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President: Mr. Francis . . . . . (Trinidad and Tobago)

The meeting was called to order at 3.05 p.m.

Agenda item 73

Report of the International Court of Justice

Report of the International Court of Justice (A/78/4)

Report of the Secretary-General (A/78/194)

The President: As tensions continue to rise across the globe, the fostering and strengthening of a rules-based international order has never been more critical. Such a framework, rooted in diplomacy and international law, is the cornerstone of our modern global society. The principles underpinning it define our multilateral system and help to promote the purposes of the Organization. At the heart of United Nations system, the International Court of Justice plays a pivotal role in ensuring that those shared foundational values, encoded in the Charter of the United Nations, are not mere words on paper, but rather rules that establish important norms and standards that are not only upheld and respected but also enforced.

By providing a forum for nations to settle disputes through peaceful means, the Court contributes immensely to preventing disagreements from escalating into full-blown conflicts, with global ramifications. In doing so, the Court draws upon an important body of rules, built up over decades in the form of treaties, jurisprudence and customary law, to render sound legal services, consistent with international law. Its rulings and opinions therefore both clarify and advance international legal norms, thus ensuring that nations adhere to a holistic and common set of rules and standards.

Because the Court is immune from the influence of the political and administrative organs of the United Nations, it has been able to maintain impartiality and fairness in decision-making, while, at the same time, buttressing the very foundations of our multilateral system. Indeed, through its rigour it has contributed enormously to the uniformity and harmony of international law. In the words of Judge Xue Hanqin, one of only five women to have ever served on the Court's bench in its history, the International Court of Justice stands as the proud outcome of centuries of humankind's pursuit of peace. From climate change to cybersecurity, the Court has a vital role to play in the maintenance of international peace and security.

I am greatly encouraged by the General Assembly's decision to seek an advisory opinion from the International Court of Justice on the obligations of States to address climate change (resolution 77/276). That landmark referral promises to place the needs of those bearing the brunt of the climate crisis, including small island developing States, front and centre during the ongoing negotiations.

Considering the Court's long-standing unblemished record, I am confident that it will continue to adjudicate disputes with the utmost impartiality and independence and in accordance with international law.

I take this opportunity to call on all Member States to robustly support the International Court of Justice,

including by providing adequate predictable funding to underwrite the efficient discharge of the expanding portfolio of cases constituting its workload, at a time when the maintenance of peace and security is directly linked to our ability to ensure full respect for, and observance of, international law. I trust that today's debate will further highlight the importance of the Court's work and stress the value of its report (A/78/4).

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

Judge Donoghue: It is an honour for me to address the General Assembly today as it considers the annual report of the International Court of Justice (A/78/4). The Court greatly values the interest in its work shown by the Assembly.

Before embarking on a review of the Court's significant judicial activities over the past 12 months, I would first like to take this opportunity to congratulate you, Sir, on your election as President of the General Assembly at its seventy-eighth session. I wish you every success in that distinguished office.

Since 1 August 2022, the starting date of the period covered by the Court's annual report, the Court's docket has remained full and has continued to reflect a wide variety of legal disputes involving States from all regions of the world that present questions of international law that concern all humankind. There are currently 18 contentious cases on our list and two advisory proceedings relating to questions put to the Court by the Assembly. The 20 cases on the docket include seven cases that were brought in the course of the reporting year — the two requests for an advisory opinion and five contentious cases.

During my statement to the Assembly last year (see A/77/PV.20), I briefly mentioned the filing of the first of the contentious proceedings, namely, the case brought by Equatorial Guinea against France on 29 September 2022 with regard to the alleged violation by France of its obligations under the United Nations Convention against Corruption of 31 October 2003.

With regard to the other new cases, on 16 November 2022, Belize instituted proceedings against Honduras with reference to a dispute concerning sovereignty over the Sapodilla Cayes, which it describes as a group of cayes lying in the Gulf of Honduras at the southern tip of the Belize Barrier Reef in the Caribbean.

In June, Canada and the Kingdom of the Netherlands filed a joint application against the Syrian Arab Republic concerning alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The applicants contend that the Syrian Arab Republic, through its State organs, State agents and other persons and entities acting on its instructions or under its direction and control, has been employing torture on a massive scale since at least 2011, in particular in detention facilities. Together with the application, Canada and the Kingdom of the Netherlands filed a request for the indication of provisional measures. Oral proceedings on that request, originally scheduled to take place in July, were postponed following a request from the respondent and were held earlier this month, on 10 October. Regrettably, the respondent did not appear at those hearings. The request for the indication of provisional measures is currently under deliberation.

On 27 June, the Islamic Republic of Iran instituted proceedings against Canada concerning alleged violations of State immunities. The applicant contends that certain legislative, executive and judicial measures adopted and implemented by Canada against the Islamic Republic of Iran and its property abrogated certain immunities to which the Islamic Republic of Iran is entitled under international law.

On 4 July, Canada, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland jointly instituted proceedings against the Islamic Republic of Iran concerning alleged violations of the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, also known as the Montreal Convention. The applicants' allegations concern events surrounding the downing of Ukrainian International Airlines flight 752 on 8 January 2020, which, they contend, gave rise to violations of obligations under the Montreal Convention.

In addition, during the period in question, as the General Assembly is well aware, the Court received two requests for an advisory opinion, the first, in January, on Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including East Jerusalem (resolution 77/247), and the second, in April, on the obligations of States in respect of climate change (resolution 77/276).

With regard to the advisory proceedings relating to the occupied Palestinian territory, including East

Jerusalem, written statements were filed by 53 States Members of the United Nations, by the observer State of Palestine and by three intergovernmental organizations. Just to complete the procedural picture, I mention that the time limit for the filing of written comments on the written statements expired yesterday and that, as was publicly announced a few days ago, the hearings on that request for an advisory opinion are scheduled to open on 19 February 2024.

With regard to the advisory proceedings relating to climate change, the time limits originally fixed by the Court were extended in response to requests from a number of States and from an international organization. Currently, the time limits for the filing of written statements and of written comments thereon are set for 22 January 2024 and 22 April 2024, respectively.

For each advisory procedure, the Secretariat has prepared a dossier containing a collection of all documents that are likely to shed light upon the relevant questions before the Court, pursuant to Article 65, paragraph 2, of the Statute. Those materials are available on the Court's website.

Of course, in addition to the work on the seven newly filed cases that I have mentioned, the cases that were initiated prior to this reporting period have kept the Court busy. Since 1 August 2022, the Court has held hearings in nine cases and has rendered four judgments. Among the many orders that the Court delivered over that period are two orders relating to the indication of provisional measures, two orders on requests for the modification of previously imposed provisional measures and one order on the admissibility of declarations of intervention under Article 63 of the Statute.

As is customary, I shall now give a brief account of the judgments delivered and the substantive orders rendered during the reporting period.

On 1 December 2022, the Court rendered its judgment on the merits in the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*. In that case, the Court was called on to decide certain claims and counterclaims regarding the Silala, a river that has its source in the territory of Bolivia and then flows into Chile. The rights and obligations of the parties in that regard are governed by customary international law, since neither Chile nor Bolivia is party to any relevant treaties. In its judgment, the Court noted that the positions of the parties had converged in many respects over the course of the proceedings. Accordingly, it found that many of the claims that had been made by Chile and the counterclaims by Bolivia no longer had any object and that the Court was therefore not called on to give a decision on them. The Court did, however, find that there was a disagreement between the parties as to Bolivia's obligation to notify and consult with respect to measures that might have adverse effects on the Silala. On the law, the Court concluded that any planned activity that poses a risk of significant harm to another riparian State must be the subject of notification to that State and consultation with it. On the facts, the Court found that Bolivia had not breached that obligation when planning and carrying out certain activities in the vicinity of the Silala.

On 30 March, the Court rendered its judgment on the merits in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*. The case arose out of a series of legislative and executive measures taken by the United States that led to a number of judgments awarding substantial damages being issued by United States courts against the State of Iran and, in some cases, Iranian State-owned entities. Further, the assets of Iran and certain Iranian entities, including the Central Bank of Iran, which is known as Bank Markazi, were subject to enforcement proceedings in the United States or abroad, or had already been distributed to judgment creditors. Before the International Court of Justice, Iran argued that the United States had thereby acted in violation of its obligations under several provisions of the Treaty of Amity, Economic Relations and Consular Rights of 15 August 1955, which I shall refer to as "the Treaty of Amity" or "the Treaty".

The Court began by considering two objections to jurisdiction and admissibility raised by the United States. The first, an objection to the Court's jurisdiction *ratione materiae*, related to whether the Central Bank of Iran, Bank Markazi, was a company within the meaning of the Treaty of Amity and thus entitled to protection under its provisions. The Court considered that the evidence was insufficient to characterize Bank Markazi as a company within the meaning of the Treaty and thus upheld this objection to jurisdiction. However, the Court rejected an objection to the admissibility of the application based on an alleged failure to exhaust local remedies. The Court then turned to the claims of Iran concerning alleged violations of the Treaty of

Amity and found that the United States had violated its obligations under various of its provisions.

First, the Court determined that the measures adopted by the United States disregarded the legally acquired rights and interests of the Iranian companies in question, which was in violation of the obligation to accord fair and equitable treatment and the obligation to guarantee the recognition of their juridical status within the territories of the other party. Secondly, the Court concluded that the respondent had violated its obligations with respect to the prohibition of expropriation except for a public purpose, and the requirement of prompt payment of just compensation. Thirdly, the Court ruled that the United States had violated its obligations with regard to freedom of commerce and navigation as set out in the Treaty of Amity. On the other hand, the Court found no violation of the respondent's obligations under other provisions of the Treaty of Amity concerning access to the courts of the other party, the purchase and sale of property and the prohibition of exchange restrictions. In the light of those findings, the Court considered that Iran was entitled to compensation for the injury caused by the violations by the United States that had been ascertained by the Court. It stated that if the parties were unable to agree on the amount of compensation due to Iran within 24 months, the matter would, at the request of either party, be settled by the Court. The case therefore remains on the Court's general list.

On 6 April, the Court delivered its judgment on the preliminary objection raised by Venezuela in the case concerning *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*. I should recall that when Guyana instituted proceedings in this case in 2018, Venezuela stated that it would not participate in the proceedings, as it considered that the Court lacked jurisdiction. By an order issued in June 2018, the Court ruled that in the circumstances of the case, it was first necessary to resolve the question of its jurisdiction. The Court then rendered a judgment in December 2020, finding that it had jurisdiction to entertain the application filed by Guyana insofar as it concerned the validity of the award regarding the boundary between the colony of British Guiana and the United States of Venezuela of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between Guyana and Venezuela.

After Guyana filed a memorial on the merits, Venezuela appeared in the case, raising a preliminary objection and asserting that the United Kingdom was an indispensable third party without whose consent the Court could not adjudicate on the dispute — thus raising an objection based on what is commonly called the "monetary gold principle". In its judgment of 6 April, the Court first concluded that Venezuela's preliminary objection was an objection to the exercise of the Court's jurisdiction and not to the existence of its jurisdiction. Since the Court in the 2020 judgment had decided only on the existence of its jurisdiction, the force of *res judicata* attaching to that judgment did not bar Venezuela's preliminary objection. The Court then examined the substance of Venezuela's preliminary objection. It considered that by virtue of being a party to the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana, signed in Geneva on 17 February 1966, the United Kingdom had accepted that the dispute between Guyana and Venezuela could be settled by one of the means set out in Article 33 of the Charter of the United Nations, and that it would have no role in that procedure. Under those circumstances, the Court considered that the monetary gold principle did not come into play in the case. Consequently, the Court rejected Venezuela's preliminary objection. The case has now proceeded to the merits stage.

I now turn to the judgment delivered by the Court on 13 July in the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*. In an earlier case between the two States, the Court had rendered a judgment in 2012 establishing, among other things, a single maritime boundary delimiting the continental shelf and the exclusive economic zones of Nicaragua and Colombia up to the 200-nautical-mile limit from the baselines from which the territorial sea of Nicaragua is measured. On 16 September 2013, Nicaragua filed an application instituting new proceedings.

In a judgment rendered on 17 March 2016 on the preliminary objections raised by Colombia, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to entertain the first request put forward by Nicaragua in its application, in which it asked the Court to adjudge and declare

> "[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of

the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its [2012] Judgment".

