disputes. My country's record shows that it respects international judicial institutions and abides by their decisions. We have therefore resorted to the Court and, in that regard, I refer to the claim filed by the State of Qatar before the Court against the United Arab Emirates on the application of the International Convention on the Elimination of All Forms of Racial Discrimination. On 23 July 2018, the Court issued its decision to approve the request of the State of Qatar to take provisional measures against the United Arab Emirates, which had taken discriminatory measures against Qatari citizens, in violation of the aforementioned Convention. On 14 June 2019, the Court also issued its second decision pertaining to the same case, which rejected the request of the United Arab Emirates to take provisional measures against the State of Qatar.

However, after more than two years since the issuance of the first Court's decision, the United Arab Emirates has not taken the measures necessary to enable Qatari citizens and residents affected by these discriminatory measures taken by United Arab Emirates to resort to the legal means stipulated in the decision of the Court. This is a violation of legal rules that stress the need to respect the decisions and judgments of the Court.

In the same context, on 14 July 2020 the Court issued its judgement, rejecting the two appeals by the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates on the jurisdiction of the International Civil Aviation Organization (ICAO) to consider the complaint of the

State of Qatar after those countries closed their airspace to Qatari aircraft, following the imposition of the illegal blockade against the State of Qatar on 5 June 2017, and not allowing Qatari aircrafts to fly over the territories of those countries or land in their airports, in blatant violation of international law, the Chicago Convention and the International Air Services Transit Agreement.

Despite the judgments rendered by the International Court of Justice, the countries of the blockade continue to impose a comprehensive ban on Qatari aircrafts, without taking into consideration the legal and humanitarian consequences of this decision, especially in the light of the COVID-19 pandemic.

In implementation of the judgments of the International Court of Justice, ICAO will resume its activities to resolve the issues facing Qatar, with a view to ensuring regional security and stability.

In conclusion, we remain committed to the International Court of Justice and to its role in the peaceful resolution of disputes and in ensuring international peace and security. We also reaffirm our commitment to implementing the decisions of the Court so that it can undertake its responsibilities as required by the United Nations system.

**Mr. Skoknic Tapia** (Chile) (*spoke in Spanish*): Allow me to begin by conveying our country's greetings to the President of the International Court of Justice, the honourable Judge Abdulqawi Ahmed Yusuf.

Chile welcomed the full report (A/75/4) that was presented to the Assembly on the activities carried out by the Court during the reporting period. We wish to underline that the development of international law is particularly well served by the broad diversity of issues that have been addressed by the Court, in both its jurisdictional and advisory functions. This attests to the intensive and valuable work that it has done.

We note that the increase in the activities of the Court, as detailed in the report, is, in our view, an accurate reflection of the trust that States have in its robust institutional structure, particularly given the voluntary nature of resort to the Court. States value the jurisprudence that the Court has developed as a result of its activities, which is the subject of increasing interest on the part of academic centres worldwide. It is vital for the strengthening of its competence that States have a full guarantee of its impartiality and independence, values that are reflected in the proceedings of the Court.

Chile has reaffirmed that commitment to credibility by referring issues of the greatest legal relevance for its consideration and resolution. We currently have pending before the Court the Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia).

During the specific period referred to in the report, the Court handed down three judgments and seven procedural orders or resolutions for the settlement of various contentious cases that are in process. We would underline these tremendous efforts, considering the complex situation caused by the pandemic with respect to both consultative and contentious processes.

We value highly the lofty responsibilities of the International Court of Justice and its mission. Indeed, its work must reflect the pre-eminence of international law in order to grant legitimacy to the system for the settlement of legal disputes. The Court, as the principal judicial organ of the United Nations, plays a fundamental role in the interpretation and application of international law as a tool aimed at strengthening the peaceful coexistence of States.

In that context, full and good-faith compliance with the international obligations emanating from its decisions stands as an imperative to which Chile fully adheres. In accordance with the Statute of the Court, it must hand down judgments on the cases referred to it in accordance with international law, based on the relevant sources, which provides a clear framework for its decisions and resolutions. It is without a doubt one of the most valued instruments serving to further the peaceful settlement of disputes.

We wish to underline the efforts made to make proceedings more expedited and flexible, which will further enable the upholding of the rule of law and the full exercise of its functions. For Chile, a country that deems international law to be one of the relevant elements that guide our foreign policy, the existence of a body such as the International Court of Justice, which has the power to resolve disputes on the interpretation or application of international law, is an essential element of the international legal system.

We wish to underline in particular the efforts made and the measures taken to continue so that the Court can continue to carry out its work, bearing in mind the coronavirus disease pandemic and its effects and consequences. The primary measure relates to the use that the Court is making of a series of technological tools that enable widespread access in order to disseminate

information about its various activities. Thus its work can be disseminated beyond States and foreign ministries, which demonstrates the importance of its role and adds to a fuller understanding of international law, bearing in mind the fact that these measures make society as a whole more knowledgeable about the activities of the Court. This in turn contributes to the dissemination of international law, an aspect that for some time has been of concern to the United Nations. We urge the Court to continue with these important dissemination activities.

The second aspect that Chile wishes to stress is the Judicial Fellows programme, which allows universities to designate candidates among its law graduates to continue their legal training within the Court for nine months. That is a very important initiative that requires the granting of the necessary resources through the General Assembly. We believe that it is an initiative that should be supported.

To conclude, my country, as it has done on previous occasions, speaking on reports such as this, would like to echo the voices of support for the Court and trusts that, as has happened to date, the United Nations, of which the International Court of Justice is the principal judicial organ, will continue to provide it the necessary human and material resources so that it can continue to carry out its work with due attention to its requirements, so that the vital role played by the Court can continue to be fully discharged.

**Mr. Kayinamura** (Rwanda): At the outset, allow me to associate Rwanda with the statement delivered on behalf of the Movement of Non-Aligned Countries (see A/75/PV.19). Allow me also to thank Justice Yusuf for presenting the annual report of the International Court of Justice to the General Assembly. We commend his leadership.

Seventy-five years later, the International Court of Justice remains the only judicial body with its basis in the United Nations Charter. Its authority and influence are unmatched and cannot be replaced by any other international judicial body. The Court has fulfilled the task of the peaceful settlement of disputes under the highest legal standards. Its advisory opinions have added to its important role of clarifying international legal issues.

In that regard, Member States should continue to seek judicial resolutions to the conflicts and disputes

between them through the Court. Peace through law is possible.

The resolution of legal questions by the Court is an important and decisive factor in promoting the peaceful settlement of disputes. Due to the Court's success, the international community's confidence in its capacity has grown. Many conflicts, as well as human suffering, have been avoided owing to the Court's ability to settle international disputes peacefully.

In that regard, this ever-increasing confidence, especially among developing countries, in the capabilities, credibility and impartiality of the Court to settle disputes exclusively by peaceful means is built on the norms, values and aspirations articulated in the Charter of the United Nations.

The mandate of the International Court of Justice is today more relevant than ever in adjudicating disputes in the field of international law, and it will continue to play its traditional role of sustaining the peaceful coexistence of States while at the same time continually addressing complex modern challenges such as environmental disputes, international terrorism and cyber-related issues.

It is through the work of the Court that the rule of law in international relations has a chance to prevail. We reiterate our call 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 the interpretation of the relevant norms of international law, particularly on the most current and controversial issues affecting international peace and security.

In conclusion, the Court has a lot to share with other international and subregional courts in terms of its experience and the manner in which it has approached its judicial functions by applying the law within the bounds of justice.

Rwanda will continue to offer its unequivocal support to the Court in the fulfilment of its mandate and mission, and we reaffirm our support for the Court and commend its work. Rwanda fully supports and endorses the establishment of the trust fund to support access by developing countries to the work of the international Court of Justice.

**Mr. Aidid** (Malaysia): At the outset, allow me to thank Judge Abdulqawi A. Yusuf, President of the



International Court of Justice, for introducing the report (A/75/4).

My delegation aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/75/PV.19).

We note that during the reporting period under review, the Court has delivered judgments in three contentious cases, handed down seven procedural orders, held public hearings in five cases, and was seized of one new contentious case. The diversity of subject matter submitted to the Court, which now includes the settlement of disputes relating to contemporary challenges in connection with the protection of human rights and the environment, illustrates the unique and universal character of the Court's jurisdiction.

