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New York

President: Mr. Ping. . . . . (Gabon)

The meeting was called to order at 9.40 a.m.

Tribute to the memory of His Excellency Sheikh Zayed bin Sultan Al-Nahyan, President of the United Arab Emirates

The President (*spoke in French*): Before beginning the discussion of the agenda item before us, it our sad duty to pay tribute to the memory of the late President of the United Arab Emirates, Sheikh Zayed bin Sultan Al-Nahyan, who passed away Tuesday, 2 November 2004.

On behalf of the General Assembly, I request the representative of the United Arab Emirates to convey our condolences to the Government and the people of the United Arab Emirates and to the bereaved family of His Highness Sheikh Zayed bin Sultan Al-Nahyan. I invite representatives to stand and observe a minute of silence in tribute to the memory of Sheikh Zayed bin Sultan Al-Nahyan.

The members of the General Assembly observed a minute of silent prayer and meditation.

Mr. Grey-Johnson (Gambia): I am speaking on behalf of the Group of African States. It is with a deep sense of sorrow and loss that we have learned of the passing away of Sheikh Zayed bin Sultan Al-Nahyan, President of the United Arab Emirates, at the age of 86 years.

Sheikh Zayed bin Sultan Al-Nahyan goes down in history as the man who, in a short period of less than 40 years, transformed an underdeveloped group of small islands in the Persian Gulf into a highly developed modern nation. When he became the head of the Emirate of Abu Dhabi in 1966, the State of the United Arab Emirates was nothing but a collection of seven sheikhdoms. Very quickly, he crafted them all into a strong federation and forged a unified nation, which he then led and served with dedication, steadfastness and vision. He used his country's oil wealth to enrich his people, to educate and enlighten the populace and to transform the United Arab Emirates into a leading international financial and business centre. His statesmanship also made it possible, even unavoidable, for the United Arab Emirates to assume prominent leadership positions, not only in the Arab and Islamic worlds, but also internationally and within the United Nations. He opened up his country to all peace-loving individuals regardless of nationality, as long as they had a contribution to make to the development of his people. He is known for his modesty and simplicity and the ease with which he mixed freely with his subjects.

Perhaps the international system can take a leaf from this great leader's life of service to his people and to humanity at large when we consider issues of governance, international cooperation, human security and development and the empowerment of the poor and the dispossessed. We extend our heartfelt condolences to the Government and the people of the United Arab Emirates, and may his soul rest in peace.

Mr. Jenie (Indonesia): I stand here in deep humility today as the chairman of the Group of Asian

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States for the month of November to pay tribute to the memory of His Highness Sheikh Zayed bin Sultan Al-Nahyan, the President of the United Arab Emirates, who departed this world two days ago.

Sheikh Zayed bin Sultan Al-Nahyan was nearly 90 years old when he passed on, and he had dutifully presided over his nation for over 30 years. Despite his age, he remained an energetic man, tirelessly pursuing the causes of Arab unity, tolerance and reconciliation. For that, he was a respected figure in the international community, particularly among Arab leaders.

Regarding his governing methods in his country, Sheikh Zayed bin Sultan Al-Nahyan once expressed the following great insight:

> "I am not imposing unity on anyone. That is tyranny. All of us have our opinions, and these opinions can change. Sometimes we put all opinions together and then extract from them a single point of view. This is our democracy."

It is this kind of wisdom that made him a remarkable leader and for which he will never be forgotten. It is also this kind of wisdom that guided him in office. Through his wise and judicious use of the nation's generous oil resources, he transformed the United Arab Emirates into the beautiful and flourishing desert country that it is today and enhanced the welfare of his people. It is through this achievement that Sheikh Zayed bin Sultan Al-Nahyan won the eternal love and admiration of his people for over three decades, and for which he will always be remembered. On behalf of the group of Asian States, I pay tribute to this great and unforgettable Arab son and express condolences to his family and to the Government and people of the United Arab Emirates. May the soul of Sheikh Zayed bin Sultan Al-Nahyan rest in peace.

