



General Assembly

Seventy-seventh session

21st plenary meeting
Thursday, 27 October 2022, 3 p.m.
New York

Official Records

President: Mr. Körösi (Hungary)

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

Agenda item 137

Programme budget for 2022

Report of the Fifth Committee (A/77/535)

The President: The positions of delegations regarding the recommendation of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records. Therefore, if there is no proposal under rule 66 of the rules of procedure, may I take it that the General Assembly decides not to discuss the report of the Fifth Committee that is before the Assembly today?

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position. May I remind Members that, in accordance with decision 34/401, a delegation should, as far as possible, explain its vote or position only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote or position in plenary meeting is different from its vote or position in the Committee, and that explanations are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendation contained in the report of the Fifth Committee, I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Committee, unless notified otherwise in advance.

The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

We will now take a decision on the draft resolution, entitled "Revised estimates on United Nations activities to mitigate global food insecurity and its humanitarian impact". The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 77/3).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 137.

Agenda item 70 (continued)

Report of the International Court of Justice

Ms. Frein von Uslar-Gleichen (Germany): Germany would like to extend its condolences following the passing of Judge Cançado Trindade. He will be sorely missed.

Germany fully aligns itself with the statement delivered by the representative of the European Union (see A/77/PV.20).

Germany would like to highlight the pre-eminent role of the International Court of Justice as the principal judicial organ of the United Nations. Its judgments in contentious proceedings, as well as its advisory opinions, provide the most prominent authority in the world for the determination and application of international law. As such, the International Court of Justice, together with the International Criminal Court,

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the International Tribunal for the Law of the Sea, the Permanent Court of Arbitration and other international and hybrid courts, is of fundamental importance for the rules-based international order, with international law at its core. That is further illustrated by the steadily rising number of cases brought before the Court.

Therefore, we deem it of paramount importance to recall that the Court's jurisdiction is based on the principle of consent. Broad consent to the jurisdiction of International Court of Justice should therefore be a goal for all States seeking to strengthen the role of international law in international relations and to increase the trust in that institution for the judicial settlement of disputes. In that regard, Germany calls on all States to consider accepting the jurisdiction of the Court as compulsory and to make a general declaration under Article 36, paragraph 2, of the Statute of the Court, as we did in 2008. Conversely, parties cannot be subject to the International Court of Justice's jurisdiction without their consent. A deviation from that principle would gravely endanger acceptance of the Court's role and thereby ultimately threaten to compromise its effectiveness. Therefore, the line between the two functions of the Court must not be blurred, and the International Court of Justice should not submit to attempts to make what is essentially a dispute between two States into an abstract question of law. Furthermore, wherever States have accepted the Court's jurisdiction, they must respect and follow all decisions of the Court in a given proceeding.

The Court can be an effective guardian of the international legal order only if its rulings are respected and implemented across the board. The importance of compliance with the rulings of the Court, according to Article 94 of the Charter of the United Nations, cannot therefore be overstated. On 5 September 2022, Germany submitted a declaration of intervention according to Article 63, paragraph 2, of the Statute of the International Court of Justice in the case of *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. With regard to that case, Germany would like to stress once again that the orders on provisional measures by the International Court of Justice are legally binding on the parties to a dispute, and the Russian Federation, as ordered by the International Court of Justice, is therefore under an international obligation to immediately suspend its military operations in Ukraine. Failure to comply with a judgment undermines respect for the Court

and its general efficiency as a mechanism for settling disputes beyond any single case and the substantive law in question. The decisions by the Court, as the highest authority of international law, offer welcome guidelines for the application and interpretation of international law.

Germany commends the Court for its important work and remains a staunch supporter of the Court's role in settling international disputes by peaceful means.

Mr. Pereira Sosa (Paraguay) (*spoke in Spanish*): I take this opportunity to express, on behalf of my delegation, our sincerest thanks to Judge Joan E. Donoghue for her leadership as President of the International Court of Justice. I also extend my greetings to the judges of the Court. We also appreciate the report of the International Court of Justice (A/77/4), which covers the period from August 2021 to July 2022.

My country attaches great importance to the International Court of Justice, the principal judicial organ of the United Nations. We welcome the work of the Court and commend its solid reputation as an impartial institution that exercises its function in accordance with the highest legal standards. We recognize the important work of the Court during the period in question, with judgments and orders representing issues relating to different geographical areas and topics, such as the interpretation and application of treaties and conventions on the elimination of all forms of discrimination, the prevention of genocide and the financing of terrorism, the jurisdictional immunity of States, the environment and maritime delimitation, among other topics. The sheer volume and diversity of the cases before it is a testament to the Court's importance to the rule of law and a multilateral rules-based order.

We highlight the important contribution of the Court in the peaceful settlement of disputes, a practice that helps us to strengthen the rule of law at the international level. Similarly, we value the jurisprudence of the Court's judgments, which have a general impact in their use as guidance for the interpretation of international law. We firmly believe in a rules-based multilateral system in which the constructive participation of States in the pursuit of the peaceful settlement of disputes and the maintenance of international peace and security is necessary. In that regard, we call on States that have not yet done so to consider accepting the jurisdiction of the Court. Respect for the decisions, judgments and rulings of the Court is fundamental to ensuring the success of international justice, including a rules-

based international order. In the broader framework of international law, we must not lose sight of the fact that the ultimate beneficiaries of international law are the people, and therefore humankind as a whole.

The Republic of Paraguay accepts international law and conforms to the general principles that govern its international relations. In that regard, we reiterate our commitment and unlimited respect for the purposes and principles of the United Nations, in particular the settlement of international disputes by peaceful means and refraining from the threat or use of force. Paraguay accepts the compulsory jurisdiction of the International Court of Justice under the condition of reciprocity for all disputes provided for in Article 36, paragraph 2, of the Statute of the Court. With respect to both the print and digital versions of the publications issued by the Court, the Republic of Paraguay encourages the Court to continue that work, in particular issuing the publications in all the official languages of the United Nations.

In conclusion, we wish to congratulate the judges of the Court on their work during the current period and on their future work and to recognize the important contribution of the Court to international law. We also pay tribute to Judge Antônio Augusto Cançado Trindade for his contribution to international law.

Mr. Chrysostomou (Cyprus): Cyprus fully subscribes to the statement made by the representative of the European Union (see A/77/PV.20) and would like to make a few additional remarks.

At the outset, I would like to thank President Donoghue for her introduction of this year's report of the International Court of Justice (A/77/4) and to welcome the high level of activity of the Court during the reporting period, which included the handing down of four judgments and 15 orders, as well as the seizure of four new contentious cases. During the reporting period, the cases submitted to the Court involved a wide range of issues, including territorial and maritime delimitation, violations of sovereign rights and maritime spaces, human rights and international humanitarian law, genocide, reparation for internationally wrongful acts, environmental protection and, more generally, the interpretation and application of international treaties and conventions. As stipulated in the report, the geographical spread of the cases brought before the Court and the diversity of their subject matter illustrate the universal and general character of the Court's jurisdiction. We commend the Court for the steps

taken to return to its pre-pandemic working methods, including a return to in-person and hybrid public hearings and the holding of the private meetings of the Court, with effect from 1 June.

Cyprus is a strong supporter of the Court as the principal judicial organ of the United Nations and has full confidence in its impartiality and effectiveness. As a country that cherishes international law and effective multilateralism, Cyprus adheres to the principles of the Court and attaches great importance to all peaceful means of dispute settlement pursuant to Article 2, paragraph 3, and Article 33 of the Charter of the United Nations. I would like to reiterate that my country recognized the compulsory jurisdiction of the Court in 1988 in accordance with Article 36 of the International Court of Justice Statute, and we strongly encourage all Member States to do the same.

The contribution of the Court's jurisprudence to the protection of the principles of the Charter of the United Nations, especially with regard to the development of the concept of the crime of aggression and the prohibition of the use of force, cannot be overstated. Furthermore, we note the fact that the International Court of Justice is seized with several maritime delimitation disputes that are governed by the United Nations Convention on the Law of the Sea (UNCLOS), which forms customary international law. As President Donoghue noted in her recent speech on the occasion of the fortieth anniversary of UNCLOS, jurisprudence plays an important role in identifying and solidifying the rules that apply not only to States parties to UNCLOS but also to States that are not party to the Convention. I take this opportunity to underscore that my country has on several occasions expressed its readiness to engage in negotiations with any relevant country with a view to reaching a peaceful settlement in good faith of any maritime dispute in the Eastern Mediterranean, in full respect of international law, including the settling of any such dispute before the International Court of Justice.

Finally, this year's reporting period was marked by the tragic loss of the Honourable Judge Antônio Augusto Cançado Trindade, one of the Court's most towering figures, a prolific scholar and jurist who will be sorely missed. The election to fill the vacancy in the International Court of Justice caused by the irredeemable loss of Judge Trindade will be held in the General Assembly and the Security Council in a few days. In that regard, Cyprus would like to reiterate the importance of selecting the most prominent jurists

of high merit and international recognition from all regions of the world and from diverse legal traditions to serve as judges of the Court.

Mr. Rhee (Republic of Korea): At the outset, let me express my gratitude to President Joan E. Donoghue for her comprehensive report (A/77/4) on the judicial developments and activities of the International Court of Justice (see A/77/PV.20). We express our appreciation and support for the Court's achievements during the period under review. We would also like to extend our deepest condolences on the passing of the late Judge Antônio Augusto Cançado Trindade, whose invaluable contribution to strengthening the principle of the peaceful settlement of disputes as a member of the Court will long be remembered. We note with appreciation that the Court has successfully performed its tasks during the period under review, despite the uncertain situation it was faced with. In that context, we welcome the fact that the Court took steps in June to ease the measures it had taken during the coronavirus disease pandemic, including a return to in-person hearings. We are confident that the Court will quickly overcome any remaining challenges posed by the pandemic.

Since earlier this year, the international community has also been faced with a serious challenge to the fundamental principle of the prohibition of the use of force, which is enshrined in Article 2, paragraph 4, of the Charter of the United Nations and has the status of *jus cogens*. We would like to once again emphasize that States must resolve their disputes through peaceful means and refrain from resorting to force. In that vein, the role of the Court is more important than ever.

During the reporting period, the Court delivered four judgments and issued two orders of provisional measures. The Court's rendering of provisional measures on 16 March, which was done in an expeditious and timely manner, within 10 days after the Court began its deliberation, is a clear reflection of the urgent need to protect the important legal interests at stake. We take this opportunity to reiterate that the provisional measures ordered by the Court are binding on the parties concerned and must be complied with.

We also note that the subject matter of the 16 cases currently pending before the Court is significantly diverse, ranging from maritime and territorial delimitation to human rights, the protection of the environment, diplomatic relations, sovereign immunities and economic relations. The increasing diversity of the cases brought to the Court may be seen

as a positive indication that the principle of the peaceful settlement of disputes is expanding into all aspects of international relations.

We note with interest that the trust fund for the Judicial Fellowship Programme of the Court is gaining broader support. We hope that the trust fund can contribute to enhancing regional diversity within the Fellowship Programme, which is indispensable for fostering the next generation of international law experts.

In conclusion, I reaffirm that the delegation of the Republic of Korea will continue to be a steadfast supporter of the work of the Court.

Ms. Silva Walker (Cuba) (*spoke in Spanish*): Cuba aligns itself with the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20) and would like to add the following remarks in its national capacity.