The increasing number of cases brought before the Court is also a manifestation of the continued and enhanced confidence of Member States in the International Court of Justice.

Malaysia remains committed to the peaceful settlement of international disputes, including through the Court. We have demonstrated that commitment in the cases of sovereignty over Pulau Ligitan and Pulau Sipadan, and sovereignty over Pulau Batu Puteh, Middle Rocks and South Ledge.

My delegation also believes that the advisory opinions of the Court, despite having no binding force, carry great legal weight and moral authority. We are convinced that the Court's advisory opinions contribute to the clarification and development of international law and to maintaining and strengthening peaceful relations among Member States.

Malaysia wishes to recall some of the historic advisory opinions rendered by the Court. First is the advisory opinion of 8 July 1996 (A/51/218, annex) on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?". For the first time in history, the Court recognized that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict, particularly the rules and principles of humanitarian law. The Court further declared, unanimously, that there exists a legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

The pronouncements by the highest international legal authority on this subject are of historic importance and cannot be dismissed. With this opinion, the Court has set legal parameters whereby the use of nuclear weapons indeed ignores customary international law and international treaties. In respect of that advisory opinion, Malaysia has, since 1996, annually submitted to the First Committee and the General Assembly a draft resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*."

Another example of an important advisory opinion is that on the "Legal consequences of the construction of a wall in the occupied Palestinian territory", dated 9 July 2004 (see ES-10/273). The Court rendered its conclusion that Israel cannot rely on the right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall. The Court also concluded that the construction of the wall was contrary to international law.

In that regard, we call on the relevant parties to observe and respect the recommendations and conclusions set out in the advisory opinions. We also encourage the organs of the United Nations to take advantage of the Court's issuance of advisory opinions, as provided for under Article 96, paragraph 1, of the United Nations Charter. We remain convinced that deliberations on contentious political and security issues would be better served if supplemented by an authoritative legal opinion.

Adherence to and respect for international law remain key to preserving international peace and security and in upholding the multilateral system. Let me conclude by reaffirming Malaysia's steadfast support for the essential role of the International Court of Justice in that endeavour.

**Mr. Costa Filho (Brazil):** I would like to thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for his informative report on the Court's activity (A/75/4), and to commend the judges of the Court on their outstanding contribution to peace and justice in international relations. These remarks are aligned with those delivered by the representative of Cabo Verde on behalf of the Community of Portuguese-Speaking Countries (see A/75/PV.19).

The annual debate about the report of the International Court of Justice affords us a unique opportunity to assess what international law can do

to defuse tensions and promote a peaceful world. By fostering dialogue through the common language of international law, the Court is an effective channel for preventive diplomacy and cooperation.

For more than 70 years, the Court has helped to crystallize and clarify international law in areas as diverse as the law of the sea, human rights, treaty interpretation and the use of force, to name but a few. Through its judgments and advisory opinions, it has upheld the principles of the Charter and contributed to ensuring the primacy of law in international affairs. The Court's pronouncements also provide fundamental guidance to States in the interpretation of international norms, including multilateral treaties such as the United Nations Charter.

This year's report is yet another chapter in its auspicious history: three judgments, one decision on provisional measures, seven procedural orders and a new contentious case. This is a testament to the continued relevance of the World Court in upholding international law and ensuring the peaceful settlement of international disputes. As the report highlights, the pending cases involve States from all regions of the world and address a great variety of international law issues. The high level of activity, the diverse geographical spread of cases and the wide variety of subject matter demonstrate the renewed vitality of the Court and its universal role in promoting justice.

Brazil praises the Court and its members for their efforts to keep up with the increasing workload. Despite all the restrictions resulting from the pandemic, the International Court of Justice has managed to discharge its judicial functions through a demanding schedule of hearings and deliberations. It has shown an impressive capacity to adapt to challenging circumstances by promptly adjusting its working methods and amending its rules of procedure.

Brazil also welcomes the Court's outreach efforts, which bring it closer to a variety of audiences and thus help to disseminate international law. The internship programmes, the development of multimedia platforms, the Court's activity on social media and its participation in events organized by universities are also good examples of effective outreach activities. In that regard, we welcome the efforts of the International Court of Justice to promote the geographic and linguistic diversity of legal practitioners taking part in its Judicial Fellows programme.

The much-needed focus on the prevention of conflicts is inextricably linked to the peaceful settlement of disputes. The Court is at the core of these efforts, for it is more than just another instrument listed in Chapter VI of the Charter. It is the main judicial body of the United Nations and the only international court of a universal character with general jurisdiction.

As the seventy-fifth anniversary of the Court approaches, let us renew our commitment to international law and to the values that it embodies. Let us celebrate the World Court as a beacon of stability and justice that continues to play an instrumental role in advancing the goals of the United Nations.

**Mr. Kawase (Japan):** I would like to begin by thanking President Yusuf for his dedication and leadership as well as for his in-depth and comprehensive report on the work of the Court in the past year (A/75/4). I also express my deep appreciation for the dedicated work of the members of the Court and the Registry.

Listening to the report, I was impressed by how much the Court has achieved given the size of the administrative body. Japan deeply appreciates the efficient services of Registry officials, led by the Registrar, to ensure the sound administration of justice while maintaining high-quality public-information services.

Japan especially appreciates the Court's efforts in response to the coronavirus disease. Japan supports the Court's flexibility in deciding to hold hearings and readings of judgments by video link and to make the relevant amendments to the Rules of Court. Japan would like to commend the Court's ongoing efforts to review its procedures and working methods in order to continue discharging its judicial functions despite the unprecedented challenges posed by the pandemic.

Japan has high regard for the work of the International Court of Justice as the principal judicial organ of the United Nations. The international community today enjoys the benefit of numerous peaceful means of dispute settlement other than the Court, but there is no doubt that the Court occupies a special and central place among them. The increase in the number of cases brought before the Court demonstrates that more and more States respect and support the legal wisdom of the Court and the role that it plays in the peaceful settlement of international disputes.

Japan became a State party to the Statute of the International Court of Justice in 1954, two years before it joined the United Nations. Japan has accepted the compulsory jurisdiction of the Court since 1958. Today 74 States have made the optional clause declaration under Article 36, paragraph 2, of the Statute, and about 300 bilateral and multilateral treaties recognize the Court's jurisdiction over disputes concerning the interpretation or application of the treaty. Japan fully supports resolution 74/191, which in its paragraph 17 called on

“States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute”.

Before I conclude, I would like to express Japan's support for the establishment of a trust fund for the Judicial Fellows programme of the Court. Japan expects that that initiative will contribute to enhancing the geographical and linguistic diversity of the legal practitioners who will participate in the programme. By familiarizing more international lawyers from around the world with the procedures and the working methods of the Court, we can expect to broaden the diversity of counsel and advocates appearing before the Court.

I reiterate Japan's unwavering support for the essential role that the Court plays in maintaining stable, rules-based international relations by clarifying international law through its respected judgments and advisory opinions. With the election of five judges of the Court a few days away, I would like to stress that the responsibility rests with all of us who attach importance to upholding the rule of law to elect the best-qualified judges of high moral character to the Court.

In concluding, I would like to express, on behalf of my Government, our most sincere appreciation for the invaluable support of Member States for the candidate from Japan, Mr. Iwasawa Yuji, incumbent Judge of the Court, in the upcoming elections.

**Mr. Ahmed** (Sudan) (*spoke in Arabic*): The Sudan wishes to align itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/75/PV.19). My delegation takes note of the report on the activities of the international Court of Justice contained in document A/75/4. We would like to thank the President of the Court for his statement describing the activities and the work of the Court.

The International Court of Justice plays several roles. It contributes to peacekeeping, and, indeed, the United Nations was created to preserve future generations from the scourge of war. The Charter of the United Nations clearly specifies that one of the goals of the United Nations is to consolidate justice in the framework of respect for international law. The International Court of Justice, as the main judiciary body of the United Nations, plays a central role in that area. Despite the fact that the rulings of the Court are binding only on the States concerned, those rulings enrich international jurisprudence and send a clear message. The Court also makes it possible to resolve disputes peacefully, which further promotes the purposes and principles of the United Nations. The Court also bolsters the rule of law in international relations and within the United Nations.