Following the filing of the written pleadings on the merits, the case became ready for hearing. In the circumstances of the case, before proceeding to any consideration of technical and scientific questions in relation to the delimitation requested by Nicaragua, the Court considered that it was necessary to decide certain questions of law. By an order issued on 4 October 2022, the Court therefore directed the parties to present their arguments at the then-forthcoming oral proceedings exclusively on two specific questions. The Court held oral proceedings in December 2022 and rendered its judgment in July 2023. In that judgment, the Court concluded that under customary international law, a State's entitlement to a continental shelf beyond 200 nautical miles from the baselines from which the breadth of its territorial sea is measured may not extend within 200 nautical miles from the baselines of another State. The Court went on to state that in the absence of overlapping entitlements over the same maritime areas, it could not proceed to a maritime delimitation. The Court further stated that within 200 nautical miles from the baselines of Colombia's mainland coast and of Colombia's islands, there was no area of overlapping entitlement to be delimited in the case. In addition, the Court considered that it did not need to determine the scope of the entitlements of the islands of Serranilla and Bajo Nuevo to settle the dispute before it, and that the effect of the maritime entitlements of one maritime feature, Serrana, had already been determined in its 2012 judgment. The requests in Nicaragua's submissions were thus rejected.

I shall now move to some of the more substantive orders issued by the Court during the period under review. When I spoke to the Assembly last year (see A/77/PV.20), I gave a brief summary of the two orders on the indication of provisional measures rendered on 7 December 2021 in the cases concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* and *(Azerbaijan v. Armenia)*. In each of the cases, the applicant alleges racial discrimination in violation of this Convention, which I will refer to as "CERD", against persons of Armenian or Azerbaijani national or ethnic origin, respectively, carried out during and after hostilities in the Nagorno-Karabakh region that erupted in autumn 2020.

During the past year, the applicant in each of these two cases sought the indication of additional provisional measures. On 22 February, the Court rendered its orders on two such requests. In the request made in the *Armenia v. Azerbaijan* case, Armenia alleged that Azerbaijan was acting in violation of various provisions of CERD by orchestrating a blockade of the Lachin corridor, which links Nagorno-Karabakh and Armenia. In its order, the Court observed in particular that since 12 December 2022, the connection between Nagorno-Karabakh and Armenia via the Lachin corridor had been disrupted, and that a number of consequences had resulted from this situation, including impeding the transfer of hospitalized individuals to Armenia, as well as hindering the importation into Nagorno-Karabakh of essential goods. The Court therefore ordered Azerbaijan, pending the final decision in the case and in accordance with that State's obligations under CERD, to take all measures at its disposal to ensure the unimpeded movement of persons, vehicles and cargo along the Lachin corridor in both directions.

In the new request for the indication of provisional measures made in the *Azerbaijan v. Armenia* case, Azerbaijan alleged that Armenia had continued to lay landmines in or after 2021 in civilian zones to which displaced persons of Azerbaijani national or ethnic origin were due to return, and that it had refused to share information about the location of landmines and booby traps in areas over which Azerbaijan had recently regained control. In its order, the Court recalled that it had previously found that CERD did not plausibly impose any obligation on Armenia to cease planting landmines or to enable Azerbaijan to undertake demining. In that connection, the Court had recognized that a policy of driving persons of a certain national or ethnic origin from a particular area, as well as preventing their return to it, could implicate rights under CERD, but had found prima facie that Azerbaijan had not placed before it evidence indicating that Armenia's alleged conduct with respect to landmines had the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of rights of persons of Azerbaijani national or ethnic origin. In its 22 February order, the Court found that the same conclusion applied to the then-current circumstances, including the allegations regarding booby traps. The Court thus found that the conditions for the indication of provisional measures had not been met and rejected the request submitted by Azerbaijan.

In addition to those decisions, the Court issued two orders in the *Armenia v. Azerbaijan* case in response to two requests by Armenia for the modification of previously imposed provisional measures, filed in September 2022 and May 2023 respectively. In the first order, dated 12 October 2022, the Court found that the circumstances, as they presented themselves to the Court, were not such as to require the exercise of its power to modify provisional measures previously indicated by it. The second order, which was issued on 6 July, related to a request for the Court's order of 22 February, to which I just referred, and concerned allegations by Armenia that Azerbaijan's establishment of two military checkpoints constituted a significant new impediment to movement along the Lachin corridor. The Court considered that even if it could be said, in the light of those developments, that there had been a change in the situation that existed when the Court issued its 22 February order, Armenia's request still concerned allegations of disruption in movement along the Lachin corridor. The consequences of any such disruption for persons of Armenian national or ethnic origin would be the same as those noted by the Court in its order of 22 February. Moreover, the measure that the Court had imposed in that order applied without limitation to the cause of the impediment of such movement. The Court therefore found that in the circumstances, as they presented themselves, there was no need to exercise its power to modify its order of 22 February. At the same time, the Court reaffirmed the provisional measures indicated in that order.

One additional request by Armenia for the indication of provisional measures is currently under deliberation. On 29 September, Armenia submitted a request for the indication of provisional measures in the context of the proceedings instituted by it against Azerbaijan. In that request, Armenia states that

> "[o]n 19 September 2023, Azerbaijan — in manifest violation of the ceasefire agreement included in the 2020 Trilateral Statement and its obligation not to aggravate the dispute reiterated in multiple orders of the Court — launched a full-scale military assault on the 120,000 ethnic Armenians of Nagorno-Karabakh, indiscriminately shelling the capital, Stepanakert, and other civilian settlements".

Armenia refers to what it describes as credible reports of atrocities against civilians, and states that as of 27 September, tens of thousands of ethnic Armenians had been forcibly displaced. Accordingly, Armenia requested the imposition of 10 provisional measures. Hearings on the request were held on 12 October.

I turn next to several procedural developments in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, instituted by Ukraine on 26 February 2022. I should recall that Ukraine's application in this case centred on the initiation by the Russian Federation of

> "a 'special military operation' against Ukraine with the express purpose of preventing and punishing purported acts of genocide that have no basis in fact".

As I reported in my last address to the Assembly, on 16 March 2022, the Court issued an order indicating provisional measures in this case, among other things ordering the Russian Federation to immediately suspend military operations that it had commenced on 24 February 2022 in the territory of Ukraine. On 3 October 2022, the Russian Federation raised preliminary objections to the jurisdiction of the Court and to the admissibility of Ukraine's application. In accordance with the rules of the Court, the proceedings on the merits have been suspended pending the Court's decision on the preliminary objections. Hearings on these objections were held from 18 to 27 September 2023, and the case, at the preliminary objections phase, is currently under deliberation.

Between 21 July and 15 December 2022, 33 States filed declarations of intervention in the case under Article 63 of the Statute. This provision grants State parties to a convention a right to intervene in a case when the construction of that convention is in question. These 33 States, all parties to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, or Genocide Convention, sought to intervene to present observations on the construction of article IX, which is the compromissory clause of that instrument, and of other provisions relevant to the jurisdiction of the Court. Some of those States also sought to present observations on provisions of the Genocide Convention relating to the merits of the case.

The Russian Federation raised objections to the admissibility of all of the declarations of intervention. By an order issued on 5 June, the Court considered those objections and decided that the declarations of intervention submitted by 32 States were admissible at the preliminary objections stage of the proceedings in so far as they concerned the construction of Article IX and

other provisions of the Genocide Convention that are relevant for the determination of the jurisdiction of the Court. In particular, regarding the arguments advanced by the Russian Federation, the Court explained that its task in determining the admissibility of a declaration of intervention under Article 63 of the Statute was limited to ascertaining whether that declaration related to the interpretation of a convention in question in the proceedings, and that the question of a State's motivation in filing a declaration of intervention was not relevant. The Court also concluded that admitting the declarations of intervention in the case would not infringe upon the principles of the equality of the parties or the good administration of justice. Looking ahead to later steps in the case, the Court undertook to organize the proceedings in a manner that would ensure the equality of the parties and the good administration of justice and indicated that it would not, at the preliminary objection stage, have regard to any part of the written or oral observations of intervening States going beyond that scope.

In the 5 June order, the Court also upheld an objection raised by the Russian Federation with respect to the admissibility of the declaration filed by the United States. The United States had entered a reservation to Article IX of the Genocide Convention, which is the basis of jurisdiction invoked by the applicant in the case and will be interpreted by the Court in the preliminary objections phase. The Court held that the United States may not intervene in relation to the construction of Article IX of the Convention while it is not bound by that provision. Accordingly, the declaration of intervention of the United States was found to be inadmissible in so far as it concerns the preliminary objections stage of the proceedings.

Following the issuance of the Court's order on 5 June, most of the States whose declarations of intervention were found admissible at the preliminary objections stage availed themselves of the right, pursuant to the Rules of Court, to file written observations and to present oral observations in the hearings on the preliminary objections of the Russian Federation. Their oral observations were presented after the first round of pleading by the parties. During the second round of oral argument, the Russian Federation had two sessions of three hours to respond to the arguments of Ukraine and the oral observations of the intervening States, while a single session of three hours was reserved for Ukraine's response to the arguments of the Russian Federation and the oral observations of the intervening States.

The preliminary objections raised by the Russian Federation in the case mentioned are only one of the matters presently under deliberation. The Court is also currently deliberating on the merits of the case concerning *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)*, following public hearings that were held in June, as well as on the requests for the indication of provisional measures filed in the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* and in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, which I mentioned earlier.

I would now like to update the Assembly on a few matters of note.

First, let me briefly turn to an important initiative taken by the Court as part of its ongoing review of its procedures and working methods. I am pleased to announce that earlier this year the Court promulgated certain amendments to render gender-inclusive the Rules of Court, the Resolution concerning the Internal Judicial Practice of the Court and the Practice Directions. A key motivating factor in making those changes is the Court's recognition of the importance of language in shaping viewpoints and beliefs on gender equality and inclusion. As the principal judicial organ of the United Nations, it is incumbent upon the Court to uphold the ideals of the United Nations in promoting gender equality and overcoming gender bias through the language it uses in its own official documents. The amended rules and other documents, which came into effect earlier this week, can be found on the Court's website and will be published in paper form in due course.

Allow me to now turn to the Trust Fund for the Court's Judicial Fellowship Programme, which, as members know, was established in 2021 by the Secretary-General, at the request of the General Assembly, to encourage more geographically diverse participation in the Fellowship Programme. As I mentioned in my address to the Assembly last year, thanks to the

generous contributions received, three of the 15 judicial fellows who joined the Court as part of the 2022–2023 cohort were beneficiaries of the Fund. I am delighted to inform the Assembly that, this year too, three of the 15 judicial fellows who arrived at the Court last month are recipients of a stipend through the Fund. It is my hope that States, international organizations, individuals and other entities will continue to financially support this excellent initiative. To date, nationals of Brazil, India, the Islamic Republic of Iran, the Republic of the Congo, South Africa and Tunisia have received Judicial Fellowship grants through the Fund.

I would also like to share the latest developments concerning the asbestos-related situation in the Peace Palace, an iconic building that has come to symbolize peace in action, having served as the seat of the Court and that of its predecessor, the Permanent Court of International Justice, for over a century. The Assembly may recall that, in 2016, the Peace Palace was found to be contaminated with asbestos. As a result, the Government of the Netherlands announced its intention to carry out asbestos removal works and, at the same time, to renovate the building. As mentioned in my speech to the General Assembly last year, the Dutch authorities informed the Court in the course of 2022 that they had decided on a more limited approach, which involves, in the first phase, the removal of asbestos from the attic of the Peace Palace building and the undertaking of a survey to locate asbestos in the other contaminated areas. Based on the results of that investigation, the Dutch authorities will decide on the next steps to be taken. Consultations between the Court and the host country are ongoing to determine how the first phase of the plan should be carried out. The Court understands that this is only the beginning of a complex and resource-intensive project, which may have budgetary implications for the Court in the coming years, depending on the outcome of this first phase. While the Court is grateful to the host country for its efforts in moving ahead with the first phase of its plan, it trusts that the host State, which bears the responsibility for the project, will ensure that the planned works do not hinder the Court's judicial activities, at a time when it has an extremely busy workload.

The Court also trusts that the host State will ensure that the necessary framework is in place to clearly define the roles and responsibilities of the parties involved in the project. Let me add that, independently of the asbestos problem, the Peace Palace requires pressing maintenance and modernization works. The Court hopes that, with more active support from the host country, these issues will be addressed swiftly in order to enable the Court to discharge efficiently its judicial activities.

