



General Assembly

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Official Records

President: Mr. Shahid (Maldives)

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

Agenda item 76

Report of the International Court of Justice

(a) Report of the International Court of Justice
(A/76/4)

(b) Report of the Secretary-General (A/76/196)

(c) Note by the Secretariat (A/76/431)

The President: I will now make a statement in my capacity as President of the General Assembly.

First, I would like to express my sincere gratitude to Judge Joan E. Donoghue, President of the International Court of Justice, for her able leadership of the Court.

As the world court, the International Court of Justice is the principal judicial organ of the United Nations system, charged with assisting in the peaceful resolution of disputes among States and providing advisory opinions. The Court has faithfully discharged its mandate for nearly 76 years, during the course of which it has contributed to the rule of law, helped to advance international peace and security and maintained its legitimacy and importance as one of the primary organs of our Organization. The Court has played a truly transformative role in advancing the peaceful resolution of disputes in accordance with international law, including the Charter of the United Nations.

More recently, like the rest of the multilateral system, the Court has had to adapt to changing times. Its holding of hearings and judicial meetings by video-

teleconference, for instance, represents a fundamental change in its practice and culture. In the context of an increasingly interconnected and complex world, the Court continues to examine global issues ranging from environmental protection and terrorism to human rights and human trafficking. I would now like to make three key points.

First, the trust we place in the Court and our reliance on it echoes our reliance on the multilateral system. There are currently 14 cases pending before the Court involving States from five continents and covering a broad range of areas, such as territorial and maritime disputes, diplomatic and consular relations and the interpretation and application of international treaties and conventions. The quantity and diversity of the cases that are brought before the Court attest to the trust that Member States place in it and reaffirm the role that it plays as an impartial and objective institution in the peaceful settlement of international disputes. To date, 74 States have declared that they recognize the jurisdiction of the International Court of Justice as compulsory, and I encourage others to do the same.

Secondly, it is essential that we comply with the decisions of the Court and implement them. The Court's judgments affect the development and advancement of international law. Respect for its decisions, judgments, and advisory opinions is critical to ensuring the success of the international justice system, including the rules-based international order.

Thirdly, the Court has made the participation and engagement of young people an important priority.

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I welcome the particular interest that the Court has taken in improving young people's understanding of international law and the work of the Court through its Judicial Fellowship Programme. I am very much aware of the importance of such endeavours, having recently launched the President of the General Assembly Youth Fellowship Programme in my Office. I commend the Court and its Registrar, as well as the States Members of the United Nations, for their continued support for that agenda.

Lastly, I would like to convey my deepest condolences on the passing of His Excellency Judge James Richard Crawford on 31 May. Judge Crawford dedicated his life to international law and enjoyed a brilliant career. I extend my sympathies to his family and colleagues.

In conclusion, I thank the President of the International Court of Justice for presenting the Court's annual report (A/76/4) to the General Assembly. The efforts of the Court strengthen international peace and security and promote advancements in the areas of human rights and sustainable development, and I wish it every success.

I now give the floor to Judge Joan Donoghue, President of the International Court of Justice.

Judge Donoghue: President of the International Court of Justice: It is an honour for me to address the General Assembly today for the first time since my election as President of the International Court of Justice, on the occasion of the Assembly's consideration of the annual report of the International Court of Justice (A/76/4). The Court greatly values this long-standing tradition, which enables it to keep members of the General Assembly informed of its activities each year.

Last year, the restrictions arising from the coronavirus disease (COVID-19) pandemic compelled my predecessor, Judge Abdulqawi Yusuf, to speak to the Assembly remotely from The Hague (see A/75/613). I am grateful that this year I am able to address the General Assembly in person in New York. At the outset, I would like to take this opportunity to congratulate you, Mr. President, on your election to lead the Assembly at its seventy-sixth session, and to wish you every success in your distinguished role.

Before I begin my overview of the Court's recent activities, on behalf of the Court I would like to pay tribute to Judge James Crawford, our esteemed friend

and fellow member, who passed away on 31 May. Judge Crawford was a warm and generous-spirited colleague who will be greatly missed. At every stage of his incredibly full life, whether as a gifted young barrister and academician in his native Australia, an inspiring professor at Cambridge University, a leading figure on the International Law Commission, a renowned counsel pleading before the International Court of Justice or an outstanding member of the Court, Judge Crawford contributed inestimably to the field of public international law. He is sorely missed.

Since 1 August 2020, the starting date of the period covered by the Court's annual report, the Court's docket has remained full, with 15 contentious cases currently on its list, involving States from every region of the world and touching on a wide range of issues, including territorial and maritime delimitation, the status of international watercourses, reparations for internationally wrongful acts, and alleged violations of bilateral and multilateral treaties concerning, among other things, diplomatic relations, the elimination of racial discrimination, the prevention of genocide and the suppression of terrorism financing.

While no new cases were added to the Court's docket in 2020, a period that coincided with the initial phases of the COVID-19 pandemic, the Court has so far been seized of three new contentious cases this year. Proceedings concerning questions of land and maritime delimitation and sovereignty over islands were instituted in March by way of a special agreement between Gabon and Equatorial Guinea. In September, an application instituting proceedings was filed by Armenia against Azerbaijan on alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination. A further application submitted by Azerbaijan against Armenia earlier this month alleges violations of the same Convention.

The entire period covered by the latest annual report of the Court took place during the COVID-19 pandemic. Nonetheless, the Court held hearings in six cases during that period and three further sets of hearings in the fall. The Court also delivered five judgments during the reporting period, and I will shortly describe them. Before I do that, I also want to note that the Court is currently deliberating on four cases: one on the question of reparations in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*; one on the merits in the case concerning *Alleged Violations of Sovereign Rights and*

Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia); and two relating to the requests for the indication of provisional measures in the recently filed cases concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* and *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*.

As is customary, I shall now give a brief account of the substance of the decisions delivered by the Court in the period under review, beginning with the judgment of 11 December 2020 on the merits in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*. These proceedings were instituted by Equatorial Guinea on 13 June 2016. The judgment of 11 December 2020 addressed the merits of a dispute concerning the legal status of a building located at 42 Avenue Foch in Paris. The applicant alleged that the building in question housed the premises of its embassy and was thereby entitled to inviolability and other protections set out in article 22 of the Vienna Convention on Diplomatic Relations of 1961. The French authorities had taken certain measures with respect to the property in question in the context of a criminal investigation, including searches of the building and seizure of certain items. According to Equatorial Guinea, those measures violated the receiving State's obligations under the Vienna Convention. In its judgment, the Court concluded that the Convention could not be interpreted so as to allow a sending State to unilaterally impose its choice of mission premises on the receiving State where the latter has objected to that choice, provided that the objection is communicated in a timely manner and is neither arbitrary nor discriminatory in character. The Court found that the building on Avenue Foch had never acquired the status of premises of the mission and therefore that France had not violated its obligations under article 22 of the Convention.

The issues presented in that case arose under the Vienna Convention on Diplomatic Relations, which, as the Assembly is aware, sets out rules relating to diplomatic missions and their personnel that have been described as being among the oldest-established and most fundamental rules of international law. In its recent judgment in the case between Equatorial Guinea and France, the Court carefully balanced the respective rights and obligations of sending and

receiving States under the Convention, consistent with its prior jurisprudence.

On 18 December 2020, the Court delivered its judgment on jurisdiction in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*. In that case, Guyana had instituted proceedings against Venezuela, requesting the Court, inter alia, to confirm the validity of the arbitral award issued on 3 October 1899, as well as of the boundary established pursuant to that award. As the basis of the jurisdiction of the Court, Guyana invoked a provision in the bilateral Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana, signed in Geneva in 1966, for the settlement of the dispute concerning the frontier between Venezuela and Guyana. Pursuant to that Agreement, Guyana argued that the parties mutually conferred on the Secretary-General of the United Nations the authority to choose the means of settlement of the controversy. Venezuela responded, in a memorandum submitted to the Court, that it considered that the Court manifestly lacked jurisdiction and announced that it would not participate in the proceedings. On 30 June 2020, the Court held a hearing in which only Guyana participated.

A particularly notable aspect of this case is the role played by the Secretary-General in the decades-long process that led to the submission of this case to the Court. Following attempts to resolve the dispute through negotiations and other means of peaceful settlement set out in the Geneva Agreement, the matter was referred by the parties to the Secretary-General in 1983. In early 1990, the Secretary-General chose the good-offices process as the appropriate means of settlement. That process was led by personal representatives appointed by successive Secretaries-General for almost three decades. In January 2018, the Secretary-General concluded that owing to the fact that significant progress had not been made towards arriving at a full agreement for the solution of the controversy, he had chosen the International Court of Justice as the means thenceforth to be used for its solution.

In its judgment on jurisdiction of 18 December 2020, the Court found that by concluding the Geneva Agreement, both parties had authorized the Secretary-General to choose judicial settlement by the International Court of Justice, the principal judicial organ of the United Nations under Article 92 of the Charter of the United Nations, as one of the means listed

in Article 33 of the Charter for the resolution of the dispute. The Court's jurisdiction was therefore found to be established. The Court found that it had been validly seized of the dispute by way of Guyana's application, and that it had jurisdiction to entertain Guyana's claims concerning the validity of the 1899 award and the related question of the definitive settlement of the dispute regarding the land boundary between the territories of the parties. However, the Court concluded that it did not have jurisdiction over certain other claims of Guyana. The case has now proceeded to the merits stage.

On 3 February, the Court rendered its judgment on preliminary objections in the case concerning *Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*. The case was instituted by the Islamic Republic of Iran against the United States on the basis of the compromissory clause contained in a bilateral treaty, the 1955 Treaty of Amity. Iran's claims centre on the decision of the United States in May 2018 to reimpose a number of restrictive measures on Iran and Iranian companies and nationals, and on further restrictive measures announced by the United States.

The United States raised five preliminary objections in the case. The first two related to the jurisdiction of the Court *ratione materiae* to entertain the case on the basis of paragraph 2 of article XXI of the Treaty of Amity. The United States contended that the true subject matter of the case was a dispute as to the application of the Joint Comprehensive Plan of Action, an instrument entirely distinct from the Treaty of Amity, and that the vast majority of the measures challenged by Iran concerned trade and transactions between Iran and third countries, or their companies and nationals, and thus fell outside the scope *ratione materiae* of the Treaty of Amity. The third objection presented by the United States contested the admissibility of Iran's application by reason of alleged abuse of process and on grounds of judicial propriety. The fourth and fifth objections were based on subparagraphs (b) and (d) of paragraph 1 of article XX of the Treaty of Amity, providing that the Treaty does not preclude the application of measures relating to fissionable materials or measures that are necessary to protect a State's essential security interests. On 3 February, the Court rendered its judgment on the preliminary objections raised by the United States, rejecting each of the five objections and finding that it had jurisdiction, on the basis of the bilateral Treaty, to entertain the application filed by Iran, and that the

application was admissible. The case is now proceeding to the merits phase.