Mr. Dapkiunas (Belarus): It is with deep sadness that the Member State of the Eastern European Group of States learned about the passing of His Highness Sheikh Zayed bin Sultan Al Nahyan, President of the United Arab Emirates and ruler of Abu Dhabi.

We all pay tribute to His Highness Sheikh Zayed bin Sultan Al Nahyan's tireless and wise leadership of the United Arab Emirates since its formation in 1971. His wisdom and energy lead the people of the United Arab Emirates to prosperity and well-being. Having dedicated his life to the unification and strengthening of his country, His Highness Sheikh Zayed bin Sultan Al Nahyan has made it one of the wealthiest and the most prosperous States in the region. Today, the United Arab Emirates is a leading member of the Organization of Petroleum Exporting Countries and a regional centre for banking and finance.

His Highness Sheikh Zayed bin Sultan Al Nahyan's contribution to peace and security in the region and the entire world cannot be overestimated. His attitude toward his country's neighbours, based on trust and respect, has been a crucial factor in bringing the countries of the region closer to each other. Today, the League of Arab States is an influential international organization that plays an important role in strengthening international security and stability. Its friendly and fruitful relations with the United Nations must, to a large extent, be attributed to the efforts of His Highness Sheikh Zayed bin Sultan Al Nahyan.

As a distinguished statesman, talented politician and diplomat, loving father, and a man of vision who looked far into the future, His Highness Sheikh Zayed bin Sultan Al Nahyan rightfully enjoyed the profound respect of the people of his country and the whole world.

The member countries of the Group of Eastern European States convey their deep condolences to the family of the late President and to the Government and people of the United Arab Emirates.

Mr. Sevilla Somoza (Nicaragua) (*spoke in Spanish*): I am honoured to take the floor on behalf of the Group of Latin American and Caribbean States to convey our most heartfelt condolences to the people and Government of the United Arab Emirates upon the much lamented death of their President, His Highness Sheikh Zayed bin Sultan Al Nahyan, ruler of the Emirate of Abu Dhabi for 25 years and President of the United Arab Emirates for 33 years.

Sheikh Zayed transformed his country, guided by his great faith and a philosophy that stated that it was the duty of every person to seek to improve the lives of his people. His life's work remains as a living tribute to his devotion and unswerving conviction. The United Arab Emirates have lost a great man of vision and great impact — that impact can be seen in the basic infrastructure, as well as in great projects devoted to the environment, education and the development of the oil industry, whereby he turned the desert into an oasis. Over time, Sheikh Zayed won the recognition in his region as a great statesman, and his international

experience strengthened his administration. He will be missed and will be remembered particularly as a great man who was able to translate his dreams into reality for the benefit of his people.

We share the sorrow of the royal family at this time of mourning and sadness and, particularly, we extend to the people and Government of the United Arab Emirates our full solidarity and send them comfort in the hope that they can recover the strength to live.

Mr. McIvor (New Zealand): On behalf of Group of Western European and other States, I have the honour to speak in tribute to His Highness Sheikh Zayed bin Sultan Al Nahyan, President of the United Arab Emirates and ruler of Abu Dhabi, who sadly passed away on 2 November. Sheikh Zayed was a strong and visionary leader of his people and a unifying force in the region. He played a central role in the formation of the United Arab Emirates in 1971 and was elected President of the new federation. With subsequent re-elections, he continued to rule the United Arab Emirates for over 30 years — a period when the country prospered under his able leadership. During that time, Sheikh Zayed played a major role in the formation of the Gulf Cooperation Council, which was officially established in 1981. That was one of his most lasting and admired achievements. On this sad occasion, I wish to convey the most sincere condolences of the members of the Group of Western European and other States to the Government and people of the United Arab Emirates and Abu Dhabi, and to the family, friends and colleagues of Sheikh Zayed.