Before bringing my speech to a conclusion, I would like to touch on the budgetary situation of the Court. As my report on the Court's judicial activities has shown, the Court is currently experiencing one of the most dynamic periods in its history — a trend that shows no sign of slowing. Members of the Court are honoured by the confidence that the international community continues to place in the Court. At the same time, the resources allocated to the Court and the size of our very lean and dedicated Registry do not come close to matching the significant increase in the Court's docket in recent years. The workload ahead of the Court in the coming years will likely call for appropriate adjustments of the Court's budgetary resources to ensure that it can continue to fulfil its mandate under the United Nations Charter.

That concludes my remarks. I thank you, Mr. President, for giving me this opportunity to address the Assembly today, and I wish this seventy-eighth session of the General Assembly every success.

The President: I thank the President of the International Court of Justice for her report.

I now call on the Minister for Foreign Affairs of Guatemala.

Mr. Búcaro Flores (Guatemala) (*spoke in Spanish*): Allow me to begin this statement by expressing the appreciation of the Republic of Guatemala for the work of the International Court of Justice. We thank Judge Joan E. Donoghue, President of the International Court of Justice, for the comprehensive presentation of the annual report (A/78/4), which updates us on the judicial activity of the Court, and in particular for her commitment to the peaceful settlement of disputes, in accordance with the purposes and principles of the Charter of the United Nations and the Court's own Statute.

Each year, we can see the increase in the Court's work, which reflects the confidence that we, as Member States, have today in that international judicial organ and the possibility to resolve disputes impartially, effectively and in accordance with international law. We take note of the contentious issues dealt with by

the Court in the period under review and recognize the procedural, logistical, financial and human resource challenges that the current workload of the Court entails today.

Guatemala appreciates the invaluable work of the International Court of Justice regarding the peaceful settlement of disputes submitted to it and the confidence that we, as Member States, have placed in it by submitting for its consideration disputes arising between States, thereby demonstrating the important role of international law in the world order. Likewise, we recognize that the decisions of the International Court of Justice contribute to legal certainty. It is also the duty of us all to ensure compliance with the rules of international law.

History documents the countless conflicts that have existed over time and the different ways in which they have been addressed. Unfortunately, those disputes have sometimes been resolved by force, which has left as a legacy suffering and the loss of countless human lives.

Nevertheless, we can see that the work of the International Court of Justice, established through the Charter of the United Nations, is the result of many years of developments in the methods of conflict resolution at the international level. As Member States, we have placed considerable confidence in it owing to the fair and objective manner in which it resolves the issues brought before its jurisdiction. In addition to recognizing that the work of the 15 judges of the International Court of Justice is crucial, the effective fulfilment of the commitments accepted by States that have voluntarily submitted to its jurisdiction, especially the provisional measures issued by the Court, should be encouraged.

As is known to the Assembly, Guatemala and Belize have submitted *Guatemala's Territorial, Insular and Maritime Claim* before the International Court of Justice. It is our peaceful approach that has marked that commitment, sustained at the international level, which means a lasting solution to that dispute, which has separated us for many years, but which today we are settling in compliance with international law.

In April 2018 and May 2019, Guatemala and Belize, respectively, in accordance with the Special Agreement between Guatemala and Belize to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice, conducted their popular consultations in a peaceful manner and with positive results, primarily seeking to once and for all resolve that dispute before the International Court of Justice. Consequently, in June 2019, the Special Agreement was notified to the Court, thereby submitting the dispute to the Court's jurisdiction. Guatemala believes that such a practice should be encouraged as a mechanism of legitimization that will ensure for us the significance of submitting the dispute to the International Court of Justice with the full support of those participating in the case.

Guatemala welcomes the fact that the parties, which submitted their written submissions within the time limits set by the International Court of Justice, as indicated in the report before us today, completed those submissions, and thereby the written phase, and now there are new time limits set for the Court to consider our case.

We look forward to further strengthening the relations between Guatemala and Belize. It is appropriate to express our deep appreciation to the group of friendly countries of Guatemala and Belize for their contributions and support so that Guatemala can continue to promote the best relations with the Belizean people, since they now have the possibility to refer that territorial, insular and maritime claim in a peaceful manner, in accordance with international law. We are sure that the Court's decision will bring economic, social and political benefits to both countries, as well as development for the people who live in the adjacency zone. That projects us to the world as countries with a democratic and peaceful approach that serve as an example to the world that disputes can be settled peacefully and fairly.

Guatemala, like many other States, is concerned that the International Court of Justice will continue to face financial challenges due to the limitations on its economic and human resources that it faced in 2022 and 2023 as a result of the unprecedented workload and the procedural particularities of the cases currently under its jurisdiction. The current report shows that such a situation has created great difficulties and could even hinder the implementation of the Court's mandate going forward. While we welcome the fact that the Court today has also clearly gained the trust of us all so that we note the cost containment at the Court, those measures are not sufficient and will not be sustainable over time. We therefore urge Member States to meet their financial obligations and that consideration be

given to increasing the Court's budget in order to ensure that it can fulfil its mandate, which is now more essential than ever.

In conclusion, allow me once again to reiterate our appreciation and support for the work of the International Court of Justice and its judges, and of course for the decisions that they have taken to help to provide the legal certainty in specific cases that the world needs today.

Mr. Ruffer (Czechia): On behalf of the Visegrad Group, namely, Hungary, Poland, Slovakia and my own country, the Czech Republic, I thank the President of the International Court of Justice, Judge Joan E. Donoghue, for presenting the report (A/78/4) on the Court's work for the period from 1 August 2022 to 31 July 2023. Let me acknowledge the Court's achievements under her skilled leadership.

I have the honour to present the views of the Visegrad countries with respect to the Court's report. We would like to reiterate the fundamental importance of the pacific settlement of disputes between States and the indispensable role of the Court in delivering justice in such disputes. We would also like to express our deep appreciation and praise for the Court's substantive and authoritative contribution, through its jurisprudence, to the development of international law.

The international order and international law are currently going through a difficult period of challenges. At the same time, it seems that States and the international community in general are relying more than ever on the rule of law and the peaceful settlement of international disputes. The Court has probably never been as busy as it is now. During the period under review, the Court delivered four judgments and 20 orders, dealing with a wide range of issues. Furthermore, in the case *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, we witnessed the largest number of intervening States in a single contentious case before the Court in its entire history.

In addition to its current workload, the Court was recently seized of several new contentious cases involving issues such as the jurisdictional immunity of States, the crime of torture and other cruel treatment, and civilian aviation safety. It was also asked to deliver an advisory opinion on such difficult and complex issues as the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem,* and the *Obligations of States in respect of Climate Change*. All those developments demonstrate the confidence of States and the international community in the Court's adjudication.

The States members of the Visegrad Group have been firm supporters of the Court. We remain convinced that the Court's fundamental mission to settle disputes peacefully in accordance with international law and its contribution to conflict prevention and the rule of law have special importance in these difficult times. We believe that promoting the universality of the Court is essential to enable it to fulfil its indispensable role.

States can unilaterally accept the Court's compulsory jurisdiction under Article 36, paragraph 2, of the Statute, and so far 74 States have done so.

Treaty provisions on the peaceful settlement of disputes in bilateral and multilateral treaties offer another way to accept the Court's jurisdiction. It seems that States are becoming more and more aware of the importance and usefulness of such clauses. We would like to encourage them to continue to include jurisdiction clauses in treaties and refrain from formulating reservations to such clauses.

Mr. Gabi (Congo), Vice-President, took the Chair.

We wish to stress, however, that the willingness of States to subject their disputes to the Court's jurisdiction is not enough by itself. That willingness must go hand in hand with a commitment to implementing the Court's decisions, including orders on provisional measures. The Court cannot effectively deliver justice without States being aware of their responsibility to implement all its decisions diligently and in good faith. Those principles also apply to recent Court orders in the case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, as well as to its order of 16 March 2022 in the case *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, which concerns a situation that threatens international peace and security and involves enormous human suffering and the continuing loss of lives.

In conclusion, the countries of the Visegrad Group once again wish to express great appreciation for the Court's achievements and guidance in the interpretation,

clarification and reinforcement of international law. We wish the Court every success in its future hard work.

Mr. Colas (France) (*spoke in French*): On behalf of France, I would like to thank the President of the International Court of Justice for presenting the Court's report (A/78/4) on its activities and for her very enlightening briefing on the key role played by the presidency of the Court in carrying out its judicial activities, in directing its administration and in its representation among other institutions. In that regard, I would like to pay tribute to the way in which the President fulfils that role, and I assure her of France's renewed confidence and support.

The report on the Court's activities testifies to its importance in the peaceful settlement of disputes between States. As the list of cases on the docket shows, the Court's has seen an increase in its contentious caseload over the past few decades.

France wishes to reaffirm its deep commitment to the International Court of Justice, whose peaceful settlement of international disputes is essential to the maintenance of international peace and security. The Court's rulings contribute to calming relations between States and help them to reach a solution when other means of peacefully settling disputes cannot do so.

The contentious jurisdiction of the International Court of Justice is based on the consent of States, which may be expressed through the various modes of acceptance of that jurisdiction, in accordance with the provisions of its Statute. France is therefore party to a large number of treaties containing arbitration clauses providing for the jurisdiction of the International Court of Justice.

France recalls that States are bound to comply with the judgments and orders indicating provisional measures that the Court issues in the context of its contentious litigation. That is a matter of respect for a legal order based on the rule of law.

Furthermore, the Court also plays an important role through its advisory function. Although they are not binding on States and have a different function from that of judgments, which they are not intended to replace, advisory opinions help to ensure a better understanding of international law and therefore strengthen its authority. The introduction of two new requests for advisory opinions and the large number of written observations submitted by States or organizations underline the growing interest in that function.

Finally, France wishes to reiterate the importance that it attaches to the representation of different languages and legal cultures within the Court, as such diversity contributes to the quality of its work and the authority of its case law. France also recalls the importance of the Court's bilingualism, in accordance with Article 39 of its Statute, which states that the official languages of the Court are French and English.

In these challenging times for multilateralism, the International Court of Justice remains an essential institution for peace and the international legal order. I would therefore like to take this opportunity to reiterate, on behalf of France, the expression of our gratitude to the Court, its President and all its members and staff for the work accomplished.

Mr. Troncoso (Chile) (*spoke in Spanish*): Allow me to begin by conveying my Government's greetings to the President of the International Court of Justice, the Honourable Judge Joan E. Donoghue. Chile has taken note with satisfaction of the comprehensive report (A/78/4) presented to the General Assembly on the activities carried out by the Court for the period from 2022 to 2023.

The Court, the principal judicial organ of the United Nations, plays a fundamental and irreplaceable role in the interpretation and application of international law, generating valuable jurisprudence that contributes to the clarification and determination of the applicable international law, as well as to the validity and effectiveness of an international legal order called on to strengthen the peaceful coexistence of peoples.

We would also like to highlight the particular relevance that the broad diversity of issues that the Court has been addressing has for the development of international law, reflecting the intensive and valuable work carried out, especially given that it is, according to its Statute, an international Court with general international law jurisdiction.

We note that the increase in the Court's activities, as reported in the report, is a true reflection of the confidence that States have placed in it, particularly in view of the optional character of international jurisdiction. States and the international community in general value the jurisprudence of the Court, which is also the subject of

growing interest from various academic centres around the world.

The consolidation of the Court's reputation as an organ vested with great authority in the field is based not only on the outstanding track record of its members, but also on its impartiality and independence, all of which are values and principles that are reflected in its actions. Chile witnessed that seriousness and credibility on the occasions when it was called upon to appear before the Court. Indeed, during the specific period covered by the report, the Court delivered four judgments of great importance to our country, among which is that on the *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*. It also issued 20 orders for the handling of various contentious cases that are currently under way and held hearings in six cases.

We recognize the lofty responsibilities of the Court and its mission. In that context, the full and complete compliance in good faith with the international obligations emanating from its decisions, which constitute an obligation for the parties that submitted a dispute to its ruling, is something that Chile honours and fully adheres to.

In the same vein, we highlight the important role of the Court in the maintenance of international peace and security, not only through its contentious jurisdiction, but also, particularly in the reporting period, through its advisory jurisdiction. We believe that the legal review that the Court can carry out through its advisory role allows it to assist the United Nations organs that call upon it to deal with complex situations.

In particular, we refer to the two consultative cases currently pending before the Court relating to the *Obligations of States in respect of Climate Chang*e, on the one hand, and, on the other, the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. Committed to that function, Chile will continue to actively intervene in those two cases at the respective procedural opportunity.

Chile would see it as positive if the Court could consider translating its judgments into the Spanish language in order to allow broader access to the Court's jurisprudence. The Court already has some documents available on its website in that language, such as, for example, summaries of judgments and orders. Therefore, we believe that, due to the nature of Spanish as one of the official languages of the United Nations and one of the most widely spoken languages in the world, incorporating the practice of translating judgments into that language could contribute to their wider dissemination and their use in the most varied fields in the Ibero-American countries.