The vision enshrined in the Charter of the United Nations would not materialize without the rule of law, which is the basis of all our work related to peace and security, sustainable development and human rights. The decisions of the Court and its advisory opinions are critical to strengthening the commitment of the international community to the rule of law.

Thirdly, the Court now is more important than ever. The annual report before us indicates once more that countries are increasingly interested in the Court's work. The period under review saw more and more States around the world bring their disputes before the Court. It is also encouraging to note the continuous positive trend towards the acceptance of the Court's compulsory jurisdiction. Furthermore, the annual consideration of the Court's report reflects the continuous interest of United Nations Member States in the work being done at the Peace Palace in The Hague.

My delegation would like to express its appreciation for the role of the International Court of Justice, based on its responsibility for strengthening the rule of law at the international level. Given the important role and increased level of activity of the Court, Member States must increase their political support and provide adequate financial support to enable it to fully discharge its responsibilities.

The Sudan encourages the Court to continue to take measures to strengthen its efficiency and capacity in order to meet its increasing challenges and responsibilities, especially those related considering, as quickly as possible, the cases under review.

My delegation also urges the General Assembly to encourage Member States who have yet to recognize the compulsory jurisdiction of the Court to do so in order to bolster the rule of law at the international level and allow the Court to fulfil its mandate as stipulated in the Charter.

In conclusion, the Sudan reiterates its appreciation for the Court's role and expresses its support to it in order in the fulfilment of its responsibilities. We also support the initiative of creating a trust fund for training university graduates as judges with a view to promoting geographical and linguistic diversity. We are ready to work with others to approve the draft resolution on this issue.

**Mr. Mavroyiannis** (Cyprus): At the outset, allow me to thank President Yusuf for his introduction of this year's report (A/75/4) of the International Court of Justice and to welcome the intense level of the Court's activity during the reporting period, including the handing down of three judgments and seven procedural orders, the indication of provisional measures in one case and the holding of public hearings in five cases. We also note the wide variety of subjects in the cases submitted to the Court, illustrating once more the general character of its jurisdiction.

As we commemorate the seventy-fifth anniversary of the United Nations, we should recall that one of the greatest success stories of the Organization is "the increased reliance on the rule of law in international relations as opposed to arbitrary power and the settlement of disputes by peaceful means rather than by force" (A/75/PV.3), to use the recent words of President Yusuf.

The Court remains a key part of the system of collective security of the Charter of the United Nations, as the judicial mechanism for the peaceful settlement of disputes among States, and it plays a crucial role in maintaining and promoting the rule of law throughout the world. The enhancement of the international rule of law is fundamental to the reinforcement of multilateralism, the maintenance of peace and security and the protection of human rights.

Despite its increasing workload over the years, including a number of complex cases, the Court has managed to fulfil its task with admirable success and Member States have increasingly placed their trust in the Court for the settlement of their disputes. The level of compliance with the Court's judgments is also one of

the factors that have strongly motivated States to come to the Court to resolve their disputes. It is therefore imperative that the decisions of the Court are universally accepted and implemented, without exception.

In the current difficult financial situation of the United Nations, it is also of the utmost importance to make sure that the Court has at its disposal the financial means and technological tools to fulfil its functions fully and seamlessly.

As to acceptance of the Court's jurisdiction, as of July 193 States had become parties to the Statute of the Court and 74 of them had deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction, in accordance with Article 36 of its Statute. There is much room for improvement in that regard. My country recognized the compulsory jurisdiction of the International Court of Justice in 1988 and we encourage more Member States to do the same — while noting, of course, that the Court's jurisdiction also continues to be recognized in compromissory clauses in treaties and special agreements for particular disputes.

Cyprus is a strong supporter of the Court and its pivotal role and has full confidence in its impartiality and effectiveness. As a peaceful country and a firm believer in international law and effective multilateralism, Cyprus adheres to the principles of the Court and attaches great importance to all peaceful means of dispute settlement, pursuant to Articles 2 (3) and 33 of the United Nations Charter, including in the area of the law of the sea.

I would also like to emphasize that the Court's judgments have undoubtedly played a crucial role in the process of codification and progressive development of certain fundamental rules and principles of the law of the sea that are embodied today in the United Nations Convention on the Law of the Sea. In that context, my country has, on several occasions, expressed its readiness to engage in negotiations with any relevant country with a view to reaching a peaceful settlement in good faith for the delimitation of maritime zones in the eastern Mediterranean, in full respect of international law and in accordance with the principle of good neighbourly relations. My country has also agreed to settle disputes through the Court in the case of failure to reach an agreement.

Finally, I would like to commend the Court for the successful adoption of measures to contain the

coronavirus disease pandemic during the period under review, which enabled the Court to continue its judicial work during these challenging times, including by making the necessary arrangements to hold virtual meetings and adapting its working methods to allow tasks to be carried out remotely during the pandemic.

**Mr. Geng Shuang** (China) (*spoke in Chinese*): At the outset, please allow me, on behalf of the Chinese delegation, to thank President Yusuf for presenting the report of the International Court of Justice. I would also like to thank all the judges of the Court for their determination to overcome the challenges posed by the coronavirus disease pandemic and to implement the Court's mandate with perseverance and diligence.

The International Court of Justice was born 75 years ago at the same time that the United Nations was founded. As Article 92 of the Charter of the United Nations explicitly states: "The International Court of Justice shall be the principal judicial organ of the United Nations."

To date, the International Court of Justice has heard 151 contentious cases and issued 28 advisory opinions involving States from five continents and covering a broad range of areas, such as territorial sovereignty, the delimitation of maritime boundaries, decolonization, the non-use of force, diplomatic and consular relations, and unilateral sanctions.

For 75 years, the International Court of Justice has made important contributions to the peaceful settlement of international disputes and the maintenance of international peace and security and has played an important role in upholding multilateralism and safeguarding fairness and justice at the international level. It has also engaged in the important practice of interpreting, applying and developing international law, thus making itself the most authoritative and influential international judicial body of the world.

Today's world is undergoing profound changes unseen in a century, with unprecedented opportunities and global challenges facing humankind. At the summit commemorating the seventy-fifth anniversary of the founding of the United Nations, President Xi Jinping pointed out that, in the face of the new circumstances and challenges, the international community must rigorously maintain the rule of law and uphold multilateralism, and unswervingly safeguard the purposes and principles of the United Nations Charter.

As a principal United Nations organ, the Court should continue to carry out its mandate, in faithful observance of the United Nations Charter and the Statute of the Court, and make greater contributions to defending the principles of international law — as enshrined in the Charter — preserving fairness and justice and promoting the rule of law at the international level.

The past few years has witnessed a steady increase in the number of cases before the Court and the number of advisory opinions it has issued. That is testimony to the Court's growing prominence and the international community's growing confidence in it. We hope and believe that the Court will generally respect the right of States to choose the means of dispute settlement on their own and that, when placing cases on its docket, will strictly adhere to the consent of States principle. We also hope and believe that the Court will accurately interpret and apply the rules of international law and conduct high-quality judicial activities in an objective and impartial manner. The United Nations and the international community should continue to support the Court in order to ensure its effective mandate implementation, with guaranteed resources commensurate with the Court's mandate and status.

As a long-standing advocate of the peaceful settlement of international disputes, China is firmly against unilateralism, bullying practices and power politics. China stands ready to work with all parties to continue to support the work of the International Court of Justice, to consistently uphold multilateralism and defend the international system, with the United Nations at its core, and the internal order, underpinned by international law. That will help foster a new type of international relations based on mutual respect, fairness and justice, as well as win-win cooperation.

**Mr. Niang** (Senegal) (*spoke in French*): My delegation aligns itself with the statement made on behalf of the Movement of Non-Aligned Countries (see A/75/PV.19) and would like to make some comments in its national capacity.

Allow me, at the outset, to thank President Abdulqawi Ahmed Yusuf for the rich and detailed presentation of the report (A/75/4) on the activities of the International Court of Justice and, through him, to express our gratitude to all those who contribute, on a daily basis, to the success of the Court's work.