On 4 February, the Court rendered its judgment on preliminary objections in the case instituted by Qatar against the United Arab Emirates concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The case was initiated by Qatar on the basis of the compromissory clause of CERD. Qatar's application concerned a series of measures taken by the United Arab Emirates on or after 5 June 2017, including the severance of diplomatic relations with Qatar, the closure of United Arab Emirates airspace and seaports to Qataris, certain measures relating to Qatari media and speech in support of Qatar and measures that Qatar characterized as travel bans on Qatari nationals and as the expulsion of Qatari residents and visitors from the United Arab Emirates. Qatar contended that those measures violated United Arab Emirates obligations under CERD. The United Arab Emirates raised preliminary objections to the jurisdiction of the Court and the admissibility of the application. A central question for the Court was whether the term "national origin" in the definition of racial discrimination in paragraph 1 of article 1 of CERD encompasses current nationality. The Court found that that was not the case and, consequently, that the measures that Qatar complained of that were based on the current nationality of its citizens did not fall within the scope of CERD. The Court further held that CERD concerns only racial discrimination against individuals or groups of individuals, and thus that Qatar's claim relating to Qatari media corporations did not fall within the scope of CERD. With respect to Qatar's claim of indirect discrimination, the Court found that the relevant measures did not entail, either by their purpose or their effect, racial discrimination within the meaning of CERD. The case has therefore been removed from the Court's docket.

Finally, earlier this month, on 12 October, the Court delivered its judgment on the merits in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*. The case was initiated in August 2014 by Somalia, which invoked, as the jurisdictional basis, the declarations recognizing the Court's jurisdiction as compulsory that had been made by the two States. Somalia asked the Court to delimit the maritime spaces between the two countries, advocating for a maritime boundary that followed an unadjusted equidistance line in all maritime areas. For its part, Kenya argued

that there was already an agreed maritime boundary between the parties, because Somalia had acquiesced in a boundary following a parallel of latitude. Both Somalia and Kenya submitted two rounds of written pleadings on the merits. In addition, shortly before the opening of the oral proceedings on the merits, Kenya produced new documentation and evidence, including several volumes of annexes, as well as a document explaining the nature and relevance of the new and additional evidence. The Court authorized the production of those materials on the understanding that Somalia would have the opportunity to comment on them during the hearings. From 15 to 18 March, the Court held hearings in which only Somalia participated.

In its October judgment, the Court found, first, that there was no agreed maritime boundary between the two countries. It then proceeded to delimit the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles. In its judgment, the Court plotted the maritime boundary in the territorial sea using a median line, as provided for in article 15 of the United Nations Convention on the Law of the Sea. For the exclusive economic zone and the continental shelf up to 200 nautical miles, the Court followed its usual three-step methodology. It plotted a provisional equidistance line; examined whether any relevant circumstances existed requiring an adjustment to the line to achieve an equitable result and found that the line did indeed need adjusting on that basis; and, lastly, verified that the resulting boundary line did not produce any marked disproportionality.

Finally, in response to an allegation made by Somalia, the Court found that Kenya had not violated its international obligations through its maritime activities in the disputed area. One noteworthy feature of this case was the fact that both States had asked the Court to delimit the continental shelf beyond 200 nautical miles. The Court noted that both Somalia and Kenya had made submissions to the Commission on the Limits of the Continental Shelf in accordance with paragraph 8 of article 76 of the United Nations Convention on the Law of the Sea. In those submissions, both States had claimed that in most of the area of overlapping claims beyond 200 nautical miles, their continental shelf extends to a maximum distance of 350 nautical miles. Further, neither of the parties questioned the existence of the other party's entitlement to a continental shelf beyond 200 nautical miles or the extent of that claim.

The Court decided to proceed to the delimitation of the continental shelf beyond 200 nautical miles, and concluded that the maritime boundary between the two States beyond 200 nautical miles should continue along the same geodetic line as the boundary line within 200 nautical miles until it reaches the outer limits of the parties' continental shelves, which are to be delineated by Somalia and Kenya on the basis of recommendations to be made by the Commission on the Limits of the Continental Shelf, or until it reaches the area where the rights of third States may be affected.

Before I leave the topic of judicial activities, I would like to offer some brief observations concerning the Court's approach to preliminary questions of jurisdiction and admissibility. Having now spent 11 years on the Court, I would like to share my own impression that the Court takes great care in assessing the question as to whether it has jurisdiction in a given case. The matter of jurisdiction requires careful attention in many of our cases, as illustrated by those that were active in the period under review. During that period, as I have noted, the Court delivered three judgments on jurisdiction and admissibility. Two of those cases proceeded to the merits stage, while the third was removed from the docket after the Court found that it had no jurisdiction to entertain the application. In each of the two further cases in which the Court delivered judgments on the merits, there had been a previous judgment responding to preliminary objections raised by the respondent. Jurisdictional issues also feature prominently in proceedings concerning requests for the indication of provisional measures, which the Court orders only when it finds that the provisions relied on by the applicant appear *prima facie* to afford a basis on which its jurisdiction could be founded.

In considering questions of jurisdiction, the Court is mindful that its authority hinges, among other things, on unwavering respect for the boundaries of its jurisdiction, in accordance with the cornerstone principle of consent set forth in the jurisdictional framework of the Statute of the Court. Both the Court's procedural framework and its substantive approach to jurisdictional issues reflect that priority. At the same time, the Court gives due attention to applicant States' equities and their entitlement to take advantage of mechanisms for the peaceful settlement of international disputes where such mechanisms are available. While respondent States should not be required to litigate international disputes on the merits

of cases where there is no valid jurisdictional basis to do so, the Court also owes it to applicant States to hear and adjudicate all cases fully where jurisdiction does exist. It is to be hoped that the attention the Court gives to those competing and complementary imperatives and the complex jurisdictional issues that may arise in proceedings before it, together with the high quality of the Court's judgments and the fairness and transparency of its procedures, will contribute to maintaining and enhancing Member States' confidence in the Court. Let me now turn to a few important non-judicial matters that I would like to share with the Assembly.

To start, I will provide a brief overview of the amendments made to the Rules of Court and its Practice Directions for States during the reporting period. First, in December 2020, the Court adopted a new article 11 of its resolution concerning its internal judicial practice. This article provides the possibility for the Court to establish an ad hoc committee, composed of three judges, to assist it in monitoring the implementation of the provisional measures that it indicates. The committee is expected to examine the information supplied by the parties in that regard, report periodically to the Court and recommend potential action to be taken by the Court, if warranted. While the amendments to article 11 of the resolution make the availability of this procedure known to current and potential litigants before the Court and to the public at large, the establishment and operation of an ad hoc committee remains a matter for the Court's internal procedure, as is also the case for the other modalities of its internal deliberations described elsewhere in the resolution.

The second amendment to the Court's governing instruments addresses the growing tendency of States to append voluminous annexes to their written pleadings. Teams involved in the preparation of a case may believe that the party they represent gains an advantage by providing extensive documentation in support of its pleadings to the Court. However, as members all know from their work in the Assembly, shorter, more focused materials are often more persuasive and effective than a vast collection of documents of varying degrees of relevance and reliability. Excessive volumes of documentation create a burden for the judges to identify the central pieces of evidence among those extensive annexes, as well as significant translation, processing and reproduction costs for the Court. Accordingly, in January the Court strengthened Practice Direction III

to provide a page limit applicable to annexes attached by a party to its written pleadings unless the Court decides, upon the request of a party, that the limit can be exceeded in the light of the particular circumstances of the case.

I would also like to offer an update on the progress made with respect to the trust fund for the Judicial Fellowship Programme of the International Court of Justice. Each year, through this training Programme, participating law schools nominate candidates among their recent graduates, 15 of whom are selected to join the Court as judicial fellows assigned to a judge for a period of about 10 months. While at the Court, judicial fellows attend public hearings of the Court, research and write memorandums on legal questions and factual aspects of pending cases and are involved in other aspects of the Court's work. To date, participation has required financial support from each judicial fellow's sponsoring university, which undertakes to fund the stipend, health insurance and travel costs of selected candidates. While participating universities in developed countries do include among their nominees individuals from underrepresented regions, it has become clear to the Court over the years that the funding required from sponsoring institutions has precluded nominations by less-endowed universities, particularly those in developing countries.

The trust fund for the Court's Judicial Fellowship Programme, an initiative spearheaded by my predecessor, was motivated by a desire to widen and diversify the pool of participants and encourage access to the Programme for bright young international lawyers who are nationals of developing countries and study at universities located in developing countries. Under the Programme, the trust fund, rather than the relevant nominating university, will provide funding to selected candidates. The Court is delighted that the General Assembly gave its full support to this initiative in its adoption of resolution 75/129 of 14 December 2020 (see A/75/PV.44), in which it requested the Secretary-General to establish and administer the trust fund. This year, on 16 April, the Secretary-General formally established the trust fund. The Department of Operational Support was designated as the main administrator of the fund, along with the assistance of the Capacity Development Programme Management Office of the Department of Economic and Social Affairs. States, international financial institutions, donor agencies, intergovernmental and non-governmental

organizations and natural and juridical persons are now able to make voluntary financial contributions to ensure the success of the scheme. In that regard, I am delighted to inform the Assembly that a few States have already made donations, and it is hoped that other interested parties will follow suit. Now that resources have begun to be mobilized, the Court is hopeful that for next year's Programme, starting in the fall of 2022, the cohort of judicial fellows will include one or more talented young law graduates who are eligible to benefit from the trust fund.

Upon my election as President of the Court in February, I was well aware that the beginning of my presidency coincided with a historically significant year for our institution. On 19 April, we marked the seventy-fifth anniversary of the Court's inaugural sitting, which took place on 18 April 1946 in the Great Hall of Justice. The Court had initially planned to commemorate its seventy-fifth anniversary by holding a solemn sitting at the Peace Palace in the presence of distinguished guests. Regrettably, due to the pandemic, we have had to postpone the event until such time as it can be held in a safe and fitting manner. In the meantime, however, the Court has made the most of the virtual platforms available to it in order to commemorate this important milestone in a number of ways. Some members of the Assembly may have read the article the Court published to mark the event in the *UN Chronicle*, the flagship online magazine of the Organization.

Also in April, we published a commemorative video statement on our website that stressed that the motivation driving the original proponents of a standing international court is the same one that drives us today — the quest to strengthen and promote the peaceful resolution of disputes. The nature of those disputes and the body of international law applied to resolve them may evolve and change over the years, but as the Court's jurisprudence has shown, the international community can rely on the principal judicial organ of the United Nations to deliver authoritative and impartial judgments and advisory opinions, whatever the field of public international law involved. Another initiative to encourage public interest in the seventy-fifth anniversary of the Court was the posting on our website of a virtual tour of the Peace Palace and of a new video on the activities and role of the Court.

Last but not least, our Registry has completed a book project on the work and achievements of the world court. This new, illustrated book, which will

be published later this year, has been written for the general public with the aim of fostering a better understanding of the role of the International Court of Justice and providing answers to the most frequently asked questions about its procedures and activities.

Over the past year, the Court, like the General Assembly and virtually every other national and international institution, has had to deal with the ongoing impact of the COVID-19 pandemic. At the outset of the pandemic, in the spring of 2020, the Court briefly postponed certain hearings while making adjustments to its working methods in response to the unprecedented public health crisis. As my predecessor explained in last year's statement before the Assembly, the Court has quickly adapted to the new reality, with the public sittings, deliberations and other private meetings of the Court being largely held in a hybrid format. The Rules of Court were also amended in June 2020 to clarify that hearings and readings of the Court's judgments may take place by video link when necessary for health, security or other compelling reasons.

