United Nations A/56/PV.32

General Assembly

Fifty-sixth session

Official Records

32nd plenary meeting
Tuesday, 30 October 2001, 10 a.m.
New York

President: Mr. Han Seung-soo . . . . . (Republic of Korea)

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

Tribute to the memory of His Excellency Mr. Ismat Kittani, President of the General Assembly at its thirty-sixth session

The President: Before we take up the items on our agenda for this morning, it is my sad duty to inform members of the Assembly of the recent death of His Excellency Mr. Ismat Kittani, a national of Iraq.

Mr. Kittani was President of the General Assembly at its thirty-sixth session in 1981. In addition, Mr. Kittani was a well-known diplomat who served his country in a number of very important positions.

Mr. Kittani also had a long and distinguished career at the United Nations, having served previous Secretaries-General at various intervals as Assistant Secretary-General, Chef de Cabinet and Special Adviser, as well as Special Representative of the Secretary-General on some highly sensitive missions. A skilful diplomat and negotiator, he will be remembered for his dedication and commitment to the ideals and principles of the United Nations.

On behalf of the General Assembly, I should like to convey our deepest condolences to the Government and people of Iraq and to the bereaved family of Mr. Kittani.

I now invite representatives to stand and observe a minute of silence in tribute to the memory of His Excellency Mr. Kittani.

The members of the General Assembly observed a minute of silence.

The President: I now give the floor to the Deputy Secretary-General.

The Deputy Secretary-General: We have gathered to pay tribute to an unforgettable member of our United Nations family. Ismat Kittani was a friend, colleague, mentor and inspiration to countless people. He was loved by those who knew him, and respected by all who came in contact with him. For several decades our Organization benefited from his wisdom, experience and diplomatic skills as well as his human warmth and kindness.

Both in the service of his country and as an official of the United Nations — including a distinguished term as President of the General Assembly at its thirty-sixth session — he was an accomplished diplomat, combining the discretion of the international civil servant with an intimate knowledge of the intergovernmental process. He brought skill and judgement to any assignment, no matter how sensitive. He brought professionalism and objectivity to all his work, no matter how arduous. Equally important, he brought a great deal of warmth and humour to this House.

When Ismat Kittani retired from the staff of the Organization, he said in his farewell remarks that none of us is forced to work for the United Nations, that we do so because we believe in its ideals. He was someone who helped us all sustain that belief, and who made our

01-60867 (E)

work here even more rewarding. As we express our condolences today to his family and loved ones, let us also give thanks for the example he gave all of us. Let us be inspired by it as we confront the many challenges ahead.

The President: I call now on the representative of the Sudan, who will speak on behalf of the African States.

Mr. Rahmtalla (Sudan) (*spoke in Arabic*): The General Assembly gathers this morning to eulogize the late Ismat Kittani. The record of his life is replete with distinguished and abundant diplomatic activity and achievement. He was the representative of his country, Iraq. He began his long, rich career as a diplomat in the Iraqi Foreign Ministry, and he worked as the Permanent Representative of his country to the United Nations here in New York and at its European seat in Geneva. He was a Deputy Foreign Minister of Iraq, and had the privilege of presiding over the General Assembly at its thirty-sixth session.

We also recall the distinguished performance by Mr. Kittani of his tasks and responsibilities as a distinguished, eminent and responsible official of this Organization. He was the Chef de Cabinet of five Secretaries-General. He proved his ability and demonstrated distinguished achievement, and he managed to imbue multilateral diplomacy with his wide experience.

We on the African continent remember with gratitude and appreciation Mr. Kittani when he worked as the Special Representative of the then Secretary-General to Somalia in 1992, in very sensitive and complicated circumstances.

As they join the rest of the international family in conveying its condolences on the death of Mr. Kittani, the members of the African Group pray that his soul may reside in paradise and ask God to grant patience and comfort to his family and to his many friends. We are of God, and to God we return.

The President: I call now on the representative of Sri Lanka, who will speak on behalf of the Asian States.

Mr. De Saram (Sri Lanka): I have the honour on behalf of the Asian Group to speak this morning in the Assembly's tribute to the life and memory of Ambassador Ismat Kittani. Although I had the pleasure of meeting Ambassador Kittani on a few occasions, I would not say that I knew him well. But in preparing my remarks this morning I spoke to a few who were among his closest friends. Of his personal qualities, above all else, they spoke with feeling of his poise without pretension, his kindness and his humour, of his deep personal loyalties and his helpfulness to many. Some of those with whom I spoke said that they would not be where they were today — and, like Ambassador Kittani, they have had distinguished careers at the United Nations — had it not been for the unusually kind and unexpected assistance they received from Ambassador Kittani along the way.

His was an agile, inventive and flexible mind, they said: so suitable to what we do at the United Nations. He used to do the *New York Times* crossword puzzle every day, a friend recalled. What that friend most remembered about Ambassador Kittani was that, notwithstanding his elegance, he had the extraordinary ability to speak to everyone in the same direct, simple way.

Ambassador Kittani's career at the United Nations was, of course, one of the most distinguished there ever was. He served as Permanent Representative of his country, both at the United Nations Office at Geneva and at Headquarters here in New York. He had a knowledge of the United Nations system that was unequalled; he had held more than one high office in its agencies. He was a close adviser to five Secretaries-General and Chef de Cabinet to one, and, of course, was a former President of the General Assembly.

There will be few like him, I think, that we shall meet in the United Nations community. His was a life of extraordinary dimension; his service to the United Nations and to its purposes was devoted. Ambassador Kittani will be long remembered at the United Nations, and there will be many around the world who will be deeply saddened to learn that he has now left us.

To Ambassador Mohammed A. Aldouri and to his colleagues in the delegation of Iraq, and, through Ambassador Aldouri to the family of Ambassador Kittani, I wish on behalf of all the members of the Asian Group to convey the deepest sympathy.

The President: I call now on the representative of Georgia, who will speak on behalf of the Eastern European States.

Mr. Volski (Georgia): As Chairman of the Group of Eastern European States for the month of October, I

should like to express our deep sorrow at the passing of His Excellency Mr. Ismat Kittani, who served as President of the General Assembly at its thirty-sixth session. We share with his family, with his friends, with the people of Iraq and with the United Nations grief at the loss of a distinguished diplomat and United Nations official who worked tirelessly to bring peace and prosperity to his people as well as to the people of Somalia, whom he served during his tenure as Special Representative of the Secretary-General for Somalia.

As President of the General Assembly at its thirty-sixth session, Mr. Kittani demonstrated outstanding leadership in guiding the work of the Assembly through the complex challenges of the cold-war era. He will always be remembered for his vision and for his dedication to making that vision come true.

The President: I call now on the representative of Haiti, who will speak on behalf of the Latin American and Caribbean States.

Mr. Lelong (Haiti) (*spoke in French*): It is my sad duty today, on behalf of the Group of Latin American and Caribbean States, to request the Permanent Mission of Iraq to the United Nations to transmit to its Government, to its people and to the bereaved family our sincere condolences and deep sympathy on the death of His Excellency Mr. Ismat Kittani. It is fitting that the General Assembly is paying homage to the memory of a citizen who not only served his country in an exemplary manner in various posts in its Ministry of Foreign Affairs — including as Under-Secretary and as Permanent Representative of Iraq to the United Nations — but was also distinguished by his tangible contribution to the prestige and the success of the United Nations, where in the course of his long career he served, inter alia, as President of the General Assembly at its thirty-sixth session, as Special Representative of the Secretary-General for Somalia and Chef de Cabinet to the Secretary-General.

His was a life of dedication, responsibility and success. May his soul rest in peace.

The President: I call now on the representative of Ireland, who will speak on behalf of the Western European and other States.

Ms. Murnaghan (Ireland): On behalf of the Group of Western European and other States, I wish to add our voice to the expressions of appreciation offered here today with respect to the life and memory of Ismat Kittani. Mr. Kittani had a distinguished career at the United Nations. He is remembered for his distinguished service in the General Assembly, where he served both in front of the podium and behind it. He was President of the General Assembly during its thirty-sixth session, and he also served the United Nations as director of the executive office of Secretary-General U Thant and as Chef de Cabinet to Secretary-General Kurt Waldheim. In all, Mr. Kittani served five Secretaries-General and was entrusted by them with many sensitive missions.

Particular mention should be made of his role as Special Representative of the Secretary-General for Somalia in the early 1990s and as Special Representative of the Secretary-General to the Fourth World Conference on Women, held at Beijing in 1995. He fulfilled those roles with great distinction.

We extend our sincere condolences to his family and his friends, and ask also that the condolences of the Group of Western European and other States be conveyed, by the Mission of Iraq, to the Government and the people of Iraq.

The President: I call now on the representative of the United States of America.

Ms. Marcus (United States of America): On behalf of the United States, in sympathetic solidarity with our friends and colleagues in the United Nations community, I come before the Assembly to honour the memory of the late Assistant Secretary-General, Ismat Kittani, the thirty-sixth President of the General Assembly.

Mr. Kittani was a respected international diplomat, known for his commitment to the United Nations over a long and distinguished career. He made important contributions to the United Nations Secretariat as Secretary of the Economic and Social Council; Director of the Executive Office of the Secretary-General; Deputy to the Assistant Secretary-General for Inter-Agency Affairs; and Assistant Secretary-General.