My delegation also thanks the Secretary-General for his report (A/75/313) on the trust fund to assist States in the settlement of disputes through the International Court of Justice.

The judicial activities of the Court, as described in the report under consideration, show a marked increase in the number of decisions rendered on the merits and incidental proceedings, as well as a growing diversity of cases. While the number and importance of such cases reflects the Organization's preference for the peaceful settlement of disputes in accordance with international law, their diversity in terms of geographical distribution illustrates the universal character of the jurisdiction of the principal judicial organ of the United Nations. Moreover, it must be noted that, in addition to the traditional disputes, such as those concerning territorial sovereignty or maritime delimitation, the Court is increasingly taking up disputes relating to a wide variety of subjects, such as human rights, diplomatic relations or environmental protection.

My delegation notes with great satisfaction that, despite the circumstances related to the pandemic, the Court has continued to discharge its judicial functions by making the necessary arrangements to hold virtual meetings and to adapt its working methods so as to allow it to carry out important tasks remotely, such as amending its rules. My delegation is also satisfied with the Court's dynamic nature, which has allowed it to consider several cases at the same time and to expeditiously handle the numerous incidental proceedings initiated, as evidenced by the flow of new and settled cases. We are also pleased with the Court's determination to ensure that its decisions are well understood and are disseminated as broadly as possible worldwide through its publications, the development of multimedia support and its website, as well as through its activity on social networks.

For my delegation, the content of the report under consideration illustrates the universal recognition that the Court is an essential part of the mechanism for the peaceful settlement of inter-State disputes established by the Charter of the United Nations and of the system for the maintenance of international peace and security, in general. It also constitutes unanimous evidence that the Court's activity, as a whole, is aimed at promoting and strengthening the rule of law through its judgments and advisory opinions, which contribute to the development and clarification of international law.

Finally, it attests to the collective recognition of the special attention the Court gives to young people, specifically through its Judicial Fellows programme, which enables students from various backgrounds to familiarize themselves with the institution and enhance their training in international law. On that specific point, I would like to reaffirm my country's commitment at the highest level to support and promote the Court's initiative to set up a trust fund for this programme by joining — along with Argentina, the Netherlands, Romania and Singapore — the core group responsible for facilitating the draft resolution on the subject with a view to ensuring its rapid adoption by the General Assembly.

I welcome today's debate as an opportunity to appeal to all States Members of the United Nations to support this fund, the objective of which is to offer law graduates from universities in developing countries effective opportunities to participate in the programme by bearing the financial cost of the participation of the candidates who are selected. I also reiterate my country's appeal to Member States, the General Assembly and the Security Council to ensure respect for, and the implementation of, the Court's decisions, and to invite States that have not yet done so to consider accepting the Court's jurisdiction.

Finally, I take this opportunity to recall that the credibility and effectiveness of the Court's work will depend to a large extent on its ability to take into account all legal systems in its operations and to embrace multilingualism.

**Mrs. Barba Bustos** (Ecuador) (*spoke in Spanish*): First of all, I would like to thank the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, for the presentation of the report on the activities of the Court for the period 1 August 2019 to 31 July 2020, contained in document A/75/4.

My delegation aligns itself with the declaration made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/75/PV.19).

One of the main objectives of the United Nations, as set out in the Preamble of its founding Charter, 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 court having general jurisdiction in international law, the International Court of Justice

meets all the conditions to promote and achieve 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 of the United Nations and the Statute of the Court, in particular Articles 33 and 94 of the Charter, is essential to international peace and security. We therefore have a vested interest in and reiterate our full support for the important work of the International Court of Justice, and we express our commitment to, and respect for, its decisions.

The report presented gives an account of the Court's intense work. I would like to highlight three judgments delivered this year in key cases on a wide range of issues, as well as the pending contentious cases affecting four different continents, which reaffirms the universal nature of the Court, as well as its integrity, impartiality and independence. We also highlight the eight orders issued by the Court or its President and the public hearings held, despite the circumstances.

We have seen how the Court's workload has increased considerably over the past 20 years, which shows us the confidence that States have in submitting their disputes to the Court. We highlight the fundamental role of the Court's Registry in sustaining the Court's high levels of efficiency and quality, thus enabling it to respond quickly to urgent cases and situations. We reiterate the need for the Court to have all the resources it needs to fulfil that mission.

Ecuador has every confidence that the Court will continue to work in an equitable manner in order to resolve fairly all cases and disputes submitted to it.

**Mr. Dang** (Viet Nam): I would like to start by thanking Judge Yusuf for the pre-recorded video message and his informative report on the activities of the International Court of Justice. I would also like to commend the judges of the Court for their outstanding work. Amid the coronavirus disease pandemic, the Court's efforts to ensure business continuity by adapting its working methods and holding virtual meetings and video-teleconference public hearings are highly appreciated.

My delegation associates itself with the statement delivered by Azerbaijan on behalf of the Movement of

Non-Aligned Countries (see A/75/PV.19) and would like to raise the following points in our national capacity.

The International Court of Justice was created as the principal judicial organ of the United Nations. Throughout the years, it has played an indispensable part in the peaceful settlement of disputes through its judgments in over 150 contentious cases and advisory opinions nearly 30 times on legal questions brought before it. The Court currently has an impressive workload of 15 cases on its docket. During the reporting period, it handed down three judgments and rendered one provisional measure and seven procedural orders.

These cases concerned a variety of subjects, including territorial and maritime disputes, environmental protection, diplomatic missions, consular offices and human rights, among others. They involved Member States from all five geographical groups. These facts attest to the universal character of the Court. It demonstrates the renewed confidence and trust that Member States have in the Court's leading role in the interpretation and application of international law. It is therefore essential to continue to ensure the quality of the Court's judgments and opinions, as well as the Court's efficiency and the impartiality of the judges to live up to this exemplary mandate.

In a broader perspective, the Court, through its jurisprudence, contributes to solidifying the role of international law and the rule of law as a foundation for peaceful coexistence. International peace and security cannot be maintained without full respect for international law and the rule of law. As we celebrate the seventy-fifth anniversary of the Charter of the United Nations and the Court's creation, there is ample space to increase cooperation between the Court and other main organs of the United Nations, especially the General Assembly and the Security Council, in realizing those purposes of the United Nations. It is equally important that all Member States strictly adhere to their obligations under the United Nations Charter and international law, including strict observance of the obligation to settle disputes by peaceful means. That obligation requires States not only to respect the role of international legal bodies, including the International Court of Justice, but also to implement in good faith the Court's orders and judgments once they have consented to the process.

Last but not least, I would like to touch upon the Court's academic and public outreach efforts. It is in our

common interest to raise awareness of and build national capacity in using international judicial and arbitration bodies as a means of peaceful settlement of disputes. We welcome the Court's interest and investment in young people through its Judicial Fellows programme. We support all efforts to make the programme and other educational opportunities more accessible to young academics from developing countries.

Viet Nam underlines its consistent position regarding the principles of international law, including the peaceful settlement of disputes. We have great respect for the work of international legal bodies in the promotion of friendly relations among nations and the maintenance of international peace and security. We have participated in and contributed to the work of the Court in several legal processes. I take this opportunity to renew our strong commitment to upholding international law, and assure the Court of our full support.

**Mr. Vitrenko (Ukraine):** I would like to deliver this statement on behalf of the delegation of Ukraine and Her Excellency Ms. Emine Dzhaparova, First Deputy Minister for Foreign Affairs of Ukraine.

We are grateful to the President of the International Court of Justice for the comprehensive presentation on the report (A/75/4). It confirms that, over the past 20 years, the workload of the Court has continued to grow. The geographical spread and variety of subject matters of cases are also quite illustrative, which underlines the importance, universality and general character of this judicial organ.

Unfortunately, this anniversary session of the General Assembly comes at a time of unprecedented global health and human rights crises due to the coronavirus disease pandemic. In the context of today's meeting, even though the Court is to be guided by tradition and precedent, we note that it is ready to face modern challenges. We commend the Court in taking steps aimed at discharging its judicial functions during the pandemic, including arrangements to hold virtual meetings.