Chile would like to highlight the commitment that the Court has made to young people in order to involve them in its activities. That is reflected in the Court's Judicial Fellowship Programme, which my country supports. We urge the Court to continue that important Programme.

Chile joins in the expressions of support for the Court and trusts, as has been the case so far, that the United Nations will continue to provide the human and material resources necessary for its work with due attention to its requirements so that the essential function of the Court can be fully fulfilled.

Mr. Mikanagi (Japan): I would first like to extend my sincere appreciation to President Donoghue for her dedicated leadership and informative report (A/78/4) on the Court's activities over the past year. Japan commends the members of the Court and the Registry for their contributions to the effective and efficient functioning of the Court.

In January this year, as President of the Security Council, Japan convened an open debate on the theme "The rule of law among nations" (see S/PV.9241). President Donoghue and Professor Akande of the University of Oxford both kindly provided very insightful briefings relating to the role of the International Court of Justice in the promotion of the rule of law among nations.

In her briefing in January, President Donoghue mentioned the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. That Declaration was adopted by the General Assembly after long and difficult discussions among Member States in the 1960s. It was a time when many newly independent States joined the United Nations and the power balance in the Assembly changed dramatically. As President Donoghue pointed out in her briefing in January, a central objective for the Assembly in adopting the Declaration was to:

> "promot[e] the rule of law among nations and particularly the universal application of the principles embodied in the Charter." (*resolution 2625 (XXV), fourth preambular paragraph*)

The Declaration stated:

> "the faithful observance of the principles of international law concerning friendly relations and cooperation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security". (*resolution 2625 (XXV), annex, fifth preambular paragraph*)

As the principal judicial organ of the United Nations, the International Court of Justice can play a significant role in interpreting and applying the basic principles of the Charter of the United Nations, which are essential for the maintenance of international peace and security. Such principles naturally include the prohibition of the use of force under Article 2, paragraph 4, of the Charter.

In the *Wall* advisory opinion, the International Court of Justice found that the illegality of the acquisition of territory by force is a corollary of the prohibition of the use of force incorporated in the United Nations Charter, and it reflects customary international law. In view of the recent developments in international relations, the role of the International Court of Justice in the maintenance of international peace and security is particularly important in interpreting and applying rules relating to the acquisition of territory by force. As we all remember, before the Second World War powerful States competed to acquire territory by force and should therefore provide important safeguards against a return to rule by force.

President Donoghue pointed out in her briefing in January that, at the international level, the concept of the rule of law is in a constant battle with competing tendencies, but she also rightly argued that "this is not a time for the rule of law to wave the white flag of surrender" (S/PV.9241, p. 5). If we are not waving the white flag of surrender for the rule of law, we should discuss the role of the International Court of Justice in interpreting and applying the basic principles of the United Nations Charter.

In considering the role of the International Court of Justice for the maintenance of international peace and security, another important resolution should be recalled, namely, the Manila Declaration on the Peaceful Settlement of International Disputes, which was adopted in 1982. In adopting that Declaration, the Assembly reaffirmed

> "the need to exert utmost efforts in order to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make more difficult the solution of those conflicts and disputes." (*resolution 37/10, third preambular paragraph*)

That Declaration drew States' attention to the role of the International Court of Justice in the settlement of legal disputes.

In his briefing in January, Professor Akande pointed out that only 73 out of 193 States had made declarations recognizing the compulsory jurisdiction of the International Court of Justice. He said that increased acceptance of the jurisdiction of the International Court of Justice and other tribunals would mark an important advance in the rule of law and contribute to the maintenance of peace.

In 2019, the Japanese Government cooperated with Oxford scholars in their study on States' acceptance of the jurisdiction of the International Court of Justice. If one looks at the list of cases brought before the International Court of Justice, many rely on several rather familiar conventions. While they are all important cases, the increased acceptance of the jurisdiction of the International Court of Justice should strengthen its role and mark an important advance in the rule of law.

Japan also understands that that is easier said than done, as adverse judicial decisions often cause heavy pressure at home. However, when international peace and security are seriously at stake, States should pause and give some thought to the potential role of the International Court of Justice. Japan sincerely hopes that Member States that have not made a declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice will consider doing so for the settlement of disputes not covered by other relevant dispute settlement mechanisms, in particular in relation to issues that are likely to affect international peace and security.

A State that accepts the jurisdiction of the International Court of Justice over relevant legal issues is unlikely to resort to forcible measures, which are difficult to justify under international law, in advancing its interests. Therefore, the acceptance of that legally binding dispute settlement mechanism works as a deterrent against unlawful forcible measures and contributes to the maintenance of international peace and security. On the other hand, if a State resorts to

forcible measures difficult to justify under international law and rejects a legally binding dispute settlement, that State cannot claim to be a faithful observer of international law.

Even in the absence of the existing jurisdiction of the International Court of Justice based on the declaration under the Statute of the Court or treaties providing for the Court's jurisdiction, the Security Council may recommend appropriate procedures or methods of adjustment, including the utilization of the International Court of Justice, in accordance with Article 36 of the Charter of the United Nations. It should be remembered that that provision was used 76 years ago. In 1947, the Security Council made a recommendation to refer to the International Court of Justice under Article 36 of the Charter in dealing with the Corfu Channel case.

In conclusion, I reiterate Japan's steadfast support for the role of the International Court of Justice in maintaining and strengthening the rule of law as the principal judicial organ of the United Nations. Japan is determined to continue its efforts to promote the rule of law among nations for the maintenance of international peace and security.

Ms. Von Uslar-Gleichen (Germany): In the face of the ever-growing complexities and challenges to the international community, international law remains of paramount importance in order to provide the guardrails for a just world. In times like these, the International Court of Justice is more indispensable than ever as an institution. As the principal legal organ of the United Nations, the Court provides States with the means for the peaceful settlement of disputes. Germany would like to thank President Donoghue for both her report (A/78/4) and her great contribution to the Court in the past years.

Together with other central judicial institutions, such as the International Criminal Court, the International Tribunal for the Law of the Sea and the Permanent Court of Arbitration, the International Court of Justice represents a major guardian of the international legal order. The number of cases before the International Court of Justice has steadily increased. Currently, 20 cases are on the docket of the Court. That is an encouraging development and shows the enormous prestige, weight and responsibility of the International Court of Justice. Allow me briefly to address a few cases that, to Germany, are of particular significance.

First, on the case of *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, upholding the integrity of the Genocide Convention and rebutting attempts to justify an illegal aggression under the pretext of false allegations of genocide are of paramount importance to Germany. Germany has a specific interest in upholding the integrity of the Genocide Convention, not least in view of Germany's own past.

We have therefore decided to intervene in those proceedings, as have 31 other States parties to the Genocide Convention. The unprecedented extent of participation clearly speaks to the interest of the parties to the Genocide Convention in its interpretation. We are grateful to the Court for the opportunity to present our views on the proper construction of the Genocide Convention in that case.

Secondly, for the first time, the Court has been called upon by the General Assembly to give an advisory opinion on the obligations of States in respect of climate change. To address the impacts of climate change requires collective action and international cooperation. Now more than ever, we need solutions on a large scale. Therefore, to us, it is only consequent that, with its legal authority, the International Court of Justice should weigh in and clarify our thinking on how far existing legal obligations in that field reach. Clarity and certainty on the applicable rules can help us in our endeavour to address climate and security challenges. Germany will therefore submit a written statement to the Court in those proceedings in order to support the Court in its important work.

Thirdly, Germany is closely following the developments in the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*. We wish to commend the Gambia for having brought the matter before the Court. Furthermore, Germany welcomes the decision of 22 July by the Court on the admissibility of the case based on obligations *erga omnes partes*. It is our deepest felt conviction that grave human rights violations, wherever they occur, must be addressed. Germany has therefore announced that it will intervene in those proceedings at an appropriate time. Where human rights conventions provide for the Court's jurisdiction, the International Court of Justice has a vital role to play in order to ensure the correct application and interpretation of those norms. In that context, Germany

will also closely follow the case brought by Canada and the Netherlands against Syria earlier this year on the basis of the Convention against Torture.

Finally, it is imperative that States, where they have accepted the jurisdiction of the Court, comply with its rulings. Orders on provisional measures too are binding under international law. Hence, we urgently call upon the Russian Federation to abide by the order of the Court of 16 March 2022 and to cease its aggression against Ukraine, a fellow Member of the United Nations.

The increase in the number of cases before the Court is a welcome development. At the same time, Germany appreciates that the growing workload also poses challenges to the Court's capacities — challenges that the Court has shown to be capable of meeting. However, we are all called upon to ensure that the same holds true in the future. The International Court of Justice is the main instrument for the peaceful settlement of disputes between States. Let us make sure that we maintain and protect it together.

Ms. Langrish (United Kingdom); I would like to start by thanking President Donoghue both for her exemplary leadership of the International Court of Justice over the past three years and for her informative report (A/78/4) today. We note that the Court has once again experienced a very high level of activity, and we would like to express our gratitude to all the judges and the members of staff of the Court for their hard work and dedication to the peaceful resolution of international disputes.

The United Kingdom recognizes the key role of the International Court of Justice in upholding the rule of law and thereby contributing to the maintenance of international peace and security. The ability of the Court, as the principal judicial organ of the United Nations, to ensure the just and peaceful settlement of disputes is today more important than ever.

We note that five new contentious cases, together with two requests for advisory opinions, have been filed before the Court since the President addressed the General Assembly last year (see A/77/PV.20). States from all regions of the world continue to bring important questions before the Court on a wide range of legal issues, including maritime and territorial delimitation, reparation for internationally wrongful acts, environmental protection, jurisdictional immunities and the interpretation and application of international treaties, including those concerned with the prevention of genocide, the suppression of terrorist financing and the safety of civil aviation. The nature and number of cases before the Court in recent years underline the high regard in which States hold the Court.

We note that a number of the Court's contentious cases and advisory opinions involve multiparty proceedings. We commend the Court for its management of the complex processes involved. We reiterate our support for the Court in accommodating the additional demands made on it in that respect.

The United Kingdom is proud to continue to be one of the Court's strongest supporters, and it reiterates the call made by the General Assembly for more States to consider accepting the compulsory jurisdiction of the International Court of Justice. Once again, the United Kingdom would like to thank the President of the Court for her report to us today.

Mr. Perrez (Switzerland) (*spoke in French*): We thank the President of the International Court of Justice for presenting the Court's report (A/78/4). At the end of another year of intense activity for the Court, Switzerland wishes to reiterate its support for the peaceful settlement of disputes, which the Court embodies. Year after year, the Court continues to deal with a large number of cases of a great diversity and crucial importance.

We would like to emphasize two points in this statement: the Court's advisory role and the importance of accepting its jurisdiction.

Switzerland has long supported the Court's work. That support is part of a foreign policy that seeks to encourage the peaceful resolution of disputes and to promote the rule of international law. In that regard, the Court is a unique organ of the United Nations. In addition to its role in inter-State disputes, it is important to remember that it can also be utilized to serve the United Nations itself in the fulfilment of its mission and objectives. The possibility for the General Assembly to request an advisory opinion is a fundamental aspect of the promotion of the rule of law at the international level.

The possibility of obtaining legal clarifications on a given situation enables the Organization as a whole to carry out its tasks in a just manner. The opportunity given to States and international organizations to submit written statements contributes to the quality of the Court's reflections. That gives the Court the opportunity to take account of the international

community's views on the state of the law. It was with that in mind that Switzerland took part in the Court's work this year.

For many decades, a recurring objection submitted to the Court has been the lack of consent in the context of advisory opinions. The Court has consistently and rightly held that that does not constitute an obstacle to the exercise of its jurisdiction. Switzerland supports that practice.

Nonetheless, the Court's contentious jurisdiction remains based on the consent of States. Switzerland therefore encourages all States to accept the Court's jurisdiction. Prior acceptance of the Court's jurisdiction is an indispensable component of the promotion of international peace and security. It is all the organs of the United Nations that will enable us to fulfil our duty to save succeeding generations from the scourge of war. It is not enough to be active in just one of them on an ad hoc basis. The International Court of Justice is part of the Organization and is an indispensable instrument for achieving the latter's objectives. To achieve that, accepting the Court's jurisdiction is both a concrete and a symbolic step, while remaining extremely simple.