That Mr. Kittani diligently sought peace and well-being for the nations of the world is clearly evidenced by his work with the World Health Organization, the World Health Assembly and the International Labour Organization, and as President of the Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The United States mourns the loss of the distinguished diplomat Mr. Ismat Kittani, and honours his commitment to the noble aims of the United Nations.

Mr. Aldouri (Iraq) (*spoke in Arabic*): I should like at the outset to thank you, Mr. President, for giving us this opportunity to pay tribute, here in the General Assembly Hall, to the memory of the late Mr. Ismat Kittani.

The late Mr. Ismat Kittani was one of a small number of distinguished Iraqi citizens who served their country in many capacities. He began his career in 1952 in the Ministry of Foreign Affairs of Iraq, where he became well known, and is still remembered, for noble qualities and for his important, distinguished work. Mr. Kittani continued to be promoted within the Ministry of Foreign Affairs, becoming Permanent Representative of Iraq to the European Office of the United Nations in Geneva, as well as representing Iraq at Headquarters here in New York. He achieved the position of Deputy Foreign Minister of Iraq, represented the Iraqi Government in many international activities and was nominated by the Iraqi Government for the position of President of the General Assembly at its thirty-sixth session in 1982.

It is well known that the late Mr. Kittani was an outstanding President of the General Assembly, and made a lasting impression on the delegations of many countries, as well as in the Secretariat. It is also well known that the late Mr. Kittani held very important positions in the Secretariat of the Organization, representing the Secretary-General on important and special international missions. He will be remembered for the unique characteristics of his personality and his diplomatic and great social skills. He believed fully in the United Nations and its noble and lofty objectives.

In paying tribute to Mr. Kittani's memory, the Deputy Secretary-General referred to his many personal qualities, and I would like to extend my gratitude and thanks to the Deputy Secretary-General for her eulogy.

In conclusion, I thank all those who have offered condolences to the Permanent Mission of Iraq to the United Nations in New York and to me personally. Again, I thank you, Mr. President, for this tribute. May God Almighty have mercy on the late Mr. Kittani and preserve his soul. Verily, we are unto God and to Him we return.

The President: That concludes our tribute to the memory of His Excellency Mr. Ismat Kittani, President of the General Assembly at its thirty-sixth session.

Agenda item 15 (*continued*)

(b) Election of eighteen members of the Economic and Social Council

The President: For the record, the complete results of the round of balloting held at the 31st plenary meeting on Friday, 26 October 2001, to elect 18 members of the Economic and Social Council are as follows:

Group A — African States

Number of ballot papers:	177
Number of invalid ballots:	0
Number of valid ballots:	177
Abstentions:	4
Number of members voting:	173
Required two-thirds majority:	116
Number of votes obtained:	
Burundi	170
Ghana	168
Libyan Arab Jamahiriya	163
Zimbabwe	162
Zambia	2
Congo	1
Democratic Republic of the Congo	1
Gabon	1
Gambia	1

Group B — Asian States

Number of ballot papers:	177
Number of invalid ballots:	1
Number of valid ballots:	176
Abstentions:	0
Number of members voting:	176
Required two-thirds majority:	118
Number of votes obtained:	
Bhutan	146
India	145
Qatar	142
China	134
Democratic People's Republic of Korea	64
Myanmar	56
Indonesia	1
Lebanon	1

Group C — Eastern European States

Number of ballot papers:	177

Number of invalid ballots:	1
Number of valid ballots:	176
Abstentions:	3
Number of members voting:	173
Required two-thirds majority:	116
Number of votes obtained:	
Hungary	170
Ukraine	168
Russian Federation	161
the former Yugoslav Republic of Macedonia	3

Group D — Latin American and Caribbean States

Number of ballot papers:	177
Number of invalid ballots:	0
Number of valid ballots:	177
Abstentions:	0
Number of members voting:	177
Required two-thirds majority:	118
Number of votes obtained:	
Chile	140
El Salvador	135
Guatemala	125
Haiti	108
Ecuador	3
Grenada	1
Nicaragua	1
Panama	1
Trinidad and Tobago	1

Group E — Western European and other States

Number of ballot papers:	177
Number of invalid ballots:	1
Number of valid ballots:	176
Abstentions:	8
Number of members voting:	168
Required two-thirds majority:	112
Number of votes obtained:	
Australia	168
Finland	167
United Kingdom	167
Sweden	165

Having obtained the required two-thirds majority, Australia, Bhutan, Burundi, Chile, China, El Salvador, Finland, Ghana, Guatemala, Hungary, India, the Libyan Arab Jamahiriya, Qatar, the Russian Federation, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe were elected members of the Economic and Social Council for a three-year term of office beginning on 1 January 2002.

Agenda item 8 (*continued*)

Adoption of the agenda and allocation of items

Second report of the General Committee (A/56/250/Add.1)

The President: I should like to draw the attention of representatives to the second report of the General Committee (A/56/250/Add.1), concerning a request by a number of Member States for the inclusion of an additional item in the agenda. In the report, the General Committee decided to recommend to the General Assembly that an additional item, entitled "United Nations Year of Cultural Heritage 2002", be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in the agenda of the current session?

It was so decided.

The President: The General Committee further decided to recommend to the General Assembly that the additional item be considered directly in plenary meeting.

May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

Agenda item 13

Report of the International Court of Justice

Report of the International Court of Justice (A/56/4)

Report of the Secretary-General (A/56/456)

The President: The report of the International Court of Justice covering the period from 1 August 2000 to 31 July 2001 is contained in document A/56/4.

May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: I now call on Mr. Gilbert Guillaume, President of the International Court of Justice.

Mr. Guillaume (International Court of Justice) (*spoke in French*): It is an honour for me to address the General Assembly for the second time on the occasion of its examination of the report of the International Court of Justice — in this case, for the period 1 August 2000 to 31 July 2001.

The fact that the Assembly has for more than a decade invited the President of the Court to address it is evidence of the interest it takes in the Court as the principal judicial organ of the United Nations, and its respect for the role played by the Court in the settlement of disputes between States and in the development of international law. We are extremely grateful to the Assembly for this.

I am particularly pleased to address the Assembly today under the presidency of Mr. Han Seung-soo, Minister for Foreign Affairs and Trade of the Republic of Korea, to whom I offer my warm congratulations on his election. He has my sincerest wishes for every success in his distinguished office.

The Court has, as usual, transmitted its annual report to the Assembly; this report has been circulated, and the Assembly has taken note of it. The report shows that the Court's docket is still extremely full and that it continues to work at an unflagging pace. At this time, the Court has 22 cases before it for consideration.

These cases come from every continent and touch on an extremely wide range of issues. Three of them concern territorial disputes between neighbouring States: Cameroon and Nigeria, Indonesia and Malaysia, Nicaragua and Honduras. These are complex disputes in which the Court has played and will continue to play a prominent role, thereby contributing to the maintenance of international peace and security.

Another classic type of dispute involves cases between States concerning the treatment of foreign nationals. There are two cases in this category: the first between Guinea and the Democratic Republic of the Congo, and the second between Liechtenstein and Germany.

Finally, there are other cases linked more directly to events that the Assembly or the Security Council has had to examine, such as the destruction of Iranian oil platforms by the United States in 1987 and 1988; the consequences of the explosion of an American civil aircraft over Lockerbie, Scotland, in 1992; the crises in Bosnia and Herzegovina and Kosovo; and the situation in the African Great Lakes region.

In the course of the past year the Court has made particular efforts to address this increase in the number of disputes before it. In all, it has succeeded in concluding four cases, while three new cases were brought before it. On those occasions it delivered important decisions, about which I should now like to speak for a few moments.

In a judgment rendered on 16 March 2001, the Court began by adjudicating on the merits of a territorial dispute between Qatar and Bahrain. That judgment brought to a conclusion lengthy proceedings involving the filing by the parties of more than 6,000 pages of written pleadings, five weeks of oral hearings and deliberations that were commensurate with the difficulties that the Court encountered.

The Court found that the State of Bahrain has sovereignty over the Hawar Islands and the island of Qit'at Jaradah. It recognized the sovereignty of the State of Qatar over Zubarah, Janan Island and the low-tide elevation of Fasht al Dibal. In the light of these decisions, it fixed the boundaries of the different maritime zones appertaining to Bahrain and Qatar and restated the law applicable in this field. It also explained the influence that islands, islets and low-tide elevations may have on maritime delimitations.

The judgment thus handed down brought an end to a long-standing dispute that had given rise to serious tension between the parties. Both of them thanked the Court for this contribution to peace in the region and to the restoration of friendly relations between two neighbouring States. The Court took particular pleasure in this and hopes that the wisdom that the two countries displayed in this instance will serve as an example to others.

In the judicial year which has just come to a close, a second judgment was handed down on 27 June 2001, settling the merits of a dispute between Germany and the United States of America following the execution in the United States of two German nationals. In its decision, the Court had occasion to clarify certain provisions of the Vienna Convention on Consular Relations of 24 April 1963. Further, for the first time in its history, the Court took the opportunity to give a clear ruling on the effect of the provisional measures which it has the power to indicate to parties pursuant to article 41 of its Statute.

This issue — a delicate one — had been the subject of lively controversy in the literature as to whether or not a provisional measure is binding.