Decisions of the Court are of paramount importance for promoting the rule of law, as they contribute to developing and clarifying international law. We praise the Court's efforts aimed at ensuring that its decisions are well understood and shared as widely as possible. At the same time, we would like to emphasize the necessity of properly conveying the Court's communications to the

attention of the Security Council, which is directed by the Charter of the United Nations to secure compliance with decisions of the Court. This requirement is clearly defined by provisions of the Charter and the Statute of the International Court of Justice, the rules of the Court and the provisional rules of procedure of the Security Council.

There should be no doubt that provisional measures ordered by the Court as a matter of urgency and for the purpose of safeguarding the rights of the parties are binding for them. The practice of the Court is to reaffirm and emphasize in its orders on provisional measures by reference to Article 41 of the Statute, so as to create international legal obligations for parties to whom the provisional measures are addressed.

Yet not all States respect the Court's orders and take real measures to implement them in good faith. Following its occupation of Crimea, Russia launched a wide-ranging campaign of cultural erasure directed against the Crimean Tatar and Ukrainian communities. It has engaged in the collective punishment of whole ethnic groups in Crimea. People there continue to be unlawfully detained and are disappearing, culturally important gatherings are suppressed, education in the Crimean Tatar and Ukrainian languages is restricted, and media outlets of these disfavoured communities are harassed. This constitutes a massive violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

I would like to recall the Court order on provisional measures of 19 April 2017 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)*. In its decision, the Court obliged Russia and one other State to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to preserve its representative institutions, including the Majlis.

More than three years have passed, and it has become apparent that, despite the language of the Court's order, Russia does not believe that it must suspend its discriminatory ban on the Majlis. Ukraine wishes to highlight that, according to the report of the Secretary-General submitted pursuant to resolution 74/168 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/75/334),



as of 30 June 2020, the activities of the Majlis remained banned, notwithstanding the Court's provisional order. Moreover, the Russian occupation authorities keep announcing new criminal charges against the leaders of the Crimean Tatar community.

By the same order, the Court decided "to ensure the availability of education in the Ukrainian language". What is in fact the case? The report of the Secretary-General stated that, in line with the previously reported trends, the 2019-2020 academic year was marked by a further decline in the number of school children educated in the Ukrainian language in Crimea. The Secretary-General therefore underlined the need to ensure the availability of education in the Ukrainian language in Crimea.

All in all, the order continues to be ignored despite its binding nature. The failure of the Russian Federation to comply with it is reflected in the relevant resolutions of the General Assembly. Moreover, the Assembly strongly condemned the continuing and total disregard by the Russian Federation of its obligations under the Charter of the United Nations and international law with regard to its legal responsibilities in the occupied Ukrainian territory. By ignoring the order of the Court, Russia's continues to violate this binding decision, revealing an unfortunate attitude towards the Court, the Charter and international law in general. In this regard, we call upon the international community to urge Russia to abide by international law, including binding rulings from the International Court of Justice.

Today's report highlights that last year the Court rejected Russia's jurisdictional objections in the aforementioned *Ukraine v. Russian Federation* case. Now that country will have to explain to the international community how it has complied with its obligations under the Financing of Terrorism and Racial Discrimination Conventions. The Court is making every effort to serve justice without delay, including during the coronavirus disease pandemic. Unfortunately, Russia is using the pandemic to justify requesting an extension for filing its counter-memorial, which eloquently shows this State's attitude and commitment to the peaceful settlement of disputes. In addition, it displayed similar behaviour this year at the Special Committee of the Charter of the United Nations on the strengthening of the role of the Organization when it blocked the adoption of the Committee's report by opposing the inclusion of even the smallest reference

to the case at the International Court of Justice that I have been discussing today.

Taking into consideration the ongoing deterioration of human rights in Crimea, during the seventy-fifth session of the General Assembly, Ukraine is planning to submit , for the consideration of the Third Committee and the General Assembly plenary, a revised draft resolution on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine. It is based on last year's resolution 74/168 and the recommendations of the Secretary-General and the Office of the High Commissioner for Human Rights. Ukraine highly appreciates the valuable support of States Members of the United Nations and their additional sponsorship of the draft resolution.

**Mr. Fodda** (France) (*spoke in French*): On behalf of France, I too wish to thank the President of the International Court of Justice for presenting of the annual report of the activities of the Court (A/75/4).

In this period of challenges for multilateralism and international law, the Court remains an essential institution for peace and the global legal order. This anniversary year, not only for the United Nations but also for the Statute of the Court, provides us with an opportunity to honour its significant contribution over the past century as the principal judicial organ of the United Nations. As a sign of its importance and relevance, the Court's litigation activity has grown in recent decades, as shown by the list of cases on the Court's docket.

The Court is to be commended for the way in which it has been able to adapt to the health crisis that we are all collectively facing and make progress on pending proceedings. In particular, the holding of public hearings by video-teleconference has enabled the Court to continue to discharge its judicial functions fully and effectively. Particularly in the current context, ensuring the continuity of the Court's activities in accordance with the Charter of the United Nations has been crucial.

In particular, France welcomes the International Court of Justice's contribution to the peaceful settlement of disputes and recalls that its jurisdiction in contentious cases is founded upon the consent of States. This consent may be expressed in several ways, in accordance with various modes of acceptance set forth in its founding Statute. In addition to the optional declaration of acceptance of compulsory jurisdiction,

there are the arbitration clauses contained in numerous treaties to which France is a party. There is also the possibility of concluding an agreement whereby two States decide to submit a dispute to the Court. There is also the procedure for accepting a request made by another State, the *forum prorogatum*, which France is so far the only State to have accepted in practice.

The Court also plays an important role through the exercise of its advisory function. Although advisory opinions are not binding on States and have a different function from that of judgments for which no substitute, such opinions make it possible to ensure a better understanding of international law and thereby strengthen the authority of international law. France wishes finally to reiterate the importance it attaches to respect for the Court's language regime, which contributes to the quality of its work and the authority of its decisions.

In accordance with the latter, France supports the initiative to establish a trust fund for the fellowship programme. We will be pleased to support and co-sponsor the draft resolution on this subject. This fund will be aimed at improving the geographical and linguistic diversity of the participants in the Judicial Fellows programme and will enable all universities, including those with limited means, to make young researchers in international law available to the Court on the basis of merit and talent alone.

In conclusion, on behalf of my delegation, I would like to reiterate our appreciation to the Court and to its members and staff for the work they have accomplished. Returning to the theme of the Court's milestone anniversary, their place is undoubtedly at the heart of the future we want, and the United Nations we need.

**Mr. Sandoval Mendiola** (Mexico) (*spoke in Spanish*): Mexico thanks President Abdulqawi Ahmed Yusuf for presenting the report on the activities of the International Court of Justice in the last year (A/75/4).

It is very encouraging that, despite the current pandemic caused by the coronavirus disease, the Court has found ways to continue operating and act upon its important work agenda. For my delegation, this also reflects the deep interest States have in having their cases heard so as to resolve their disputes peacefully and in full compliance with international law.

Nevertheless, it remains a matter of concern that, despite being the principal judicial organ of the United Nations, less than half of the States Members of the United Nations have accepted the compulsory jurisdiction of the Court. We take this opportunity to call on those who have not yet done so to make a declaration accepting the Court's compulsory jurisdiction and reiterate the importance of having jurisdiction clauses in all concluded multilateral treaties.

As is customary, we note that the Court has once again initiated or continued its work in a variety of cases across the spectrum of international law and in practically all regions of the world. This is something that many delegations have already mentioned. The issues it has taken up include territorial disputes, questions of immunity of officials in criminal proceedings, compliance with bilateral economic treaties, the jurisdiction and competence of such international bodies as the International Civil Aviation Organization, and possible violations of the Convention on the Prevention and Punishment of the Crime of Genocide. All these cases deserve special attention, not only because of their potential to contribute to international peace through the administration of justice, but also because of the consolidation or development of international law through their decisions on matters of concern to the entire international community.

Furthermore, we should not forget the enormous potential that the Court's advisory opinions also have to contribute to the identification of peaceful solutions to disputes, always on the basis of international law. Although they are not legally binding, their content serves to frame certain issues in their right dimension and allows both States and other organs of the Organization, such as the General Assembly or the Security Council, to take the appropriate political decisions. In this regard, we reiterate our position that the Secretary-General should be allowed to request advisory opinions from the Court.