This is an opportunity to recall that several States, including Switzerland, published the *Handbook on accepting the jurisdiction of the International Court of Justice* in 2014. The *Handbook* provides useful indications regarding the various ways in which a State may consent to the jurisdiction of the Court. Practical advice is included, in particular model clauses that can be adapted to the needs of each State. Thus, whether a State wishes to consent to the jurisdiction of the Court through the ratification of a treaty, a unilateral declaration or an ad hoc consent after the introduction of a case, it can find concrete and detailed support in the *Handbook*, which is available in all United Nations languages on the website of the Court.

It is also with that aim that Switzerland joined Romania's initiative on strengthening the Court's jurisdiction, put forward in 2021. That initiative seeks to encourage States to consent to the Court's jurisdiction.

It is by doing everything possible to ensure the peaceful resolution of disputes, as provided for by the Court, that the United Nations will be able "to be a centre for harmonizing the actions of nations in the attainment of ... common ends".

Mr. Herrera (Argentina) (*spoke in Spanish*): First of all, allow me to thank the International Court of Justice and its President, Judge Donoghue, for the presentation of the report (A/78/4), which details the work carried out in the reporting period.

Since its establishment in 1946, the International Court of Justice has continued to play a vital role in promoting the rule of law, upholding international law and preserving international peace and security through the peaceful resolution of disputes. The Court is the only international tribunal for the settlement of inter-State disputes of a universal character and with general jurisdiction.

Over the past 20 years, the Court's workload has grown considerably, and that seems to be the trend for the future. That shows that the Court is as reliable and necessary an institution as ever.

As noted in the report, the cases submitted to the Court cover a wide range of issues, including, for example, territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, environmental protection, the jurisdictional immunity of States and the interpretation and application of international treaties and conventions.

As mentioned in the document, the geographical dispersion of the cases brought before it and the diversity of their subject matter highlight the universal and general nature of the jurisdiction of the Court. In terms of effectiveness, there is no doubt that the Court holds a pre-eminent position among the organs of the United Nations system. The vast majority of the rulings of the Court are implemented by the parties to the dispute and are also recognized by third States. That high level of compliance is largely the result of the trust that States place in the Court, which, in a positive cycle, means that an increasing number of countries are submitting disputes before the Court's jurisdiction.

In recent times, States have submitted cases to the Court in areas of international law that were previously not usually brought before the Court, such as human rights and environmental protection. In the future, we can expect such diversity to continue. The Court has not only been able to successfully address those complex issues, but has also developed a rich jurisprudence, which has contributed to the gradual development of norms and principles in those areas.

As with any international court, the Court faces ongoing challenges. There is still much room for improvement in areas such as multilingualism. Nevertheless, there is little doubt that the Court provides an important service to the international community, making unique contributions to peace.

We would like to once again highlight the adoption of resolution 75/129, by which the General Assembly decided on the establishment of a special Trust Fund for the Judicial Fellowship Programme of the International Court of Justice, administered by the Secretary-General and setting up a mechanism that allows universities in developing countries to nominate candidates from among their recent law graduates to continue their training for nine months at the Court. The increased opportunities for future international law professionals to experience the Court and learn from its judges will in turn serve to strengthen the rule of law and help to publicize the valuable role that the Court can play in promoting international peace and security.

Finally, we note that, in preparing its budget proposals for 2024, the Court has requested the financial resources that are essential for the discharge of its judicial functions. We hope that the request can be endorsed by the Fifth Committee.

In conclusion, the Argentine delegation wishes to reiterate its commitment and support to the valuable work of the International Court of Justice and hopes that all delegations will continue to ensure compliance with, and respect for, international law.

Mr. Korynevych (Ukraine): We welcome the President of the International Court of Justice to the General Assembly and express our gratitude for her comprehensive presentation of the report (A/78/4).

What we all observe and what is confirmed by the report is the fact that more and more States are turning to the Court to seek the protection of their rights and the rights of their people. That confirms the demand of States to restore justice and trust in the power of the Court to administrate international justice.

The questions that are currently under consideration by the Court are of vital importance not only to the parties of the disputes, but also to the international community as a whole. They will affect the future application and interpretation of different instruments of international law and various bilateral and multilateral treaties.

In February 2022, we turned to the International Court of Justice due to the dire need for protection, and we still need that protection today. When Russia used its false allegations of genocide as a pretext for the full-scale military invasion of Ukraine, we had no choice but to go to the Court immediately. When the Convention on the Prevention and Punishment of the Crime of Genocide is so cynically abused and used for a war of conquest, Ukraine believes in the Court's essential role in the implementation and correct application of that landmark human rights instrument on the eve of its seventy-fifth anniversary for the sake of the highest ideals of humankind.

Moreover, 33 States made applications of intervention in the case *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* because they saw the extraordinary danger of a different application, interpretation and fulfilment of the Genocide Convention under which States may callously abuse their solemn obligation to prevent and punish genocide. The intervening States shared the view of their consideration in the highest purposes of the Convention and the preservation of its integrity and the integrity of the international legal order. We appreciate that, in our fight against tyranny, we are standing side by side with the democratic world and fighting for freedom in Ukraine.

We would also like to note the consistent practice of the International Court of Justice to emphasize in its orders on provisional measures reference to Article 41 of the Statute. It reaffirms that its orders have a binding effect and create international legal obligations for parties to whom the provisional measures are addressed.

Unfortunately, not all States respect the Court's orders and take genuine measures to implement them in good faith. I would like to recall that on 16 March 2022, the International Court of Justice ordered the Russian Federation to immediately suspend its so-called military operations that it commenced on 24 February 2022. The very same day, Russia shelled the Drama Theatre in Mariupol, killing at least 600 civilians. Today it is apparent that Russia neglects its obligations under the language of the order of the International Court of Justice. By ignoring the order of the International Court of Justice, Russia continues to violate the binding decision, clearly showing its attitude to the Court, the Charter of the United Nations and international law as a whole. In that regard, we call upon the international

community to insist that Russia abide by international law, including the binding rulings of the Court.

I would like to recall that Russia's contempt for international law did not start in 2022. Back in 2014, Russia occupied and illegally tried to annex the Autonomous Republic of Crimea and the city of Sevastopol and then imposed a constant policy of discrimination against the Crimean Tatar and Ukrainian ethnic population, with the aim of consolidating Russian dominance on the peninsula by destroying competing cultures. Back in 2014, Russia, its officials, military personnel, private organizations and individuals supplied weapons, provided financing, conducted training and supplied other forms of assistance to armed formations, including the so-called Donetsk and Luhansk People's Republics and other related groups and individuals operating on the territory of Ukraine. In 2017, Ukraine brought claims under two treaties — the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination, as we had a dire need of protection from the violence and terror that Russia has been perpetrating since the beginning of 2014.

We believe that Ukraine's power is primarily its citizens and their fighting for freedom, justice and accountability. We emphasize that every effort that Ukraine's Government has made is directed at the people of Ukraine, whose rights and interests are being brutally violated not only due to Russia's unprovoked aggression within the territory of Ukraine, but also outside the country. On 8 January 2020, the Islamic Republic of Iran committed a deliberate attack on the Ukrainian International Airlines civil Flight PS-752 in Tehran, effectively killing 176 innocent people on board, including 11 Ukrainians. As the relevant legal response, Ukraine, together with Canada, Sweden and the United Kingdom, filed an application with the International Court of Justice against Iran under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. As the four countries jointly stated before, we reflect our unwavering commitment to achieving transparency, justice and accountability for the families of the victims.

By looking at the facts and the law fairly and impartially, the honourable International Court of Justice can deliver historic decisions. It can help to guide the international community towards justice, sustainable peace and the prevention of future gross violations of international law. The lack of accountability for Russia and other violators of international law must finally end.

Ukraine acknowledges the fundamental role of the International Court of Justice in the judicial settlement of disputes between States. Once again, we want to reiterate our commitment to the peaceful settlement of disputes. We value the impartiality and expeditious manner of the Court's activities. We recognize the crucial role of the International Court of Justice in maintaining and promoting the rule of law throughout the world, especially in situations of conflict. We believe that Russia's war of aggression against Ukraine is actually a breaking point for whether or not democracy lives on and for where democracy is on the global scale. Today it is in the Court's hands.

Mr. Ma Xinmin (China) (*spoke in Chinese*): The Chinese delegation thanks President Donoghue for her report (A/78/4) on the work of the International Court of Justice and pays tribute to all the judges and the staff of the Registry for their diligent performance of their duties.

China attaches great importance to the role of the International Court of Justice as a systemic pillar in safeguarding peace, justice and international order. As an integral part of the United Nations architecture for the maintenance of international peace and security, the Court is of vital importance in preventing conflicts and maintaining international peace and security. As a primary institution of the intergovernmental organization of sovereign States, the Court plays an important role in safeguarding national sovereignty, peacefully settling disputes and promoting friendly relations among States.

As the principal judicial organ of the United Nations, the Court plays a crucial role in interpreting and applying the law, determining the facts, safeguarding the purposes and principles of the Charter of the United Nations and the international legal order and promoting international fairness and justice. China believes, and hopes, that, going forward, the Court will play an even greater role in international relations.

China has always actively supported the work of the International Court of Justice and has been following the Court's judicial activities very closely. In the past year, despite its increasingly heavy workload, the Court continued to diligently perform its mandate with a high degree of professionalism, handing down four judgments and rendering 20 orders. The Court's achievements are

remarkable, for which China expresses its appreciation. In recent years, the number of the Court's contentious and advisory proceedings have continued to grow, covering a wide range of important topics of international law, including international peace and security, matters of common concern to all humankind, land and maritime delimitation, State immunity, diplomatic relations and the interpretation and application of human rights treaties. The handling of those cases by the Court not only directly affects the interests of the countries participating in the proceedings, but also has a bearing on the stability of the international order, as well as the effective implementation and long-term development of international law.

This year, the Court received requests from the General Assembly to provide advisory opinions on the occupied Palestinian territory (resolution 77/247) and climate change (resolution 77/276). The receipt of two advisory requests within a year is rare in the history of the Court and reflects the importance that United Nations entities and Member States attach to the Court's advisory function.

With respect to the advisory proceedings on the occupied Palestinian territory, China submitted a written statement to the Court, expanding its position on the jurisdiction of the Court, international humanitarian law, international human rights law, the right to self-determination and State responsibility, among other things.

China maintains that the two-State solution remains the basis for a comprehensive, just and lasting solution to the Palestinian question. The recent clashes between Palestine and Israel resulted in heavy casualties on both sides. China has been closely following the situation. We believe that the priority now is to achieve a ceasefire without delay so as to prevent further deterioration. China insists that all parties to the conflict should strictly abide by the laws of war, or *jus ad bellum*, and international humanitarian law, or *jus im bello*, and should protect civilians and civilian infrastructure.

The harrowing repetition of that tragedy fully bears out the need and urgency for the international community to take concrete action. China hopes that the Court will maintain objectivity and impartiality and interpret and apply the rules of international law in a comprehensive, accurate, equal and uniform manner. The Court should fully consider the views of all parties before rendering the advisory opinion so as to provide legal guidance on the handling of relevant issues by the United Nations going forward and should promote a proper settlement of the Palestinian question.

China is preparing its written submission with regard to the advisory proceedings on climate change. China is of the view that climate change is not just an environmental issue but, to a larger extent, a matter of sustainable development, as well as international fairness and justice. Climate solutions require that practical, domestic climate actions go in tandem with effective international cooperation.

Given the special nature of climate change, it follows that the climate response must be based primarily on international climate change law, supplemented by other departments of international law. The climate change legal regime, with the United Nations Framework Convention on Climate Change, its Kyoto Protocol and the Paris Agreement at its core, is the fundamental and primary framework for dealing with climate change. The basic principles and rules established under that Framework, as well as the spirit that it embodies, should be observed and upheld.

China stands committed to cooperating with other countries in unity, actively fulfils its obligations under the Framework Convention regime and contributes to addressing the global challenge of climate change.

Mr. Celorio Alcántara (Mexico) (*spoke in Spanish*): We thank Judge Joan E. Donoghue, President of the International Court of Justice, for her presentation of the report (A/78/4) on activities during the period from August 2022 to July 2023. The level of activity that the Court has recorded in the reporting period makes it clear that it continues to be an essential judicial organ. The four judgments and 20 orders issued in the past year attest to the rigour, quality and coherence of its work.

It is no coincidence that the Court has before it 18 contentious cases and two advisory proceedings. It is noteworthy that the new contentious cases originate from all regions of the world, including, of course, Latin America and the Caribbean. That reflects the confidence that we, as States, have placed in the Court. We are sure that in the years to come, the Court will continue to contribute to the application and interpretation, and therefore the development, of international law. In keeping with its general jurisdiction, the cases *sub judice* cover various issues, ranging from delimitations and the interpretation of human rights treaties to jurisdictional immunity, to name but a few.