To ensure the smooth conduct of hybrid hearings in the Court's two official languages and with participants joining from locations all around the world, comprehensive technical tests are always carried out beforehand with the parties, including tests of the interpretation system and the process for displaying demonstrative exhibits such as maps. Parties are given an opportunity to have a certain number of representatives physically present in the Great Hall of Justice, while ensuring social distancing, and have access to an additional room in the Peace Palace from which other members of their delegation can follow the proceedings via video link. While States should feel confident that the Court continues to fulfil its mission through all means at its disposal, including the heightened use of modern technology, it is of course with a great sense of relief that we are beginning to see some steps towards a normalization of the global health situation. Once the pandemic-related developments will allow, the Court looks forward to resuming its work in the traditional manner. Having now spent 11 years on the International Court of Justice, I cannot overemphasize the importance associated with the Court's hearings being held in the formal and solemn setting of the Great Hall of Justice in the Peace Palace in the presence of parties and the public.

Those observations on the importance of the Great Hall of Justice lead me to my final topic, the status of the

renovation plans for the Peace Palace, which have been on the horizon for a few years now. The Government of the Netherlands has determined that this iconic landmark in The Hague, which the Court, as well as its predecessor, the Permanent Court of International Justice, has been lucky enough to call home for more than 100 years, requires extensive repair, including the removal of asbestos from certain parts of the building. Over the past year, the Registrar and the President have continued to engage with the Ministry of Foreign Affairs of the Netherlands in an effort to ascertain what course of action the host country intends to adopt in the course of the renovation, and the consequent relocation, envisioned at least in part, of the Court and its Registry. Throughout the consultations, the Court has made it clear that to prepare for relocation it would need a two-year notice period effective from the date on which concrete arrangements are agreed, and has also emphasized the need for the renovation to be organized and carried out in a way that will result in a minimum disruption of its judicial activities. The Court has also stressed the importance of being able to return to the Peace Palace without delay after the renovation, given how closely the Court's history, image and identity are tied to this working monument to peace.

As explained in the Court's annual report, significant uncertainties remain as to the scope and extent of the relocation and its schedule. Accordingly, in compiling its budget proposal for 2022, the Court considered it premature to include specific requirements relating to the expected relocation, and requested instead only the funding of two temporary assistance positions to provide technical support to the Registry of the Court during the preparation phase of the project. I am grateful to our host country for its willingness to engage in constructive consultations in that regard. The Court looks forward to receiving more detailed information from the Dutch authorities regarding the scope, modalities and schedule of the renovation project and its implications for the Court's work. The Court also trusts that appropriate consideration will be given to its concerns before a final decision is made with respect to these matters.

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

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

Ms. Silek (Hungary): On behalf of the members of the Visegrád Group, namely the Czech Republic, Poland, Slovakia and my own country, Hungary, I thank the President of the International Court of Justice, Judge Joan Donoghue, for presenting the report on the Court's work (A/76/4) during the past year. I would like to congratulate Judge Donoghue on her election as President in February and acknowledge the Court's achievements under her leadership. I also want to congratulate the new members elected to the Court in 2020 and to take this opportunity to express our condolences for the loss of Judge James Crawford.

With respect to the Court's report, I want to highlight that despite the past two difficult years of the coronavirus disease (COVID-19) pandemic, the Court has been able to effectively respond to the challenges and ensure business continuity. The Visegrád Group welcomes the technical arrangements that the Court has made to adapt its working methods to the new situation and enable it to continue its valuable work.

In the context of the commemoration this year of the seventy-fifth anniversary of the Court, the Visegrád Group expresses its deep appreciation for the Court's significant contribution to the implementation of the principles of the Charter of the United Nations, in particular with regard to the peaceful settlement of disputes, the development of international law and the promotion of international justice. The active cases on the Court's docket concern various areas of international law, including territorial and maritime delimitation, diplomatic law, human rights, environmental protection and State immunities, as well as different sources of law, such as bilateral and multilateral conventions and customary international law. At the same time, they all touch on fundamental questions of international law, such as State responsibility and the interpretation and application of international rules and principles. The wide range of issues currently before the Court, together with the geographical diversity of the parties to its cases, are proof of the Court's comprehensive character and its indispensable role in the international legal order.

The Visegrád Group is a staunch supporter of the Court. Judges from our countries, including ad hoc judges, have contributed to fulfilling the Court's mandate for many years. The growing number of States submitting their disputes to be adjudicated by the Court reflects their confidence in its achievements and the quality of its work. During the period covered by

the report, the new contentious proceedings instituted before the Court, together with two judgments on the merits of cases and two on jurisdiction, as well as several orders, all attest to its efficiency in rendering global justice. With respect to our monitoring of the provisional measures instituted by the Court, the Visegrád Group also notes the establishment of an ad hoc committee to assist its work.

The Statute of the Court provides for different ways for States to accept the jurisdiction of the Court. At present, 74 of the 193 States parties to the Statute accept the Court's compulsory jurisdiction under paragraph 2 of article 36 of the Statute. In addition, treaty provisions on the peaceful settlement of disputes, subject to the interpretation and application of the treaty in question, can also serve as a basis for acceptance of the Court's jurisdiction. In that regard, we also take this opportunity to encourage States to continue including such jurisdictional clauses in their treaties and to consider refraining from issuing reservations on them. In order for the peaceful settlement of disputes to be effective, the judgments, decisions and orders of the Court must be implemented in good faith, in accordance with Article 94 of the Charter.

Mr. Blanco Conde (Dominican Republic), Vice-President, took the Chair.

In closing, allow me to draw attention to the importance of creating opportunities for a future generation of devoted and highly professional international jurists at the Court. In that context, the Visegrád Group supported resolution 75/129, in which the Assembly requested the Secretary-General to establish and administer a trust fund for the Judicial Fellowship Programme of the Court.

Mr. Musayev (Azerbaijan): I have the honour to speak on behalf of the Movement of Non-Aligned Countries in connection with the Assembly's consideration of agenda item 76, entitled "Report of the International Court of Justice", to which we attach great importance. At the outset, we would like to thank Judge Donoghue, President of the International Court of Justice, for her presentation of the report (A/76/4) to the General Assembly on the activities of the Court from 1 August 2020 and 31 July 2021, as requested by this body last year, of which we have taken due note.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and the non-use or threat

of use of force. In that context, the International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations, and in such a manner that international peace and security, as well as justice, are not endangered. At their eighteenth Summit, held in Baku in October 2019, the Heads of State and Government of the Non-Aligned Movement agreed to endeavour to make further progress in achieving full respect for international law, and in that regard, commend the role of the International Court of Justice in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the Charter and the Statute of the Court, in particular Articles 33 and 94 of the Charter.

Noting the fact that the Security Council has not sought any advisory opinions from the International Court since 1970, the Non-Aligned Movement urges the Security Council to make greater use of the Court, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretation of international law. In that regard, at the ministerial meeting of the Coordinating Bureau of the Non-Aligned Movement, held in Caracas in July 2019, the decision was made to encourage those in a position to do so to make greater use of the International Court of Justice and to consider holding consultations among the States members of the Movement as and when appropriate, with a view to requesting advisory opinions of the Court, including in cases in which international peace and security could be undermined by unilateral coercive measures that are not authorized by relevant organs of the United Nations and are inconsistent with the principles of international law or the Charter.

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

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

Ms. Suvanto (Finland): I have the honour to speak on behalf of the five Nordic countries, Denmark, Iceland, Norway, Sweden and my own country, Finland. I would first like to thank President Joan E. Donoghue for the report of the International Court of Justice covering the period from August 2020 to July 2021. I also congratulate the Court on the recent seventy-fifth anniversary of its inaugural sitting.

The Nordic countries attach great importance to the International Court of Justice, the principal judicial organ of the United Nations. The Court has earned a solid reputation as an impartial institution with the highest legal standards. During the period under review, the Court once again saw a high level of activity with cases of a wide geographical spread concerning a variety of subjects, such as territorial and maritime delimitation, diplomatic missions, human rights, reparations for internationally wrongful acts, the interpretation and application of international treaties and conventions and environmental protection. The large volume and diversity of cases brought before the Court are testimony to the respect it enjoys, as well as to its important role in the rules-based multilateral order. The Nordic countries would like to commend the Court for its continued contribution to ensuring the peaceful settlement of disputes. We also recognize that the Court has managed to sustain its work during the coronavirus disease pandemic, as it has delivered judgments and held public hearings by video link or in hybrid format.

The Nordic countries consider the engagement of young people, especially young women, a top priority in the field of international law, in developed and developing countries alike. We therefore applaud the recent establishment of the trust fund for the Judicial Fellowship Programme of the Court. We hope the trust fund will encourage the geographic and linguistic diversity of the participants in the Programme and eventually help to make the Court's composition as diverse as the United Nations membership itself in terms

of culture, language and legal traditions. The United Nations-wide strategy on gender parity sets targets for the equal representation of women and men, and the Court should be no exception to that. We therefore want to take this opportunity to highlight the need to strive for a better gender balance in the Court. As far as the judges are concerned, that requires attention at the country level first and foremost.

The practice of the Court has contributed to the prevention and resolution of international disputes and the strengthening of the rule of law. While the Court's judgments are binding only on the parties concerned, its jurisprudence has far-reaching effects and has proved to be most useful as guidance in the interpretation of international law. The submission of a dispute to the Court should not be regarded as an unfriendly act. It is rather one designed to enable all States to fulfil their obligation to settle their disputes peacefully. We urge all States to engage actively and constructively in rules-based, multilateral cooperation, of which the peaceful settlement of disputes and the maintenance of international peace and security are integral and crucial parts. We also call on States that have not yet done so to consider accepting the Court's jurisdiction. The Nordic countries would like to take this opportunity to reaffirm their continued support for the International Court of Justice.

Mr. Fifield (Australia): I have the honour to speak today on behalf of the CANZ countries, which are Canada and New Zealand, as well as my own country, Australia.

The CANZ countries would like to thank the President of the International Court of Justice for her report (A/76/4) on the work of the Court over the past year. We also thank her and the President of the Assembly for their kind words about the late Australian Judge James Crawford.

The CANZ group reaffirms its strong support for the critical role the Court plays in facilitating the peaceful settlement of disputes between States and maintaining and promoting the rule of law throughout the world. The Court is a crucial cornerstone in the international rules-based order, which offers our best prospects for achieving global peace and security. Over the past 20 years, the Court's workload has grown considerably. The willingness of States to entrust it with their disputes reflects the strength of their confidence in the Court's independence, the expertise

and integrity of its judges, the rigour of its proceedings and its institutional significance as a mechanism for States to resolve their disputes peacefully. The CANZ countries also acknowledge the Court's resilience in the face of the challenges posed by the coronavirus disease pandemic, and we commend it for adapting its working methods to enable it to continue performing its judicial functions during the pandemic. Its ability to continue its important work demonstrates the flexibility, dedication and commitment of its members and staff.