The world order, which is inherently multilateral, cannot function without respect for the rule of law and international law. The emergence of disputes is natural in such a complex system and is part of the development of international relations. It is precisely because of the organic emergence of disputes that the role of the Court is so relevant. However, the return to order and the maintenance of the rule of law depends unflinchingly on the enforcement of its judgments.

Without that, the Court's preventive function and ability to resolve disputes fail, putting international stability at risk. Unfortunately, my country has experienced first-hand the frustration that such failure generates, and we take this opportunity to endorse the content of resolution 73/257, adopted by this General Assembly on 20 December 2018. We therefore reiterate Mexico's support for the important work of the International Court of Justice.

Our support has been reflected from within, with Mexico contributing four elected judges, including in the first composition of the Court, and one vice-president, as well as two ad hoc judges. Mexico's support has also been reflected from outside, both as a State that has accepted the compulsory jurisdiction of the Court and as a litigant, having resorted to the Court on two occasions to resolve disputes peacefully and in accordance with the law.

Throughout the past 75 years, the Court has played a fundamental role in the United Nations system, particularly in the peaceful settlement of disputes. Its role may sometimes not be as visible in the media as the Security Council's, for example, but we should not forget that, in this period, the Court has taken up almost 200 cases. And if many of them often escape our memory, it is precisely because the Court's effective action prevented them from escalating to other forums and with a different tone. It is precisely at this moment, when we are going through dangerous times and where recourse to force continues to be a latent threat, that we must look to the Court and reaffirm that reason and law must always prevail when it comes to peacebuilding.

**Mr. Ugarelli** (Peru) (*spoke in Spanish*): As a country committed to multilateralism and international law, Peru welcomes the report presented to the General Assembly today by the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, on the work carried out between 1 August 2019 and 31 July 2020 (A/75/4).

Against the backdrop of the seventy-fifth anniversary of the United Nations, my delegation wishes to underline the fundamental role that the International Court of Justice has played as the principal judicial organ of the United Nations in the system of peaceful settlement of disputes established in the Charter of the Organization. The Court has been a fundamental element in the maintenance of international peace and security for the past 75 years. It has also made a crucial

contribution to multilateralism and the promotion of the rule of law at the international level.

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

The Court carries out its functions impartially and diligently, allowing for the resolution of disputes between States in the interest of an international society in which the principle of good faith is upheld and friendly relations between nations are fostered. We therefore reaffirm the importance of respecting the Court's decisions and rulings and we encourage those States that have not yet done so to consider recognizing the Court's jurisdiction, in accordance with Article 36, paragraph 2, of its Statute.

My delegation also wishes to acknowledge the work of the eminent judges who make up the Court. Their efficiency in the face of the influx of new cases and the volume of cases that they have already resolved is proof of both the great dynamism of the institution and the high degree of excellence and responsibility in the work of the judges.

We are grateful for the valuable and intense quality of the work of the Registry of the Court, especially of the Registrar and the Deputy Registrar. In this context, we call on the General Assembly to continue to give careful consideration to the financing of the Court, taking into account its current particularly intense activity.

We also wish to record our appreciation for the measures taken by the Court in response to the coronavirus disease pandemic, which have ensured the continuity of the Court's activities while protecting the health and well-being of its judges and staff. We note that the Court has adapted its methods to allow for remote working. We would also emphasize the Court's adaptability in these extraordinary times, as it has allowed Budgetary and Administrative Committee and other committee meetings, as well as plenary sessions, to be held by video-teleconference. In this regard, we appreciate the fact that, despite the difficulty of social

distancing, the Court has continued its judicial work during this period.

Furthermore, we reiterate our acknowledgment of the host State, the Kingdom of the Netherlands, for its constant commitment to and support for the work of the Court. We stress the importance of cooperation between the Court and the other principal organs of the Organization based in New York.

I would like to conclude my statement by emphasizing once again our continued support for the work of the International Court of Justice in defending a rules-based international order. We are convinced that the Court will continue to play an essential role in enabling the international community to effectively address global challenges and threats to international peace and security.

**Mr. Elgharib** (Egypt) (*spoke in Arabic*): Egypt aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Non-Aligned Movement (see A/75/PV.19). We also express our appreciation to the President of the International Court of Justice, Judge Abdulqawi Ahmed Yusuf, and thank him for his comprehensive briefing on the activities of the Court during the reporting period. We also take note of the contents of the annual report of the Court (A/75/4).

There was increased activity of the International Court of Justice during the reporting period. It issued three judgments and continued to consider the 15 other cases before it, which deal with a diverse number of issues related to public international law, including the law of the sea, immunities and the application of certain bilateral and multilateral conventions and international obligations with respect to reparations in addition to international human rights law. In this regard, we join those who spoke before us in welcoming the contents of the report and specifically note the fact that the Court has improved its working methods so it may continue its work despite the restrictions resulting from the current COVID-19 pandemic.

Today's meeting is being held as we celebrate the seventy-fifth anniversary of the United Nations and the fiftieth anniversary of resolution 2625 (XXV), "The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States". We are proud to have contributed to those two substantial events in modern times.

Egypt also renews its steadfast commitment to the vital role of the International Court of Justice within the United Nations and multilateral systems as the main world judicial organ. In order for us to have an effective rules-based system, we imperatively need to strengthen the rule of law at the international level.

The Court is actively implementing its mandate in accordance with its Statute, whether by taking up cases, issuing advisory opinions on different issues of public law or engaging in other activities which are mentioned in its report. Given the number of opinions, judgments and decisions issued by the Court since its inception, as well as its diverse issues and universal membership; and given its jurisdiction acknowledged in nearly 300 international and bilateral conventions, the Court plays a valuable role in implementing, clarifying and developing international law.

Egypt has always dealt positively with the Court because we truly believe in the importance of the peaceful resolution of international disputes. In 1957, we announced that we accepted the compulsory jurisdiction of the Court with respect to the Suez Canal, in accordance with paragraph 2 of article 36 of the Court's Statute. We are among the 74 countries that accepted the compulsory jurisdiction of the Court. We have also joined a number of international and multilateral conventions that grant the Court jurisdiction in the event of any disputes in the interpretation or application of these conventions.

In conclusion, Egypt reaffirms its continued support for and positive interaction with the International Court of Justice in implementing its mandate and important responsibilities. We urge all countries to do the same, so that we can achieve our collective and shared goal of having an international rules-based order that makes the rule of law paramount and achieves justice as well as international peace and security.

**Mr. Hermida Castillo** (Nicaragua) (*spoke in Spanish*): Nicaragua endorses the statement made by the delegation of Azerbaijan on behalf of the Non-Aligned Movement (see A/75/PV.19). Nicaragua thanks the President of the International Court of Justice for his detailed report (A/75/4). On this occasion, technological advances allow us to interact once again and discuss the important work carried out by the Court during the reporting period, despite the circumstances that have affected all our countries and continents.

The report confirms that the administration of justice at the international level has also had to adapt to the new reality, but while it confirms that new reality, it notes that the need for a robust and efficient rule of law at the international level has not diminished.

On the contrary, if any conclusion can be drawn in that respect it is that, given the interdependence of nations and the technological advances made in the various spheres of life, it is more necessary than ever to have an International Court of Justice that offers both a wide breadth of jurisdiction in the matters referred to it and the expertise that some disputes require. By way of illustration, it is worth mentioning specifically the Court's exercise of its power to appoint an independent expert to support its management of complex technical matters — a power that has been directly affected by the reduction in the budget for this item.

Although we are sure that the quality of the Court's work will not be diminished by that reduction, Nicaragua once again invites other Member States to bear in mind, when approving budgets, that the peaceful resolution of disputes is the basis 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 confidence in it would disappear.

We commend the Registry of the Court and its judges in a year with particularly difficult challenges to its efficiency in meeting the established work schedule. In that regard, we note the three judgments — two on the merits and one on preliminary objections — one decision, of an urgent nature, on provisional measures, as well as the seven procedural orders issued during this period and one oral hearing by video-teleconference. While we welcome those achievements, we also call for reflection on the implications that current changes and arrangements might have on the administration of justice.