Our delegation wishes to highlight the importance of the International Court of Justice as an international jurisdictional body that works to settle disputes of major concern to the international community, in accordance with international law, through peaceful means and in good faith. We reiterate our commitment to the strict application of international law and the peaceful settlement of international disputes. We would also like to acknowledge the work of the International Court of Justice since its establishment. The decisions and advisory opinions of the Court 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 of the International Court of Justice (A/77/4) for the period from 1 August 2021 to 31 July 2022.

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 Article 33, paragraph 1, of the Charter of the United Nations, and has voluntarily declared its acceptance of the Court's jurisdiction. In that regard, we note with concern the refusal of some countries to acknowledge judgments that are unfavourable to them, which undermines the United Nations mechanisms responsible for enforcing those judgments. Cuba believes it would be useful for

the Court to conduct a serious review to examine its relations with the other organs of the United Nations, in particular the Security Council. The situation also shows that the United Nations system should be reformed in order to provide greater guarantees to developing countries vis-à-vis the more powerful countries, which should also apply to the International Court of Justice.

Strengthening the rule of law at the international level would be impossible without the indispensable support of the work of the Court through its rulings and advisory opinions. 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, some of which often find themselves deprived of information on the progress made in international law. That situation is even worse for Cuba owing to the obsolete and absurd economic, commercial and financial embargo policy that the United States of America imposes on our country, preventing us from accessing a significant number of websites and restricting our use of the Internet.

The International Court of Justice has heard many prominent cases. In that regard, Cuba attaches great importance to the unanimous advisory opinion of 8 July 1996 on *Legality of the threat or use of nuclear weapons* (A/51/218, annex). We also urge 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 call on all States to ensure respect for the Court's decisions on that important issue. We would also like 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 advisory opinion 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 in the settlement of disputes between the United States and the United Nations. And the Court recalled the fundamental principle that international law prevails over domestic law.

Cuba also attaches great importance to the allocation of the necessary budgetary resources for the International Court of Justice so that it can adequately carry out its work to achieve the peaceful settlement of

disputes under its jurisdiction. We call for efforts to be made to ensure that those resources reach the Court in a timely and appropriate manner.

Finally, we reiterate once again that the Republic of Cuba has been committed to peace, has respected international law and has always faithfully complied with its international obligations arising from the international treaties to which it is a party.

Ms. Cicéron Bühler (Switzerland) (*spoke in French*): Switzerland thanks the President of the International Court of Justice for presenting the report on the Court's activities (A/77/4). We thank her for her efforts and dedication. And we also thank the other judges of the Court.

At the end of a year of intense activity for the Court, Switzerland would like to reiterate its full support for the Court. Year after year, the Court has continued to hear a large number of cases, which are very diverse and of vital importance, thereby contributing to the peaceful settlement of disputes. The Court has also adapted to new challenges and the urgency of situations that have arisen. It was particularly effective in handing down four judgments, rendering 15 orders and holding six hearings during the period under review. The Court was also flexible, allowing hybrid hearings to be held in various cases that it heard this year. The Court also demonstrated that it remains an essential organ, hearing four new cases during the period under review.

My delegation wishes to stress two points in this statement: the importance of acknowledging the Court's authority and the binding nature of its decisions.

Switzerland has long supported the Court's efforts. That support is in line with our foreign policy, which aims to encourage the peaceful settlement of disputes in order to bolster the rule of law and international law. Switzerland unequivocally recognized the Court's authority in 1948. In order to further increase that support, which benefits the Court, Switzerland encourages all States that have not yet done so to acknowledge the jurisdiction of the Court. Prior recognition of the Court's jurisdiction is an essential precondition for international peace and security. The authority of the Court is a vital precondition of international peace and security. Allowing the Court to step in before conflicts erupt gives peace a chance. That is no guarantee against armed conflict, but it is our duty pursuant to the Charter of the United Nations to save future generations from the scourge of war. We

need to do our utmost to achieve that result. To that end, the International Court of Justice plays a pivotal role.

We must recall that many States, including Switzerland, published in 2014 the *Handbook on accepting the jurisdiction of the International Court of Justice*, which provides useful indications on how all States can consent to the jurisdiction of the Court. It contains practical advice, including models that can be adapted to particular circumstances. Therefore, whether a State wishes to recognize the jurisdiction of the Court through the ratification of a treaty, a unilateral declaration or an ad hoc approach with regard to a certain case, it will receive specific concrete support. The handbook is available in all the official United Nations languages on the Court's website. The consent of States is vital to allow the Court to carry out its mandate. We therefore regret that no new State has recognized the jurisdiction of the Court since 2019, but we are hopeful that the handbook may help to remedy the situation. It is also in that context that Switzerland associated itself in 2021 with Romania's initiative seeking to strengthen the Court's jurisdiction.

Switzerland would also like to emphasize that the Court's decisions are not recommendations but, on the contrary, are legally binding. On that point we must call for strengthened cooperation between the Court and the Security Council, which could benefit international peace and security. The Court in fact allows a neutral party to intervene to enable a law-based solution to be developed among the various States involved. In doing so, the Court also legitimizes the rule of law in international law for all citizens. In that regard, the Court's contribution is invaluable.

Mr. Colas (France) (*spoke in French*): On behalf of France, I would like to thank the President of the International Court of Justice for her presentation of the report on the activity of the Court (A/77/4) and to pay tribute to the memory of Judge Antônio Augusto Cançado Trindade, who passed away in May. France would like to recognize his service to the Court and his contribution to international law. And we also thank the delegation of Brazil for its moving homage to him this morning (see A/77/PV.20).

The report on the Court's activity shows the Court's importance in the peaceful settlement of disputes between States. As the list of cases on the Court's docket shows, the Court's litigation activity has increased over the past few decades. France would like to reaffirm its deep commitment to the International Court of Justice,

whose contribution to the peaceful settlement of international disputes is essential to the maintenance of international peace and security. The Court's decisions contribute to calming relations between States and help them reach solutions when other means of peaceful settlement of disputes do not suffice. Recourse to the International Court of Justice is contingent on the consent of States, which can be expressed through the various methods of accepting its jurisdiction, in accordance with the provisions of the Court's Statute. For example, France has agreed to be party to a large number of treaties containing arbitration clauses that provide for the jurisdiction of the International Court of Justice. In addition, France is the only State to have implemented the *forum prorogatum* rule by agreeing to allow the Court to consider a demand for which its jurisdiction was not initially established, pursuant to article 38, paragraph 5, of the Rules of Court.

The Court's activity this year was marked by the case *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. France recalls that States are bound to respect the judgments and orders on provisional measures that the Court has rendered in the framework of its litigation activity. It is a matter of respect for the rules-based international legal order. The Court also plays an important role through its advisory functions. Although its rulings are not binding on States and their function differs from that of its orders, which they do not replace, advisory opinions allow for a better understanding of international law, and therefore strengthen the authority of international law.

Finally, France would like to recall the importance that it places on the Court's various languages and cultures, as that diversity contributes to the quality of its work and the authority of its jurisprudence. France also recalls the importance of bilingualism at the Court, pursuant to Article 39 of its Statute, which states that the official languages of the Court are French and English. Given the current challenges to multilateralism, the International Court of Justice remains a vital institution for peace and the international legal order. That is why I take this opportunity, on behalf of France, to reiterate to the Court and all its members and staff our deep appreciation for the work it has done.

Ms. Ceceros (Chile) (*spoke in Spanish*): Let me begin by extending my country's greetings to the

President of the International Court of Justice, the Honourable Justice Joan E. Donoghue.

Chile fully aligns itself with the statement made on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20), and I will now make some additional remarks in my national capacity.

Chile welcomes the report to the Assembly on the work of the International Court of Justice (A/77/4) for the period from 2021 to 2022. We wish to highlight our special interest in the development of international law and in the range of issues considered by the Court in its jurisdictional and advisory capacities alike, which is a testament to its intense and valuable work. We note that the Court's increased volume of work is a strong reflection of the trust that States have placed in its strong institutionalism, in particular by voluntarily referring cases to the Court. States also value the jurisprudence of the Court, which is the subject of increasing interest to academic centres all over the world. To strengthen its competencies, it is key for States to be fully aware of the impartiality and independence of the Court, which are all values and principles that are reflected in its efforts. Chile reaffirms its confidence in referring the most relevant international matters to the Court for its consideration and rulings. Indeed, as we know, the case concerning the *Dispute over the status and use of the waters of the Silala (Chile v. Bolivia)* is being deliberated by the Court.

During the reporting period, the Court handed down four rulings and nine sets of provisional measures for disputes brought before it and convened hybrid hearings in six cases. Chile lauds the significant management efforts despite the complex pandemic situation that affected its work. My delegation would like to point out that the average time between the conclusion of Court proceedings and the issuance of a ruling or an advisory opinion does not exceed six months, which should be highlighted and commended. Despite the complexity of the cases in question, the Court has managed not to extend that period and continues to operate speedily, which simply reaffirms its excellent work.

We recognize the heavy responsibility of the International Court of Justice and its mission. Indeed, it reaffirms the validity of international law, which flows from the legitimacy of the system of settling legal disputes. As the principal judicial organ of the United Nations, the Court plays a key role in the interpretation and application of international law, as an instrument that is intended to strengthen the peaceful coexistence

of States. In that context, the full and total adherence in good faith to international obligations arising from its decisions, which are binding on parties that have referred a dispute to the Court for its ruling, is something that Chile honours and fully supports.

We would like to highlight in particular the efforts of States and the measures adopted by the Court to enable it to carry out its functions.

Chile wishes to highlight the Court's commitment to the young people of developing countries, ensuring that they participate in its work through the Judicial Fellowship Programme, which allows universities to select candidates from among its recent law graduates to continue their legal training at the Court for a period of 10 months. It is a very important initiative, which is financed by a trust fund that was established in 2021 and managed by the Secretary-General. We believe that awarding fellowships to candidates selected from developing countries, who attended universities in those countries, ensures the programme's geographic and linguistic diversity. We encourage the Court to continue that important programme.

My country would like to take this opportunity to pay tribute to Justice Antônio Augusto Cançado Trindade, who, sadly, passed away this year. Justice Trindade always put the victims of human rights violations at the heart of all international action, and his leadership was decisive in the consolidation of the inter-American system for the protection of human rights. Without a doubt, his passion for the study of law is reflected in his work, along with his commitment to carrying out his judicial duties. His love of justice and his work will be a source of inspiration for future generations.

Finally, my country reiterates its support for the International Court of Justice as a key pillar of the international rule of law. We trust that, as has been the case so far, the United Nations, with the Court as its principal judicial organ, will continue to provide the human and material resources necessary for the Court to carry out its functions with due care so that those crucial functions can be fully discharged.

Mr. Elgharib (Egypt) (*spoke in Arabic*): Egypt aligns itself with the statement made by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

We once again welcome Judge Joan E. Donoghue, President of the International Court of Justice, and express our sincere thanks for her comprehensive

report (A/77/4) on the work of the Court for the period from 1 August 2021 to 31 July 2022 (see A/77/PV.20). We also take note of the report of the Secretary-General on the trust fund to assist States in the settlement of disputes through the International Court of Justice (A/77/204). We express our condolences on the death of Justice Antônio Augusto Cançado Trindade on 29 May and our appreciation for his valuable contribution to the work of the Court.