By a very large majority, the Court answered this question in the affirmative. It held that:

> "The object and purpose of the Statute is to enable the Court to fulfil the functions provided for therein, and, in particular, the basic function of judicial settlement of international disputes by binding decisions in accordance with article 59 of the Statute. The context in which article 41 has to be seen within the Statute is to prevent the Court from being hampered in the exercise of its functions because the respective rights of the parties to a dispute before the Court are not preserved. It follows from the object and purpose of the Statute, as well as from the terms of article 41 when read in their context, that the power to indicate provisional measures entails that such measures should be binding."

Thus there is no longer any room for doubt. The provisional measures indicated as a matter of urgency by the Court for the purpose of safeguarding the rights of the parties are binding on them. The Court anticipates that in future these measures will, as a result, be better executed than when the matter was subject to doubt. We hope that the Court's contribution to the maintenance of international peace and security will thereby be enhanced.

Having analysed the two most important rulings handed down by the Court over the last year, I will not go into detail on the other rulings handed down or on the 32 orders, ranging widely in content, that have been issued.

However, I should add that, since the drafting of the report — concluded on 1 July 2001 — the Court has dealt with three further cases. First, on 23 October, it delivered a ruling rejecting an application by the Philippines for permission to intervene in a territorial dispute between Malaysia and Indonesia, while at the same time taking formal note of the Philippine position.

Secondly, it commenced consideration of a counterclaim submitted by Uganda against the Democratic Republic of the Congo. Thirdly, it held a public hearing in a case between the Democratic Republic of the Congo and Belgium concerning the legality of an international arrest warrant issued a year ago by a Belgian investigating judge against the then Minister for Foreign Affairs of the Congo. Finally, at the beginning of next year it will commence consideration of the dispute between Cameroon and Nigeria, devoting five weeks of public hearings to the case.

Despite these efforts, the Court's docket remains overburdened. Several cases are ready to be heard during 2002, and solutions will have to be found in order to avoid excessive delays in examining these cases.

The Court has attempted to meet this challenge by rationalizing work within the Registry and by modernizing its working and communication methods. Major progress has been made, notably with regard to publications and communications, Intranet and Internet. However, further progress is needed, for example, in modernizing the Court's archives, and the Registry has taken this matter in hand.

The Court has also made efforts to improve its procedures. As regards the preparation of cases, it has sought increased cooperation from the parties in the functioning of justice. In particular, it has again informed them of its desire to see a decrease in the number of pleadings exchanged, in the volume of annexes to pleadings and in the length of oral arguments. The Court's comments have had the desired effect in the new cases brought before it. Thus, in the case between the Democratic Republic of the Congo and Belgium, the parties agreed to exchange only one series of written pleadings and to limit their oral arguments to one week. However, old habits die hard, and it has been necessary in other cases to impose certain restrictions on the parties in their own interest.

Since 1997, the Court has taken several measures with a view to speeding up its deliberations — a fact to which I drew the Assembly's attention last year. It has continued these efforts. The days when our predecessors dealt with cases one at a time are long gone. In the week of 15 October, for example, the Court deliberated on two cases while holding hearings in a third.

Finally, the Court has recently taken various decisions to improve its procedural rules. By amending rule 79 of its rules, it has reduced the time-limit within which preliminary objections may be raised. It has revised rule 80 of its rules in respect of counter-claims

and amended rule 52, paragraph 3, concerning the printing of pleadings. It proposes amending rule 56 concerning the production of new documents after the closure of written proceedings. It has carried out a detailed study of the practical issues involved in hearing a large number of witnesses. Finally, it has decided to convert various indications formerly given to parties into true practice directions and has implemented a procedure for reviewing those directions at regular intervals.

However, these various efforts, both administrative and procedural, would not be sufficient in themselves to redress the situation. Accordingly, last year, I appealed to the Assembly to ensure that the Court might in future have the necessary financial and human resources to perform its duties properly.

Being well aware of the financial difficulties of the United Nations, the Court has requested for the coming biennium only a moderate increase in resources. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) has considered our proposals sympathetically. While it has not agreed to all our requests, it has nonetheless recommended to the General Assembly a significant increase in our budget from $20,606,700 for the biennium 2000-2001 to $22,873,500 for the coming biennium: an increase of 11 per cent. The Court is grateful to the Advisory Committee and hopes that these proposals will meet with your agreement.

If that is the case, the staff in the Registry of the International Court of Justice would be increased to 91 persons. This figure is still modest, but the increase will certainly enable the Court to work under better conditions and achieve improved results in the coming year. In the light of experience, the Court will determine whether these resources, particularly in respect of the translation service and law clerks, are sufficient. In any event, the Assembly can rest assured that, with the new resources at its disposal, the Court will do its utmost to adjudicate the current cases as expeditiously as possible, while maintaining the quality of its jurisprudence.

The Member States of the United Nations have undertaken, pursuant to Article 33 of the Charter, to seek by peaceful means the solution to any dispute the continuance of which is likely to endanger the maintenance of international peace and security. Article 36, paragraph 3, provides that legal disputes should be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. The Court thus has a prominent role to play in the solution of legal disputes and hence in the maintenance of international peace and security.

However, the progress noted in this respect in recent years should not lead us to harbour the illusion that peace between nations can be assured by methods appropriate for the settlement of legal disputes, or even that it is for the Court to prevent and put an end to armed conflicts. The Court cannot be the sole guarantor of peace. That is a task which depends on action taken by the General Assembly and the Security Council. Furthermore, in addition to these various mechanisms, we should always remain conscious of the fact that war is, first and foremost, the creation of the human spirit and that security can be achieved only through human endeavour.

Nevertheless, the International Court of Justice can play an important role in preventing conflicts, particularly territorial conflicts, as the experience gained by the Court in all continents demonstrates. In this light, I would particularly wish to encourage States which have such disputes to refer those disputes to the Court by way of special agreement. The Court is aware that certain States in Africa, in Europe and in Asia are considering such action at the present time, and it welcomes that fact.

In this connection, I would moreover call your attention to the special fund established by the Secretary-General in 1989 to assist States unable to meet the expenses incurred in submitting a dispute to the Court. While addressing the Assembly from this very rostrum, my predecessors were concerned to emphasize the importance of such a fund for countries with limited financial resources. They also encouraged those States which are able to make more generous contributions to this fund to do so by increasing the resources at its disposal. With the permission of the Assembly, I should like to add my voice to theirs and to reiterate this appeal to all Member States and call upon them to support this fund financially with a view to enabling the poorest States to have easier access to the Court. Access to international justice should not be impeded by financial inequality.

The nineteenth century was the century that saw the development of international law and arbitration. International judicial settlement was born in the

twentieth century with the Permanent Court of International Justice, which in 1945 became the International Court of Justice. Since then, international tribunals have proliferated.

This phenomenon reflects greater confidence in justice and makes it possible for international law to develop in ever more varied spheres. However, it also raises the risk of parties competing for courts — sometimes referred to as "forum shopping" — and conflicting jurisprudence. Each year, for the last six years, successive presidents of the Court have called the Assembly's attention to these risks which on several occasions have since been realized.

I am bound to do so again. The proliferation of international courts may jeopardize the unity of international law and, as a consequence, its role in inter-State relations.

No new international court should be created without first questioning whether the duties which the international legislator intends to confer on it could not be better performed by an existing court. International courts should be aware of the dangers involved in the fragmentation of the law and take efforts to avoid such dangers. However, those efforts may not be enough, and the International Court of Justice, the only judicial body vested with universal and general jurisdiction, has a role to play in this area. For the purpose of maintaining the unity of the law, the various existing courts or those yet to be created could, in my opinion, be empowered in certain cases — indeed encouraged — to request advisory opinions from the International Court of Justice through the intermediary of the Security Council or through the General Assembly.

International society needs peace. International society needs judges to watch over the law. To that end, the Assembly can rest assured that the International Court of Justice will continue to perform the duties it currently bears, and that it is ready to fulfil other duties that may be entrusted to it. The Court expresses its gratitude for any assistance the Assembly may be able to give it.

The President: I thank the President of the International Court of Justice for his statement.

Mr. De Rivero (Peru) (*spoke in Spanish*): As the first speaker, and having personally known Mr. Kittani, allow me to say that I was witness to his great diplomatic and human abilities, as well as his services to the international community. I would therefore like to extend the deepest sympathy of the delegation of Peru to his family and to the delegation of Iraq.

First of all, I would like to thank Judge Gilbert Guillaume, President of the International Court of Justice, for his clear statement on the work of the Court for the period from August 2000 through July 2001.

Although my country has a long tradition of respect for the law, in recent times Peruvians were able to experience up close how an elected Government tried to destroy democratic institutions and the rule of law and to subjugate the political rights of its citizens. Fortunately, that sombre episode has been overcome with the re-establishment of genuine democracy and the rule of law in Peru. However, the unpleasant experience of seeing an elected Government destroy democratic institutions has served to strengthen our belief in the need to observe the rule of law and justice as necessary conditions for social harmony and economic development.

This conviction is also applicable to the international scene. The viability of the international community depends on a genuine commitment by States to respect international law and to seek solutions to their disputes through juridical means. In this connection, the International Court of Justice has a great task to accomplish in the twenty-first century, not only with regard to resolving various differences but also in producing the precedents that are a valuable element in the process of the progressive codifying of international law and in the preventive character implicit in the law. The same also applies to the various advisory opinions that have been issued by the Court.