As of 15 July, there were 15 cases pending before the Court, including one new contentious case, which name eight Latin American nations as parties. Nicaragua takes this opportunity to reaffirm that, in all the cases to which it has been a party, it has always faithfully complied with its international obligations, and that it expects reciprocity in that regard.

We welcome the actions taken to improve coordination between the Court and the Secretariat, which has allowed for greater and more effective dissemination of judgments, orders, hearing schedules

and reading of sentences. We also note the Court's effort to make practical use of the available social networks.

Finally, we call for increased voluntary contributions to the trust fund to assist States in the settlement of disputes through the International Court of Justice. In that regard, we regret the tendency noted in the report to overburden litigating countries, most of which are developing countries, with the costs of certain procedures.

**Ms. Alateibi** (United Arab Emirates) (*spoke in Arabic*): At the outset, it is my pleasure to thank the President of the International Court of Justice for his statement today before the General Assembly to present the report (A/75/4) on the activities of the Court.

I will now make a statement on behalf of the Kingdom of Saudi Arabia, the Arab Republic of Egypt, the Kingdom of Bahrain and my country, the United Arab Emirates.

The four countries reject any claims regarding violations of international airspace agreements. We stress that it was our joint decision to exercise sovereignty by closing our airspace to aircrafts registered in Qatar. That legitimate decision was taken because Qatar supports terrorism an extremism and violates international law, including its failure to honour its obligations under the Riyadh Agreements.

We would like to state that this case is still before the Council of the International Civil Aviation Organization and that we should not prejudice the conclusion on this issue. We reject the fact that the two decisions of the International Court of Justice are being exploited in an attempt to imply the validity of Qatar's legal position.

I would like now to deliver my country's national statement.

At the outset, the United Arab Emirates is strongly committed to international law and continues to steadfastly support the important role and work of the International Court of Justice, as the main judicial organ of the United Nations, to peacefully resolve disputes between countries. The United Arab Emirates stresses that it remains strongly committed to the International Convention on the Elimination of All Forms of Racial Discrimination. We also fully reject the claims of the representative of the State of Qatar, which are false and baseless. Qatar's approach is an unacceptable way to score political points.

In that regard, I remind the State of Qatar that the International Court of Justice has not yet issued a judgment on the appeal submitted by the United Arab Emirates. Hence, the Court has not yet taken any decision on the substantive merits of the case. Pertaining to the current case before the Court, my country notes that its measures are fully in line with international law, including the International Convention on the Elimination of All Forms of Racial Discrimination. The United Arab Emirates also stresses that it will respect the decisions to be reached by the Court.

In conclusion, I would like to once again express our appreciation to the International Court of Justice, its judges and staff for their valuable contributions to strengthening international law and promote peace.

**The Acting President** (*spoke in French*): I now give the floor to the observer of the Observer State of Palestine.

**Mr. Bamyá** (Palestine): Allow me, at the outset, to thank the President of the International Court of Justice, Judge Abdulqawi Yusuf, for his report (A/75/4) on the work of the Court over the past year, and to commend the Court for its important role and for having continued to make every effort to fulfil its mandate despite the pandemic.

There are some shortcomings in the multilateral edifice built in the post-Second World War era, with the United Nations at its core, but none more prominent than those resulting from the defiance displayed towards international judicial institutions. That defiance is reflected in the limitations imposed on the jurisdiction of the International Court of Justice and in the clear signs of resistance to the prospect of a permanent and universal international criminal court, even 20 years after the establishment of the International Criminal Court (ICC).

It is puzzling to see that those who are strong advocates of national checks and balances and the separation of power can also be those most opposed to international courts. I invite one and all to imagine a country coming to you and explaining that your national courts are not competent to prosecute crimes committed on your soil if the perpetrator is a foreigner, and even threatening your prosecutors and judges and taking measures against them for performing their duties in that regard. It would be absurd. And yet, yesterday we heard some countries state that the ICC would not be competent to hear cases on crimes

committed on the territory of States parties to the Rome Statute if the perpetrators of such crimes are nationals of non-State parties. While we understand that some are accustomed to impunity and feel entitled to immunity, such disregard for the rights of victims and States to grant the Court jurisdiction over crimes committed on their territory shows just how much they are unable or unwilling to understand the fundamentals behind international justice.

Imagine if, in one's own country, citizens were allowed to consider courts competent or not, subjecting them to their will and whim. It would be an absurd idea because if citizens could choose if a Court is competent on an ad hoc basis and based on their interests, that would weaken or even destroy the rule of law in that country. The fundamental role of courts is not only to punish actions; their mere existence serves as a deterrent. That deterrence is weakened by making jurisdiction voluntary. What are rules if there is no one to judge compliance? What is the law with no enforcement? And yet that is how the International Court of Justice functions. It is up to States, on a voluntary basis, to accept the jurisdiction of the highest court, the International Court of Justice, which is an integral part of the United Nations system. We call on all States to accept the compulsory jurisdiction of the Court, whose purpose is to enforce international law and the Charter of the United Nations, which all States have pledged to respect.

In these halls, we often speak of the rules-based multilateral order. There is no rules-based multilateral order without the International Court of Justice as its cornerstone.

I often say that Palestine is uniquely placed to make these comments. We know what it means when rules are not observed and there is no avenue to enforce them or hold accountable those breaching them. We know that when States have ways to escape responsibility, they might just use and abuse them. We know what it is to have a foreign Power, in this case an occupying Power, see no problem in judging and detaining our nationals in a manner that violates all the rules of international law, and yet be truly appalled that an international court that provides all the guarantees of fairness and impartiality can actually contemplate examining the behaviour of its nationals. We know what it is to see a country take decisions that violate the right of the Palestinian people to self-determination and international law, including by unlawfully relocating its embassy to Jerusalem in

breach of all relevant Security Council resolutions, and be dismayed that the Court is called on to examine that illegal behaviour. Why do the countries with the least regard for the sovereignty of other States so readily invoke their own, at their convenience?

Despite these tremendous challenges, the Court has proven that when it can exercise its jurisdiction, its role is invaluable and a critical component of the peaceful settlement of disputes. Both prevention and conflict resolution command giving the greatest possible role to the Court.

We welcome the exercise by the Court of its capacity to provide advisory opinions and call on the Security Council to make better use of that possibility. We reiterate that while some may want to highlight the fact that advisory opinions are not binding, we believe that this is a fundamental misunderstanding of the role and authority of the Court. When delivering its opinions, the Court relies on the rules of international law and the peremptory norms that all States are obligated to observe. The Court states the law and, as such, dictates which behaviours are legal and which are illegal. When States disregard that determination, they are knowingly choosing to act illegally. That is unjustifiable.

In that regard, 16 years have passed since the Court issued its advisory opinion on the illegality of the wall built by Israel in the occupied Palestinian territory, including East Jerusalem. Instead of abiding by that opinion, Israel has relentlessly pursued its illegal policies, including settlement activities, which constitute war crimes. As the Court predicted, Israel confirmed that its intention all along was unlawful annexation, which constitutes a crime of aggression. We call on all States to abide by their obligations to ensure accountability, not recognize illegal actions, not assist in the maintenance of this illegal situation and distinguish between the occupied territory and the territory of the occupying Power, per the determination of the Court and all relevant United Nations resolutions.

In conclusion, we welcome the important number of cases under consideration by the Court and their thematic and geographic diversity, and we commend all States that accept the jurisdiction of the Court and agree to settle their disputes in front of the Court. Respect for and compliance with the Court's decisions and opinions are indispensable to preserving the rule of law at the international level. At a time where the multilateral rules-based order is under attack, those

who pledge to defend it must start by empowering the Court and help it advance its decisive role in delivering justice, ensuring respect for the rule of international law and maintaining international peace and security.

**The Acting President** (*spoke in French*): 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, contained in document A/75/4?

*It was so decided.*

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

**Mr. Kalugin** (Russian Federation) (*spoke in Russian*): We are forced to comment on the statement made by the representative of the Ukrainian delegation, who has once again confused the General Assembly Hall with the Peace Palace in The Hague by deciding to make comments under this agenda item. This item is meant to consider the work of the Court over the reporting period, not as a platform for propaganda for any delegation's interpretation of events.