The establishment of a global and inclusive judicial entity with general competence truly represents a turning point in the history of civilization and humankind. It has marked the international community's decision to uphold the principles of law, justice and equity at the international level and renounce the use of force in international relations. What promotes the value of that historical change is the genuine commitment of States, given that litigation mechanisms and the settlement of international disputes rely on their will and the principle of consent. That historical and important development must not be undermined by those international disputes that are not settled by peaceful means. The International Court of Justice remains a platform for all those who wish to refer cases to it. Therefore, we welcome the Court's significant work during the period covered by the report, and we are pleased that the cases under its consideration have wide substantive scope and originate in countries from all regions. There are more than 300 bilateral and international conventions under the Court's jurisdiction, and all of them are true testament to the global nature and the general judicial competence of that unique international judicial entity.

The report mentions that resorting to the Court remains an economical choice for litigating parties as compared with other choices. However, at the same time, we welcome the efforts of the trust fund to assist States in the settlement of disputes through the Court. Egypt welcomes the creation of the Court's trust fund for the Judicial Fellowship Programme, which seeks to provide adequate funding for the legal personnel in developing countries to benefit from the programme. The trust fund will contribute to the popularization of international law and its better understanding, as well as to building the institutional professional legal capacity of all countries and the strengthening of the rule of law in general at the international level. We believe that we should continue intensifying efforts to ensure the development of the professional legal capacity of developing countries so that they can participate on a par with other countries in the activities of international forums concerned with

international law and the settlement of international disputes, including the International Court of Justice.

Mr. Wallace (Jamaica), Vice-President, took the Chair.

Egypt encourages all countries to optimize the benefits of the Court's jurisdiction and its rulings in their disputes with other countries. In that regard, and owing to our belief in the peaceful settlement of international disputes, Egypt declared in 1957 that it was committed to the jurisdiction of the Court on the Suez Canal and to the arrangements related to its work, in accordance with Article 36, paragraph 2, of the Court's Statute. Egypt has joined many international conventions that recognize the Court's ruling in disputes about the interpretation and application of those conventions.

We also stress the importance of the advisory opinions of the Court and encourage relevant organizations and organs to resort to the Court with a view to benefiting from its outstanding legal expertise and substantial interactions with a number of legal systems. That will undoubtedly contribute to clarifying the position of international law with respect to new and sensitive topics that emerge and gain momentum alongside the steady development witnessed by humankind.

In conclusion, Egypt reiterates that it is keen to continue its active cooperation with the Court. We believe in its pivotal role in consolidating and applying the principle of the rule of law at the international level.

Mr. Aidid (Malaysia): At the outset, Malaysia would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her report on the work of the Court (A/77/4). Malaysia would also like to convey its deepest condolences on the passing of Judge Antônio Augusto Cançado Trindade on 29 May.

Malaysia aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (NAM) (see A/77/PV.20).

We note that, during the reporting period, the Court continued to experience a high level of activity, which is a clear expression of the continued confidence of States in the Court. As a strong believer in the rule of law and international legal order, Malaysia continues to be an avid supporter of the International Court of Justice. We demonstrated that point in relation to two cases of sovereignty that were submitted to the Court.

Malaysia also believes that the Court's advisory opinions contribute to the clarification and development of international law, as well as to maintaining and strengthening peaceful coexistence among Member States, since despite having no binding power, they carry strong legal weight and moral authority. A case in point is the Court's advisory opinion of 8 July 1996 on *Legality of the threat or use of nuclear weapons* (A/51/218, annex). For the first time in history, the Court recognized that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict, in particular the rules and principles of humanitarian law. The Court further declared unanimously that there exists a legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. With that opinion, the Court set legal parameters whereby the use of nuclear weapons indeed ignores customary international law and international treaties. In that regard, since 1996, Malaysia has annually submitted to the First Committee and the General Assembly a draft resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons". We invite member States that have not done so to support and co-sponsor the draft resolution at this session of the First Committee.

Malaysia also echoes the call by NAM to honour the advisory opinion on *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273). The Court rendered its conclusion that the construction of the wall is contrary to international law. The international community must uphold that advisory opinion, as it serves as a crucial link in halting the belligerent illegal settlement activity carried out by the occupying Power, which began in 1967. Malaysia reiterates its call for the organs of the United Nations, especially the Security Council, to take advantage of the Court's issuance of advisory opinions, as stipulated in Article 96, paragraph 1, of the Charter of the United Nations. We support the recommendation by the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel that the General Assembly should request an advisory opinion on the legal consequences of Israel's continued refusal to end its occupation of the occupied Palestinian territory. The international community must also hold the perpetrators accountable for the inhuman atrocities

committed by the occupying Power and illegal settlers in the territory.

As the principal legal organ of the United Nations, the International Court of Justice is well equipped to play an important role in the collective efforts of maintaining international peace and security. The utilization of the Court in the peaceful settlement of disputes ought to be given greater recognition and be taken advantage of. Malaysia believes that the Court should be provided a fresh purpose in the New Agenda for Peace by the Summit of the Future in 2024.

Ms. Oehri (Liechtenstein): First, let me join others in expressing our condolences for the loss of Judge Antônio Augusto Cançado Trindade. Judge Cançado Trindade was a very well-respected international lawyer and a passionate scholar who dedicated his life to the cause of international law. We pay tribute to his service to the work of the International Court of Justice and will honour his memory and legacy.

This year's debate is taking place against a backdrop of the tenth anniversary of the declaration of the high-level meeting on the rule of law at the national and international levels. In that regard, Liechtenstein underscores the crucial role of the International Court of Justice in safeguarding the rule of law at the international level, which has come under increasing and unprecedented attack. As the principal judicial organ of the United Nations, the International Court of Justice continues to settle significant disputes between States and provide important advisory opinions. We applaud the Court's significant contribution to the progressive development of international law and to strengthening the rule of law. We support its central role in the international legal framework, which we will continue to work to reinforce.

The current mandate to settle disputes between States is based on a model of consensus jurisdiction. It is therefore only when States are willing to accept the Court's jurisdiction that it can play its full role in the peaceful settlement of disputes. However, only 73 member States of the Assembly have accepted the Court's compulsory jurisdiction, which means that nearly two thirds of United Nations members have yet to do so. We therefore reiterate our call on all States to recognize the Court's compulsory jurisdiction in order to strengthen its reach and impact, in line with the declaration led by Romania last year on promoting the jurisdiction of the International Court of Justice. We also believe that given the important relationship

between the Court and the Security Council, all States aspiring to serve as elected members on the Council or that serve permanently on it should lead by example by accepting the Court's compulsory jurisdiction.

The importance of the International Court of Justice is also mirrored in the relevance of its pending cases. In that respect, we particularly emphasize the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, as well as the case relating to *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. Those cases deal with two of the world's most serious situations with respect to peace and security and the protection of civilians, which are core tasks of the United Nations. Liechtenstein would like to remind the Assembly that the Court's provisional orders are legally binding, and that since Myanmar's military coup in February 2021, various parts of the United Nations have been inconsistent on the question of Myanmar's representation. We understand that the decision of the United Nations Credentials Committee should be applied consistently across the United Nations system, in line with resolution 396 (V).

Through its advisory function, the International Court of Justice can also provide us with much-needed clarity regarding complex questions of international law. This tool offers States important authoritative guidance with respect to the application of international law. Liechtenstein is therefore encouraged that States are increasingly requesting advisory opinions from the Court, not least because it further consolidates the role of the General Assembly as the key initiator in the clarification of international legal questions. It is in that regard that we are actively engaged in the initiative led by Vanuatu to pursue an advisory opinion from the Court on the issue of climate change. Climate change is a complex topic that affects us all in various ways and raises many difficult questions. Let us remember that it is the existential threat of the century. We therefore need clear and well-reasoned legal answers to be able to address its challenge appropriately, which is why we should bring the topic to the principal judicial organ of the United Nations.

Mr. Maes (Luxembourg) (*spoke in French*): Luxembourg fully aligns itself with the statement made on behalf of the European Union (see A/77/PV.20), and I would like to add some remarks in my national capacity.

I thank the President of the International Court of Justice, Judge Joan E. Donoghue, for her report on the work of the Court (A/77/4). I would like to reiterate Luxembourg's indefatigable support for the International Court of Justice and its role as the principal judicial organ of the United Nations according to the Charter of the United Nations.

The Court is tasked with ruling on the legal disputes referred to it in accordance with international law. In that regard, the Court therefore makes a tangible contribution to the peaceful settlement of international disputes by applying the provisions of the Charter to the matters brought before it. It works to resolve conflicts between States through judicial settlement. Today it is more important than ever to uphold the principles and values enshrined in the Charter and international law. The growing number of new cases brought before the Court, which are varied both in their subject matter and the regions they cover, are testament to the Court's universality and the crucial role it plays in promoting the rule of law.

Luxembourg believes firmly that broader acceptance of the compulsory jurisdiction of the Court would enable it to more effectively fulfil its mandate by allowing it to go beyond issues of competence and consider matters of substance more rapidly. Luxembourg was one of the first States to recognize the jurisdiction of the Court as compulsory under the declaration signed on 15 September 1930 by the Permanent Court of International Justice. According to the President Donoghue's annual report, 73 member States have declared that they recognize the compulsory jurisdiction of the Court. Luxembourg also aligns itself with the declaration led by Romania on promoting the jurisdiction of the Court. Recognizing the Court's jurisdiction is in everyone's interests, including those of Member States and the Court itself. It enables States to better assert their rights before the Court, while strengthening the judicial functions of the Court. Bringing a case before the Court is an effective way to peacefully settle a dispute in question. When the Court is seized of a case it can also help to break a diplomatic deadlock and prevent a dispute from becoming a conflict.

With its 16 March order, the Court delivered provisional measures in the case of *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. It ruled that Russia must

immediately suspend the military operations it began on the territory of Ukraine on 24 February. However, Russia has not complied with the order. It has intensified and extended its military operations on the territory of Ukraine and has therefore exacerbated the dispute before the Court. On 13 October, Luxembourg submitted a declaration of intervention, pursuant to article 63 of the Statute of the Court. The considerable number of declarations of intervention before the Court are testament to the importance that the international community attaches to accountability, respect for international law and the principle of good faith as the foundation of mutual trust, which is crucial to international relations.

Luxembourg believes that intervening in the current case allows States parties to the Genocide Convention to reaffirm their collective commitment to respecting their rights and obligations under the Convention, including by supporting the essential role of the Court in delivering its rulings as the principal judicial body of the United Nations, and has implications for the international community as a whole. The declarations of intervention before the Court are especially important in the context of multilateral instruments, given that the interpretation of the Court with respect to a dispute before it sets a precedent for other parties. The role of the Court is even more essential when it comes to rules of a peremptory nature that involve the integrity of the entire international legal order. It is therefore logical in such situations that States that are not parties to the dispute but that have an interest in compliance with the norms of international law in question can intervene before the Court.

The Court's contribution to the development of international law is undeniable. However, its contribution to the judicial settlement of disputes can only be effective if the parties to the dispute ensure immediate and full implementation of the judgments and orders of the Court. Selective enforcement is a setback to the rule of law. Luxembourg therefore urges all States whose disputes are submitted to the Court to comply with the judgments and with any order of the Court indicating provisional measures. We would like to emphasize that obligation in particular in the context of the war of aggression waged by Russia against Ukraine.