The CANZ group's acceptance of the Court's compulsory jurisdiction reflects the importance that we attach to the role of the Court and to the peaceful settlement of disputes in accordance with international law. We encourage States to turn to the Court to resolve their disputes and believe that the acceptance of the Court's compulsory jurisdiction by the widest possible number of States enables it to fulfil its role as effectively as possible. In that regard, the CANZ group urges States that have not yet done so to deposit with the Secretary-General their declarations of acceptance of the compulsory jurisdiction of the Court. We also want to highlight that the implementation of the Court's binding judgments is essential to ensuring the final resolution of disputes and reinforcing a judicial system that benefits all Member States.

The Court's authority and the quality of its judgments are enriched by the diversity of those who serve on its bench. It is therefore notable that throughout the Court's 76 years of existence, only four women — as compared with 105 men — have been appointed as permanent judges of the Court to date. In that regard, we are proud that the national groups of Australia, Canada and New Zealand, along with nine other national groups across Europe, Africa and the Asia-Pacific region, have nominated an exceptional jurist, Ms. Hilary Charlesworth, as a candidate for election to the Court on 5 November to fill the vacancy arising from Judge Crawford's passing.

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

The CPLP was created as a multilateral forum for deepening cooperation and mutual friendship among countries that share the Portuguese language. The

relationship between the Community and the United Nations began in 1999 and is periodically reviewed. The CPLP is governed by the principles that have enshrined the primacy of peace, democracy, the rule of law, human rights and social justice, among other things. The rule of law plays an important role in the Constitution and progress of the CPLP, and the Community and its member States remain committed to those principles.

We would like to thank Judge Joan E. Donoghue, President of the International Court of Justice, for presenting the Court's annual report (A/76/4) and for her insightful remarks. The CPLP fully acknowledges the Court's key role during the 75 years since its inaugural sitting in ensuring the peaceful settlement of disputes and clarifying the rules of international law on which its decisions are based. It has played that role with integrity, impartiality and independence and demonstrated its readiness to face challenges that may arise. We commend its work, as the principal judicial organ of the United Nations, in adjudicating disputes among States and maintaining and promoting the rule of law in the international system.

The Court celebrated its seventy-fifth anniversary in April and undertook several initiatives to mark the occasion. We appreciate that in response to the coronavirus disease pandemic, the Court has adopted a series of measures to contain the spread of the virus and safeguard the health and the well-being of its judges and staff and their families, while ensuring the continuity of activities within its mandate. During the celebration of the seventy-fifth anniversary, the President of the Court aptly said that

“[t]he distinguished group of people who assembled for the Court's inaugural session could not have imagined that this Great Hall of Justice, 75 years later, would host hybrid hearings in which parties, counsel and some judges participate from locations around the world via video link ... but we can be sure that they expected the Court and the Registry to rise to new challenges, whatever they might be.”

Over the past 20 years, the Court's workload has grown considerably. The flow of new and settled cases reflects the great vitality of the institution. The CPLP countries value the fact that the Court must decide disputes that States, in the exercise of their sovereign right, have voluntarily submitted to the Court. We further acknowledge the growing factual and legal complexity

of the cases that are submitted to the Court. In that context, we saw that between 1 August 2020 and 31 July 2021, the period under review, the Court experienced a high level of activity. It was seized of cases pertaining to a variety of issues, including territorial and maritime delimitation, diplomatic missions, human rights, reparations for internationally wrongful acts, the interpretation and application of international treaties and conventions and environmental protection. It also handed down judgments and held public hearings by video link and in hybrid format.

The contentious cases on the Court's docket during the reporting period involved States from five continents. The variety of international issues brought before it attests to the universality of its nature and competence, while the increase in its workload is testament to the importance of its jurisdiction for the international community. All the States Members of the United Nations are parties to the Statute of the Court and some 300 bilateral and multilateral treaties confer jurisdiction on the Court over the settlement of disputes that may arise from their interpretation and application. The existing dialogue between the General Assembly, the Security Council and the Court regarding the interpretation of the Charter of the United Nations is also vitally important.

The CPLP member States have also taken due note that during the period under review, the Court adopted a new article 11 for its resolution concerning its internal judicial practice and amended a provision of its 2001 Practice Directions for use by the States appearing before it, with a view to addressing the proliferation and protraction of annexes to written pleadings.

The rulings and advisory opinions of the Court have made a meaningful contribution to strengthening and clarifying the rules of international law. We welcome the Court's endeavour to ensure that its decisions are circulated as widely as possible by issuing publications, developing multimedia platforms, using social media networks and maintaining its own website, which contains its entire jurisprudence, thereby fostering a deeper knowledge of the Court and raising awareness about its activities. The high rate of compliance with the Court's judgments throughout its history is very encouraging, as it demonstrates States' trust and their respect for its independence, credibility and impartiality. The CPLP member States welcome the fact that the Court's judgments and advisory opinions have inspired other international decision-making

bodies and thereby widened the scope of international law and cooperation with it. It is also commendable that the Court is in turn paying due regard to the work of other international courts and tribunals.

We pledge our strong support to the Court in its continuing fundamental role in settling disputes between States and strengthening the international rule of law in order to achieve justice and peace, while taking into consideration the specific situations of peoples and individuals. The CPLP member States remain confident that the Court will continue its fundamental work as the principal judicial organ of the United Nations, as stipulated in the Charter and the Statute of the Court, and make a tangible contribution to the rule of law in the world. Lastly, I would like to convey on behalf of the nine member States of the CPLP our sincere gratitude for the work of the International Court of Justice.

Ms. Orosan (Romania): At the outset, my delegation would like to commend the President of the International Court of Justice for her presentation of the annual report of the Court (A/76/4), which as usual was extremely insightful and informative. I also want to congratulate Judge Donoghue on her election as President and wish her every success in discharging her mandate.

As evidenced by the report, the Court has witnessed yet another year of intense activity, which is all the more remarkable given the very challenging circumstances that have characterized the period under review. We commend the Court for adapting its working methods in order to respond to the coronavirus disease pandemic, enabling it to continue its activities at a steady pace without any undue delays or diminution of the high quality of its work.

Let me recall that this year marks the seventy-fifth anniversary of the Court and is therefore an appropriate occasion for us to reiterate our appreciation for its outstanding achievements, as well as our full trust in its role as a promoter of the rule of law worldwide. We also cannot overstate the contribution the Court makes to the maintenance of international peace and security by settling disputes that States refer to it for adjudication and supporting the work of the relevant international organizations by giving advisory opinions on international law issues.

In a world marred by instances of impunity and the blatant disregard for law, the goal of strengthening the international justice system remains as pertinent as ever.

It is in that spirit, and in the context of the seventy-fifth anniversary of the inaugural session of the Court, that Romania has put forth an initiative to promote broader recognition of the jurisdiction of the International Court of Justice on a more stable and predictable basis, in accordance with its Statute, by building on and re-energizing existing efforts in this area. On 24 June, Mr. Bogdan Aurescu, Minister for Foreign Affairs of Romania and a member of the International Law Commission, hosted a virtual high-level round table on the promotion of the jurisdiction of the International Court of Justice. The participants included the Registrar of the Court, the Under-Secretary-General for Legal Affairs, prominent personalities in the field of international law and representatives of interested Member States.

Together with a group of supporting States — Japan, Liechtenstein, Mexico, the Netherlands, New Zealand, Norway, Poland, Spain and Switzerland, all of whose contributions we very much appreciate — we have drafted a declaration on the promotion of the jurisdiction of the International Court of Justice that will be central to a global campaign dedicated to that goal. The text of the declaration will soon be circulated to all and opened for the endorsement of any interested States. By endorsing it, States can show their willingness to ground their foreign policies in strict compliance with international law. Details on the initiative and the declaration will be provided during a virtual launch event to be hosted on 3 November by Romania in the presence of its Minister for Foreign Affairs and representatives of the core group of States. We invite all interested delegations to attend and join us in this effort.

We are also of the opinion that better use could be made of the Court's advisory function of the Court. By assisting international organizations that have occasion to address questions to the Court about courses of action based on the rules of international law, the Court acts as a custodian of international law and makes an important contribution to the promotion of world peace.

We would also like to recall the Assembly's December 2020 consensus adoption of resolution 75/129, which established a trust fund for the Judicial Fellowship Programme of the Court. Romania was pleased to be a co-facilitator and sponsor of the resolution, which enables fellowship awards to be granted to meritorious nationals of developing countries. We were happy to hear that some voluntary contributions have already been received and hope that other resources will be

mobilized to ensure the successful continuation of this project. Romania intends to make a voluntary contribution to the trust fund next year.

Before I conclude, I would like to take this opportunity to pay tribute to a great personality and a great judge who had a passion for international law and was a great friend of Romania, Judge James Crawford, whose passing on 31 May saddened us terribly. He made a mark on international law that will last forever. Lastly, I would like to reiterate our gratitude to the Court for its outstanding work and its high standards in terms of professionalism and efficiency.

Ms. Gmür-Schönenberger (Switzerland) (*spoke in French*): In 1921, Switzerland declared its acceptance of the compulsory jurisdiction of the Permanent Court of International Justice. Today, 100 years later, Switzerland would like to thank the President of the International Court of Justice for her report (A/76/4). Year after year, the Court continues to handle a large number of diverse cases involving every region of the world. The Court has also succeeded in adapting to the challenges posed by the coronavirus disease pandemic and keeping up the high quality of its work. It has maintained a high level of effectiveness, as evidenced by its rendering of four judgments during the reporting period. Furthermore, despite the pandemic's serious complication of the Court's organizational logistics, it was able to hold four hearings. It has also demonstrated flexibility, allowing hearings for the cases it has considered this year to be held in hybrid format. My delegation would like to emphasize three points today — the importance of recognizing the jurisdiction of the Court, the Court's crucial role within the United Nation, and Romania's timely initiative, which Switzerland joined, on working to strengthen the Court's jurisdiction.

First, Switzerland is a long-standing supporter of the work of the Court. That support forms part of a foreign-policy framework aimed at promoting the peaceful resolution of disputes as well as the rule of law and international law. In order to further increase support for the Court, Switzerland encourages all States to recognize its jurisdiction. To that end, in 2014 several States, including Switzerland, published a handbook on accepting the jurisdiction of the International Court of Justice (see A/68/963, annex) that provides useful guidance on the ways in which a State may consent to the jurisdiction of the Court. It also includes practical advice, such as model clauses that can be adapted to the needs of each State. States can therefore refer to the

handbook for practical and detailed support, whether they seek to recognize the jurisdiction of the Court by ratifying a treaty, making a unilateral declaration or submitting an ad hoc recognition after the introduction of a case. The handbook is available in all the official United Nations languages on the Court's website. The consent of States is crucial to enabling the Court to fulfil its mandate, and we therefore regret that no additional States have accepted the compulsory jurisdiction of the Court since 2019, but we are hopeful that the handbook can help to remedy that.