It is in that context that the annual report of the International Court of Justice takes on special importance, especially as we have witnessed in shock the disastrous consequences of the lack of peaceful solutions to the disputes on the current international scene. We are therefore pleased that during the period under consideration 26 cases were submitted to the jurisdiction of the Court.

We welcome the settlement of the long-standing territorial and maritime dispute between Qatar and Bahrain regarding sovereignty over the Hawar Islands, sovereignty rights over the Dibal and Qit'at Jaradah shoals, and the delimitation of the maritime areas of the two States. In addition to resolving the dispute, the

decision has established important legal precedents with regard to innocent passage, emerging insular surfaces and maritime delimitation.

Mr. Botnaru (Republic of Moldova), Vice-President, took the Chair.

The Court also issued a decision regarding a substantive issue between Germany and the United States on the execution of the LaGrand brothers. That decision also produced valuable legal precedents on the juridical effects of the provisional measures provided for in article 41 of the Court's Statute. We hope that the 22 contentious cases still pending will also find a definitive solution soon.

We very much appreciate the efforts of the International Court of Justice to rationalize its work, as well as its growing use of information technology to that end. The web site established by the Court several years ago continues to compile information of value to law students, persons working in the legal field, diplomats, legislators and the general public. We also welcome the review of the Court's rules to make them more efficient and flexible. It is important not only to provide justice; it must be done in a timely manner.

However, despite the important administrative efforts made by the Court, there is a significant logistical problem, namely, the lack of necessary budgetary resources for a growing procedural load. This situation must be duly remedied to be in line with the privileged position conferred upon the Court by Article 92 of the Charter as the "principal judicial organ of the United Nations", and to ensure the Court's proper role in the new century.

The review of the Court's regulations, which is aimed at making legal proceedings more streamlined and expeditious, may also provide a good opportunity to incorporate changes designed to make judicial proceedings less onerous for both the Court and the parties before it, without affecting the right of parties to due process.

The actual reach of the Court is limited by its Statute, in that States can chose whether or not to place themselves under its jurisdiction. All necessary efforts must be made to ensure that its contentious jurisdiction is extended — ratione persone. To date only 63 States have made declarations acknowledging the mandatory jurisdiction of the Court, in accordance with article 36, paragraphs 2 and 5, of the Statute. The International Court of Justice will be universal only if the Member States maintain the genuine will that it be universal in scope. The effectiveness of international law will depend to a considerable extent on the degree of effective commitment to the obligatory binding nature of the Court's findings.

Peru, which has resolved its disputes peacefully and has resorted to the Court's jurisdiction twice, reiterates its appreciation for the International Court of Justice's fundamental task of preserving peace, and it ratifies its commitment to respect law and justice in its international relations for the sake of harmonious relations in the world.

Mr. Niehaus (Costa Rica) (*spoke in Spanish*): Allow me at the outset to thank the International Court of Justice for the valuable report we are now considering and its President, Judge Gilbert Guillaume, for his statement. We note with satisfaction the substantial improvements in this document, which allows us to appreciate in depth the invaluable work of this judicial organ to the peaceful settlement of disputes. I would also like to take this opportunity to congratulate Judge Nabil Elaraby of Egypt on his recent well-deserved election to this high tribunal.

The International Court of Justice has become an engine of peaceful relations among nations. We have seen how in some cases legal disputes can deteriorate into real threats to peace or international security because of their unnecessary and irresponsible politicization. Land disputes in particular can easily lead to military escalation. The peaceful resolution of disputes in those cases through the International Court of Justice reduces tension and resolves definitively disputes among States. Therefore, my delegation very much appreciates the contribution of the International Court of Justice to world stability.

Furthermore, as the main judicial organ of the United Nations, the International Court of Justice plays a central role in the progressive development of contemporary international law. Not only does it settle disputes among States peacefully, it also has a declaratory role in defining international law applicable to all nations. Its jurisprudence in contentious cases and advisory opinions not only determines the rights and the obligations of the parties to a conflict, but also clarifies obscure or controversial areas of law for other States. We recall and admire the many times the Court has taken progressive stances that have promoted and

consolidated the development of the international legal order.

In this context, I wish to mention the extremely important findings of the Court in the *LaGrand* case, handed down on 27 June 2001. We consider its interpretation of the Vienna Convention on Consular Relations very appropriate because it recognizes that that international instrument establishes individual rights which all Member States must respect. We also note with satisfaction its decision that provisional measures dictated by the Court impose an obligation of compliance.

Costa Rica believes that the substantial increase in the number of cases on the Court docket is a positive indication of States' will to submit to legal principles in the conduct of their international relations. Accepting the mandatory jurisdiction of the Court through optional declarations clearly demonstrates good will. In this regard, we congratulate the Government of the Kingdom of Lesotho on its declaration of this kind made during the period under review.

Similarly, we must note our concern about the existence and the presentation of new reservations on voluntary acceptance of the Court's jurisdiction. We call on all States that have not yet done so to demonstrate their commitment to the basic principles of international law and the peaceful settlement of disputes by accepting the Court's mandatory jurisdiction and withdrawing the reservations they may have interjected.

My delegation is also aware of the practical difficulties that the Court has experienced in recent years as a result of the unexpected increase in the number of cases. Undoubtedly, we must provide the Court with the necessary resources and staff to enable it to discharge obligations arising from this increase in the number of cases. In this context, we cannot forget that its budget pales in comparison to the budget of the ad hoc tribunals established by the Security Council.

That is why we welcome the decision of the Advisory Committee on Administrative and Budgetary Questions to authorize an increase in the number of staff and the budget of the Court. My delegation is prepared to support this decision and to view positively all additional requests the Court may make in the future.

My country appreciates the excellent dissemination that the Court achieves through its Internet web site. It is an invaluable service for developing countries that sometimes experience difficulties accessing the most recent jurisprudence. We trust that in the future the Court will expand its Internet web site by including the full text of all its findings and sentences handed down since its inception. Eventually the Court may wish to include jurisprudence from the former Permanent Court of International Justice.

The international community is going through a difficult period. It has never been more necessary to reaffirm the rule of law and the pre-eminence of international law. Today we must restate our resolute and unconditional commitment to the peaceful resolution of disputes.

Today we must reject unilateral action in order to resolve disputes, while embracing negotiation, dialogue, mediation and the legal resolution of disputes. This is the only way that we will be able to build a more just and peaceful world for the well-being of all peoples. That is why Costa Rica supports and has full confidence in the excellent work of the International Court of Justice.

Mr. Hasmy (Malaysia): At the outset, my delegation wishes to thank Judge Gilbert Guillaume, President of the International Court of Justice, for his presentation of the report of the Court contained in document A/56/4. The comprehensive report contains a wealth of information about the work of the Court. This is extremely useful to Member States in appreciating the complexity of the issues handled by the Court. Judge Guillaume's oral presentation this morning was most illuminating and has given us food for thought. My delegation would also like to take this opportunity to extend our felicitations to Judge Nabil Elaraby on his recent election.

My delegation would like to pay a tribute to the Court for its contribution to the peaceful settlement of international disputes, in furtherance of the first purpose of the United Nations enshrined in Article 1 of the Charter, namely:

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

Undeniably, as the principal judicial organ of the United Nations, the International Court of Justice has a tremendous influence on the promotion of peace and harmony between nations and peoples of the world through the rule of law. The importance of its role in settling, in accordance with international law, legal disputes submitted by States and giving advisory opinions on legal questions referred to it by duly authorized international organs and agencies is not to be taken lightly.

Since 1946 the Court has delivered 72 judgments on disputes concerning, inter alia, land frontiers and maritime boundaries, territorial sovereignty, the non-use of force, non-interference in the internal affairs of States, diplomatic relations, the right of asylum, nationality, guardianship, rights of passage and economic rights. In the same period it has also given 24 advisory opinions concerning, inter alia, admission to United Nations membership, reparation for injuries suffered in the service of the United Nations, the territorial status of South-West Africa — now Namibia — and Western Sahara, judgements rendered by international administrative tribunals, expenses of certain United Nations operations, applicability of the United Nations Headquarters Agreement, the status of human rights rapporteurs and the legality of the threat or use of nuclear weapons. Indeed, the wisdom and fairness of this body is evident from the excellent quality of the judgments and opinions that it has handed down and their acceptance by the parties concerned.

It is this confidence in the International Court of Justice that strengthens Malaysia's belief that the Court is the most appropriate forum for the peaceful and final resolution of disputes when all efforts of diplomacy have been exhausted in vain. To this end, Malaysia, in mutual agreement with Indonesia, decided to submit the territorial dispute between them for adjudication by the Court. This dispute, which relates to the sovereignty over two islands — namely, Pulau Ligitan and Pulau Sipadan — is currently before the Court. My delegation welcomes the decision of the Court, delivered on 23 October 2001, regarding the request by our neighbour the Philippines to intervene in the case. We trust that the Court's decision will be fully respected, thereby enhancing the Court's stature and prestige among Member States, This is important in inculcating a culture of respect for international law in relations among States.