Ms. Chan Valverde (Costa Rica) (*spoke in Spanish*): Costa Rica thanks the President of the International Court of Justice, Judge Joan E. Donoghue, for presenting

the annual report of the Court (A/77/4). We also wish to express our condolences on the passing of Judge Antônio Augusto Cançado Trindade. He will be remembered not only as an outstanding jurist of the inter-American human rights system, but also for having been Director of the Inter-American Institute of Human Rights and Judge of the Inter-American Court of Human Rights, for his time serving at the International Court of Justice as well as for his contributions concerning human rights, stateless persons and their vulnerability. The Court has lost a great jurist, academic and humanist.

In an increasingly complex and vulnerable world, international justice and cooperation are more important than ever. The Court, as the principal judicial organ of the United Nations, contributes to the goal of world peace through the peaceful resolution of international disputes in a formal judicial setting. It is the only Court with a legal basis in the Charter of the United Nations, and it is open to all Member States. Its jurisdiction covers a number of important issues and a wide geographical range, reflecting the confidence of the international community in the Court's role in the peaceful settlement of disputes. To support the Court is to support peace as a fundamental human right. It is also the search for legal certainty, within the possible interpretations of the norms, principles and legal values that make up public international law. Our support is not unwarranted — rather, it stems from our interest in seeking the best for coexistence among nations. Through its advisory opinions and orders, Costa Rica recognizes that the work of the Court brings legal clarity to the norms of international law and their correct application. We support and emphasize the advisory role of the Court, both in strengthening the rule of law and in supporting the role of the General Assembly as the central decision-making body of the United Nations.

Costa Rica supports Vanuatu's initiative to request an advisory opinion from the International Court of Justice on climate change. This opinion comes at a decisive moment. The Tribunal's advisory opinion, in this case, will have a definitive impact on the future of human life on this planet. Human rights are at the heart of the issue of climate change and the environment. The General Assembly has already made this intimate link explicit by recognizing, by a resounding majority and with no opposition, the right to a clean, healthy and sustainable environment as a human right (resolution 76/300). In recognizing that right, the General Assembly is now committed to

shifting from declaration to implementation. Without a human rights-based approach, it will not be possible to achieve climate justice. Costa Rica will engage with a constructive spirit of solidarity and sense of urgency in the process of clarification by the Court of the obligations and responsibilities of Member States, and of the minimum action required to protect the rights of people and future generations from the greatest threat facing humankind. It will also help strengthen existing mechanisms and processes that address the climate crisis, such as the Sustainable Development Goals. An advisory opinion from the International Court of Justice would be the most inclusive, authoritative and constructive avenue available for independent judicial clarification of the legal implications of climate change under international law.

Costa Rica is located in one of the most biodiverse regions of the world. According to the United Nations Environment Programme, approximately 60 per cent of the world's terrestrial and aquatic life is found in our region. Latin America is a leader and contributor in international legal matters, both environmental and otherwise, and we stress the importance of access to remedies and to the judicial process in languages other than French and English to improve the lives of those hidden behind the language barrier.

In conclusion, Costa Rica reiterates its recognition and support for the work of the International Court of Justice and its judges, whose rulings help to provide clarity and legal certainty in sensitive areas between States and to promote the supremacy of and respect for the rule of law at the international level, resulting in the realization of peace and security between States, one of the pillars on which this Organization is built.

Ms. Aagten (Netherlands): Let me first thank Her Excellency, Judge Joan E. Donoghue, President of the International Court of Justice, for her presentation of the report of the Court (A/77/4).

As the principal judicial organ of the United Nations, the Court has an essential role in the maintenance of peace and security. The Kingdom of the Netherlands would like to commend the Court's continued performance in the peaceful settlement of disputes, especially considering the increase in caseload and the wide variety of the legal questions before it. The Kingdom of the Netherlands remains, as ever, proud to be the host country of the Court.

To enable the Court to continue to resolve legal disputes between States peacefully, it is important that all Member States of the United Nations accept the compulsory jurisdiction of the Court. In that light, my Government would again like to encourage all Member States of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by making a declaration under article 36, paragraph 2 of the Statute, and to do so with as few reservations as possible. The Netherlands regrets to note that, since early 2021, no additional State has issued such a declaration. In that context, I would like to recall that my Government has eliminated limitations to the jurisdiction of the Court in contentious cases involving the Kingdom of the Netherlands as far as possible. Our only reservation to the jurisdiction is temporal, in that the Netherlands will accept all disputes arising out of situations or facts that took place no earlier than 100 years before the dispute is brought before the Court. The Netherlands calls on other States that have accepted the compulsory jurisdiction of the Court to review their declarations with a view to eliminating as many limitations as possible to the Court's jurisdiction. As long as universal acceptance of the Court's compulsory jurisdiction is pending, my Government recognizes the importance of compromissory clauses in any treaty to provide for the jurisdiction of the Court. These clauses may, however, limit the jurisdiction to such an extent as to force the Court to declare itself without jurisdiction when a legal dispute is complex, or may force the Court to consider only part of a dispute. It is my Government's view that these situations should be avoided.

In its report, the Court refers to the current issues related to the premises of the Court, the Peace Palace in The Hague. As the host country to the Court, a first priority for the Kingdom of the Netherlands is to ensure the safe and effective functioning of the Court, which includes a safe working environment for all staff members. The Netherlands shares the Court's concerns on the safety of the premises and that the implementation of the necessary renovations is a matter of urgency. In that regard, my Government wishes to re-emphasize its full commitment to resolving these issues. The delay incurred in that process, as referred to in the report of the International Court of Justice, is due to an amended approach to addressing the issues. Instead of a full renovation of the Peace Palace, the focus will be on maintenance and, where necessary, asbestos removal. This new approach aims, among others, to address the concerns expressed by the users of the Peace Palace with

regard to their temporary relocation. Circumstances permitting, the new approach should allow the users to remain in the building during the maintenance work. A preparatory asbestos investigation of the Peace Palace will be executed as soon as possible, after which the presence of asbestos can be addressed in a more structural manner. The Netherlands will consult and involve the Court, as well as the other users of the Peace Palace, throughout this process.

On a final note, my Government would like to reiterate its support to the trust fund for the Judicial Fellowship Programme of the International Court of Justice. The Trust Fund is of crucial importance for many young jurists, as it provides them with the opportunity to gain professional experience at the Court and to deepen their understanding of the peaceful settlement of disputes, in which the Court plays a vital role. My Government finds it important that legal talent from around the globe, in particular developing States, gets a chance to see how the International Court of Justice operates. The Kingdom of the Netherlands has therefore proudly contributed €100,000 to the trust fund in 2022.

Mr. Martinsen (Argentina) (*spoke in Spanish*): First of all, my delegation wishes to thank President Donoghue not only for presenting her report (A/77/4) this morning (see A/77/PV.20) but also for the quality of the work that the Court has carried out under her leadership. We also wish to thank the Secretary-General for his report on the trust fund to assist States in the settlement of disputes through the International Court of Justice (A/77/204).

My delegation also expresses its condolences for the passing of Judge Antônio Augusto Cançado Trindade. His invaluable contribution and the humanitarian dimension of his work will continue to nourish the legal traditions of Latin America and the world.

Since its establishment in 1946, the International Court of Justice has played a fundamental role in the promotion of the rule of law, the defence of international law and the preservation of international peace and security through the peaceful settlement of disputes. The Court is the only international court for the settlement of inter-State disputes of a universal character and with general jurisdiction.

Over the past 20 years, the workload before the Court has increased considerably. That seems to be a trend that is likely to increase in the future. That

demonstrates that the Court is a trusted and necessary institution. In terms of efficacy, there is no doubt that the Court occupies a preeminent place among the organs of the United Nations system. The vast majority of the rulings of the Court are implemented by the parties to disputes and are recognized by third party States. That high level of compliance is largely the result of the immense confidence that States place in the Court and reflects a virtuous circle that will lead to a growing number of countries bringing their disputes before the Court's jurisdiction. That trust in turn fosters a close relationship with the very high academic and professional qualifications that are required for judges in the Court. It also depends on the efficiency and excellence of the Court's Secretariat, which has gone above and beyond its duties, especially in the light of the significant increase in its workload.

In that regard, it is extremely important, as established by the Statute of the Court, that the persons elected to the Court fulfil specific requirements and that, overall, the major civilizations and main legal systems of the world are represented. For such purposes, it is extremely important that we promote the principle of rotation to ensure that elected judges do not always come from a limited number of States. It is also interesting that Spanish-speaking countries are parties to 6 of the 16 cases currently under consideration by the Court. It is also very interesting and noteworthy that, in the last eight years, the Court has not had a single Spanish-speaking judge among its members. This is a situation that could be resolved rather quickly, as the Assembly well knows.

Moreover, it should be highlighted that States have recently also submitted cases on areas of international law that previously did not come before the Court, such as human rights and protection of the environment. In the future, we hope that this diversification will continue to grow. Not only has the Court dealt successfully with complex matters, but it has also established very productive jurisprudence that has led to the progressive development of standards and principles in these areas. As with any international institution, the Court is facing ongoing challenges. There is still a great deal that can be improved in terms of acceptance of its jurisdiction, implementation of its judgments and the question of multilingualism. Nevertheless, there is no doubt that the Court provides a very important service to the international community and is making a unique contribution to peace and security.

Turning to the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice, it is worrying that contributions have not been made in the period under review and the three previous periods. We are deeply grateful for those efforts being undertaken by certain States, including those just announced by the speaker from the Netherlands, who preceded me. The high costs involved in Court proceedings can dissuade some developing States from taking this judicial path. We wish to once again highlight the adoption of resolution 75/129, by which the General Assembly decided to establish the trust fund for the Judicial Fellowship Programme of the International Court of Justice, which is managed by the Secretary-General and which institutionalizes a mechanism that will allow universities in developing countries to appoint candidates from among recent law graduates to continue their training for nine months at the Court. The increase in opportunities that future international law professionals find in the Court and the opportunity learn from the Court's judges serve to strengthen the rule of law and help to support the fundamental role the International Court of Justice plays in the promotion of international peace and security.

In conclusion, the Argentinian delegation reiterates its commitment and support for the valuable contribution of the International Court of Justice, and we hope that all delegations will continue to defend and ensure respect for international law.

Mr. Kanu (Sierra Leone): The delegation of Sierra Leone associates itself with the statements delivered on behalf of the Movement of Non-Aligned Countries and the core group of States on the International Court of Justice advisory opinion on climate change (see A/77/PV.20).

Sierra Leone thanks Judge Joan E. Donoghue, President of the International Court of Justice, for the presentation of document A/77/4, entitled "Report of the International Court of Justice", on the activities of the Court from 1 August 2021 to 31 July 2022. We take note of the report contained in document A/77/204 on the Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice.

In this debate, Sierra Leone joins the international community in expressing deepest condolences to the family, the Court and the State of nationality, the Republic of Brazil, on the passing of late Judge Antônio

Augusto Cançado Trindade, who passed away on 29 May.

Sierra Leone hereby restates its unwavering commitment to the peaceful settlement of disputes, as engrained in the Charter of the United Nations and international law. The International Court of Justice is the pre-eminent adjudicative body for the peaceful settlement of disputes at the international level. As a court of justice and, moreover, the principal judicial organ of the United Nations, it occupies a special position: the only international court of a universal character with general jurisdiction. As such, the Court should always aim to promote the rule of law in its adjudicative work on contentious cases and in delivering advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and thus contributes to promoting and clarifying international law and strengthening the multilateral international legal order.