Mr. Ghafari (United States of America): On behalf of the United States, I extend my deepest condolences to the Government and people of the United Arab Emirates upon the passing of the founder of their country, Sheikh Zayed bin Sultan Al Nahyan. Sheikh Zayed lead his nation with exemplary leadership and tolerance. He avidly pursued development and modernization. His leadership and vision united seven independent emirates into one nation. His cherished friendship with the United States will not be forgotten and will certainly be missed. Sheikh Zayed will be remembered for his wise direction, humanitarian leadership and tolerance.

The essence of Sheikh Zayed's philosophy, derived from his deeply held Moslem faith, was that it is the duty of man to improve the life of his fellow men. His record of leadership within the Emirates and the international community demonstrated the dedication and seriousness with which he sought to put that belief into practice. We appreciate this opportunity to honour a man whose contribution to his country and intimate involvement in our Organization will be missed by all. We send our deepest sympathies to Sheikh Zayed's family members.

Mr. Al-Shamsi (United Arab Emirates) (*spoke in Arabic*): I am taking the floor before the General Assembly to thank it for this special tribute to the head of State of the United Arab Emirates, His Highness Sheikh Zayed bin Sultan Al-Nahyan, our dear brother. He has returned to God, who called him back on the 19th day of Ramadan, that is 2 November 2004. I would like to thank the Secretary-General, Mr. Kofi Annan, his team and all the high officials of the international community, the representatives of regional groups and of Permanent Missions and State leaders for their condolences and for the moving expressions of sympathy that they have addressed regarding our late, lamented leader. Those tributes have been marked by a generosity of spirit, paying tribute to his wisdom, his generosity, his accomplishments and good deeds and his effectiveness in the service of concord, peace and harmony among peoples, for which he remains a symbol and a testament — not only for his people and his country, but also for the international community and for the region to which we belong. At this sad time I find it hard to find words that will enable me to convey to you with proper eloquence the loss that we feel in the Emirates and throughout the Arab and Muslim world, resulting from the passing of this dear leader who always strove to respect the principles of our Islamic religion and his heritage. Over more than 45 years, he worked and gave tirelessly to promote the good of his people. Despite the extremely difficult circumstances under which he struggled, he was able to leave behind him a precious and unique legacy of unity, solidarity, tolerance and justice, as well as human development and scientific and technological progress. He was a great humanitarian and he will be remembered for that by posterity. His wisdom and his penetrating judgement was employed in the service and unity of his country and his people, but, above and beyond that, he demonstrated a diplomatic wisdom, skill and generous assistance that transcended our borders and served the cause of peace, development and dignity in all corners

of the world. He never hesitated to devote his efforts tirelessly to strengthening brotherly relations and relationships of friendship and mutual respect among all peoples of the world. He was unstinting in his assistance and support of the causes of peoples and nations. He oversaw the resolution of economic and political crises, as well as humanitarian crises caused by natural disasters. He won the friendship of nations, which esteem him greatly for his balanced and measured policies. Today, we all accept the decision of God, who has called back our much-lamented, inspiring, courageous leader to his side. His stature is truly international and far exceeds our national borders. He strove to assure peace and security and his skills and qualities are famous, not only within our borders, but also at the international level and especially in our region.

The Sultan has left behind his son as the new ruler, who came into office yesterday pursuant to the Constitution. He will be receiving the support of the people. I thank the heads of State and Government for their condolences. Our country will continue to pursue its balanced policy with full respect for our international commitments and our legal obligations under the Charter of the United Nations and the principles of international law.

The memory of our late, lamented leader, Sheikh Zayed bin Sultan Al-Nahyan, will be an unquenchable source of inspiration because of his work to promote peace and to build a more humane world. We trust in God and may the peace of God be with you all.

Agenda item 13

Report of the International Court of Justice

Report of the International Court of Justice (A/59/4)

Report by the Secretary-General (A/59/372)

The President (*spoke in French*): May I take it that the Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President (*spoke in French*): In connection with this item, the Assembly also has before it a report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, which has been circulated in document A/59/372.

I call on Mr. Shi Jiuyong, President of the International Court of Justice.

Mr. Shi Jiuyong (International Court of Justice): It is a great privilege and an honour for me, in my capacity as President of the International Court of Justice, to address the General Assembly of the United Nations on the occasion of its examination of the report of the Court for the period from 1 August 2003 to 31 July 2004.