**Mr. Al-Kuwari** (Qatar) (*spoke in Arabic*): My country's delegation regrets having to respond to the false allegations made by the representative of the United Arab Emirates on behalf of the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the Kingdom of Bahrain.

In our statement, my country's delegation noted undisputed facts and mentioned the important and pioneer role of the International Court of Justice. We reiterated the commitment of the State of Qatar to respecting the decisions of the Court.

The delegation of the United Arab Emirates has repeated today its false allegations against the State of Qatar in an attempt to cover for its ongoing failure to respect orders issued by the Court, especially its order of 23 July 2018, which calls on the United Arab Emirates to apply provisional measures, pursuant to Articles 2, 4, 5, 6 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination. The United Arab Emirates has taken illegal measures, including its expulsion of all Qatari nationals, while

prohibiting all other Qatari nationals from entering its territories based on their nationality. The United Arab Emirates has violated their other basic rights, including their right to equality before its courts, while failing to condemn racial hatred against Qatar and Qatari nationals and criminalizing any act of sympathy with the State of Qatar and its nationals. The United Arab Emirates authorized the launching of an international campaign with the aim of altering public opinion and turning the social media against the State of Qatar. It promoted and financed that campaign, attempted to silence Qatari media and called for attacks on Qatari entities. The United Arab Emirates denied protection for Qatari nationals against racial discrimination. It also denied them reparation and access to courts and other bodies in the United Arab Emirates.

Our statement today is based on the report of the International Court of Justice and the statement of its President before the General Assembly. On 14 July, the Court issued its decision rejecting the two appeals made by the Kingdom of Bahrain, the Arab Republic of Egypt, the Kingdom of Saudi Arabia and the United Arab Emirates on the jurisdiction of the Council of the Civil Aviation Organization (ICAO) to review the claim of the State of Qatar after those countries closed their airspace to Qatari aircrafts and imposed an illegal blockade against the State of Qatar on 5 June 2017. Qatari aircraft are not permitted to cross the airspace of those countries or to land in their airports in flagrant violation of international law, Chicago Convention on International Civil Aviation and the International Air Transport Agreement.

We noted in our statement that despite the unanimous judgment of the International Court of Justice, those blockade countries continue their complete ban against Qatari aircrafts without taking into consideration its legal and human consequences amid the unprecedented worldwide coronavirus disease crisis. We noted also that in order to execute the Court's judgement, the ICAO Council is supposed to resume its consideration of the claims submitted by the State of Qatar. That would attest to the acceptability of the legal position of the State of Qatar regardless of the claims by the delegation of the United Arab Emirates, which is attempting to distort reality. The truth is evident in the Court's report, which was submitted by its President yesterday.

The State of Qatar is committed to the Charter of the United Nations and international law. We renew our

commitment to the order issued by the International Court of Justice calling on the State of Qatar and the United Arab Emirates to take no escalating measures. While the State of Qatar exercises self-restraint and respects the Court's decisions, the United Arab Emirates is still insisting on not implementing the Court's order, despite the fact that two years have passed since the Court issued its first order.

My country is taking steps to facilitate the implementation of the Court's order. However, those steps have been rejected by the United Arab Emirates. The Court's Registrar is able to confirm that. We note that the United Arab Emirates' failures to comply with the Court decisions are a violation of the Charter and the Court's Statute. The Court's orders must be implemented in order to protect the rights of Qatari nationals. The State of Qatar will pursue its efforts to uphold the rights and interests of its citizens and residents. We will continue to defend those rights and interests by legal means and international procedures.

**Ms. Alateibi** (United Arab Emirates) (*spoke in Arabic*): My delegation wishes to exercise its right of reply with regard to the regrettable, unfounded and unreal claims made by the representative of Qatar against my country today, which we categorically reject.

Qatar claims to be willing to resolve its crisis, but has taken no tangible steps to that end and has not acted in good faith. Instead, it has propagated lies and misinformation in order to inappropriately discredit four countries that are fighting terrorism. Qatar provides platforms and media tools for terrorists, through which they propagate hate speech and incitement against our countries.

Qatar claims to respect international mechanisms for the settlement of disputes. Nevertheless, it has misinterpreted the procedural decisions of the International Court of Justice, including its disregard of the Court's decision calling on the parties to the case to refrain from taking any measure that might escalate the dispute, prolong it or make its resolution more difficult.

In closing, I would like to give Qatar a piece of advice. It is high time that it match its words with action and practice what it preaches. I will not further dignify any of Qatar's claims with a response for the sake of not wasting the time of the General Assembly.

**Mr. Al-Kuwari** (Qatar) (*spoke in Arabic*): I apologize for having to exercise a second right of reply



in order to clarify facts regarding the unfounded claims of the United Arab Emirates against the State of Qatar. The representative of the United Arab Emirates is trying to politicize the work of the General Assembly at the expense of the basic issue under consideration, which is the report of the International Court of Justice (A/75/4).

I reiterate that the statement of the State of Qatar on this agenda item was factual. We have reflected on the two orders of the Court dated 23 July 2018 and 14 June 2019, regarding the United Arab Emirates' discriminatory actions against Qatari nationals and rejecting the request of the United Arab Emirates to take provisional measures against the State of Qatar. Can the representative of the United Arab Emirates deny the issuance of those two orders? Can she deny the unilateral, illegal and unfair measures the United Arab Emirates has taken against Qatari nationals, including broad violations of human rights, the freedom of movement, the freedom of expression, family fragmentation and the right of students to receive education? There are also other violations that are unprecedented in our area and in Gulf society, which is known for its consistency, intermarriage and harmony.

Can the representative of the United Arab Emirates say that the orders of the International Court of Justice are not in the interest of the State of Qatar and that they are not in line with international law? Can she deny that, on 14 July, the Court rejected the two appeals filed by the blockading States regarding the jurisdiction of the International Civil Aviation Organization with regard to the closure by those States of their airspace to Qatari aircraft? The international community is very familiar with the goals and motivation of the international campaign against my country, based on a false accusation.

The positions of the State of Qatar vis-à-vis international and regional issues are in line with international consensus and are underpinned by clear and steadfast pillars of mutual respect among countries and non-interference in the domestic affairs of other States. The actions of the State of Qatar are transparent and within the framework of the international Organization and international legitimacy. There are no United Nations reports alleging that the State of Qatar has violated United Nations resolutions.

With regard to repeated accusations that the State of Qatar sponsors terrorism, we have a clear role in combating extremism, terrorism and hate speech. That

has been reflected in United Nations reports and attested by countries that combat terrorism and extremism. Our excellent record will not be tarnished by the claims of the representative of the United Arab Emirates, which flouts its commitments at the regional and international levels. The representative of the United Arab Emirates talked about terrorism and interfering in the domestic affairs of States even as her Government is known for interfering in the domestic affairs of other States and violating international law, the Charter of the United Nations and good-neighbourly relations. The foreign policy of the United Arab Emirates vis-à-vis the countries of the region is destructive. The United Arab Emirates pursues its own narrow political and economic interests, as attested by its interference in Yemen, Somalia, Libya and other countries. This interference has compromised the territorial integrity of those countries and weakened their legitimate Governments, which are recognized internationally.

In addition, according to reports issued by international human rights organizations and the United Nations, the proxies of the United Arab Emirates have also committed serious violations of human rights and war crimes. In that connection, I recall the appeals addressed to the international community by Governments of countries in which the United Arab Emirates intervenes to stop its destructive policies, which escalate conflicts and crises and constitute flagrant interference in their domestic affairs. Attempts by the United Arab Emirates to divert attention from its human rights violations and interference in the domestic affairs of countries of the region and beyond will not succeed in this forum.

The international community recognizes and appreciates the policy pursued by the State of Qatar and its commitment to international law and the United Nations Charter, while promoting international peace and security.

Given that, in accordance with the rules of procedure, I cannot take the floor again after exercising our second right of reply, my country reserves the right to provide a written reply concerning those allegations and to ensure that it is incorporated into the official record.

**The Acting President** (*spoke in French*): The General Assembly has thus concluded this stage of its consideration of agenda item 74.

*The meeting rose at 1.20 p.m.*