We welcome the judicial activities of the Court in the reporting period, with its significant level of activity, including the handing down of four judgments, rendering of 15 orders and holding of six public hearings. The significant level of activity, including the Court being seized of four new contentious cases, the 15 cases entered in the Court's general list as of 31 July and their geographical spread, is demonstrative of a universal reaffirmation of States' confidence in the Court, assured of its ability to resolve disputes referred to it.

We take note with appreciation that the cases submitted to the Court involve a wide range of issues. The diversity of subject matter indeed further illustrates the universal and general character of the Court's jurisdiction. Although Sierra Leone has not referred nor intervened on any matter within the reporting period, we wish to underscore the importance of the clarity the Court will bring to bear on the important issues of concern to the international community, including on environmental protection.

As reported, during the period under review, the Court received no requests for advisory opinions. As stated by the Permanent Representative of the Republic of Vanuatu this morning (see A/77/PV.20):

"A core function of the International Court of Justice, one of the six main organs of the United Nations, is to render advisory opinions on legal questions put to it by the General Assembly in

accordance with Article 96 of the Charter of the United Nations”.

The importance of the advisory opinion on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of peaceful settlement of legal disputes in conformity with the Charter of the United Nations and international law, as the particular case may be. The Court has responded to requests in the past to render an advisory opinion on important legal questions, including the legality of the threat or use of nuclear weapons and decolonization. The delegation of Sierra Leone, in equating its importance, submits that the time is ripe for the International Court of Justice to have an authoritative view on legal questions on climate change, given that it is a defining challenge of our time and poses a grave threat to humankind as a whole and an existential threat to the most vulnerable. For small island developing States, sea-level rise threatens habitation in low-lying island nations and parts of coastal developing States and coastal African States like Sierra Leone.

Climate-induced weather events and other impacts have already resulted in immense global grief. As submitted, while the international community has recognized the urgency of the climate crisis, progress to date has fallen short of achieving the level of climate action necessary to prevent environmental catastrophe. Accordingly, Sierra Leone is pleased to be part of the core group of States to table a draft resolution in the General Assembly requesting an advisory opinion from the International Court of Justice and for the Court to render its view on climate change as it specifically affects small island developing States and other developing countries particularly exposed to the adverse effects of climate change. Fully respecting the rules and working methods of the Court, Sierra Leone will appeal to the Court to adopt the same level of efficiency, rigor and judiciousness with which the Court treated the request by the General Assembly pursuant to its resolution 71/292.

Sierra Leone uses this opportunity to express appreciation for the Court’s commitment to improving young people’s understanding of international law and the Court’s procedures through its annual Judicial Fellowship Programme. Indeed, until 2021, participation in the Judicial Fellowship Programme required financial support from each sponsoring university. That requirement precluded nominations by less well-endowed universities, particularly those in

developing countries. My delegation joins the Court in welcoming the establishment in 2021 of the trust fund for the Judicial Fellowship Programme of the Court following the adoption by consensus, on 14 December 2020, of General Assembly resolution 75/129. We commend the stated aim of the Programme, which is to guarantee the geographic and linguistic diversity of the participants with the grant of fellowships to candidates who are nationals of developing countries and from universities based in developing countries.

We further welcome the fact that, of the 15 candidates selected by the Court to take part in the Programme in 2022 and 2023, three are nationals of developing countries who were nominated by universities located in developing countries. That certainly is not optimal, but it is a good start. We thank all those who have made contributions to the trust fund for the Judicial Fellowship Programme and call on all others who are in a position to contribute to do so.

In conclusion, Sierra Leone reiterates its full confidence in the Court as the principal judicial organ of the United Nations, the fulcrum of the United Nations Charter principle of the settlement of disputes through peaceful means. We thank the devoted judges for their contributions to the Court, for discharging its important mandate and for ensuring the sound administration of justice.

With respect to our world Court, it is important for my delegation to note that, although during the period under review the trust fund to assist States in the settlement of disputes through the International Court of Justice did not receive any new applications from States, nor were any voluntary contributions made to the fund, the idea and purpose of the trust fund is still highly relevant and necessary. We agree that the absence of any contributions during the reporting period, as well as in the three prior reporting periods, is concerning. We encourage States, international organizations, national institutions, non-governmental organizations and natural and juridical persons who are in a position to contribute to the fund to do so, substantially and on a regular basis.

Mr. Tun (Myanmar): At the outset, I wish to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for the comprehensive report (A/77/4) and her presentation (see A/77/PV.20). I would also like to thank the Secretary-General for his report on the trust fund to assist States in the settlement of

disputes through the International Court of Justice (A/77/204).

Myanmar aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

Since the establishment of the United Nations more than 75 years ago, the International Court of Justice has been the principal judicial organ of the United Nations. While its main responsibility is to bring about peace and stability in the world and the settlement of disputes between States through legal and peaceful means, it is encouraging to witness the Court's endeavour to fulfil and discharge its mandate throughout these years. Moreover, given the upward trend in the volume of the Court's caseload over the years, the Court's efforts to ensure its sound functionality in meaningful ways is also welcomed. That clearly shows the Court's ambition to continue to strengthen the sustainable administration of justice, and my delegation therefore values the important role of the Court.

We are of the view that the Court's work delivered fruitful outcomes during the term under review. Accordingly, we envision that States will continue to refer to the Court cases of disputes for peaceful settlement in the future, as that will directly and indirectly complement the revitalization of multilateralism and the United Nations architecture as a whole. However, we also note that the Security Council requested only one advisory opinion from the Court in the 1970s and none thereafter. Therefore, our delegation joins other Member States in encouraging the Security Council to make greater use of the Court's advisory opinions within the scope of its activities.

Moreover, we welcome the Court's decision to establish the Judicial Fellowship Programme particularly for developing countries. We highly anticipate that youth from our country will also have this great opportunity to participate in the Programme after the successful reversal of the illegal military coup and the end to the military dictatorship in Myanmar.

As mentioned by the President of International Court of Justice in her statement, the Court delivered on 22 July its judgment on the preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*. In that regard, the National Unity Government of Myanmar issued a statement expressing its appreciation for the judgment.

The Court's judgment, which sweeps aside the illegal military junta's spurious objections, clears the way for substantive hearings on the atrocities directed against the Rohingya during military operations in 2016 and 2017. The hearing on those objections need not have proceeded. On 10 February, the National Unity Government, as the proper representative of Myanmar in the case, communicated to the Court that it accepted the Court's jurisdiction and withdrew all preliminary objections. Accountability and reparations for the Rohingya must remain the driving imperative. We will continue to extend our full cooperation to the Court in the case.

Moreover, Myanmar has informed the International Criminal Court (ICC) of the acceptance of its jurisdiction over the territory of Myanmar in accordance with article 12 (3) of the Rome Statute.

However, the military continues without abatement to commit such crimes against humanity and other atrocities throughout Myanmar. Let me inform the Assembly of the two recent barbaric acts committed by the fascist military against innocent civilians.

On the afternoon of 16 September, 13 people, including seven children, were killed in air attacks by the Myanmar military on a school in Lat Yat Kone Village, Depayin township, in Sagaing region. Those children were as young as seven years old. It is heart-breaking to see the dead children wrapped in cloth and abandoned school bags in blood. Those innocent children studying in school had no chance to learn that international legal protection even existed. They have been killed. They will never know.

On the evening of 23 October, terrorist military fighter jets bombed and attacked civilians at a music concert held in A Nang Pa, Hpakant, Kachin state, to celebrate the sixty-second anniversary of Kachin Independence Organization Day. It reportedly resulted in the death of approximately 100 people, including artists, women and children. Many were also injured. Many women were among the victims. Those injured are in need of urgent emergency medical care. If they do not receive such assistance in time, the death toll will unavoidably increase. Sadly, we have no clue when such medical assistance will reach those injured.

In conclusion, we have high hope that the international justice system will continue to play an important role in stopping ongoing atrocities across the globe and preventing the reoccurrence of such crimes

in the future. However, at the same time, it is dangerous if the international justice system is seen to undermine democratic forces in a conflict State. That may cast doubt on the credibility of international law. I therefore urge the International Court of Justice and the ICC to listen to the voices of the people of Myanmar and bring justice to the victims.

Mr. Pasichnyk (Ukraine): I would like to provide a brief overview of the state of play and the most recent developments regarding the two cases Ukraine has brought against Russia in the International Court of Justice (*Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* and *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*). The cases represent the centrepiece of Ukraine's overarching and multifaceted legal response to the unjustified and unprovoked military aggression that Russia has waged on my country starting in 2014. Since then, when Russia tried to commit a brutal land grab of the Autonomous Republic of Crimea and the Ukrainian city of Sevastopol, my country has had recourse to instruments of international law in seeking to protect its rights and legitimate interests.

First, on 16 January 2017, after lengthy, time- and effort-consuming pretrial settlement procedures, which were begun almost at the start of the Russian aggression, Ukraine filed its first application instituting proceedings in the International Court of Justice. The application is based on allegations that Russia violates the International Convention for the Suppression of the Financing of Terrorism of 1999 and the International Convention on the Elimination of All Forms of Racial Discrimination of 1965. In essence, Ukraine claims that Russia has failed to prevent the financing of terrorism in Ukraine, including by providing Russian weapons to groups engaged in terrorism — such as supplying the Buk missile that was used to shoot down Malaysia Airlines Flight MH-17 — and is engaged in a systematic campaign of cultural erasure in the occupied Crimea against the Crimean Tatar and Ukrainian ethnic communities.

On 19 April 2017, the Court issued an order on Ukraine's request for an indication of provisional measures. The order required Russia, among other things, to

“[r]efrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to preserve its representative institutions, including the *Mejlis*” and “ensure the availability of education in the Ukrainian language”.

The first date of the three that I would like to ask the Assembly to remember is 19 April 2017. On 8 November 2019, the Court issued the decision that it had jurisdiction to hear this case on its merits. By then the parties had already held the first round of exchanges in written documents and a second round had been found necessary. The Court therefore fixed 8 April 2022 for the reply of Ukraine and 8 December 2022 for the rejoinder of the Russian Federation. Despite the Russian forces' full-scale and still ongoing invasion of Ukraine, which began on 24 February, we pulled ourselves together and showed resilience in lawfare as well as warfare. We requested an extension and filed our reply just three weeks after the original deadline. The Russian rejoinder is due on 19 January 2023. It is notable that shortly after the 24 February invasion, the international legal team, led by Mr. Alain Pellet, that was defending Russia in the case resigned, at least publicly.

Secondly, on 26 February, just two days after the start of Russia's invasion, Ukraine filed its second application to the International Court of Justice. That case concerns Russia's accusation of genocide against the Russian-speaking population in Ukraine under the Convention on the Prevention and Punishment of the Crime of Genocide. At the same time, Ukraine filed a request for an indication of provisional measures. On 16 March, the Court issued an order that required Russia, among other things, to

“immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine” and “ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in point (1) above”.