As far as the advisory procedures are concerned, it is clear that the two requests for advisory opinions that are under the Court's consideration have already generated tremendous interest from States, international organizations and civil society. Without doubt, the opinions rendered by the Court have provided the legal clarity expected from the highest international Court on issues of importance to humankind and international peace, thereby contributing to finding solutions to complex issues that gave rise to them. In both cases, it is a matter of urgent issues, in which once again the power of reason and law should prevail in order both to stop and to prevent greater crises and global instability. As we have said on other occasions, the Court's advisory role provides an opportunity to strengthen the Secretary-General's task of preventive diplomacy. It therefore seems to us that authorizing the Secretary-General to request advisory opinions from the International Court of Justice on an ongoing basis would be an additional tool in order to better discharge his mandate.

Mexico reiterates its support for the work of the International Court of Justice, which, as a universal court, plays a fundamental role in the peaceful settlement of disputes. Since 1947, Mexico has recognized its compulsory jurisdiction. It is undoubtedly positive that the number of States recognizing the Court's compulsory jurisdiction has increased in the past two decades. However, it never ceases to amaze that only 74 States, of which only one is a permanent member of the Security Council, took that decision — less than half the membership. We solemnly urge those that have not yet done so to take that important step for peace through the law.

Mexico therefore supports the declaration on promoting the jurisdiction of the International Court of Justice — an initiative of Romania. Similarly, with the aim of strengthening the means for the peaceful settlement of disputes, we will continue to promote the inclusion of jurisdictional clauses recognizing the International Court of Justice in the multilateral treaties that we are negotiating. A simple review of the most recent cases that have come before the International Court of Justice shows the importance of having such jurisdictional clauses in order to be able to access it.

Mexico's commitment to the Court has not only been reflected by the acceptance of its jurisdiction. Mexico has had recourse to the Court for the peaceful settlement of disputes in the case *Avena and Other Mexican Nationals* and has also looked to the General Assembly in an effort to implement its rulings. Our contribution has also been reflected in the participation of eminent Mexicans as judges of the world Court. We hope to be able to count on the Assembly's support in electing Mr. Juan Manuel Gómez-Robledo in the election of judges that will take place on 9 November, thereby adding another great jurist to that select group of internationalists.

In conclusion, Mexico reaffirms its absolute confidence in the impartiality and independence of the International Court of Justice, whose work is the cornerstone of its legitimacy in resolving the disputes that we States submit to its jurisdiction. We have the firm conviction that there is no global challenge or dispute between nations that cannot be resolved through international law. Even in the extreme circumstance of war and when the use of force is resorted to, international law remains a lingua franca between States.

The Acting President (*spoke in French*): I now give the floor to the representative of the European Union, in its capacity as observer.

Mr. Hoffmeister (European Union): I have the honour to speak on behalf of the European Union (EU). At the outset, allow me to thank President Joan E. Donoghue for her presentation of the report (A/78/4) on the activities of the International Court of Justice between 1 August 2022 and 31 July 2023.

The Court stands tall as a beacon of justice through the rule of law at the international level. Since May 1947, when with *Corfu Channel (United Kingdom v. Albania)* the first case entered on the Court's General List, 190 cases have been registered on the Court's roster. The docket is currently full. With the most recent cases submitted, it reached 20 cases.

The large number of cases pending before the Court, as well as the recent increase in the Court's caseload, involving a wide variety of disputes, demonstrate the crucial role of the Court in adjudicating legal disputes. That has been possible only through the dedication and high ethical and professional standards of the judges. We thank the President of the Court, its judges, the Registrar and all the staff of the Court for their unwavering commitment to delivering justice.

On 9 November, the General Assembly and the Security Council will elect five judges out of nine candidates for a period of nine years, beginning in

February next year. Those key elections will shape the bench of the Court for the decade to come.

The International Court of Justice has a pre-eminent position in the peaceful settlement of disputes at the international level. By settling inter-State disputes and rendering advisory opinions to the main organs of the United Nations and its specialized agencies, the International Court of Justice has greatly contributed to the maintenance or restoration of international peace and security and to the development of friendly relations and cooperation among States.

However, the Court's role in the maintenance of international peace and security through the peaceful settlement of disputes is only as effective as the extent to which the parties to the disputes abide by its rulings. The European Union urges all States that submitted their disputes to international adjudication by the Court to comply with its judgments and orders.

The European Union deplores the fact that the legally binding order issued by the Court in March 2022 requesting Russia to immediately suspend its military operations in Ukraine remains unimplemented. The case between Ukraine and Russia concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* seeks to establish, inter alia, that Russia has no lawful basis to take unilateral military action against Ukraine on the basis of unsubstantiated allegations of genocide. As respective States parties to the Genocide Convention, 26 States members of the European Union have intervened before the Court to share their views on the construction of the Convention under Article 63 of the Statute. That unprecedented move shows how important it is to uphold the integrity of the Convention, as underlined by many speakers before me.

The European Union looks forward to the ruling on jurisdiction and the merits of the case. It is equally awaiting all other rulings and advisory opinions of the Court that aim to clarify the legal obligations of States and international organizations under international law.

Climate change is part of the triple planetary crisis, alongside biodiversity loss and air pollution. It is the existential crisis facing humankind today. While all other principal organs of the United Nations have considered climate change, the Court has not yet had the opportunity to do so. The request for an advisory opinion submitted by the consensus resolution 77/276, co-sponsored by all the States members of the EU, in spring this year represents a landmark opportunity for the Court to clarify the legal obligations of States in relation to climate change, specifically with regard to those particularly affected by the adverse effects thereof.

The European Union would like to stress its appreciation for the choice of engaging the Court through advisory proceedings. Its non-contentious nature avoids disputes and encourages the continued pursuit by the international community of further ambitious and effective action, including through international negotiations, to tackle climate change.

The European Union intends to submit written submissions and to make oral statements at the hearing before the Court. It is at the forefront of climate action, having taken determined and decisive action to tackle climate change through regulation, diplomacy, committed action and international cooperation. It supports the progressive development of international law and robust adherence to it by promoting the individual and collective action of States to prevent and respond to the adverse effects of climate change and, importantly, by showing solidarity with those particularly vulnerable to the impacts of climate change.

The European Union expects the advisory opinion to answer the legal questions on the basis of the current state of international law with regard to all States and to clarify the obligations of States under the applicable international law, as well as the legal consequence for all States arising from a breach of such obligations. It will provide legal motivation for all nations, including emerging and high-emitting developing countries, to build greater ambition into their Paris Agreement nationally determined contributions and take meaningful action to curb emissions and protect human rights.

In the EU's statement last year (see A/77/PV.20), it also recalled the vast array of case law in which European courts refer to the jurisprudence of the International Court of Justice to interpret and apply international law within the Union's legal order. From the year 2023, another important ruling can be added. In *Venezuela v. Council*, the General Court recalled the procedural requirements flowing from the *Gabčíkovo-Nagymaros Project* case of the International Court of Justice. Moreover, the EU's General Court made reference to the vast jurisprudence of the International Court of Justice on *erga omnes* obligations since *Barcelona Traction* when addressing questions of

jurisdiction. That is another clear illustration of the nexus between international law and EU law, and the Court may wish to explore the possibility of regular exchanges with the Court of Justice of the European Union on issues of common interest.

Let me come to a close. The European Union holds the work of the Court in high regard. As the principal judicial organ of the United Nations, through its authoritative decisions and opinions it greatly contributes to the promotion of international justice globally. The European Union reaffirms its continuing support for the International Court of Justice.

Ms. Jørgensen (Denmark): I have the honour to speak on behalf of the five Nordic countries — Finland, Iceland, Norway, Sweden and my own country, Denmark. Let me first thank President Joan E. Donoghue for the report (A/78/4) of the International Court of Justice.

The Nordic countries attach great importance to the International Court of Justice and would like to use this opportunity to commend the work of the Court and emphasize the importance of the Court's role in the international legal order. The Court plays a central role in the peaceful settlement of international disputes and the rule of law in global affairs. The Court has earned a solid reputation as an impartial and independent institution with the highest legal standards and consistent jurisprudence — truly a world Court.

During the reporting period under review, the Court once again experienced a high level of activity, with cases of a wide geographical spread concerning a variety of legal issues, which range from territorial and maritime delimitation to the prevention of genocide and human rights, as well as environmental protection. Not only have five new contentious cases been submitted to the Court this year, but also two requests for advisory opinions.

The submission of a dispute to the Court is an act to fulfil the obligation of all States to settle their disputes peacefully. There are 20 cases pending before the Court at the moment, seven of which were initiated between September 2022 and September 2023. That shows that the Court's continued contribution to the peaceful settlement of disputes is of great value and much in demand. It is also testament to the trust that States place in the Court. That, in turn, attests to States' strong commitment to the rule of law, the peaceful settlement of disputes and the maintenance of international peace and security.

To maintain that trust, it is paramount that the Court adhere to the effective, impartial and good administration of justice when exercising its mandate. States, for their part, are obliged to ensure compliance with, and the fulfilment of, the orders of provisional measures and judgments of the Court in order to preserve both its integrity and its judicial function.

We urge all States to engage constructively in multilateral cooperation based on international law, of which the peaceful settlement of disputes forms an integral and crucial part. In today's challenging global political environment, the peaceful settlement of disputes is more relevant than ever. While there are several ways to establish the jurisdiction of the Court, we call upon States that have not yet done so to consider accepting the compulsory jurisdiction of the Court.

In March 2022, the States parties to the Convention on the Prevention and Punishment of the Crime of Genocide were informed by the Court that Ukraine had filed an application instituting proceedings against the Russian Federation under the Genocide Convention and that, as States parties to that Convention, they had a right to intervene in the proceedings under Article 63 of the Statute of the Court.

So far, interventions under Article 63 have been rare. The object and purpose of Article 63 is to ensure that States other than the parties to the dispute can present their views to the Court on the construction of conventions to which they too are parties. Therefore, the intention is to recognize that every State party to a multilateral convention has a direct interest in the interpretation of that convention. That right is also of inherent value for the Court, as it may provide valuable assistance in its decision-making. Importantly, if a State party decides to use the right, it also accepts that the construction given by the Court in its judgment will be binding upon it.

Several States parties have indeed independently decided to use their right to intervene in that case. At this stage of the proceedings, they have presented their views to the Court on the construction of article IX and other provisions of the Convention, insofar as they pertain to the question of the Court's jurisdiction. The Nordic countries believe that such interventions offer an ample reflection of the importance of the Court as

an institution for the promotion and protection of an international system based on the rule of law.

The election of new judges of the Court is coming up soon. The Nordic countries would like to use this opportunity to reiterate the need to strive for a better gender balance in the Court. The election on 9 November is an opportunity to reflect on our shared efforts to achieve the equal representation of women and men in the Court. We encourage all States to keep on working actively towards that goal.

Finally, the Nordic countries would like to reaffirm their continuing support for the International Court of Justice as the principal judicial organ of the United Nations and to the international legal system more generally.

Mr. McCarthy (Australia): I am honoured to speak today on behalf of Canada, New Zealand and my own country, Australia (CANZ). We wish to extend our thanks to the President of the International Court of Justice, Judge Joan E. Donoghue, for her comprehensive report (A/78/4) today on the Court's work over the past year.

The report recalls the Court's status as the only international court of a universal character and with general jurisdiction and outlines the immense range of issues in relation to which States have sought the Court's assistance. It neatly summarizes the ways in which States use the role of the Court as a tool for the protection and the promotion of the international rules-based order.

CANZ also thanks President Donoghue for her announcement today that the Court has updated its rules and practice directions to adopt gender-inclusive language. We commend the Court for those amendments. They are important and meaningful.

The CANZ countries remain strong supporters of the Court. Notwithstanding its significant workload and the complexity of cases for consideration, we applaud the Court for its prompt delivery of judgments and advisory opinions following the conclusion of oral proceedings. We encourage all States to recognize the expeditious work of the Court in pursuit of our shared goals of peace and security and to continue to turn to the Court to resolve their differences where diplomatic efforts have failed.

Widespread confidence in the institution is evidenced by the volume of proceedings before the Court, both contentious and advisory. In particular, we note the landmark adoption by consensus in March of this year, with 132 co-sponsors, of resolution 77/276, seeking an advisory opinion from the Court on the obligations of States in respect of climate change. That is a clear demonstration of the strength of such confidence in the Court's independence, the expertise and integrity of its judges and the rigour of its proceedings. We commend Vanuatu for its leadership on that important initiative.