Secondly, the Court plays a fundamental role within the United Nations and in the broader international community. It enables both the prevention of conflicts and the peaceful resolution of disputes. As States continue to make greater use of the Court, the Security Council could also make greater use of the Court's advisory opinions in its work. Strengthening the cooperation between the Court and the Council could contribute to the maintenance of international peace and security. The Court also allows for the intervention of a neutral third party offering a rules-based solution to any dispute that may arise among the States concerned. That feature of the Court gives the rule of law and international law legitimacy in the eyes of the public, and its contribution is invaluable in that regard.

Thirdly, Switzerland would like to draw attention to Romania's initiative on strengthening the jurisdiction of the Court. Switzerland associates itself with Romania's declaration on the promotion of the Court, which aims in particular to encourage States to refer to the Court. To that end, we urge all States that have not yet done so to recognize the Court's jurisdiction. A launch event for the initiative will be held on 3 November, and we call on all States to participate and encourage them to sign the declaration. As Boutros Boutros-Ghali said, international law is not just a set of rules for States but a common language as well. The Court encourages States to engage in such dialogue through the common language of international law with a view to reinforcing multilateralism and the rule of law. We will continue to support the Court in the fulfilment of its mandate.

Ms. Guardia González (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement made on behalf of the Movement of Non-Aligned Countries by the representative of Azerbaijan, and I would like to add the following in my national capacity.

Cuba reiterates its commitment to the strict application of international law and the peaceful settlement of international disputes. As we acknowledge the work of the Court of International Justice since its establishment, we note that its decisions and advisory opinions have been especially important not only with regard to the cases submitted for its consideration but also for the development of international law. In that regard, Cuba is grateful for the presentation of the report (A/76/4) of the International Court of Justice for the period from 1 August 2020 to 31 July 2021.

The volume of cases brought before the Court, many of which deal with issues in Latin America and the Caribbean, reflects the importance that the international community attaches to the peaceful settlement of disputes. Cuba appreciates the work of peacefully settling disputes in accordance with paragraph 1 of Article 33 of the Charter of the United Nations, and has voluntarily declared its acceptance of the Court's jurisdiction.

Cuba regrets the fact that the judgments of the Court have not been enforced, in clear violation of Article 94 of the Charter, which provides that every Member State undertakes to comply with the decision of the International Court of Justice in any case to which it is a party. We are concerned about the fact that these circumstances undermine the effectiveness and implementation of the Court's judgments because some countries do not acknowledge judgments that are unfavourable to them. Their refusal to comply with the judgments rendered, as well as the obstacles they pose to the United Nations mechanisms responsible for enforcing them by using the veto in the Security Council, demonstrates the shortcomings of the Court's mechanisms for implementing its decisions. Cuba believes it would be useful for the Court to conduct a serious review to examine its relations with the organs of the United Nations and the Security Council in particular. The situation also shows that the United Nations system should be reformed so as to provide greater guarantees to developing countries vis-à-vis more powerful nations, which would also apply to the International Court of Justice.

The entire body of work of the International Court of Justice plays a vital role in strengthening the rule of law at the international level. Through its rulings and advisory opinions, the Court helps to clarify international law. Cuba would like to thank the Court for the publications it makes available to Member States

and for its online resources, which provide valuable material for the dissemination and study of public international law, especially for developing countries, which often find themselves deprived of information on the progress made in international law. We want to reiterate that Cuba is a peaceful country that respects international law and that we have always firmly upheld our international obligations under the treaties to which we are party.

The International Court of Justice has heard many prominent cases, three of which I will highlight. First, we view the unanimous advisory opinion of 8 July 1996 on *Legality of the threat or use of nuclear weapons* as crucial. Secondly, Cuba urges full respect for the advisory opinion of 9 July 2004 on *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273) and calls on all States to ensure respect for the Court's decisions on that important issue. Thirdly, we want to draw attention to the importance of adhering to the Court's advisory opinion of 26 April 1988 on *Applicability of the obligation to arbitrate under section 21 of the United Nations Headquarters Agreement of 26 June 1947*. The Court concluded in that case that the United States, as a party to the Headquarters Agreement, was obliged to comply with section 21 of the Agreement and submit to arbitration to resolve disputes between it and the United Nations. It also recalled the fundamental principle that international law supersedes domestic law.

Cuba also considers it very important to allocate the necessary budgetary resources to the Court to enable it to adequately conduct its work aimed at ensuring the peaceful resolution of conflicts under its jurisdiction. Cuba calls on States to ensure the timely and adequate disbursement of those resources to the Court. In conclusion, my delegation wishes to underscore the fact that events in recent years have clearly demonstrated the Court's importance as an international judicial body, acting peaceably and in good faith in accordance with international law to resolve disputes with the greatest impact on the international community.

Mr. Bandeira Galindo (Brazil): At the outset, my delegation aligns itself with the statement delivered by Angola on behalf of the Community of Portuguese-speaking Countries (CPLP).

I would like to thank the President of the International Court of Justice, Judge Joan Donoghue, for her informative report on the work of the Court

(A/76/4), and to commend the judges of the Court for their outstanding contribution to peace and justice in international relations. I also want to pay tribute to Judge James Crawford, who contributed during his lifetime to the development of several areas of international law such as statehood and the responsibility of States for internationally wrongful acts. He will be remembered as a distinguished member of academia, the International Law Commission and the International Court of Justice.

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 among Member States and promote a more peaceful world. By fostering dialogue, justice and the peaceful settlement of disputes through the common language of international law, the Court is an effective channel for preventive diplomacy and cooperation.

For the past 75 years, since its inaugural session, the Court has helped to crystallize and clarify international law in areas as diverse as the law of the sea, territorial and maritime delimitation, diplomatic missions, human rights, the law of treaties, the use of force, reparations for internationally wrongful acts and environmental protection, to name but a few. Through its judgments, advisory opinions and indications of provisional measures, the Court has upheld the principles of the Charter of the United Nations and the rule of law in international affairs. The Court's pronouncements also provide fundamental guidance to States in the interpretation of international norms, including multilateral treaties. The Court's large workload and high level of activity, the diverse geographical spread of its cases and the diversity of their subject matter demonstrate the universal and normative character of its jurisdiction as the principal judicial organ of the United Nations.

This year's report affirms the continuing auspicious history of the Court, with four judgments, nine procedural orders and a new contentious case, bringing the number of cases on its general list to 14 during the period under review. This is a testament to the continued relevance of the Court in upholding international law and ensuring the peaceful settlement of international disputes. As the report highlights, the cases pending before the Court involve States from all regions of the world and a great variety of issues of international law. Brazil commends the Court and its members for their efforts to keep up with the increasing workload, despite the restrictions that have resulted from the

coronavirus disease pandemic. The Court's response to the pandemic, including its holding of public hearings in hybrid format, has allowed its judicial activities to continue while safeguarding the health and well-being of its judges and Registry staff, demonstrating its impressive capacity to adapt and modernize itself in the face of challenging circumstances by promptly adjusting its working methods and amending its rules of procedure.

Brazil also welcomes the outreach efforts of the Court, which make it more accessible to a variety of audiences around the world, thereby helping it to disseminate international law. The Court's facilitation of internship programmes, development of multimedia platforms including for hybrid hearings, activity on social media and participation in events organized by universities are good examples of effective outreach activities. We also welcome its efforts to promote greater geographic and linguistic diversity among its legal practitioners taking part in the Judicial Fellowship Programme. In that regard, Brazil was a sponsor of last year's resolution 75/129, which requested the Secretary-General to establish and administer a trust fund for the Fellowship Programme. We appreciate the fact that the trust fund was established this year and we hope that the project will bring more young jurists from universities based in developing countries to the Court and thereby enhance its diversity and representativeness.

As an incoming member of the Security Council with the prevention of conflicts one of its priorities, Brazil considers it vital to ensure that justice and the rule of law continue to play an instrumental role in advancing the goals of the United Nations. The much-needed focus on the prevention of conflicts is closely linked to the peaceful settlement of disputes. The Court is at the core of those 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. In the light of its seventy-fifth anniversary, let us renew our commitment to international law and the values it embodies.

Mr. Eick (Germany) (*spoke in French*): This year we celebrate the seventy-fifth anniversary of the International Court of Justice, the principal judicial organ of the United Nations. It is the only Court with a legal basis in the Charter of the United Nations itself and is open to all States Members of the United Nations. The idea behind the Court's establishment was

to achieve lasting world peace through the peaceful settlement of international disputes by means of a world court. Today, in an increasingly complex and vulnerable world, international cooperation and justice are more important than ever.

(*spoke in English*)

The steadily rising number of cases before the International Court of Justice, which has now seen a total of 140 disputes since its establishment, shows that the Court has indeed become the most prominent instrument for settling disputes based on the foundation of law. That gives it both enormous prestige and weight and a crucial role in the peaceful settlement of conflicts. Its decisions in contentious proceedings and its advisory opinions represent the highest authority in determining and applying international law. Together with the International Criminal Court, the International Tribunal for the Law of the Sea, the Permanent Court of Arbitration and other international and hybrid courts, the International Court of Justice constitutes a major pillar of the international rules-based order, with international law at its core.

The consent of States remains the indispensable foundation on which the Court's jurisdiction to settle contentious disputes is based. In 2008, Germany recognized the Court's jurisdiction as compulsory in the form of a declaration under paragraph 2 of article 36 of the Statute of the Court, and we join the President of the General Assembly in encouraging other States to do so as well. Whenever States have submitted to the Court's jurisdiction, they must respect and follow its decisions. That is true for other international courts and tribunals as well as the International Court of Justice, and it applies both to decisions on the merits of a case as well as to decisions on its jurisdiction.

The only way to ensure the Court's effectiveness in the peaceful settlement of disputes and the advancement of international law as the defining framework of international relations is by respecting and implementing its judgments. It is therefore crucial to ensure that the parties to a case comply with the decision of the Court, as required by Article 94 of the Charter of the United Nations. Failure to do that not only frustrates the Court's efforts to bring the dispute in question to a conclusion, it also undermines respect for the Court and in turn its overall effectiveness as an instrument for settling disputes, far beyond any individual case. Moreover, it erodes the respect for

the global rule of law that the Court symbolizes. The Court has underlined the importance it ascribes to implementation by taking steps to establish an ad hoc committee to monitor the implementation of the provisional measures it indicates.

(spoke in French)

While the Court has a reputation for respecting tradition, during the period under review it once again showed, as it has since the onset of the coronavirus disease pandemic, its ability to respond to urgent challenges by amending its rules to allow for hearings in hybrid format. That action has enabled it to continue its activities aimed at the peaceful resolution of conflicts in accordance with the rules of international law, even during the difficult and uncertain context of the global pandemic. The Court's decisions and advisory opinions have a direct impact that goes far beyond specific claims or even the substantive law in question. They have an extensive influence on political debate in various fields of international relations. Germany remains a staunch supporter of the International Court of Justice and calls on all countries to continue to support the Court and its work.

Ms. Arumpac-Marte (Philippines): The delegation of the Philippines thanks Judge Joan E. Donoghue, President of the International Court of Justice, for her report (A/76/4). We associate ourselves with the statement delivered by Azerbaijan on behalf of the Movement of Non-Aligned Countries.

Considering that the celebrations on the occasion of the seventy-fifth anniversary of the inaugural sitting of the Court in the Great Hall of Justice of the Peace Palace in The Hague had to be scaled back owing to the coronavirus disease pandemic, this annual dialogue between the General Assembly and the Court takes on even more meaning. We congratulate the Court on that milestone and for taking various initiatives to mark the anniversary, despite the constraints.