So the second date I would like to ask the Assembly to keep in mind for a short time is 16 March. Ukraine filed its memorial in this case on 1 July, almost three months ahead of the established deadline. On 3 October, Russia submitted its preliminary objections on jurisdiction. But between those two dates there occurred an unprecedented event in the history of

the International Court of Justice, when 17 States from various parts of the world filed interventions in the case. They are Australia, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, New Zealand, Poland, Romania, Spain, Sweden, the United Kingdom and the United States. In October alone, five more countries were added to that honourable list — Austria, Croatia, Greece, Luxembourg and Portugal, so that as of now the total number of interventions in the case stands at 22. And we know that more are coming. On behalf of Ukraine's legal team, which I am representing here, I would like to express our sincere gratitude to the countries that have decided to stand beside us in the world Court. We will continue working together on this case. Besides that, I strongly encourage countries that believe in the rule of law and are party to the Genocide Convention to consider intervening in our case. Together we can form a coalition that upholds a world order that is based on rules, not force. Only a rules-based order can ensure the peace and prosperity of States that are equal in their sovereignty and independence. Ukraine sees no viable arguments against interventions and stands ready to assist in every possible way.

Before I conclude, I would like to remind members of two of the three dates I asked them to keep in mind, 19 April 2017 and 16 March 2022. More than five and a half years have passed since the first, and more than eight months since the second. That is exactly the amount of time that the Russian Federation has been in violation of the binding orders of the International Court of Justice. Five and a half years, and more than eight months. Just hours after the International Court of Justice delivered its order on preliminary measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, the official spokesman for the Kremlin publicly and unequivocally declared that Russia was not going to abide by the order. That came as no surprise to us, as at the time Russia had been ignoring the previous order for almost five years. They must have accidentally spilled ink on the page containing Article 41 of the Statute of the Court.

The third and final date I would like to ask the Assembly to keep in mind is the day when Russia finally complies with the orders of the International Court of Justice. On that day we shall all be one step closer to the rules-based order, to peace, to equality and to the fulfilment of the aims of this Organization. Whether

that day arrives sooner or later depends on everyone here, whom I ask to keep that day in mind and keep working on it.

Mr. Hossain (Bangladesh): My delegation thanks the President of the International Court of Justice, Her Excellency Judge Joan E. Donoghue, for her report (A/77/4) providing a summary of the Court's extensive judicial activities over the last reporting period (see A/77/PV.20). Seventy-six years in, the Court's heavy workload and ever-growing docket demonstrate that it is as strong, reliable and necessary as ever. We assure the Court of our full support with respect to its key role in promoting the rule of law and the peaceful settlement of international disputes in order to maintain international peace and security. We also take note of the Secretary-General's report on his trust fund to assist States in the settlement of disputes through the International Court of Justice (A/77/204).

Before I say more on the report of the Court, I would like to express our deepest condolences to the friendly people of Brazil and all the members of the Court for the sad demise of Judge Antônio Augusto Cançado Trindade on 29 May. I also express our appreciation for his great contribution to the work of the International Court of Justice. We honour his memory and legacy.

We underscore the importance of upholding the Court's standing as the principal judicial organ of the United Nations, and of making greater use of its competence to de-escalate tension and prevent conflicts among Member States. We reaffirm the universal character of the Court's jurisdiction. We recall 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 cooperation from Member States, including those involved in specific proceedings, in the implementation of Court's judgments and orders remains absolutely critical. In keeping with our constitutional commitment to the peaceful settlement of international disputes, we have worked to resolve our maritime boundary disputes with our neighbours through international judicial means, and in that regard, we continue to follow with interest the Court's work on territorial and maritime disputes as well as the conservation of natural and living resources.

We also recognize the importance of the Court's important jurisdiction in issuing advisory opinions that contribute to the clarification and development of international law and thereby to strengthening the peaceful settlement of disputes. In that regard, we are

pleased to align ourselves with the statement delivered by the Permanent Representative of Vanuatu this morning (see A/77/PV.20) on behalf of the group of like-minded countries that are going to submit a draft resolution to the General Assembly seeking an advisory opinion clarifying the rights and obligations of States under international law as it pertains to the adverse effects of climate change.

As a nation with an unequivocal commitment to the peaceful settlement of disputes, including through recourse to international law, Bangladesh greatly values the judgments and orders of the International Court of Justice. We recall in that regard the ongoing proceedings against Myanmar instituted by the Gambia under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in relation to the treatment of the Rohingya in Myanmar. In its order dated 23 January 2020 indicating provisional measures (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*), the Court recognized the Rohingya as a protected group within the meaning of article II of the Genocide Convention and acknowledged the presence of a real and imminent risk of irreparable prejudice to the rights of the Rohingya in Myanmar. We call for compliance with the order in letter and spirit. More recently, on 22 July, the Court rejected the preliminary objections raised by Myanmar and found that it has jurisdiction, on the basis of article IX of the Convention, to entertain the application filed by the Republic of the Gambia and that the said application is admissible. As a country that has been hosting the persecuted Rohingya for decades, we welcome the orders of the Court and remain committed to providing full cooperation to the Court as and when required.

Let me conclude by reiterating the unwavering commitment of Bangladesh to the work of the International Court of Justice. We also reiterate our commitment to extending every possible form of cooperation to the Court in its functions.

Mr. Smyth (Ireland): Ireland would like to thank the International Court of Justice for its annual report (A/77/4) and President Donoghue for her presentation today (see A/77/PV.20), which details a particularly high level of judicial activity over the past year.

At the outset, I too would like to echo the sentiments expressed by others and extend our condolences to the Government and people of Brazil, and to his colleagues on the Court, on the untimely passing of Judge Cançado

Trindade in May. He was an outstanding jurist who left the Court a lasting legacy.

The Charter of the United Nations declares the International Court of Justice to be the principal judicial organ of the Organization. It therefore plays a central role in the maintenance and strengthening of an international order based on the rule of law. We strongly believe that the Court's role in determining disputes between States that might otherwise lead to conflict should not be underestimated. In addition, the Court has an important role to play in resolving conflicts that threaten international peace and security. Acceptance of the Court's jurisdiction as compulsory aligns with a commitment in the Constitution of Ireland to the peaceful settlement of international disputes by international courts and tribunals. We believe that Ireland's commitment to an international order based on international law is also bolstered by our acceptance of the Court's compulsory jurisdiction. We urge all Member States that have not yet done so to consider making a declaration accepting the compulsory jurisdiction of the Court.

The Court's busy docket is a clear acknowledgement of the confidence that the international community places in the Court's integrity, independence and expertise. It is also testimony to the increased recourse of States to international law in the settlement of international disputes. In that regard, we would like to recall that under Article 94 of the Charter every Member State of the United Nations is required to comply with the decisions of the Court in any case to which it is a party, including any provisional measures indicated by the Court. That is a legal obligation. We also attach high importance to the advisory opinions issued by the Court, which provide authoritative guidance on the interpretation and application of international law.

As one of the six principal organs of the United Nations, the International Court of Justice plays an indispensable role within the broader institutional framework of the Organization in developing international law and peacefully settling international disputes. However, we believe that there could be greater cooperation between the Court and other United Nations organs, in particular the Security Council. As an elected member of the Council for the 2021–2022 term, we have seen first-hand that the range of tools available to the Council for peacefully settling international disputes remain underutilized, and that includes the tools offered by the International Court of Justice. At a

time when increasing numbers of conflicts are raging throughout the world, the Council should, in our view, consider availing itself of the range of tools available to it to prevent and resolve international disputes.

Before concluding, I want to once more reiterate Ireland's strong support for the Court and its place in the international system.

Mrs. Falconi (Peru) (*spoke in Spanish*): Peru, a country committed to multilateralism and international law, welcomes the report (A/77/4) presented today by Judge Donoghue, the President of the International Court of Justice, to the General Assembly (see A/77/PV.20). The report details the work of the Court between August 2021 and July 2022.

Peru expresses its heartfelt condolences on the passing of Judge Antônio Augusto Cançado Trindade. The world has lost a great jurist, teacher, brilliant legal scholar and international judge. He will always be remembered for his legacy in the development of international law and his record in the defence of human rights.

My delegation would like to highlight the fundamental role played by the International Court of Justice as the principal judicial body of the United Nations in the system for the peaceful settlement of disputes established in the Charter of the Organization. The Court is essential in the work of the peaceful settlement of disputes and rules-based governance. It therefore contributes to the maintenance of international peace and security and is a fundamental element in strengthening multilateralism and promoting the rule of law at the international level.

Peru notes with great appreciation the high level of activity maintained by the Court. It should be noted that in the period covered by the report, the Court pronounced four rulings. In that framework, the Court has helped to crystallize and clarify international law in various areas, such as the law of the sea, territorial and maritime delimitation, the prohibition of the use of force in international relations, and human rights and humanitarian law. My delegation notes that the 16 pending contentious cases mentioned in the report in the period under review relate to disputes in the areas of treaty law, obligations derived from the Vienna Convention on Diplomatic Relations, the prohibition of the use of force and the principle of non-intervention, the law of the sea, immunities from criminal jurisdiction, the legal validity and binding effect of

arbitration awards, to name a few. Peru also appreciates the geographic diversity of the States that resort to the jurisdiction of the Court, which demonstrates the vital importance of its judicial activity.

Peru emphasizes that the countries of the Latin America and Caribbean region have a solid legal tradition in the peaceful settlement of disputes. They have traditionally resorted to arbitration and international jurisdictional proceedings as a constant in their external involvement and friendly relations with other States. In that regard, it is significant that in the past 20 years almost a quarter of the total cases resolved by the Court have originated in Latin America or the Caribbean, in a demonstration of the Court's importance to our region. Having itself resorted to the jurisdiction of the Court in contentious matters, Peru can testify to its effectiveness in resolving disputes between States. Peru fully recognizes that compliance with international judgments handed down by a competent, independent and impartial court such as the International Court of Justice helps to ensure friendly and peaceful relations between peoples.

Peru would like to point out that in addition to its function in contentious cases, in accordance with Article 96 of the Charter the Court can also issue advisory opinions at the request of the General Assembly, the Security Council or other authorized bodies of the United Nations and specialized agencies. In both those areas of competence, the International Court of Justice can contribute to the promotion and clarification of the scope of international law through rulings, orders and opinions. The Court fulfils its functions impartially and diligently, enabling disputes to be settled between States for the sake of an international society where the principle of good faith prevails and friendly relations between nations are fostered. For that reason we reaffirm the importance of respecting its decisions and rulings, and we encourage States that have not yet done so to consider the possibility of accepting the jurisdiction of the Court.

Peru would like to recognize the work done by the eminent judges who make up the Court, their efficiency in the face of the flow of new cases of a varied nature, and the number of cases decided, demonstrating both the institution's dynamism and the excellence and responsibility that the judges show in their work. We are also grateful for the intense and valuable work of the Registry. Peru welcomed the successful launch of the Trust Fund for the Court's Judicial Fellowship

Programme, which enables the award of fellowships to candidates from developing countries and from universities based in developing countries. We want to highlight that important initiative with a view to promoting the development of international law and the training of legal professionals from developing countries, and we urge States and other organizations to contribute to the Trust Fund so that the number of its beneficiaries can increase in the next reporting period.