My delegation notes with interest that there has been increasing recourse to the Court by Member States over the years. This clearly demonstrates the growing confidence in the decisions of the Court and reliance on the settlement of disputes through adjudication rather than by use of force. The significant increase of cases in the Court's docket — from 9 to 13 cases between 1990 and 1997 to the current 22 cases — augurs well for the progressive development of international law and the role of the Court as a dispute settlement mechanism. It is also heartening to note that 63 States have declared the acceptance of the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute. Also noteworthy is the increasing trend of referring treaties, whether bilateral or multilateral, to the Court for jurisdiction in the resolution of disputes arising out of their application or interpretation.

In light of the increase in the Court's workload, my delegation strongly believes that there is an urgent need to strengthen the Court's capacity to efficiently dispose of the cases before it, as well as to undertake the additional administrative responsibilities arising therefrom. In this respect, we hope the financial resources allocated to the Court will correspond to its needs in dealing with the increased workload. On its part, the Court has continued to implement the various measures that it had initiated to overcome the severe strain caused by reductions in human and financial resources since 1997. It has gone to great lengths to rationalize the work of the Registry, to make greater use of information technology, to improve its own working methods and to secure greater collaboration from parties in relation to its procedures. We are pleased to note that the Court has taken steps to shorten and simplify proceedings and is continuing its revision of the Rules of the Court.

We are also pleased to note that the General Assembly had approved a supplementary budget for the year 2001 which made possible the enhancement of the Court's Department of Linguistic Matters with the creation of the much-needed posts of translators and secretarial staff. However, this is not sufficient to overcome the budgetary problems faced by the Court. For the biennium 2002-2003, the Court has found itself obliged to request substantial appropriations which are required to enhance the capacity of other departments of the Court and to provide assistance for the judges. My delegation is pleased to note that this request has

been considered favourably by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and hopes that it will be approved by the General Assembly. It is essential that the Court continue to be afforded the resources to enable it to work as intensively and expeditiously as its increasing workload demands.

My delegation commends the Court's efforts to increase public awareness and understanding of its work in the judicial settlement of disputes and its advisory functions through its publications and lectures by members of the Court. In this regard, we commend the steps taken by the Court to update and modernize the methods of disseminating information concerning its work by utilizing the electronic media and the construction of a web site. Indeed, the Court's web site is well utilized by students, academicians, diplomats and interested members of the public. It is an extremely useful source of public access to the Court's judgments and the most recent developments in international case law.

In conclusion, my delegation believes that, like other organs within the United Nations system, the International Court of Justice should also benefit from the ongoing reform undertaken by the United Nations. A revitalized International Court of Justice would certainly contribute to its efficiency and enhance its role in the promotion of justice under international law.

Mr. Chik (Singapore): My delegation would like to congratulate the International Court of Justice for its continued good work in enforcing the rule of law in the past year. From the size and diversity of cases submitted to the Court, the increase in volume and complexity and the sustained activity in dealing with its cases, my delegation is truly impressed by the Court's ability to deal with its increased workload under very tight budgetary constraints. The international community spends only about $11 million a year on the International Court of Justice, while it spends about $206 million on the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

With 190 parties to the Statute of the Court, 63 States recognizing the Court's jurisdiction as compulsory and an ever expanding list of multilateral and bilateral conventions providing for the Court's jurisdiction, the Court's role is as vital as ever.

The past year has seen cases before the International Court of Justice on a myriad of international law topics, including the use of force, maritime and land boundary, diplomatic protection, state responsibility and the law of treaties. The decisions of the Court also have an even wider-ranging effect with implications for other areas of law.

For example, in the *Gabčikovo* case, the Court has gone a considerable distance towards achieving milestones in the areas of environmental and watercourses law, even though the judgment was not primarily based on those areas of law. It was the first real case dealing with substantive water law issues, establishing reasonable and equitable use as the governing principle, and also gave increased jurisprudence into the principles and standards of international environmental law. It was also the *Gabčikovo* case which affirmed the law of countermeasures and influenced the retention of article 22 in the final text on state responsibility for internationally wrongful acts developed by the International Law Commission.

Similarly, in the *LaGrand* case, questions of assurances and guarantees of non-repetition were raised as central issues, leading the International Law Commission to decide on a review of the principle of cessation and other related articles. These are some illustrations of the ongoing cooperation and exchange of views between the Court and other lawmaking and codification forums, which is so integral a part of the process of developing a coherent body of law. Referring back to the *Gabčikovo* case, for example, we also note the Court's flexibility in setting and defining the fundamental legal parameters for negotiations between parties, which could help forge results that would be mutually acceptable, rather than provide one-sided solutions.

Similarly, in the case between Qatar and Bahrain, the decision was uncommonly satisfactory to both parties. We hope to see more decisions of this kind in the future, which will contribute to good relations between States.

Singapore continues to fully support the work of the International Court of Justice and follows with interest every decision and advisory opinion produced by the Court. In these uncertain times, especially having witnessed the atrocious and lawless events which transpired in September, upholding and

enforcing the law in all its symbolism and reality is more vital than ever. The Court plays a key role in furthering international peace and security by impartially and fairly adjudicating matters involving, for example, the application of the genocide Convention in complaints of violations and the United Nations Charter on issues regarding the legitimate use of force, in some of the Court's cases.

From the substantive treatment of the law to procedural methodology, my delegation is pleased to note how the Court has striven to keep up with the times. The Registry, under the capable leadership of Mr. Philippe Couvreur and Mr. Jean-Jacques Arnaldez, has instituted improvements in the use of information technology. We appreciate the Court's constant efforts to improve its working methods and to remain efficient. This adaptability of the Court and its Registry is highly commendable.

We note in particular the Court's steps to shorten and simplify pleadings and proceedings, notably article 79 relating to preliminary objections and article 80 relating to counter-claims. These measures will certainly shorten the time of proceedings, clarify the rules and adapt them to reality.

We note, however, that the Computerization Division is particularly small. Despite its efficiency, given the current allocation of resources, my delegation is concerned that the Court may not be in a position to take advantage of some of the advancements in global technology for streamlining and simplifying its procedures, such as the use of electronic filing and the digital submission of pleadings and submissions. We recognize that training and the implementation of such improvements are intrinsically linked to the question of funding and resources, which the Court has time and again appealed for.

Indeed, it is disturbing that the Court has to constantly appeal for funding for work so important and vital to the enunciation and development of international jurisprudence. If States are seriously committed to the development and maintenance of international law, there must be a meeting of commitments by the paying up of arrears and the further dedication of greater funding.

Singapore places great emphasis on the rule of law, both domestic and international. Our Government will continue to regard with interest the decisions of the International Court of Justice and to support the Court's work in whatever way we can.

Mr. Robledo (Mexico) (*spoke in Spanish*): It is an honour for my delegation, as it has been every year in the past, to address this Assembly on the item "Report of the International Court of Justice". I am grateful to Judge Gilbert Guillaume, President of the Court, for presenting the report and for his comments. His words are always illuminating and they always stimulate our thinking.

The presentation of the report of the International Court of Justice is always an invaluable opportunity to strengthen dialogue and the ties between the General Assembly and our highest judicial organ. It also informs us in greater detail of the Court's activities over the past year.

Reading the document before the Assembly was very encouraging to my delegation. The quantity of information it contains has improved our knowledge of the way in which the Court works, the challenges it faces and possible ways of helping it to overcome its difficulties. We are grateful to the Court for having introduced some improvements to its reports and hope that it will continue to do so. The more we understand the difficulties it encounters, the easier it will be to find solutions to them.

The number of cases brought before the Court continues to grow. It is currently seized with an extensive list of cases originating in all regions of the world and covering the most diverse topics. This demonstrates the great confidence that the members of the international community place in the machinery for the judicial resolution of disputes and will henceforth contribute to strengthening international law.

Speaking of the Court's workload, we cannot fail to recognize the very responsible and timely action of the Court to confront its growing number of cases. In this respect, the consideration of the item on strengthening the International Court of Justice, promoted by Mexico in the Sixth Committee, undoubtedly contributed to increasing the resources allocated to the Court. Nevertheless, offering greater financial resources is not the only way to facilitate the processing of cases before the Court. We must also adopt measures to strengthen and streamline the handling of procedures.

Aware of this need, the Court has adopted a series of measures to review and continuously upgrade its working methods. We encourage it to pursue that path. We note once again that, whenever all the parties involved in a case cooperate to streamline proceedings, the time required to resolve it is reduced.

We note that, in the period covered by the report, two contentious cases were resolved. These were the delimitation dispute between Qatar and Bahrain and the *LaGrand* case between Germany and the United States. In both cases, the Court has made significant contributions to international law and towards the objective of facilitating the future implementation of international legal norms. We are grateful to the Court for those two decisions.

Because of the importance that Mexico attaches to the matters considered by the Court in the *LaGrand* case, we would like to avail ourselves of this opportunity to highlight some of the conclusions of the Court.

The Court resolved a long-standing debate by determining that the provisional measures set forth in its decisions, in conformity with article 41 of its Statute, are binding and create a legal obligation for the States to which they are addressed. We believe that this relevant conclusion is also valid for measures decreed by other tribunals similar to the Court, especially for regional courts that have jurisdiction in matters of human rights.