The International Court of Justice is an integral part of the United Nations architecture for the maintenance of international peace and security. It 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, the adjustment or settlement of international disputes or situations that might lead to a breach of the peace. The 1982 Manila Declaration on the Peaceful Settlement of

International Disputes asserts the same commitment. As a normative text, the Declaration developed the first comprehensive plan and consolidation of the legal framework for the peaceful settlement of international disputes. Significantly, it expresses 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 it in the peaceful settlement of disputes. We look forward to celebrating the Manila Declaration's fortieth anniversary next year, in cooperation with other States under the auspices of the United Nations.

During the period covered by the report, the Court experienced a high level of activity and productivity. It handed down four judgments and nine orders and held public hearings in four cases. That the Court has continued to evolve in order to ensure the sound administration of justice and discharge its mandate, despite the pandemic, is an assurance that the rule of law prevails. The Philippines appreciates the Court's quick response to the pandemic and notes that it continues to adapt its working methods. Notably, the Court amended its rules of procedure and began holding its public hearings by video link and subsequently in hybrid format. The Philippines also welcomes the Court's adoption of a new article 11 of its resolution, on the establishment of an ad hoc committee to assist the Court in monitoring provisional measures, which are an important instrument in the settlement of international disputes. We support the efforts to improve compliance with them. We reaffirm that States are to abide in good faith with their obligations under international law, including those arising from proceedings of international courts and tribunals.

The increasing workload of the Court, the broadening of the subject matter of the cases brought before it, as well as the geographical diversity of the States bringing cases before it, illustrate the vitality and universal character of the jurisdiction of the United Nations principal judicial organ. They show the trust and confidence that States place in the Court's critical role in the peaceful settlement of disputes and promotion of the rule of law. The speedy resolution of disputes before the Court is no doubt a factor in States' increased recourse to it, as is the determination of the Court not to be swayed by political pressure or to politicize cases.

The international community's confidence and trust in the Court must be accompanied by the

commensurate budget and funds necessary for its proper functioning. We note the Court's responsible stewardship of its funds, including in working within its resources to acquire the equipment necessary for its hybrid sessions. The Philippines supports the provision of the financial resources essential to the Court's discharge of its judicial functions.

The Philippines has recognized the compulsory jurisdiction of the Court since 1972, and we renew our call to other States to do the same. We recognize that recourse to the Court 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 call on the Security Council to seriously consider Article 96 of the Charter of the United Nations and make greater use of the Court as a source of advisory opinions and 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, particularly those targeting young people worldwide. We welcome the establishment of the trust fund to enable greater participation of graduates from developing countries, thereby guaranteeing the geographic and linguistic diversity of participants in the Judicial Fellows 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 that Member States place in its role in achieving the cardinal principle of the Charter, the maintenance of international peace and security.

Mr. Rahman (Bangladesh): This year marked the seventy-fifth anniversary of the first sitting of the International Court of Justice. As the principal judicial organ of the United Nations, the Court has played a central role in promoting the pacific settlement of international disputes for more than 75 years, upholding the rule of law at the international level and contributing thereby to the maintenance of international peace and security.

We thank the President of the Court for her annual report (A/76/4), which is a clear testimony

to the Court's efforts to uphold the rule of law at the international level at all times. We also thank the Court for maintaining its key judicial functions, including by adjusting its working methods, despite the challenges posed by the coronavirus disease pandemic. We also take this opportunity to offer our heartfelt condolences to the Government and the friendly people of Australia, as well as the staff of the Court, on the sad demise on 31 May of Judge James Crawford. Judge Crawford was a great friend of Bangladesh and represented Bangladesh in the proceedings for the delimitation of the maritime boundaries in the Bay of Bengal before he was elected to the Court as a judge.

We recognize that over the years, the workload of the Court has increased enormously. We therefore welcome its recent decision to establish an ad hoc committee to address its current workload. We take particular note of the Secretary-General's report (A/76/196) on his trust fund to assist States in the settlement of disputes through the Court. We also welcome the General Assembly's adoption of resolution 75/129 to establish and administer a trust fund for the Court's Judicial Fellowship Programme, which will grant fellowship awards to selected candidates from developing countries. We sincerely hope that the Programme will be a useful tool for increasing the numbers of jurists from developing countries. We would request the Court to ensure geographical and linguistic diversity in its selection of participants for the Programme.

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 enhanced use of its competence to de-escalate tensions and prevent conflicts among Member States. We reaffirm the universal character of its 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 it remains crucial for Member States, including those concerned in specific proceedings, to cooperate in the implementation of the Court's judgments and orders. In keeping with our constitutional commitment towards peaceful settlement of international disputes, we have resolved our outstanding maritime boundary delimitation issues with our neighbouring countries through international judicial means. In that regard, we continue to follow with interest the Court's work on territorial and maritime disputes and the conservation of natural and living resources.

As the Assembly is aware, Bangladesh is currently hosting more than 1.1 million people of the Rohingya minority who fled atrocities in Myanmar. In that connection, the Gambia instituted legal proceedings before the Court 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 2020, the Court issued an order indicating provisional measures against Myanmar. The order concluded that the Court has *prima 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 one of the countries affected, Bangladesh welcomes the order of the Court and urges all stakeholders concerned to fully implement it.

I would like to conclude by reiterating Bangladesh's unwavering commitment to respecting the authority of the International Court of Justice. We also reiterate our commitment to cooperating fully with the Court in the exercise of its functions.

Ms. Cerrato (Honduras) (*spoke in Spanish*): My delegation thanks the President of the International Court of Justice, Judge Joan E. Donoghue, for the Court's report (A/76/4) to the General Assembly at its seventy-sixth session, and takes note of the work carried out by the Court for the period from 1 August 2020 to 31 July 2021. Honduras deeply regrets and expresses its condolences on the passing in May of Judge James Crawford of Australia. The Court has lost a great jurist and scholar.

Honduras recognizes the Court as the principal international judiciary organ of the Organization, by which it has peacefully resolved various international disputes. We also recognize that all States Members of the United Nations have committed to complying with the decision of the Court in cases to which they are party. As a founding State of the United Nations, Honduras has not only adhered to its rules but has also always resorted to the use of its mechanisms for the peaceful resolution of disputes with other States, such as the International Court of Justice. In that connection, Honduras endorses the principles and practices of international law that promote human solidarity, respect for the self-determination of peoples and the consolidation of universal peace and democracy. We

also believe that the legitimacy of international arbitral and judicial judgments is vital, as is the binding nature of their implementation.

By virtue of this State philosophy, my country believes firmly that compliance with international judgments rendered by a competent international court and judicial organ of the United Nations such as the International Court of Justice, as well as compliance in good faith with the commitments agreed to in treaties, ensures peace, harmony and security among peoples and Governments. In that regard, at this seventy-sixth session, Honduras celebrates the efforts the Court has made to maintain its efficiency in resolving international disputes and issuing advisory opinions, despite the current circumstances and the increase in its workload that we have seen over the past 20 years. In this difficult time, when humankind is dealing with the coronavirus disease pandemic, all the institutions of the United Nations system, in particular the International Court of Justice, have done an outstanding job in adapting to the adjustments and budgetary limitations that they have had to face. Honduras calls for the General Assembly to approve the Court's budget for 2022 in order to grant it the financial resources it needs to perform its judicial functions.

Honduras welcomes and supports the efforts of the Court to improve young people's understanding of international law, as well as its facilitation of the annual Judicial Fellowship Programme of the International Court of Justice, which enables interested universities to nominate and sponsor their recent law graduates to pursue their training in a professional context at the Court. In conclusion, Honduras reiterates its willingness to contribute to finding solutions to the concerns and requests raised in the report in order to ensure that the International Court of Justice functions as effectively as possible.

Mr. Takht Ravanchi (Islamic Republic of Iran): I would like to thank the President of the International Court of Justice, and the other judges and staff of the Court, for their unwavering commitment to upholding the rule of law at the international level. My delegation aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries.

We acknowledge the vital role of the International Court of Justice in the prevention of hostilities and mitigation of crises through the peaceful settlement of

disputes, as well as in strengthening the rule of law, preserving international order and tackling unilateral measures. Based on that understanding, the Islamic Republic of Iran has in the past five years filed two contentious cases before the Court, both of which are currently pending. I would like to briefly touch on them.

Due to the adoption in the United States of a number of legislative and executive acts in flagrant violation of international law, the United States courts have deprived Iran of the immunity of States and their properties from suit as well as immunity from jurisdiction and enforcement. That has led to the filing of cases in the United States courts against the Islamic Republic of Iran, certain Iranian entities and State officials, as well as the blocking of Iranian assets, including those of the Central Bank of Iran. Subsequently, the Central Bank's assets were subjected to execution in order to satisfy a default judgment. Iran believes that such blocking of assets and enforcement proceedings against the Central Bank of Iran and various Iranian companies and banks in the United States is in violation of provisions of the 1955 Treaty of Amity, Economic Relations, and Consular Rights between the two countries. On 13 February 2019, the Court found it had jurisdiction to rule on the application of the Islamic Republic of Iran filed on 14 June 2016 in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, which is still pending before the Court.

Turning to the other case, following the unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action and its unlawful decision to reimpose in full effect and enforce a series of sanctions and restrictive measures targeting Iran and Iranian companies and nationals, directly or indirectly, contrary to its obligations under the Treaty of Amity, Iran filed an application to the Court instituting proceedings against the United States with regard to a dispute concerning violations of multiple provisions of the Treaty. At the same time, in view of the urgency and the risk of irreparable prejudice to its rights, following the reimposition of sanctions by the United States, Iran requested that the Court 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 and agricultural commodities, medicines and medical devices, as well as spare parts, equipment and associated services necessary for the safety of civil aviation. It also ordered the United States to ensure that

the licences and necessary authorizations were granted and that payments and other transfers of funds related to the aforementioned goods and services were not subject to any restriction.

Regrettably, the United States has not only failed to comply with the Court's order, but by imposing new sanctions, especially during the outbreak of the coronavirus disease (COVID-19) pandemic, has also deliberately defied it. It is noteworthy that in paragraph 100 of its order, the Court 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. As a result, Iran has on several occasions brought the United States' non-compliance with the order to the attention of the Court. The answer provided by the United States in that regard has always been a repetition of its previous contentions: that it is bound by the order and that humanitarian transactions are exempt from its sanctions. That is a false claim, however, given that the United States Treasury Department was compelled on 17 June to issue a general licence that allegedly facilitates certain COVID-19-related transactions with Iran.

Moreover, the United States also violated the Court's order by tightening the grip of its sanctions after the order was issued. The order indicated that both parties should refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve. On 3 February, the Court rejected all the preliminary objections raised by the United States and found that it has jurisdiction to entertain the application filed by Iran and that the application was admissible. At this stage, the United States is expected to file its counter-memorial by 22 November. Nevertheless, I must reiterate that the prolongation of judicial proceedings in the light of the urgency of the pending case would run counter to the exigencies of due process.