In the context of the coronavirus disease pandemic, my delegation recognized the measures adopted by the Court that made it possible to continue its activities while containing the spread of the virus and protecting the health and well-being of its judges and officials. We also want to highlight the Court's recent rapid resumption of its pre-pandemic work methods with its restoration of public hearings and private in-person sessions. We appreciate the Court's hard work and flexibility in that regard, as well as its responsiveness in continuing its work as efficiently and safely as possible. Peru also reiterates its appreciation to the host State of the Kingdom of the Netherlands for its ongoing commitment and support to the work of the Court.

Peru values the Court's publications as an instrument for disseminating and understanding its important work. We are aware of the financial difficulties involved in enabling its publications, which are currently produced only in French and English, to be produced in the other four official languages of the United Nations, but we encourage their gradual translation into all six official languages, taking into account the fact that resort to the Court's jurisdiction is becoming more and more universal.

I would like to conclude by once again emphasizing Peru's steady support for the work of the International Court of Justice in defending a rules-based international order. Peru believes firmly that the Court will continue to play an essential role in ensuring that the international community can resolve its international disputes peacefully and therefore deal effectively with our serious global challenges and threats to international peace and security.

Ms. Ershadi (Islamic Republic of Iran): My delegation aligns itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20) and would like to add the following in its national capacity.

We would also like to express our appreciation to the President of the International Court of Justice for her report (A/77/4) on the Court's activities (see A/77/PV.20) and to commend the Court for its efforts to uphold the rule of law at the international level.

As the principal judicial organ of the United Nations, the International Court of Justice can play a prominent role in the international community, not only in fostering the sound administration of justice, but also in the peaceful settlement of inter-State disputes in contentious cases, which ultimately helps to prevent hostilities and mitigate crises. The Islamic Republic of Iran reaffirms its commitment to strengthening and supporting the Court to ensure that it can discharge its duty to work for the peaceful settlement of disputes submitted to it within the confines of its jurisdiction.

It should be emphasized that the consensus basis of the Court's jurisdiction is not only the cornerstone of the activities of the International Court of Justice, but also underlies the activities of other international judicial bodies. That notwithstanding, the Islamic Republic of Iran is of the view that Article 36, paragraph 3 of the Charter provides a legal basis for the Court to act if and only if both parties explicitly declare their consent. The Court's judgment dated 3 February 2006 concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)* is worth mentioning in that regard. The mere fact that rights and obligations *erga omnes* or peremptory norms of general international law are at issue in a dispute cannot in itself constitute an exception to the principle that the Court's jurisdiction always depends on the consent of the parties.

My delegation reiterates its support for legal-judicial diplomacy as a determinative apparatus in international relations in strengthening the rule of law, preserving international order and tackling unilateral and arrogant actions in international relations. Based on that understanding and belief, during the past six years the Islamic Republic of Iran has brought two contentious cases before the Court that are currently pending and that I would like to briefly touch on.

Due to the adoption of a number of legislative, executive and judicial measures in the United States in flagrant violation of principles of general international law and *lex specialis*, immunity from jurisdiction and enforcement has been removed against Iran and certain Iranian entities and the separate juridical status of State-owned Iranian companies has been undermined.

That has led to cases being filed in United States courts against the Islamic Republic of Iran, certain Iranian entities and companies and State officials, as well as to the blocking of Iranian assets, including those of the Central Bank of Iran. As a result, the assets of certain Iranian entities and State-owned companies, among them the Central Bank of Iran, totalling approximately \$1.8 billion, were subject to execution in order to satisfy a default judgment against the Islamic Republic of Iran. Nevertheless, in the light of the illegal nature of that legislative, executive and judicial policy of the United States against a sovereign State, its entities, companies and their properties, my delegation firmly believes that such asset blocking and enforcement proceedings against the Central Bank of Iran and certain other Iranian companies and banks in the United States are in violation of multiple provisions of the Treaty of Amity, Economic Relations and Consular Rights of 1955. In February 2019, the Court found that it had jurisdiction to rule on the application of the Islamic Republic of Iran in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*. The hearings on the merits were conducted between 19 and 23 September. The case is currently under deliberation.

I would now like to turn to the other case. Following the United States' unilateral withdrawal from the Joint Comprehensive Plan of Action and its unlawful decision to reimpose in full effect and enforce a series of unilateral coercive and restrictive measures directly or indirectly targeting Iran and Iranian companies and nationals, contrary to its obligations under the 1955 Treaty of Amity, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning violations of multiple provisions of the Treaty.

At the same time, the Islamic Republic of Iran requested that the Court indicate provisional measures. The Court then issued a unanimous order on provisional measures 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 necessary licences and authorizations are granted, and that payments and other transfers of funds are not subject to any restriction insofar as they relate to the aforementioned goods and services. Regrettably, the United States has so far failed to comply with the Court's order, and moreover, by imposing new rounds

of sanctions, especially during the outbreak of the coronavirus disease pandemic, has deliberately violated its obligation to comply with that order.

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. The failure to comply with the Court's orders is a practice by which the United States commonly violates and ignores its rulings. As a result, the Islamic Republic of Iran has brought the United States' non-compliance with the order to the Court's attention on several occasions. Needless to say, that continued non-compliance of the United States with this order is a violation of its international responsibility. That said, Iran welcomes the Court's initiative to amend the resolution concerning the internal judicial practice of the Court by adding a new article 11 for the purpose of monitoring the implementation of provisional measures through an ad hoc committee. We legitimately and respectfully expect that the ad hoc committee will facilitate the implementation of the Court's order on provisional measures in the pending case. The Court has rejected the preliminary objections raised by the United States and held that it has jurisdiction to entertain the application filed by the Islamic Republic of Iran and that the said application is admissible. The United States has filed its counter-memorial and the Islamic Republic of Iran is preparing its reply, which should be filed on 21 December.

In conclusion, I want to emphasize once again the vital importance of the Court's role in clarifying, recognizing, crystallizing and developing the rules of international law, ultimately contributing to the maintenance of international peace and security through the peaceful settlement of inter-State disputes and the preservation of the international legal order.

Mr. Hamamoto (Japan): I would like to begin by paying a heartfelt tribute to the late Judge Antônio Augusto Cançado Trindade, who made enormous contributions to the work of the International Court of Justice as a distinguished scholar and jurist of international law. I would also like to express my appreciation to President Donoghue for her dedicated leadership and comprehensive report (A/77/4) on the Court's activities over the past year (see A/77/PV.20). Japan commends the members of the Court and the Registry for their contributions to the effective and efficient functioning of the Court.

The role of the Court in maintaining international peace, stability and prosperity has never been more important. Today we are facing a variety of challenges in critical areas ranging from the prohibition on the use of force and territorial and maritime delimitation to humanitarian law and human rights law, to name just a few. The steady volume of the Court's caseload and the variety of cases and subject matter brought before the Court demonstrate the continued confidence of States in the role of the Court in settling disputes. That confidence is founded on the Court's long-standing jurisprudence based on the consideration and application of the existing rules of international law. We trust that the Court will continue to take a balanced approach to interpreting treaties and customary international law, which will enable it to maintain the high level of confidence that the international community has placed in it.

As Prime Minister Kishida emphasized in his address to the General Assembly (see A/77/PV.5), Japan attaches great importance to the rule of law in the international community. The prohibition of the use of force and the observance of international law in good faith are fundamental principles required for the rule of law, and the United Nations and Member States must cooperate in that regard. We believe that the Court, along with other international judicial institutions, constitutes an indispensable pillar of an international order based on law.

Today it is more necessary than ever to peacefully settle disputes. That is the main role of the Court, and it cannot be achieved unless parties to a dispute abide by not just the Court's decisions but also its orders on provisional measures. In that regard, I would like to recall the Court's order indicating the provisional measures of 16 March regarding the case brought by Ukraine against Russia. Japan supports that order and strongly demands that Russia comply with it.

We believe that acceptance of the Court's compulsory jurisdiction by the broadest possible number of States enables the Court to most effectively fulfil its role. Japan once again calls on all Member States that have not yet accepted the compulsory jurisdiction of the Court to consider doing so.

In conclusion, I reiterate Japan's steadfast support for the role of the Court in maintaining and strengthening the rule of law through the peaceful settlement of international disputes. As an incoming member of the Security Council from next January,

Japan is determined to redouble its efforts to defend the Charter and fortify the rule of law in the international community, together with the International Court of Justice as an indispensable partner in this field.

Mr. Stastoli (Albania): I would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for the comprehensive report (see A/77/PV.20). Albania strongly supports the work delivered by the Court under the able stewardship of its President, especially under the challenging circumstances created by the coronavirus disease pandemic.

The International Court of Justice is a pillar of the international rule of law, and its value only increases at a time when fundamental norms and rules are being transgressed. The Russian aggression against Ukraine is a serious test of the rules-based world order, and we must pass this test successfully if we are not to drift towards a lawless world. That is why we welcome the provisional measures issued by the International Court of Justice on 16 March requesting Russia to immediately suspend the military operations that it commenced on 24 February in the territory of Ukraine. We call on the Russian Federation to abide by the preliminary measures of the Court, to retreat from Ukraine without conditions and to honour its international obligations. In that spirit, we reiterate the call made by the General Assembly through resolution 76/117, of 9 December 2021, for all States to accept the jurisdiction of the International Court of Justice.

We need the Court to resolve disputes peacefully and based on law, to pursue world peace and security through legal means and adjudication. Indeed, the Court has delivered important rulings on cases ranging from territorial and maritime delimitation, human rights, the interpretation and application of international treaties and conventions concerning the prevention of genocide and the elimination of racial discrimination. These wide-ranging cases demonstrate that States make good use of the Court and show the need for a strong world court. That is why we welcome and support the establishment of a trust fund for the Judicial Fellowship Programme, which will help train the next generation of jurists, the guardians of international law.

We fully support the new strategic plan of the Court for the period 2021 to 2025, which is aimed at the continued development and implementation of human rights law with an emphasis on accountability, access to justice and strengthening the role of an independent judiciary and bar. We must do our part to ensure a

well-governed world where law and courts determine disputes, not might and force, a world where impunity becomes history and equal rights reign supreme everywhere. That is why we believe that an enhanced cooperation between the General Assembly and the International Court of Justice will only benefit the promotion of world peace and security.

Mr. Al Shehhi (Oman) (*spoke in Arabic*): I am pleased to deliver this statement on behalf of the Sultanate of Oman's delegation in the context of the discussion of the report of the International Court of Justice (A/77/4) by the General Assembly during its seventy-seventh session. My country attaches great importance to that issue given the Court's role and status in the international system.

In that regard, the delegation of the Sultanate of Oman wishes to endorse the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20), where it supports the competence of the Court as the main judicial organ of the United Nations. We emphasize the need to settle disputes peacefully and the non-use or threat of use of force, in accordance with the purposes and principles of the Charter of the United Nations.

We sincerely thank the Secretary-General for his report entitled "Secretary-General's trust fund to assist States in the settlement of disputes through the International Court of Justice" (A/77/204). We also thank the President of the Court for her thorough presentation of the activities of the Court for the period under review.

The International Court of Justice is a pillar of the international system based on the provisions and principles of international law. For decades, the Court has proven itself capable of carrying out its mandate with integrity and has earned the trust that States place in it. Its judgments and advisory opinions also reinforce the primacy of the rule of law. The fact that States are resorting increasingly to the Court to settle their disputes is a recognition and acceptance of the Court's jurisdiction.