Secondly, as regards the obligations contained in article 36, paragraph 1, of the Vienna Convention on Consular Relations, the Court determined that that article confers individual rights as well as rights of States. Mexico supports this conclusion. At the same time, we would have preferred the Court to pronounce itself on all the questions presented for its consideration on this topic and to determine unambiguously that the rights contained in article 36, paragraph 1, of that Vienna Convention are of the same nature as human rights. This question has been examined in other forums, including by the Inter-American Court of Human Rights in its advisory opinion OC-16. There are strong elements in international law that allow us to reaffirm this conclusion. A pronouncement by the Court on this topic would have been very relevant. However, the fact that the Court did not go into this discussion does not in any way change the human rights character that other organs have attributed to article 36, paragraph 1, of the Vienna Convention.

Finally, as regards compensation for violations of the rights conferred upon individuals under article 36 of the Vienna Convention on Consular Relations, the Court found that an apology is inadequate in cases in which persons have been detained for extended periods or found guilty and sentenced to severe punishments. In these situations, the State that commits the violation should allow the review and reconsideration of the sentence and punishment, taking into account the violation of the rights conferred by the Vienna Convention. As in all the cases resolved by the Court, we are convinced that its decision in the *LaGrand* case will contribute to the effective implementation of instruments such as the Vienna Convention on Consular Relations, and will help States resolve potential future disputes.

There is no question about the importance of the decisions of the Court and its influence on the development and implementation of the standards of international law. We are convinced that to facilitate the work of our supreme judicial organ, States must accompany their expressions of support with the adoption of concrete measures that will strengthen compliance. In the Fifth Committee Mexico will support the granting of greater resources to the Court and will continue to see to it that it has the necessary tools to fulfil its lofty mandate in the same effective and professional manner as it has done thus far.

Mr. Kamara (Sierra Leone): On behalf of the Sierra Leone delegation, I would like to express my appreciation to the President of the International Court of Justice, Mr. Gilbert Guillaume, for his introduction of the comprehensive and very interesting report on the work of the Court. His presence here to apprise the General Assembly of the activities of the Court is an affirmation of the symbiotic relationship which exists between the two organs of this world body in the maintenance of international peace and the peaceful settlement of disputes. Today, the International Court is recognized as a symbol of international justice and the rule of law throughout the world. That this is so is in no small measure attributable to the President of the Court for the wise leadership which he has continued to provide it.

Sierra Leone attaches great importance to the International Court of Justice and all that it stands for.

By virtue of its being the principal judicial organ of the United Nations, of its permanent nature and of the wide range of legal disputes which are submitted to it for judicial settlement, the Court is today making a major contribution to a more peaceful world.

According to the report for the year under consideration, the Court's docket has continued to expand as more and more disputes are referred to it from the various regions of the world. This is a welcome development. It attests to the confidence which the Court now enjoys on the part of the international community that it can render impartial and just decisions in the peaceful settlement of disputes. In this regard, my delegation has taken particular cognizance of the role of the Court in adjudicating disputes between African States and, in so doing, helping to decrease tension in the region, as well as contributing to the advancement of States and to regional peace and stability.

We have also noted the efforts of the Court to modernize and improve its methods of work, both with respect to its procedures and with a view to reaching the public through its publications and the Internet. In this connection, we find the report itself very useful and comprehensive. My delegation welcomes these developments and believes they can contribute to the proper and effective administration of justice and the wider appreciation of the role of the Court.

Without a doubt, if the Court is to continue to operate as a modern institution and render justice speedily and efficiently, it should be provided with the necessary resources to make adjudication as expeditious as possible, while maintaining the quality of jurisprudence. The Court has demonstrated that it is cost-effective. My delegation will support the request for modestly increased resources to be made available to it.

Finally, my delegation would like to join the appeal for an increase in monetary contributions to replenish or augment the Secretary-General's Trust Fund to assist States, in particular, developing States, to settle their disputes through the Court. The fund has already justified its existence by encouraging States to bring their disputes before the Court instead of resorting to armed conflict. This not only represents a peaceful way to resolve a conflict, but is also far more economical. The appeal is therefore worthy of our support.

Mr. Onobu (Nigeria): My delegation commends the President of the International Court of Justice, Judge Gilbert Guillaume, for his lucid introduction of the report of the Court for the period 1 August 2000 to 31 July 2001 (A/56/4). The report contains a comprehensive account of the Court's activities during the period under review.

As we all know, the International Court of Justice is the only court with a universal character and general jurisdiction. It plays a pivotal role in the pacific settlement of disputes between Member States and in the development of international law. States, in exercise of their sovereignty, voluntarily submit disputes to the Court for arbitration. It is therefore significant that, as at 31 July 2001, 63 States had deposited with the Secretary-General declarations of acceptance of the Court's compulsory jurisdiction under article 36, paragraph 2, of its Statute. It is the view of my delegation that action along those lines by States which have yet to take such action would further strengthen the arbitration function of the Court in disputes between Member States.

There has been an enormous increase in the workload of the Court. Without doubt, that is a reflection of the increasing recognition of the Court's jurisdiction. It is worthy of note that, whereas in the 1970s the Court had only one or two cases on its docket at any one time, the number of cases increased dramatically between 1990 and 1997, and that as at 31 July 2001 it stood at 22. The subject matter of these cases includes a wide variety of issues, ranging from disputes over land and maritime boundaries and sovereignty over particular areas to questions on the legality of the use of force and the expropriation of foreign property. We note with appreciation that the Court was able during the judicial year under review to dispose of some of the cases before it and to issue 32 orders concerning the organization of proceedings in current cases.

It is clear from the report that the Court has been able to make significant progress in its assignment as a result of various measures it embarked upon aimed at improving its working methods. My delegation is happy to note that those measures, which started in 1997, have continued. Nigeria believes that with more access to information technology the Court is poised to achieve even greater success in the future.

It must be noted, however, that the increased workload will of necessity require an increased financial allocation to the Court. It is our view that, for the Court to cope with its increased workload and to sustain the high standard for which it has a worldwide reputation, more resources must be allocated to it. In that regard, I note with satisfaction that the General Assembly approved in December 2000 a supplementary budget for the Court to enable it to meet the cost of needed additional personnel. For the biennium 2002-2003, the Court has requested substantial appropriations. My delegation supports the allocation of more resources to the Court to enable it effectively to discharge its statutory functions and obligations.

My delegation values the various publications of the International Court of Justice. Those publications include reports of judgments, advisory opinions and orders issued by the Court. We regret the backlog in the publication of those vital documents, which are invaluable to the development and codification of international law. We believe that easy access to those publications, especially by developing countries, would create greater awareness and understanding among them of the work of the Court and of international law. We therefore welcome the new volumes published within the period under review. We urge the Court to expedite action on the publication of its various documents as soon as more resources are made available to it.

My delegation shares the view expressed in the report that, during the period 2000-2001, the Court carried out its judicial task with care and determination. We welcome the increased confidence which States have shown in the Court's ability to resolve disputes peacefully. We believe that the ideal of the primacy of the law in inter-State relations constitutes the Court's raison d'être. We urge that relations between States continue to be founded on mutual respect, desire for peace and the rule of law.

My delegation is only too aware that the task of the Court is not an easy one, considering the political coloration of some of the disputes referred to it. That notwithstanding, the Court has played its role well, as reflected in its rulings, orders and judgments. I therefore believe that it is in the interest of Member States to assist the Court to maintain the high standard of arbitration that it has set in the pacific settlement of disputes between States parties to its Statute.

Ms. Xue Hanqin (China) (*spoke in Chinese*): At the outset, I wish on behalf of the Chinese delegation to express our sincere thanks to Judge Gilbert Guillaume, President of the International Court of Justice, for his concise and excellent report on the work of the Court (A/56/4).

The International Court of Justice is not only one of the principal organs of the United Nations; it is also a world-renowned international judicial body. It has been playing an active and important role in the peaceful settlement of international disputes. Through its judgments on contentious cases and its advisory opinions, the Court contributes greatly to the application and development of international law. It has also had a far-reaching impact on international relations and on the forging of a new international order. The Court's caseload continues to grow considerably, which shows that the international community has high expectations of the Court and that the Court's work is outstanding and highly effective.

The peaceful settlement of international disputes is one of the basic principles of international law. The Court's judicial independence and impartiality, the high qualifications of its judges and its universal representation of the main forms of civilization and of the world's principal legal systems all mean that the International Court of Justice is bound to play an ever more important role in the peaceful settlement of international disputes. We have noted that, with the steady increase in the number of cases brought before the Court, the difficulties faced by the Court in terms of human and financial resources have become more palpable and more acute. We call upon the international community, especially the United Nations and the parties to the Statute of the Court, to devote greater attention to this situation and to do their utmost to enable the Court properly to fulfil its mandate and to play its proper role to the fullest.

China has a history that stretches back 5,000 years, a magnificent civilization and one of the principal legal systems of the world. We believe that representation, among the body of judges on the Court, of the main forms of civilization and of the principal legal systems of the world is essential if we are to preserve the authority and ensure the fairness of the Court. The Chinese Government is prepared to continue to contribute in this regard. The Chinese Government attaches great importance to the role of the Court in the peaceful settlement of international

disputes, and has always believed that disputes between States should be resolved through peaceful means, including through negotiation and adjudication. As always, the Chinese Government will support the work of the International Court of Justice and work tirelessly to promote the rule of law at the international level and to safeguard world peace.