Mr. Castañeda Solares (Guatemala) (*spoke in Spanish*): At the outset, I would like to express the gratitude of Guatemala to the International Court of Justice for its work and to thank the President of the Court, Judge Joan E. Donoghue, for presenting the annual report of the Court (A/76/4) updating us on the Court's judicial activity, and in particular for the Court's commitment to the peaceful settlement of disputes, in accordance with the purposes and principles

of the Charter of the United Nations and the Statute of the Court.

The fact that the volume of the work of the Court remained intense during the reporting period attests to the trust of Member States in this 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 appreciates the invaluable work of the International Court of Justice in peacefully settling the disputes submitted to it. Member States' trust in the Court, as reflected in their referral of disputes 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, specifically one based on international law. We believe that the work of the Court is vital to peaceful coexistence and cooperation among States, as well as the strengthening of the rule of law at the international level. We also acknowledge that the work of the Court, through its rulings and advisory opinions, helps provide legal certainty for the norms of international law and their proper enforcement, as well as international practices that have subsequently been adopted.

History has documented innumerable long-standing conflicts and the various attempts to resolve them. Regrettably, at times those disputes have been resolved by force, leaving a legacy of pain caused by the loss of countless lives. In that regard, we note that the work of the International Court of Justice is the result of many years of continuing 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 judges of the International Court of Justice is essential, and the effective fulfilment of the commitments made by States that have voluntarily submitted to the Court's jurisdiction is equally essential.

In a previous statement before the General Assembly (see A/73/PV.25), Guatemala announced its decision that the International Court of Justice should deliver a final verdict on a dispute between Guatemala and Belize, as we believe that its resolution would result in economic, social and political benefits to both countries, and, most notably, to development for their

citizens. That shows the world that we are a responsible, democratic country that champions peace.

Guatemala, in April 2018, and Belize, in May 2019, engaged in peaceful public consultations that led to a positive outcome, with the primary objective of reaching a definitive resolution of the dispute through the International Court of Justice. On 7 June 2019, the Court was officially seized of the dispute concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, pursuant to the commitment by both States through a special agreement to submit Guatemala's claim to the jurisdiction of the Court. Guatemala welcomed the Court's extension of the time limits for the filing of Guatemala's memorial until 8 December 2020, which Guatemala has filed, and Belize's counter-memorial until 11 June 2022, as is reflected in the report. We hope that relations between Guatemala and Belize will continue to get stronger. We take this opportunity to sincerely thank the Secretary-General of the Organization of American States and the Group of Friends of Belize and Guatemala for their support in the process.

We are concerned about the financial challenges that the Court has faced due to cash-flow problems in 2020 and 2021. The report says that the situation has resulted in considerable challenges that might even hinder the implementation of the Court's mandate in the current biennium. We are pleased 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.

In conclusion, I would like to reiterate once again our recognition and support for the work of the International Court of Justice and its judges, whose decisions help provide legal certainty and security in areas of particular sensitivity between States and promote the primacy of and respect for the rule of law at the international level, which results in the realization of peace and security among States, a fundamental pillar of our Organization.

Mr. Gafoor (Singapore): I would like to begin by expressing Singapore's deep sadness at the passing of Judge James Richard Crawford. He was a titan of international law and his death is a great loss for the international law community.

My delegation thanks the President of the International Court of Justice for her comprehensive presentation on the activities of the Court (A/76/4)

during the period under review. Singapore also congratulates the Court on the seventy-fifth anniversary of its inaugural sitting. After 75 years, the Court has shown no sign of slowing down. Its docket covers a diverse variety of subject matter and a wide geographical spread, which reflect the international community's trust and confidence in the Court's role in the peaceful settlement of disputes. The International Court of Justice continues to be an important pillar of the multilateral system based on international law. For Singapore, as a small State, that system is critical to our vital interests, including our sovereignty and territorial integrity. That is why Singapore continues to be a staunch supporter of the United Nations and the Court, which we regard as the guardian of the international rule of law.

My delegation would like to make three points about the report of the court. First, Singapore welcomes the establishment of the trust fund for the Judicial Fellowship Programme of the Court. Singapore is honoured to have been part of the group of five States that coordinated resolution 75/129, establishing the trust fund. We believe that it will contribute to the success of the Programme by providing support for young legal practitioners from developing countries to participate in the Programme and gain invaluable insights into the Court. In turn, that will promote greater geographic and linguistic diversity in the Programme. In time, we are hopeful that such diversity will lead to greater global adherence to and respect for international law.

Secondly, we note that consultations between the Court and the host country are under way to prepare concrete plans for the Court's temporary relocation ahead of the renovation of the Peace Palace. We look forward to receiving further details on the scope, extent and schedule of the Court's relocation in due course. It will be important to ensure that the Court's temporary premises meet the needs of the Court in such a way that does not disrupt its judicial activities.

Thirdly, Singapore commends the Court on its efforts to modernize and streamline its processes. Initiatives such as the establishment of an ad hoc committee under the new article 11 of the Court's resolution concerning its internal judicial practice will contribute to the Court's sound administration of justice. The Court also showed its adaptability and flexibility through its use of technology in response to the challenges posed by the coronavirus disease pandemic. That included the holding of public hearings by video link and in hybrid

format, which enabled it to maintain its high workload despite the challenging circumstances. In conclusion, Singapore reiterates its steadfast commitment to the rules-based multilateral system and its unstinting support for the Court's role in the peaceful settlement of disputes under international law.

Mr. Alabrune (France) (*spoke in French*): On behalf of France, I wish to thank the President of the International Court of Justice for presenting the annual report of the activities of the Court (A/76/4). The Court's report is testament to the important role it plays in the peaceful settlement of disputes between States. As the list of cases on the Court's docket shows, the Court's activity in contentious cases has grown in the past few decades. Fifteen contentious proceedings are currently pending before the Court and four are under deliberation. France would like to reaffirm its deep commitment to the International Court of Justice, whose contribution to the peaceful settlement of international disputes is essential to the maintenance of international peace and security. The Court's decisions truly help improve relations among States and assist them in reaching solutions when other means of peaceful settlement of dispute fail.

The jurisdiction of the International Court of Justice is founded on the consent of States. The founding Statute of the Court provides for various ways for States to express their consent to the Court's jurisdiction in contentious cases. France, for example, is a party to a significant number of treaties that contain arbitration clauses providing for the jurisdiction of the International Court of Justice. Furthermore, paragraph 5 of article 38 of the Rules of Court also provides that the Court may receive an application to found its jurisdiction on a consent yet to be given by the State against which the application is made, the *forum prorogatum*, which France is so far the only State to have exercised.

The Court recently delivered a judgment in a case concerning France. Throughout the proceedings, we were able to fully witness the high calibre, receptiveness and professionalism of the members of the Court and the staff of the Registry. France is deeply grateful to them.

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 they are not a substitute, such opinions make it possible to ensure a

better understanding of international law and thereby strengthen its authority.

In conclusion, France would like to point to the importance it attaches to the representation of different legal cultures within the Court, as this diversity contributes to the quality of its work and the authority of its jurisprudence. We also attach importance to the Court's bilingualism, in accordance with article 39 of its Statute, which stipulates that the official languages of the Court shall be French and English. In this period of challenges to multilateralism, the Court remains an essential institution for peace and the global legal order. In that connection, on behalf of France, I want to take this opportunity to reiterate our gratitude to the Court and all its members and staff for the work they have accomplished. We also pay homage to the memory of Judge James Crawford and to his great contributions to the Court and international law in general.

Mr. Espinosa Cañizares (Ecuador) (*spoke in Spanish*): Allow me to begin by expressing our condolences on the very premature death of Judge James Crawford, a distinguished member of the International Court of Justice who served the international community. I would also like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her presentation of the report on the activities of the Court for the period from 1 August 2020 to 31 July 2021, contained in document A/76/4.

One of the main objectives of the United Nations, as set out in the Preamble to 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.

In April the Court commemorated the seventy-fifth anniversary of its inaugural sitting. In this special year, I want to highlight the productive work of the Court, which has been seized of more than 140 disputes and has received more than 25 requests for advisory opinions from United Nations organs and specialized agencies. It is therefore the right time for my delegation to call on States that have not yet done so to consider

accepting the jurisdiction of the Court, as provided for in its Statute.

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 major interest in the important work of the International Court of Justice. We reiterate our full support for it and are committed to and respect its decisions.

The report presented gives an account of the Court's intense work. We note with interest that during the period under review, the Court delivered four judgments in key cases on a wide range of issues and that the contentious cases on its docket involved States from five continents. That reaffirms the universal nature of the Court and its integrity, impartiality and independence. We also highlight the nine orders issued by the Court or its President and the public hearings held, despite the current global situation.

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 referring their disputes to the Court. We emphasize the fundamental role of the Registry in sustaining the Court's high levels of efficiency and quality, enabling it to respond quickly to urgent cases and situations. We reiterate the importance of ensuring that the Court has all the resources and funding it requires to fulfil that mission.

My delegation considers it important to train new generations in the procedures of the Court and in international law. We therefore applaud and hope to benefit from the trust fund for the Judicial Fellowship Programme of the International Court of Justice, established through resolution 75/129, which facilitates access to the Programme for universities, particularly those in developing countries, to sponsor their brightest jurists to train at the Court. Ecuador has every confidence that the Court will continue to work in an equitable manner in order to resolve fairly all cases and disputes referred to it.

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

We would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her comprehensive briefing on the report of the activities of the Court (A/76/4) during the reporting period. We are very pleased to see a woman leading this great world judicial entity. Egypt also expresses its sincere condolences to the Court and the international law community for the loss of Judge James Crawford, whose valuable contributions enriched many areas of international law.

Egypt would like to acknowledge the large workload that the Court undertook during the period under consideration, issuing four judgments and nine orders as well as being seized of a new case. Egypt also congratulates the International Court of Justice and its Member States on the seventy-fifth anniversary of its establishment, a great opportunity to take stock of the Court's achievements since its inception, which are impressive. The Court has considered a total of 140 lawsuits and received 25 requests for advisory opinions. In addition, the number of countries accepting its compulsory jurisdiction has now grown gradually to 74, and the various bilateral and multilateral treaties to be considered under the jurisdiction of the Court have reached more than 300 treaties.

We were also pleased to see the breakdown that the report provides of the diversity of the 14 cases currently considered by the Court. They clearly demonstrate the Court's global nature and the degree of trust that States from every geographical region represented at the United Nations have in the Court's ability to settle international legal disputes. In the near future, assuming that the coronavirus disease pandemic has waned, we look forward to celebrating its seventy-fifth anniversary in a manner that befits the Court and its significant role.

Egypt reiterates its firm belief in the core role that the International Court of Justice plays within the United Nations system and at the multilateral level as the world's principal judicial organ. We believe that the rules-based international effective order hinges on promoting the rule of law at the international level. The International Court of Justice actively contributes to that by implementing its mandate as stipulated in its Statute, whether through its consideration of cases, issuance of advisory opinions on various topics of international law or other activities outlined in the report.