We expect the Court's programme for the coming year to remain full, and we look forward to the Court's clarification of a range of questions of public international law as proceedings progress. As the Court's caseload continues to grow, we must ensure that it remains appropriately resourced to deliver on its vital mission.

The CANZ countries would also like to take this opportunity to thank the members of the Court for their dedicated work and commitment to the institution. We feel strongly that the broad support for the Court's jurisdiction by Member States contributes to the efficient fulfilment of the Court's primary role — the consideration of the substance of disputes. We respectfully request that those States that have not already done so consider joining the CANZ countries in their acceptance of the Court's compulsory jurisdiction in accordance with its Statute.

We also wish to highlight the undertaking that all Member States have given to comply with the decisions of the Court in any case to which they are a party. That includes provisional measures orders. We reiterate the importance of respecting and abiding by international law, to which the Court's jurisprudence contributes, so as to reinforce the benefit of the international judicial system for all Member States.

We were pleased by the update in the Court's report regarding the use of funds from the Trust Fund for the Judicial Fellowship Programme. Supporting young jurists in experiencing training at the Court will facilitate the increased geographic and linguistic diversity of the Fellowship Programme participants and, in turn, improve the accessibility of the Court.

Indeed, the Court's authority and the quality of its judgments are equally enriched by the diversity of those working in its halls as it is by those serving on its bench. It is therefore worth noting that, over the Court's 78-year history, only five women have been appointed

as permanent judges of the Court, as compared with more than 100 men. We are proud that Judge Hilary Charlesworth of Australia is one of those five women, and we are proud that the national groups of Australia, Canada and New Zealand, alongside over 30 others spanning every regional group, have nominated Judge Charlesworth for re-election to the Court on 9 November.

In conclusion, Canada, New Zealand and Australia continue to stand firmly behind rules-based multilateralism, with the United Nations system at its core. Together with our partners, we will continue to publicly support the institutions of that system, including the International Court of Justice. We will continue to work with the Court to ensure accountability and to uphold the rule of law — principles to which we reiterate our unwavering commitment, and which must guide our actions as we face increasing and emerging global challenges.

Mr. Lefeber (Kingdom of the Netherlands): Let me first thank Her Excellency Ms. Joan E. Donoghue, President of the International Court of Justice, for her presentation of the Court's report (A/78/4).

The International Court of Justice, as the principal judicial organ of the United Nations, contributes greatly to the maintenance of international peace and security, as well as to the interpretation and application of international law. That contribution, through the settlement of the disputes brought before it and through the advice provided to international organizations on legal questions, should not be underestimated. The Kingdom of the Netherlands cherishes the Court's contribution and, in that regard, remains ever proud to be the host country of the International Court of Justice.

To enable the Court to function properly in resolving disputes peacefully, it is of importance that all States Members of the United Nations accept the compulsory jurisdiction of the Court. In that light, my Government would again like to encourage all States Members of the United Nations that have not yet done so to accept the compulsory jurisdiction of the Court by making a declaration under Article 36, paragraph 2, of the Statute, and to do so with as few reservations as possible. For example, our only reservation to the jurisdiction of the Court is temporal. The Kingdom of 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. My Government notes with regret that, since early 2021, not many States have filed a declaration under Article 36, paragraph 2, of the Statute, and that those that have done so did so with reservations that substantially and seriously limit the jurisdiction of the Court.

The Court is facing an increasing workload. While it is commendable that more and more States find their way to the Court for the peaceful settlement of their disputes, that has resulted in a year that was exceptionally busy. The increase in the number of disputes is a challenge in itself. In addition to that, however, disputes contain more procedural challenges as well, such as, for example, many intervening States and participating organizations in the cases. Another challenge is posed by the factual complexities of disputes and the weighing of contradicting evidence. The Kingdom of the Netherlands admires the effective way in which the Court deals with those procedural challenges by, for example, encouraging States to operate jointly. Such good administration of justice might even be enhanced if the Court would consider slightly modernizing its administrative practices in that regard. My Government would respectfully suggest that the Court in particular re-evaluate the requirement that, in filing joint applications, interventions or statements in advisory proceedings, all documents must bear wet signatures of representatives of all the States involved. In addition, conducting virtual meetings for information sessions on administrative or practical issues, including timelines, may also save time and thus benefit the good administration of justice.

I would like to take this opportunity to raise one final issue, that is, the admission of late submissions in advisory proceedings before the Court. The Kingdom of Netherlands would like to note that, in such advisory proceedings, where the participation of the international community as a whole is of particular interest, a more lenient approach to admitting late submissions may be warranted as opposed to contentious proceedings. Accepting some late submissions, but not others after, for example, a press release without reasons being provided may also not be perceived as a transparent administration of justice. The Court may find inspiration in that regard in the practice of the International Tribunal for the Law of the Sea, which has adopted a more lenient practice and allows late submissions up to the start of the oral phase of the proceedings. My Government considers that a more transparent and lenient approach to the admission of late submissions in advisory proceedings would only

ensure that the Court has all necessary information and views at its disposal and enable the Court to exercise its advisory function in those proceedings in an even more outstanding manner than it already does.

Mr. Rakovec (Slovenia): Slovenia welcomes the opportunity to discuss the annual report of the International Court of Justice (A/78/4). At the outset, I wish to express Slovenia's appreciation to Judge Joan E. Donoghue, President of the International Court of Justice, for her comprehensive presentation of the Court's report on its activities. I would like to commend her efficient and dedicated work. I would also like to thank all the other judges for their important role in pursuing justice.

Slovenia would like to reaffirm its support for the Court as the principal judicial organ of the United Nations. Over the past two decades, the Court's workload has consistently grown, underscoring the enduring need and desire for a multilateral mechanism to address legal challenges of international significance. The diverse range of cases handled by the Court, originating from four continents, confirms its universality. So far, 74 Member States have also accepted the jurisdiction of the Court as compulsory.

Beyond advancing multilateralism, the Court's judgments and advisory opinions directly shape and fortify the rule of law across nations. What is more, everything that the Court does is aimed at promoting and reinforcing the rule of law. Through its judgments and advisory opinions, it importantly contributes to developing and clarifying international law.

At a time when human rights violations and conflicts afflict the lives of millions, and when tensions are simmering across various regions, the Court's role in adjudicating disputes between States remains pivotal in preserving peace and security. The report aptly states that:

> "The continuous flow of new cases submitted to the Court and the significant number of judgments and orders it delivered during the period under review reflect the institution's great vitality." (A/78/4, *para. 9*)

The Court's dedication to upholding international law and promoting a peaceful, rules-based global order is essential. In the light of the recent case concerning Ukraine against Russia, Slovenia firmly supports the principles of justice and the peaceful resolution of disputes through legal avenues. During its intervention, Slovenia highlighted the need for a broad interpretation of article IX of the Convention on the Prevention and Punishment of the Crime of Genocide. Slovenia has also highlighted the importance of the correct interpretation and application of the Convention in order to preserve its integrity, namely, to achieve and pursue a purely humanitarian and civilizational purpose in the international community.

The Court's contribution to the evolution of international law is undeniable. However, its effectiveness in settling disputes judicially heavily relies on the immediate and comprehensive implementation of the Court's rulings by the parties involved. Therefore, we strongly urge all States that have submitted disputes to international adjudication to honour the judgments of the International Court of Justice, as well as any provisional measures that it may order.

Allow me to conclude by pointing out that the international community needs to continually pave the way for the Court to uphold respect for its decisions, judgments, advice and orders and, in that way, remain paramount to the effectiveness and durability of international justice.

Ms. Orosan (Romania): As we all know, the delivery of the yearly report (A/78/4) of the International Court of Justice is one of the highlights of International Law Week. Let me congratulate the President on yet another year of extremely intense judicial activity and on her comprehensive account of it.

Unfortunately, these are challenging times for us in the community of international lawyers, as we are witnessing more and more instances of violations of international law. Romania firmly believes that the Court holds a special role in the current extremely volatile international climate. My country is committed to the settlement of all disputes by peaceful means and is a strong supporter of the Court as a guarantor of the paramountcy of law.

It is in that spirit that Romania intervened in one of the cases currently on the docket, having as object the dispute relating to *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. The unprecedented number of States intervening in those proceedings shows just how important the issues before the Court in that case are for the entire international community.

While dealing with conflicts and crises caused by human actions, we should not neglect the climate emergency and its legal dimension. Romania actively took part in the core coalition of 17 States Members of the United Nations from all geographical regions, initiated by Vanuatu, which successfully led to the unanimous adoption by the General Assembly of the request for the International Court of Justice advisory opinion on climate change (resolution 77/276).

Legal clarity in respect of the obligations of States would help to focus climate action, which is urgently needed in order to mitigate the worse consequences of that phenomenon in the immediate interest of the present-day generations but, even more importantly, in the interest of all future generations. Through the questions posed, the advice of the International Court of Justice is sought in relation to the accountability of States for acts and omissions that have caused significant harm to the climate system both in the inter-State context as well as in a human rights context. Romania is greatly interested in the legal aspects of climate change and its effects, including from the perspective of the implications of sea-level rise for international law, and intends to actively participate in those advisory proceedings.

Accepting on a predictable basis the Court's jurisdiction contributes to much-needed stability and consistency in international relations, and thus serves the cause of international peace. We recall the initiative of Romania, launched in 2021 by our former Foreign Minister, Mr. Bogdan Aurescu, regarding the Declaration for the Promotion of Jurisdiction of the International Court of Justice. The Declaration, drafted by a core group of States, encourages States to accept the jurisdiction of the Court as a means of contributing to fostering stability through the judicial application of law. Up to now, 33 States have expressed their support for the Declaration. We once again call upon all States that have not already done so to endorse the Declaration, for which Romania acts as depositary.

I would also note that, for the Court to discharge its duties as a key forum for the settlement of disputes in an effective manner, States must respect its judgments and orders. We observe a worrisome trend of non-compliance with binding orders issued by the Court. The problem is particularly acute in the case of orders concerning provisional measures, which are crucial for safeguarding the essential rights of States and protecting their populations. In order not to undermine the Court's authority and not to erode respect for international law, we call upon States to scrupulously comply with the judgments and orders delivered by the Court.

As a token of Romania's deep trust in, and respect for, the Court, a Romanian candidate, Mr. Aurescu, co-nominated by the Permanent Court of Arbitration national group from 10 States members of the United Nations, is running for a position as a judge at the International Court of Justice in the incoming November elections. I am confident that his outstanding expertise, including as a member of the International Law Commission and co-Chair of its Study Group on sea-level rise in relation to international law, will be appreciated by Member States as excellent credentials for his election.

I wish to conclude by reiterating our appreciation to the Court for its outstanding work and its high standards of professionalism, integrity and efficiency.

Mr. Visek (United States of America): I thank President Donoghue for her informative report (A/78/4) today and for her leadership as President of the International Court of Justice. During her tenure, she has helped to navigate the Court through the coronavirus disease pandemic and guided the Court in managing a caseload that has never been greater, whether in the number of cases, their complexity or their importance to the parties and the international community at large. We thank her for her service to the Court, the United Nations and the international community.

We also commend the Court's investment in future practitioners of public international law around the world through the Court's Judicial Fellowship Programme and its related Trust Fund to support participants from developing countries. The United States is pleased to have made a contribution to the Fund earlier this year and encourages others to do likewise.

Before I continue, I would like to take a moment to acknowledge the passing in May this year of Judge Thomas Buergenthal. He was a Holocaust survivor, a member of the Court from 2000 to 2010 and a renowned international jurist and champion of human rights. Judge Buergenthal set an example for all of us by living a life of purpose and humanity. He is greatly missed.

The Court has a vital role to play in the maintenance of international peace and security, and it has made important contributions to the realization

of the purposes and principles of the United Nations through the peaceful settlement of disputes. During the reporting period, we were reminded yet again of the pivotal role the Court plays in addressing some of the most important questions of international law.

Looking to the Court's future, it is clear that the Court's caseload will only continue to grow, posing further challenges to the Court's administration and management of its docket. The increase in cases and questions before the Court is matched only by the continuing importance of the issues that are brought before it.

We note in that regard Ukraine's continuing case against the Russian Federation under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Ukraine's application seeks to address Russia's claims of genocide and to establish that Russia has no lawful basis to take military action in Ukraine on the basis of those claims. The United States continues to call on the Russian Federation to comply with the Court's 16 March order on provisional measures and suspend its military operations against Ukraine.