Mr. Perez Giralda (Spain) (*spoke in Spanish*): It is an honour for me to address the General Assembly on behalf of the Kingdom of Spain to thank the International Court of Justice for its report and, in particular, the President of the Court, Judge Gilbert Guillaume, for his statement, as well as to reaffirm the trust that Spain places in the International Court of Justice, the principal judicial organ of the United Nations.

My Government is convinced that it is essential for States to place their trust in that lofty tribunal if it is to be able effectively to discharge its mission in settling international disputes, as well as in contributing to peacemaking through deciding on issues of international law. Spain has demonstrated such trust by accepting the mandatory jurisdiction of the Court and by undertaking, on an ongoing basis, activities that demonstrate this acknowledgement, the most recent of which was a visit by His Majesty King Don Juan Carlos to the Peace Palace on 23 October.

On that occasion, in addition to discussing other relevant issues, His Majesty emphasized the importance of the International Court of Justice as the international tribunal par excellence because of its universal and general jurisdiction and its recognized authority. It is important here to reaffirm those words of appreciation, in the context of the concern expressed by the President of the Court about the proliferation of international tribunals and the dangers of legal overlap or contradiction that that might entail. It should be recalled that on previous occasions, the President of the Court highlighted the need for a dialogue among jurisdictions in order to try to avoid the potentially harmful effects of the fragmentation of international law. Spain believes that the International Court of Justice is the most appropriate institution to channel such a dialogue, as long as the international community puts its trust in the Court and endows it with the means of discharging that function. We should also remember that both the current President of the International Court of Justice and his predecessor referred to advisory opinions as representing a possible means of establishing such a dialogue and thereby of ensuring that the International Court of Justice speaks with an authoritative voice.

Judge Guillaume's comments that Member States make frequent use of the International Court of Justice were also very encouraging. The universal character of the Court is reflected in the diversity of the parties that participate in the cases before it, as well as in the multiplicity of the complex issues with which it deals. The report of the Court to the General Assembly provides a great deal of information about different cases and other details; there is no need me to refer to them here.

Spain is, of course, fully aware of the difficulties regarding the funding of the International Court of Justice and of the negative impact that that is having. Human and material resources are scarce — although the excellent work done by the Court makes that fact seem irrelevant. Spain therefore hopes that proposals to increase the budget of the Court will elicit a favourable response from the relevant bodies.

The excellent results to which we referred can be seen in every aspect of the work of the International Court of Justice, but we would like in particular to highlight its efforts to improve its internal working methods by rationalizing the work of its secretariat, using new information technology and improving the practices of the Court itself, as well as its methods of cooperating with the parties on procedural matters. Furthermore, its efforts to disseminate information and news relating to the Court through its Web site are also very useful.

In conclusion, I would like to reaffirm that Spain has full confidence in the present and future work of the International Court of Justice.

Mr. Oe (Japan): It is a great pleasure and honour for me to address the Assembly on behalf of the Government of Japan. My delegation would like to thank President Guillaume for his lucid report on the current situation of the International Court of Justice.

There is no doubt that the importance of the International Court of Justice, given its long history and solid jurisprudence, and the confidence that States place in it, remains unchanged in the twenty-first century. Although concerns about the possible fragmentation of international law due to the proliferation of international courts have been

expressed in statements made by President Guillaume and his predecessors in recent years, the International Court of Justice, as the principal judicial organ of the United Nations, has no equal with regard to the important role it plays in the development of international law.

As a State that strongly believes in the rule of law and firmly upholds the principle of the peaceful settlement of disputes, Japan greatly appreciates the strenuous efforts and work of the International Court of Justice. Japan fully supports the spirit of the Court in striving to make further contributions to strengthening the rule of law and preventing and resolving international crises.

For its part, to show its firm adherence to the principle of the peaceful settlement of disputes, Japan has been contributing annually over the past decade to the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. Its contributions to the Fund to date amount to $252,000. Judging from past and current biannual documents and the proposed biennium programme budgets, the Fund seems to be underutilized. In accordance with the belief that a dispute is better resolved through litigation than through armed conflict, a State that is in urgent need of resolving a dispute but without proper legal expertise or assistance would be encouraged to seek recourse to the Court by utilizing this Fund.

Japan's commitment to the Court may also be seen in the context of its long history of providing highly qualified jurists to serve as judges. Indeed, during the Permanent Court of International Justice period, three Japanese lawyers served as judges. After the creation of the International Court of Justice, Judge Tanaka served from 1961 to 1970, and currently Judge Oda is serving as the most senior judge in the Court. Judge Oda has indicated his intention to retire after finishing his current term, which ends in February 2003. The Government of Japan has decided to present a new candidate for election to the Court in the year 2002. In this way, Japan sincerely hopes to continue contributing to the International Court of Justice, whose noble mission will be all the more important in the twenty-first century.

Before concluding my statement, I wish, on behalf of the Government of Japan — which is the second largest contributor to the United Nations budget — to take this opportunity to touch upon the issue of the Court's budget and its appeal for an increase for the coming biennium.

Japan is fully aware of the situation in the International Court of Justice. Its workload has grown significantly in recent years, while the resources available to it remain limited. The General Assembly, which attaches great importance to the work of the Court, in 1999 granted it four additional posts. In addition, last December, the General Assembly approved the establishment of 12 translator posts, 2 General Service posts and temporary assistance in the additional programme budget of the Court for the biennium 2000-2001, despite the tight budgetary constraints of the United Nations, which are forcing many other bodies to cut their budgets.

Also, I would like to point out that the Advisory Committee on Administrative and Budgetary Questions, with respect to the next biennium programme budget of the Court, recommended the approval of the 16 additional posts requested by the Court. In view of United Nations budgetary constraints, the Court should not take lightly such favourable treatment by the General Assembly or the possible approval of future additional posts, although such a request may not be fully granted.

With that in mind, every State having recourse to the International Court of Justice should try its best to facilitate the efficient functioning of the Court. In response to the Court's appeal, an applicant State can reduce the burden it places on the Court and expedite the proceedings, for instance, by keeping to the minimum necessary the volume of its written pleadings and the length of oral arguments. We look forward to the Court's continuing efforts to improve, rationalize and update the practices and procedures in question in order to ensure the continued support of Member States and their taxpayers for its activities.

In conclusion, I would like to stress once again Japan's willingness to contribute to the strengthening of the International Court of Justice to enable it efficiently to accomplish the mission expected of it in the twenty-first century.

Mr. Tarabrin (Russian Federation) (*spoke in Russian*): Let me begin by thanking the President of the International Court of Justice, Judge Guillaume, for presenting the report of the body over which he presides.

The Russian Federation is convinced that the International Court has a leading part to play in defending the norms and principles of international law, as enshrined in the Charter of the United Nations, in particular the principle of the peaceful settlement of disputes between States. Although Article 33 of the Charter provides States with a broad range of means to resolve disputes arising between them, experience has shown that the Court is the most authoritative body to which a State can have recourse for a solution to the thorniest of problems. We also see the Court as being very important in the field of the prevention of the unlawful use of force in international relations.

As the primary judicial organ of the United Nations, the International Court of Justice has a central role in the development of jurisprudential practice in the field of international law. In this respect, we call for a broader use of mechanisms for judicial supervision of the provision of guarantees that violations of the norms of international law will not be permitted.

The role of the Court in interpreting the norms of international law is also a major one. In fact, it would be difficult to imagine any progressive development of international law without the Court.

The radical changes we have seen in the nature of international relations over the last 10 years have led to an increasing interest by States in the International Court of Justice as a means of settling their disputes. A clear sign of this is the great increase in the number of cases before it and also the broad geographical spread of the countries bringing cases before the Court.

We see this trend as positive, and we hope that it will continue into the foreseeable future. However, this does place an additional burden of responsibility both on the Court itself and on the United Nations as a whole. We welcome the steps that have already been taken by the Court to increase its efficiency and enhance its methods of work, which have allowed cases to be heard a little more quickly. However, the pace — with a few exceptions — remains too slow. We therefore would like to recommend that the Court should further reflect on how it could increase its productivity within the framework of the Statute, without prejudice to the quality of its judgments and advisory opinions.

On the other hand, it is equally clear that if it is effectively to fulfil its functions in a changed world, the Court need adequate resources. We cannot fail to note, in this respect, that in recent years the Court's financing has been a cause for concern. Indeed, the budget of the highest organ in the United Nations system is several times lower than that of the International Tribunal for the former Yugoslavia, which seems, in our view, to be unjustified.

It looks as though the situation will improve in the coming biennium. We support the proposal to increase the Court's budget and also allow for a modest increase in its staff, but on the understanding that this will not affect the level of the United Nations regular budget for the biennium 2002-2003.

One of the clearest of recent trends — and this is very closely connected with the confirmation of the supremacy of law in international relations — is the increasing number of international judicial organs that are being established — the International Tribunal for the former Yugoslavia, the International Tribunal for Rwanda, the International Tribunal for the Law of the Sea and the special court that is being set up for Sierra Leone — not to mention the upcoming entry into force of the Statute of the International Criminal Court.