Egypt encourages all countries to benefit to the full extent from the Court's jurisdiction in the arbitration of disputes. In that regard, as we believe in the peaceful settlement of international disputes, Egypt announced in 1957 that we accepted the compulsory jurisdiction of the Court with respect to the arrangements related to the Suez Canal, in accordance with Article, 36, paragraph 2, of the Court's Statute. We also joined many international and multilateral conventions that grant the Court jurisdiction in the event of any disputes on their interpretation or application between countries that are party to them.

Egypt also stresses the importance of maximizing the benefits of the advisory mandate of the International Court of Justice, especially pertaining to new developments in international law and the complexities and overlaps that could develop with regard to existing international law. The advisory opinions of the Court contribute to clarifying certain ambiguities and assist States and international organizations in the proper application of international law.

In conclusion, Egypt reaffirms that it is keen to continue its active interaction with the International Court of Justice based on our belief in the centrality of its role in establishing and implementing the principle of the rule of law at the international level.

Mr. Geng Shuang (China) (*spoke in Chinese*): China would like to thank President Donoghue for her report (A/76/4) to the General Assembly on the work of the International Court of Justice. We pay tribute to all the judges and staff of the Court for performing their duties diligently despite the difficulties resulting from the coronavirus disease pandemic. China also expresses its condolences on the passing of Judge Crawford.

This year we marked the seventy-fifth anniversary of the Court's inaugural sitting. Over the past 75 years, working in accordance with its Statute and the Charter of the United Nations, the Court has heard 154 cases and issued 28 advisory opinions on important areas of international law including territorial sovereignty, maritime delimitation, unilateral sanctions, decolonization, the non-use of force and diplomatic and consular relations. It has made great contributions to the interpretation and application of international law and has played an active role in the peaceful settlement of international disputes and the maintenance of international peace and security. With its 75 years of experience, the International Court of Justice has been

broadly recognized by the international community and has become the most authoritative and influential international judicial institution in the world.

In recent years, the number of cases heard by the Court has been growing, reflecting the increased trust of States in the Court. In its proceedings the Court concerns itself not only with the interests of the countries concerned but also the understanding and application of the rules of international law. In its December 2020 judgment in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, the Court clarified the rules pertaining to diplomatic law with regard to the determination of premises of diplomatic missions, action that is conducive to the development of friendly bilateral relations between countries. In February, the International Court of Justice found that it had jurisdiction in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*. We hope that the next phase of proceedings in that case will help clarify and address the negative impact of unilateral sanctions.

Peace and development are our common cause, fairness and justice our common ideals and democracy and freedom our common pursuit. The United Nations should hold high the banner of multilateralism, defend and carry forward the shared values of humankind, promote unity among all countries, advance international cooperation and make positive efforts to promote democracy and the rule of law in international relations. As the main judicial organ of the United Nations, the Court has a lofty mission in safeguarding multilateralism and promoting the international rule of law. It should continue to perform its duties faithfully and play an important and unique role in that regard.

This year marks the fiftieth anniversary of the restoration of the legitimate seat of the People's Republic of China in the United Nations. For half a century, China has actively advocated for democracy and the rule of law in international relations and has always worked to build world peace, contribute to world development and defend the international order. In his address during this year's general debate, President Xi Jinping of China said that

“[I]n the world, there is only one international system: the international system with the United Nations at its core; there is only one international

order: the international order underpinned by international law; and there is only one set of rules: the basic norms governing international relations underpinned by the purposes and principles of the Charter of the United Nations” (see A/76/PV.3, annex IV).

In that statement, President Xi Jinping's clearly expressed China's firm commitment to multilateralism and international law. No matter how the world changes, China stands ready to work with other countries to uphold the purposes and principles of the Charter, firmly support the work of the United Nations and the Court and jointly safeguard the international system with the United Nations as its core, as well as the international order based on international law, with a view to promoting global governance and a community with a shared future for humankind.

Mr. Martinsen (Argentina) (*spoke in Spanish*): At the outset, I would like to congratulate Judge Joan Donoghue on her election as President of the International Court of Justice and wish her every success throughout her presidency. We also express our condolences on the passing of Judge James Crawford, who left an indelible mark on contemporary international law.

First of all, I would like to thank the Court for the presentation of the report (A/76/4) detailing the work carried out in the period under review, and the Secretary-General for his report (A/76/196) on the trust fund for assisting States in the settlement of disputes through the International Court of Justice.

Seventy-five years after its inaugural session, the International Court of Justice continues to play a vital role in promoting the rule of law, upholding international law and maintaining international peace and security by ensuring the peaceful settlement of the disputes that it is called on to adjudicate. The Court's jurisdiction is universal in nature, and it is also the only international tribunal with the jurisdiction to settle inter-State disputes of a general nature. Over the past 20 years, its workload has grown considerably. The year-on-year increase in the Court's caseload shows an acknowledgement on the part of the Member States accepting its jurisdiction that it is preferable to resolve disputes peacefully through judicial means, rather than allowing them to escalate and possibly lead to a wider conflict.

We note that during the period under consideration the Court's level of activity remained very high and

included the rendering of four judgments. Despite the challenges posed by the coronavirus disease pandemic, the Court has taken the steps necessary to adapt its working methods, thereby enabling it to continue performing its judicial functions during this public health crisis. Among the measures it adopted was the amendment of its rules of procedure to allow for hearings and readings of judgments to be conducted remotely when necessary for health, security or other compelling reasons. We particularly want to commend the judges of the Court and its Registry staff for all the work they have done to address the health crisis.

In its report on its work, the Court points out that on average, the period between the close of oral proceedings and the reading of a judgment or an advisory opinion has not exceeded six months. We welcome the fact that the Court's proceedings have not been bogged down by delays. Moreover, its speedier resolution of disputes is a clear incentive for all States to submit to its jurisdiction.

Turning to the report on the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice, we are concerned about the absence of contributions to the trust fund during the reporting period at hand, as well as in the two previous periods. We therefore join others in urging all States and other relevant entities to give serious consideration to making contributions to the fund, substantially and on a regular basis. We note that the high expenses incurred in submitting disputes before the Court could be a disincentive for States that are considering resorting to such action.

Lastly, we would like to highlight the General Assembly's adoption of resolution 75/129, which established a special trust fund for the Judicial Fellowship Programme of the International Court of Justice administered by the Secretary-General of the United Nations. Its purpose is to enable universities in developing countries to nominate candidates among their recent law graduates for fellowship awards for a 10-month traineeship within the Court. Ensuring greater opportunities for future law professionals to become familiar with the Court and learn from its judges will in itself strengthen the rule of law and raise awareness about the important role that the Court plays in promoting international peace and security.

In conclusion, the Argentine delegation would like to reiterate its commitment and support to 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.

Mr. Ishikane (Japan): I would like to begin by paying special tribute to the late Judge James Crawford, who made enormous contributions to the work of the International Court of Justice as one of the leading international lawyers of his generation. I would also like to thank President Donoghue for her dedication and leadership, as well as her in-depth and comprehensive report (A/76/4) on the activities of the Court over the past year. I was very impressed at how much the Court has achieved despite the unprecedented challenges of the pandemic. I also express my deep appreciation to the members of the Court and its Registry staff. Five new members were elected to the Court in 2020, and this year one new member will be elected to fill the vacancy left by Judge Crawford's passing. Japan remains confident in the Court's abilities to maintain its judicial functions efficiently and effectively in its new composition.

Japan has high regard for the work of the Court as the principal judicial organ of the United Nations. The fact that new cases are constantly brought before it every year reflects the international community's confidence in the role of the Court to settle disputes in accordance with international law. That confidence is founded on the long-standing jurisprudence through which the Court has considered and applied the existing rules of international law. We trust that the Court will continue to take a balanced approach to treaty interpretation, in accordance with the rules of customary international law outlined in the Vienna Convention on the Law of Treaties. That is the key to ensuring that the Court can maintain the high level of confidence that the international community places in it.

We are convinced that encouraging the peaceful settlement of disputes through international judicial institutions such as the Court is an essential aspect of rules-based international relations. Japan calls on all Member States that have not yet done so to consider accepting the compulsory jurisdiction of the Court in the settlement of disputes that are not covered by other relevant mechanisms. In that regard, Japan commends Romania's initiative to formulate a declaration on the promotion of acceptance of the Court's jurisdiction. As a member of the initiative's core group, Japan is committed to actively participating in the process. In conclusion, I want to reiterate Japan's unwavering

support for the essential role the Court plays in maintaining stable, rules-based international relations by clarifying international law through its various judgments and advisory opinions.

Mr. Wenaweser (Liechtenstein): I would like first to pay tribute to the late Judge James Crawford, an outstanding member of the International Court of Justice and an iconic figure in the history of international justice. We will honour his memory and legacy, and we are grateful for his contribution to the work of the Court.

We cannot overstate the importance of the role of the International Court of Justice in ensuring the rule of law at the international level. The unique mandate of the Court, its consent-based jurisdiction and the authoritative value of its decisions and opinions play a key role in the peaceful settlement of disputes, one of the core tasks of the United Nations. The Court has fulfilled that role very effectively and its decisions continue to enjoy a very high level of acceptance among Member States.

We strongly support the central role of the International Court of Justice and hope that it can be further expanded. A very important factor in that regard is the willingness of States to recognize the Court's jurisdiction as compulsory. Only 74 States Members of the General Assembly have done so by depositing a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice. That is disappointing, both in the light of the Court's strong track record and of the fact that the United Nations has existed for more than 75 years. Together with a number of like-minded States, Liechtenstein has therefore joined Romania's initiative calling on all Member States to demonstrate their commitment to the rule of law by making a relevant declaration. That would contribute to strengthening the rule of law at the international level. Given the important relationship between the Court and the Security Council, we believe that all States aspiring to serve on the Council, as well as its five permanent members, should lead by example by accepting the Court's jurisdiction as compulsory.

The Court's work has been remarkably successful. Its judgments and advisory opinions are widely recognized and well known for their contribution

to the advancement and progressive development of international law. There are cases of the highest relevance currently pending before the Court, in particular those concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination and the application of the Convention on the Prevention and Punishment of the Crime of Genocide. The latter case, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, could be crucial to the efforts to ensure accountability for the crimes committed in Myanmar. In such situations, complementary efforts in the area of international criminal justice are just as important as others, not only with a view to bringing justice for the victims but also to enabling countries to choose a path towards a future of sustainable peace. Impunity for the crimes committed in Myanmar lies at the root of the military coup d'état in the country and the ongoing attacks on the civilian population, which the General Assembly condemned earlier this year. We also recall that the Court's order of provisional measures with respect to this case is legally binding.

We are also encouraged by the increase in the number of requests to the Court for advisory opinions, such as recently in the case concerning *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*. Such requests by the Assembly have resulted in landmark opinions from the Court. Four other landmark advisory opinions worth highlighting include those in the cases concerning *Legality of the threat or use of nuclear weapons* (see A/51/218, annex); *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273); *International status of South-West Africa* (1950) — now modern-day Namibia —; and *Western Sahara* (1975). We will continue to value the advisory role of the Court highly, both with a view to strengthening the rule of law and to supporting the General Assembly's role in that regard as the central decision-making body of the United Nations.

The Acting President (*spoke in Spanish*): We have heard the last speaker in the debate for this meeting. We will hear the remaining speakers in this Hall at 3 p.m.

The meeting rose at 1 p.m.