The Sultanate of Oman stresses its support for the international law. We encourage States to resort to the Court and other international courts and legal bodies, in accordance with their competencies, to settle differences between States peacefully, as per the United Nations Charter. That demonstrates our conviction that settling differences in a spirit of consensus and

tolerance constitutes civilized behaviour that will lead to better results, rather than through conflict.

The Sultanate of Oman reiterates its commitment to the principles of the United Nations and its Charter. Our legal code emphasizes the State's policies, including its observance of international and regional treaties and conventions as well as rules of international law leading to the achievement of peace and security among States and peoples.

In conclusion, I would like to commend the pivotal and important role played by the International Court of Justice in promoting the peaceful settlement of disputes and resolving them by peaceful means in accordance with the purposes and principles of the United Nations Charter. The Sultanate of Oman reiterates its position in support of the Court's contribution to maintaining international peace and security and ensuring that our world is safer and more stable.

Mr. Nasir (Indonesia): Indonesia aligns itself with the statement made by the representative of the Republic of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

At the outset, allow me to express our condolences on the passing of Judge Antônio Cançado Trindade. We lost a staunch proponent of justice and the rule of law. His legacy will always be remembered.

We express our appreciation to the President of the International Court of Justice, Judge Joan E. Donoghue, for her comprehensive report (A/77/4).

It is encouraging to see the high level of activities during the period covered by the report. That is evidenced by the number of judgments, orders, public hearings and cases undertaken by the Court. It also demonstrates the vigour of the institution. The variety of issues and subject matter submitted to the Court were also diverse. Moreover, the geographical diversity of cases filed before the Court demonstrates that States continue to have trust in it. That reflects the universal recognition of its jurisdiction.

Our world today is in a worrisome state. In pursuit of narrow self-interest, violations of international law are often seen. Unfaithful interpretation of laws, or even a complete ignorance of international law, is often disregarded by the international community. We must work to stop that. We must work hard to revive a strong spirit for the respect of international law. Finding peaceful solutions must be the only way

to settle differences and disputes. In that context, the Court plays an important role. To that end, allow me to emphasize a few points.

First, the Court must at all times defend its judicial independence and integrity. That will ensure the delivery of justice that is fair, transparent and impartial to all countries, irrespective of power, influence or authority. In the exercise of its judicial function, the Court must be the master of itself, operate independently and act only on the basis of the law.

Secondly, it is important for the Court to maintain legal certainty, given that the Court's jurisprudence impacts virtually all areas of contemporary international law. That is because the Court's judgments are generally considered as authoritative pronouncements on the law. Moreover, the Court's decisions and advisory opinions contribute to the progressive development and codification of international law. It is also important to emphasize that the Court must be adaptive. The Court must be able to respond to future dynamics and challenges by making international law relevant within the context of justice.

Finally, we welcome the Court's efforts to promote greater understanding of international law, particularly among younger generations. Greater comprehension by the public of the Court's judgments, opinions and processes is important and must be continuously strengthened. In that context, we encourage the Court to consistently promote its work and activities, including through direct teaching, seminars, workshops and publications.

Indonesia also supports the implementation of the trust fund for the Judicial Fellowship Programme. We call for a larger proportion of the Fellowship fund to be directed to nationals of developing countries, while ensuring the geographical and linguistic diversity of participants in the Programme.

Indonesia reaffirms its support for the Court and recognizes the significance the international community places on the Court's work.

Mr. Alajeeli (United Arab Emirates) (*spoke in Arabic*): At the outset, we welcome Judge Joan E. Donoghue and express to her our thanks and appreciation for her valuable briefing (see A/77/PV.20). We wish her good health and every success.

The United Arab Emirates expresses its firm support for the work of the International Court of

Justice as the main legal organ of the United Nations. The role of the Court has become more important than ever today with respect to the settlement of many disputes among Members of the United Nations and the international community as a whole. The United Arab Emirates underscores that Member States should fully implement the legal framework for the peaceful settlement of disputes in accordance with the Charter of the United Nations. The peaceful settlement of a dispute is the responsibility of the parties to that dispute, as is their acceptance of the Court's jurisdiction. The Court plays an important role in resolving disputes.

The diversity of States parties and the issues considered by the Court, as well as its advisory opinions, give the Court a greater role in the maintenance of international peace and security by peacefully resolving such disputes. In addition, the Court plays a key role in enabling States to access international justice by defending their rights and interests in accordance with international law for matters that fall under the Court's competence. Consequently, we call on the United Nations, the Security Council and the General Assembly to promote cooperation with the Court.

Our annual discussion of this issue has special importance, as it gives us an opportunity to take note of developments in the Court's work. It also allows Member States to manifest their support for the Court, in accordance with Article 1, paragraph 1, of the Charter, which calls for "peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

In that context, we would like to reiterate the appreciation of the United Arab Emirates for the Court's flexibility and swiftness in modifying its working methods to respond to the coronavirus disease pandemic, including by using technological methods in continuing to carry out its judicial functions and convening hearings through video communication. That is an extremely positive step towards the Court's continuous work during the most difficult circumstances.

Given the use of technology for increased access to justice and the lessons learned during the pandemic, as well as our common desire to anticipate challenges, the United Arab Emirates encourages the Court to continue adopting new measures and modifying current procedures in order to promote its ability to carry out its functions, especially during crises.

We also underscore the importance of promoting the principle of multilingualism in the work of the Court. We are aware of the administrative burden imposed by the inclusion of additional languages, but we believe that the burden is minimal when one weighs it against the benefits that can accrue from the Court being able to communicate directly, clearly and precisely with all parties concerned across the world on internationally important issues considered by the Court.

The United Arab Emirates appreciates the efforts of the Court in disseminating awareness about international law and expanding its scope through the Court's publications and reports.

In conclusion, the United Arab Emirates reiterates its appreciation to the International Court of Justice, its President and all its judges and staff for their valuable contributions. We look forward to the upcoming election to fill the vacancy on the Court following the demise of Judge Antônio Augusto Cançado Trindade, whose legacy on the Court we value.

Mr. Mabhongo (South Africa): My delegation welcomes the report of the International Court of Justice (A/77/4), which we have studied with great interest.

We note with deep regret the passing of Judge Antônio Augusto Cançado Trindade, and we offer our condolences to his loved ones and his beloved country.

We also wish to congratulate Judge Hilary Charlesworth and wish her all the best in her work.

The International Court of Justice, together with the Security Council and the General Assembly, form the key organs of the architecture that we have in place to pursue the principles of peace and justice in relations between States that underpin the Charter of the United Nations. Let us recall the Preamble of the Charter, which declares the determination to save succeeding generations from the scourge of war and to establish the conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

The report we are debating today confirms a positive trend that has been developing over the past few decades, namely, that there is a greater willingness on the part of States to refer disputes to the Court, making it a truly international Court engaged in the pursuit of justice. During the period under review, it delivered judgments on merits in three cases and a judgment on preliminary objections in one case, as

well as delivering orders. It was seized with four new contentious cases, bringing the total number of cases entered onto the Court's general list to 15. The report notes that this high level of activity involves a wide range of international law issues that reminds one of the contents page of an international law handbook: territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, protection of the environment, the jurisdictional immunity of States and treaty interpretation and application.

Furthermore, it is heartening to see the geographical spread of the cases before the Court. Cases emanate from all regions of the United Nations. Those factors confirm that the International Court of Justice is a truly international court duly exercising its mandate to strengthen and promote the peaceful resolution of disputes between States and uphold the international rule of law.

The Court's advisory opinions allow the organs of the United Nations with the mandate of the maintenance of international peace and security to utilize the Court as an avenue to settle international disputes peacefully and to promote compliance with international law. Unfortunately, it appears that this important tool that we have before us remains underutilized at the present moment.

Turning to more practical matters, we believe that the management of the Court deserves praise for the way in which its working methods have adapted to the new reality of the coronavirus disease pandemic, allowing the Court to proceed with its judicial activities by means of hybrid sessions. We also note with appreciation the developments around the budget of the Court as proposed for 2023. There are some welcome developments in that regard, at a time when more must be done with less, both domestically in our countries as well as in international organizations.

We are confident that this managerial resilience will allow the Court to continue with its work without any interruption when the peaceful atmosphere of the Peace Palace will be disturbed next year by the activities of moving companies when it has to relocate to temporary accommodation for the overdue maintenance of the building, which has been occupied by the Court for more than a century. We wish the judges, management and all staff all the best with that endeavour.

Mr. Dang Hoang Giang (Viet Nam): I would like to extend Viet Nam's commendation to the President of the International Court of Justice for her informative report on the activities of the Court (see A/77/PV.20). We also

highly appreciate the tireless dedication of the judges of the International Court of Justice to the work of the Court.

I would like to take this opportunity to pay tribute to Judge Antônio Augusto Cançado Trindade, one of the leading international law scholars and jurists, who served the Court with distinction before his passing in May.

My delegation associates itself with the statement delivered by the representative of Azerbaijan on behalf of the Movement of Non-Aligned Countries (see A/77/PV.20).

Over the years, the International Court of Justice has played an indispensable part in international life. It has promoted the peaceful settlement of disputes and friendly relations among States. It continued to do so in the past year, with a particularly high level of activity, including the handing down of four judgments and 15 orders, as the latest report elaborated (A/77/4). We very much share the Court's assessment that the geographical spread of the cases brought before the Court and the diversity of their subject matters illustrate the universal and general character of the Court's jurisdiction. Moreover, this has demonstrated the trust that Member States have in the Court's role in solidifying international law as a foundation for peaceful coexistence among nations. To that end, in addition to the promotion of the role of the Court, it is equally important that all Member States strictly adhere to their obligations under the Charter of the United Nations and international law. Such obligations require States to implement in good faith orders and judgments by international courts and tribunals, including the International Court of Justice, in accordance with international treaties to which States are parties.

In addition to the dispute settlement function of the Court, we would like to highlight another core function of the International Court of Justice, which is to render advisory opinions in accordance with Article 96 of the United Nations Charter. Advisory opinions contribute significantly to the elucidation of international law,

including the legal aspects related to major issues of international concern. One such issue is climate change. It is the issue of today and tomorrow, of our present generations and of our future generations. Climate change particularly poses an existential threat to many low-lying nations and small island countries, as well as coastal areas of many countries.

Climate actions have been made. Net-zero commitments have been issued. But they are not enough. More ambitious and urgent actions therefore are sorely needed. They include seeking an advisory opinion of the International Court of Justice clarifying States' obligations under various treaties, including the United Nations Framework Convention on Climate Change, the Paris Agreement and the United Nations Convention on the Law of the Sea, among others. It will help shed light on unresolved legal aspects regarding climate change. It will reinforce our collective efforts to combat climate change. It will further strengthen the role of the Court, as the principal judicial organ of the United Nations, on a matter of long-term magnitude for the future of humankind.

Viet Nam therefore associates itself with the statement made by the representative of Vanuatu (see A/77/PV.20) on behalf of the core group of States working on a draft resolution with a view to requesting an advisory opinion of the Court on climate change. As with other members of the core group, we look forward to working closely with and receiving the support of other United Nations Members in our common endeavours to combat climate change for our planet and our future generations.

The Acting President: We have heard the last speaker in the debate on this item. We shall hear the remaining speakers on Wednesday, 2 November in the afternoon after the consideration of sub-item (a) of agenda item 72 and item 131 in this Hall.

The Assembly has thus concluded this stage of its consideration of agenda item 70.

The meeting rose at 6 p.m.