This trend is of course positive, but it also has a negative side because it increases the risk of undermining the unity of international law and encouraging the emergence of legal precedents that might contradict one another. That in turn could lead to a situation where States succumb to the temptation of applying to whichever court they consider to be the most convenient one available. In that light, we should think about developing procedures so that, when necessary, contentious issues of international law arising in the course of the activities of any international judicial organ could be submitted to the International Court of Justice for an advisory opinion.

In conclusion, may I express our confidence that the Assembly's discussion of the report of the International Court of Justice will help to draw the international community's attention to the Court's activities and serve the cause of improving coordination among the work of the main United Nations organs in pursuing the Organization's core goals.

Mr. Kim Eun-soo (Republic of Korea): It is an honour for me to address the General Assembly on the occasion of the examination of the annual report of the International Court of Justice.

This morning Judge Gilbert Guillaume, the President of the Court, has delivered his statement on the overall situation of this principal judicial organ of the United Nations. His remarks summarized the Court's work and activities, which have been remarkable over the past year. My delegation would like to take this opportunity to commend President Guillaume on his superb leadership since his inauguration in February of last year and his success in carrying out the important missions entrusted to the Court.

Some of the Court's achievements deserve our particular attention. This year, the Court put an end to a long-standing dispute between Qatar and Bahrain by virtue of its judgment of 16 March in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*. Due to the complicated nature of this case combining questions of both the territorial sovereignty of islands and maritime delimitation, it took the Court 10 years to reach its final decision. It is my delegation's view that the judgment, given its insightful reasoning and analysis, will be recorded and referred to as one of the most important judicial decisions in the Court's history in the field of territorial disputes and maritime boundary delimitations.

From a methodological point of view, my delegation wishes to note one particular point in the judgment of the International Court of Justice. In drawing the single maritime boundary line between Qatar and Bahrain, the Court began by provisionally establishing the median line and proceeded to make adjustments in order to achieve an equitable result. The method adopted in this case seems to be well in line with the approach taken by the Court in previous, similar cases. My delegation is of the view that the continued application of this approach in the future would be desirable for the sake of uniformity and consistency in the international jurisprudence of maritime boundary delimitation.

As pointed out by previous speakers, another landmark judgment of the Court was that of the *LaGrand* case. In its ruling, the Court recognized for the first time the binding nature of its orders for the indication of provisional measures under article 41 of the Statute. Given the ambiguity of the legal effect of provisional measures prior to this case, my delegation feels that the *LaGrand* judgment will serve to strengthen the role and authority of the Court and also encourage States to make use of it more frequently.

The number of cases coming before the Court has risen substantially during the last decade, significantly increasing its workload. The current number of cases on the Court's docket attests to this. While this development reflects the inclination of more States to seek settlement of disputes by judicial means, it has overburdened the Court and made it difficult to handle cases in a timely fashion. These problems were pointed out in last year's report of the Joint Inspection Unit on the International Court of Justice, which made several useful recommendations to help deal with this new challenge. A great deal of effort has been made so far to enhance the efficiency and effectiveness of the Court, and the outcome has generally been successful. Accordingly, my delegation welcomes the resolution of the General Assembly of 22 June, in which the Assembly noted that problems in the management of the Registry of the Court had been resolved to a large extent.

For the purpose of improving efficiency, last December the Court took an important step towards simplifying its procedures by amending two relevant articles concerning preliminary objections and counter-claims. The amendments aim to shorten the duration of the Court's proceedings, to clarify the existing rules and to adapt them to reflect more closely the practice developed by the Court. These measures are part of a series of endeavours undertaken since 1997 to rationalize the work of the Court. My country fully supports these initiatives and hopes that the Court will continue its efforts to improve efficiency, in order to provide the international community with even better legal service.

As the only international judicial institution, the International Court of Justice is now being called upon to play a more active role in promoting world peace based upon the rule of law. This can indeed be made possible through the increased use of the Court on the part of States and unreserved cooperation and support from the international community as a whole. However, a considerable increase in the Court's budget seems to be necessary in order for it to deal with its heavy workload and overcome the difficulties in its administration and management. In this regard, my delegation is of the view that President Guillaume's proposed budget for the next biennium should receive favourable consideration. A revitalized and more

efficient Court with sufficient funding, we believe, would be a great benefit to all members of the international community.

In concluding, my delegation would like to reaffirm its full confidence in, and its support for, the invaluable work of the International Court of Justice in the development and promotion of the role of law in international relations.

Mr. Kamto (Cameroon) (*spoke in French*): It is always a great pleasure and honour for the delegation of Cameroon to hear the traditional statement by the President of the International Court of Justice on the activities of the Court. I thank the President of the International Court of Justice for the clarity of his statement. I also take this opportunity to extend our congratulations not only to President Gilbert Guillaume, but also to all the members of the Court. My delegation would like to encourage the Court's tangible contribution to the maintenance of peace between nations through the law. We also commend the Court's remarkable efforts to deal with the various cases before it in the shortest time possible. The fact that there are many more cases on the Court's docket is a clear sign of the increasing confidence of States in the authority of the highest court in the world. This is something we should welcome. Let us hope that the trend continues, for the sake of international peace.

Two points in the President's statement were of particular interest to my delegation. The first concerned the LaGrand affair. The decisions handed down in this case indeed constitute a high point in the legal history of the Court, for at least three reasons. The first is the fact that the decisions are a very clear indication of the Court's sensitivity to the right to life. This is evident in the order dated 3 March 1999 containing provisional measures, which was handed down with unprecedented speed — in fact, in just 24 hours, as the case went before the Court on 2 March. The firm language of the order is a sign of the Court's keenness to save the lives of the two LaGrand brothers, who had not yet been executed. The Court demanded that Mr. Walter LaGrand not be executed until a final decision had been handed down, and that the respondent State report back to the Court all the measures it would take to comply with the order.

There was also the judgment of 27 June 2001, in which the Court pronounced itself on the substance of the case. This contributed to strengthening consular law as part of international law. The Court decided that the rules of domestic law — and in particular the rules governing legal proceedings under domestic law — could not be allowed to undermine the rules of international law, to which this particular State had subscribed. The Court affirmed that when applying its own domestic law — which prevented Karl and Walter LaGrand from putting their claims forward under the Vienna Convention on Consular Relations, of 24 April 1963 — the respondent State had violated its international obligations under the Convention.

Finally, what is particularly important is that the Court's ruling in the *LaGrand* case decides a question that has long been at the fore in debate on doctrine: the legal force of orders for the indication of provisional measures given by the highest court in the world. Last year Cameroon became one of those countries advocating making such orders binding upon those to whom they are addressed. Cameroon is not so foolish as to imagine that its view in any way influenced the decision of the Court in the *LaGrand* case, but we note with satisfaction that the Court decided that these orders are binding. The Court was absolutely unambiguous on this, saying:

> "by failing to take all measures at its disposal to ensure that Walter LaGrand was not executed pending the final decision of the International Court of Justice in the case, the United States of America breached the obligation incumbent upon it under the Order indicating provisional measures issued by the Court on 3 March 1999". *(A/56/4, p. 43)*

The delegation of Cameroon welcomes this dictum of the judgment of 27 June 2001, which fully justifies the procedure of provisional measures before the International Court of Justice.

The second matter in the report that drew my delegation's attention was the amendment of articles 79 and 80 of the Rules of Court, and the modification of the note containing recommendations to the parties. The delegation of Cameroon welcomes these changes, which have a single goal — to accelerate proceedings on preliminary objections and requests for counter-claims, thus preventing such procedural matters from paralysing the Court's activities and preventing States parties to a case before the Court from feeling as if they have been put through the mill before their cases are heard.

The high cost of Court proceedings and the hope for a speedy and definitive Court decision which inspires every applicant State are incompatible with the slow progress allowed by the provisions before they were amended. Through these amendments, the Court forces parties to a dispute to assume their responsibilities, while giving the Court's legal processes the ability to remain in control of the proceedings. International justice is bound to be more effective as a result.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided.

Organization of work

The Acting President: Before calling on the next speaker, I should now like to draw members' attention to the announcement in today's *Journal* concerning agenda item 49, "Question of equitable representation on and increase in the membership of the Security Council and related matters", the third item to be taken up this afternoon. For this agenda item there is no documentation at this time.

Following the practice of previous sessions, the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council will report to the General Assembly next year, after having concluded its work at the fifty-sixth session.

Programme of work

The President in the Chair.

The President: I should like to draw the attention of the members to two draft resolutions, under the symbols A/56/L.6 and A/56/L.7, that have been distributed to delegations this morning.

Draft resolution A/56/L.6 contains the new dates for consideration by the General Assembly of agenda item 25, entitled "United Nations Year of Dialogue among Civilizations", originally scheduled for 3 and 4 December 2001, in accordance with Assembly resolution 55/23 of 13 November 2000.

Draft resolution A/56/L.7, under agenda item 26, contains the new dates for the special session of the General Assembly on children, originally scheduled for 19 to 24 September 2001, in accordance with Assembly resolution 55/26 of 20 November 2000.

To facilitate planning for delegations, the General Assembly will take up agenda item 25 this afternoon as the first item, for the purpose of considering draft resolution A/56/L.6, followed by agenda item 26, for the purpose of considering draft resolution A/56/L.7. Thereafter, the Assembly will consider agenda item 49, as announced in the *Journal* today.

The meeting rose at 12.50 p.m.