Other important cases that have been brought before the Court include that brought by Canada and the Netherlands against Syria under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We take note not only of those cases before the Court that implicate its contentious jurisdiction, but also of the vital questions on which the Court's advisory opinion is sought. In that regard, the United States looks forward to sharing its views to assist the Court in considering the questions referred in the General Assembly's recent requests.

This year's elections to the Court provide an opportunity to ensure that the Court continues to be made up of judges able to take on that solemn responsibility. The United States is therefore proud to support Professor Sarah Cleveland as a candidate to the Court.

We also extend our appreciation to the Court and its staff for their service to the international community and the promotion of the rule of law and for continually stressing the need for all States to act in conformity with their obligations under international law, whether in times of peace or war.

Mr. Zanini (Italy): At the outset, I would like to thank the President of the International Court of Justice, Judge Joan E. Donoghue, for the comprehensive report (A/78/4) on the work of the Court over the past year, as well as for her insightful presentation today. I also take this opportunity to extend Italy's appreciation to the members of the Court for their commendable work, as well as to the Registrar and the entire staff for their professionalism.

Italy holds the International Court of Justice in the highest regard as the beacon of legality within the United Nations system, and therefore an essential pillar of the rules-based international order. With its judgments and advisory opinions, the Court significantly contributes to upholding international law and to its development, as appropriate.

The ever-growing number of cases on the docket of the Court, covering a widely diverse range of legal issues and involving States from all regions of the world, is testament to the enduring importance of the Court's jurisdiction for the international community in both contentious and advisory proceedings.

The widespread trust placed by States in the Court as an impartial and independent judicial institution allows it to play its much-needed crucial role in the pursuit of the peaceful settlement of international disputes. Italy wholeheartedly joins in that trust.

Having regard to the Court's contentious jurisdiction, Italy is currently party to a case pending before the Court. It has also intervened under Article 63, paragraph 2, of the Statute in the case instituted by Ukraine against the Russian Federation concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide*. Following the Court's order of 5 June on the admissibility of the declarations of intervention, Italy submitted its written and oral observations. Especially mindful of the *erga omnes* nature of the obligations contained in the Genocide Convention, Italy is intervening in such highly important proceedings with a view to assisting the Court in the interpretation of the relevant provisions contained therein in the pursuit of the common interest of each and all State parties.

Still on the same case, as many other speakers have previously done, Italy wishes to recall that the Court's orders on provisional measures are legally binding on the parties to a dispute. The order issued by the Court on 16 March 2022 is no exception.

I am pleased to recall that, since 2014, Italy has recognized as compulsory the jurisdiction of the Court by means of a declaration deposited pursuant to Article 36, paragraph 2, of the Statute. That confirms the confidence that we place in the Court, and we strongly encourage other States to consider doing the same.

I wish to conclude by reaffirming Italy's full support for the International Court of Justice and the commitment to assisting it in fulfilling its mandate. At a time in which the fundamental norms of international law are manifestly disregarded, we strongly believe that the role of the Court in upholding the rule of law and promoting the cause of justice is more important than ever.

Mr. Mousavi (Islamic Republic of Iran): Let me begin by thanking the President of the International Court of Justice for her comprehensive report (A/78/4) on the Court's activities during the past year. My delegation would like to underline the important role of the International Court of Justice, as the principal judicial organ of the United Nations and the only universal international court, in preserving and promoting the rule of law at the international level through the peaceful resolution of inter-State disputes.

The Islamic Republic of Iran is a dedicated supporter of the pacific settlement of inter-State disputes, notably through resorting to the International Court of Justice. Currently, Iran is a party to four pending cases before the Court — in three cases as an applicant and in one case as a respondent.

On 26 June, the Islamic Republic of Iran deposited with the Secretary-General the declaration recognizing as compulsory the jurisdiction of the Court under Article 36, paragraph 2, of the Court's Statute. Iran thus became the seventy-fourth State to accept the compulsory jurisdiction of the Court, with certain reservations concerning some categories of disputes.

The Islamic Republic of Iran has filed applications before the Court in pursuit of its legitimate and lawful rights. The case *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)* concerns a huge number of legislative, executive and judicial acts of the United States in flagrant violation of international law. Iran's main argument is that the United States has violated its obligations under the 1955 Treaty of Amity, Economic Relations, and Consular Rights.

On 13 February 2019, the Court found that it had jurisdiction to rule on the application of the Islamic Republic of Iran and that the application was admissible. Subsequently, the parties filed their pleadings on the merits. Thereafter, the hearings on the merits were conducted in September 2022. The Court delivered its judgment on the merits on 30 March 2023.

The Court rejected the objection to admissibility raised by the United States of America relating to the failure by Iranian companies to exhaust local remedies. That finding is very important in that it indicates that the Iranian companies had no reasonable possibility of successfully asserting their rights in the United States court proceedings and that the United States courts lack impartiality with regard to Iran and Iranian entities and are unwilling to hear any arguments raised by Iranian entities. The Court also found the violation by the United States of its obligations under articles III, paragraph 1, IV, paragraph 1, IV, paragraph 2, and X, paragraph 1, of the Treaty of Amity.

Therefore, the Court ruled that Iran is entitled to compensation for the injury caused by violations by the United States that have been ascertained by the Court. The Court may assess the relevant injury and the amount of compensation only in a subsequent phase of the proceedings. If the parties are unable to agree on the amount of compensation due to Iran within 24 months of the date of the judgment, the Court will, at the request of either party, determine the amount due on the basis of further written pleadings limited to this issue.

On 19 May 2023, the Islamic Republic of Iran sent a letter to the United States and declared Iran's readiness to engage in negotiations with the United States concerning the amount of compensation due to Iran in accordance with the Court's judgment of 30 March 2023. The United States has so far failed to respond to Iran's letter.

It is noteworthy that, in its judgment, the Court determined that it had no jurisdiction to consider claims predicated on the treatment accorded to the Central Bank of Iran (CBI). The lack of jurisdiction by the Court concerning the CBI under the Treaty of Amity does not preclude the wrongfulness of the United States acts against the Central Bank of Iran, which would be entitled to compensation under general international law.

Iran filed another application against the United States that concerns the United States unlawful sanctions against Iran. In the case referred to as *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, Iran brought before the Court the internationally wrongful acts of the United States resulting from the reimposition of a comprehensive set of sanctions and unilateral coercive measures, targeting Iran and Iranian companies and nationals directly or indirectly, following the unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action, which was endorsed by the Security Council. The United States measures constitute breaches of multiple provisions of the Treaty of Amity, Economic Relations, and Consular Rights of 1955.

On 3 October 2018, in view of the urgency and the risk of irreparable prejudice to the rights of the Islamic Republic of Iran and the Iranian people, the Court issued an order on provisional measures unanimously requiring the United States to remove any impediments to the importation of foodstuffs, agricultural commodities, medicines and medical devices, as well as spare parts, equipment and associated services necessary for the safety of civil aviation. It also ordered the United States to ensure that the licences and necessary authorizations were granted and that payments and other transfers of funds were not subject to any restriction as far as they related to the goods and services mentioned.

Regrettably, the United States remains defiant of the Court's order up to now. Hence, the United States has violated its obligation to comply with that order. That is very disturbing, although that is not the first time that the United States has failed to abide by the Court's order. The United States' non-compliance with the decision of the International Court of Justice constitutes not only disrespect for the Court's ruling, but also a blow to the rule of law at the international level. The United States' non-compliance entails its international responsibility.

It is noteworthy that, on 3 February 2021, the Court rejected all the preliminary objections raised by the United States and held that it has jurisdiction to entertain the application filed by Iran. Nevertheless, it seems that the United States is trying to delay the rendering of the judgment on the merits regarding the unlawfulness of its unilateral coercive measures despite the fact that they cause severe humanitarian injuries continually. Iran therefore expects that the Court should expedite the proceedings on the merits and convene the hearings at the earliest date, taking into account the urgency of the matter.

Allow me to briefly talk about the third case that Iran raised before the Court, which concerns Canada's continuing violation of Iran's State immunity. Iran instituted proceedings against Canada on 27 June 2023, in accordance with Article 36, paragraph 2, of the Statute of the Court. Iran firmly believes that Canada's legislative, executive and judicial measures against Iran and its property since 2012 violated the immunities to which Iran is entitled under customary international law. Prior to filing its application before the Court, Iran repeatedly requested Canada to cease its internationally wrongful acts by means of various notes verbales transmitted through diplomatic channels, but to no avail.

On 16 October 2023, the Court issued an order and fixed the respective time limits for the filing of the memorial of the Islamic Republic of Iran and the counter-memorial of Canada.

On 4 July 2023, Canada, Sweden, Ukraine and the United Kingdom filed a joint application before the Court by instituting proceedings against the Islamic Republic of Iran, claiming an alleged dispute under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, or the 1971 Montreal Convention. The applicant States alleged that the Ukraine International Airlines Flight PS-752 accident on 8 January 2020 gave rise to the violation of Iran's obligations under the 1971 Montreal Convention.

I would like here to share a number of observations.

First, the applicant States have failed to properly exhaust the preconditions before the referral of the matter to the Court, namely, negotiation and arbitration.

Secondly, the Islamic Republic of Iran, in line with its principled legal position and practice with regard to the tragic accident of Ukrainian International Airlines Flight PS-752, as reflected in various notes verbales that were notified to those States through diplomatic channels, has always expressed its readiness to negotiate with the relevant States.

Thirdly, in that context, three rounds of bilateral negotiations with Ukraine were convened in Kyiv and Tehran. In addition to expressing its repeated readiness for bilateral negotiations with Ukraine, Canada, Sweden and the United Kingdom, in its latest diplomatic

endeavour the Islamic Republic of Iran declared that it was ready to engage in collective negotiations in Muscat. Nevertheless, the States just mentioned chose to ignore Iran's good-faith approach and referred the matter to the International Court of Justice.

Fourthly, that latest move by the four States indicates that they were not bound even by their own proclaimed desire to negotiate and that their plea of negotiation was in practice an attempt to pursue their pre-planned scheme rather than a genuine will to engage in negotiations in good faith.

Fifthly, in the latest diplomatic endeavour, on 2 and 3 October 2023, negotiations between the Islamic Republic of Iran and Ukraine, the United Kingdom, Sweden and Canada were held in Geneva. At the end of that meeting, the delegation of the Islamic Republic of Iran, as a principled position, emphasized the continuation of interaction and dialogue and declared its readiness to conduct results-oriented negotiations in good faith. The continuation of the talks will of course depend on the genuine will and readiness of the other parties.

Sixthly, the Islamic Republic of Iran hopes that no accident of that or any kind will take place again. Following the accident, the relevant authorities of the Islamic Republic of Iran announced the main cause of the incident. Iran has taken all appropriate measures to fulfil its internal and international obligations in good faith and has endeavoured to act swiftly, accurately, transparently and constructively in that regard, as reflected to the Secretary-General in a letter dated 31 January 2022, documented in A/76/672 of 1 February 2022.

In the field of aviation, the independent Accidents Investigation Team in charge published the final report of the accident, in accordance with the framework of the relevant international instruments. That was achieved in due time through interaction and cooperation with the relevant countries and the International Civil Aviation Organization and was welcomed by most of the countries participating in the accident investigation process.

The Government of the Islamic Republic of Iran issued a directive within the framework of international standards, and even far beyond its international obligations, to pay the amount of $150,000 *ex gratia* to the heirs of each person who lost their life in the accident. So far, a considerable number of families have received that amount.

The Tehran Military Prosecutor's Office conducted a thorough investigation in accordance with the applicable laws and regulations. Following the issuance of the indictment, the competent military court conducted judicial proceedings with transparency and due process guarantees with regard to all the accused in the presence of the families of the victims, attorneys, lawyers and experts of the case. The competent court conducted 20 trial sessions and rendered its judgment, which convicted the accused, in April. The case is currently under appeal.

During the proceedings, based on the principles of good faith and transparency, the Islamic Republic of Iran duly informed the Embassies of Sweden, Ukraine and the United Kingdom, as well as Canada/the Embassy of Italy's Foreign Interests Section, of the dates of the court session and invited them to attend the hearing if they wished to.

Let me conclude my remarks by underlining that the Court, as an institution dedicated to the settlement of international disputes, plays an important role in clarifying, recognizing, crystalizing and developing the rules of international law and thus in contributing significantly to the rule of law at the international level.

The Acting President (*spoke in French*): We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers on a date to be announced.

The meeting rose at 6.10 p.m.