For more than a decade now, the Assembly has invited the President of the International Court of Justice to present an annual review of the Court's activities and achievements. Before I summarize the events of the preceding year, I should like to express my gratitude for this opportunity, which I believe demonstrates the Assembly's ongoing interest in and support for the Court in its role as the principal judicial organ of the United Nations.

It is also a particular pleasure to address you today under the distinguished presidency of Mr. Jean Ping, Minister of State, Minister for Foreign Affairs, Cooperation and la Francophonie of Gabon, and the tenth African President of the Assembly. I congratulate him on his election to the presidency of the General Assembly at its fifty-ninth session and applaud the commitment made by him and his country to the United Nations mission to build a more caring world in which future generations are freed from the ravages of war and underdevelopment. I should like to wish him all success in office and in particular with his initiative to pursue broadened consultations with the international community aimed at revitalizing and reforming the Organization.

The Court has transmitted its annual report to the Assembly, along with an introductory summary. As the report is somewhat lengthy, I trust that the following résumé will provide a useful overview of its essential elements.

As I reported last year, 191 States are parties to the Statute of the Court, and more than 65 of them have accepted the compulsory jurisdiction of the Court in accordance with article 36, paragraph 2, of the Statute. In addition, approximately 300 treaties make reference to the Court with respect to the settlement of disputes arising from their application or interpretation.

Since I addressed the Assembly in October 2003, the Court has held five sets of oral hearings relating to no fewer than 12 cases, with the hearings in all eight cases concerning the legality of the use of force having been held simultaneously. In addition, the Court has rendered final judgments in three cases and has delivered one advisory opinion. That level of activity is unprecedented in the history of the Court, and, as a result of such efforts, the number of cases on the Court's docket were reduced from 25 a year ago to 20 at the end of the review period. Today, there are in fact 21 cases on the General List, following the institution of proceedings by Romania against Ukraine on 16 September 2004. Given that in the 1970s the Court had very few cases on its docket, and that from 1990 to 1997 it had between nine and 13, the current number of cases represents a substantial workload.

The contentious cases pending before the Court originate from all over the world: there are 11 between European States, four between African States, two between Latin American States and one between Asian States. In addition, there are two cases of an intercontinental nature. The Court's international character is also reflected in its composition. It currently has the benefit of members from Brazil, China, Egypt, France, Germany, Japan, Jordan, Madagascar, the Netherlands, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The cases included on the docket over the past year illustrate the variety of international disputes that are customarily referred to the Court. The Court is accustomed to handling territorial disputes between neighbouring States that are seeking the determination of their land and maritime boundaries or a decision with respect to sovereignty over particular areas. Currently, there are four such cases on the General List, concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Benin and Niger, and Malaysia and Singapore.

States also regularly submit disputes to the Court concerning the treatment of their nationals by other States. That is the position in the extant cases between Guinea and the Democratic Republic of the Congo and between the Republic of the Congo and France, and also in the recently decided case concerning Avena and other Mexican nationals.

Another category of cases that is frequently referred to the Court concerns the use of force. Such proceedings often relate to events that have been brought before the General Assembly or the Security Council. At the moment, the Court is seized of two cases in which Bosnia and Herzegovina and Croatia, respectively, have sought the condemnation of Serbia and Montenegro for violations of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The Court is also dealing with the cases on the legality of the use of force that are being pursued by Serbia and Montenegro against eight member States of NATO. In those eight cases, Serbia and Montenegro is challenging the legality of the military action of NATO member States in Kosovo. Finally, the Court is dealing with two cases against Uganda and Rwanda in which the Democratic Republic of the Congo contends that it has been the victim of armed aggression.

As I mentioned earlier, in the course of the period under review, the Court rendered a judgment on the merits in three cases and delivered one advisory opinion. I shall now deal with those decisions in chronological order.

On 6 November 2003, the Court handed down its judgment in the case concerning oil platforms, *Islamic Republic of Iran v. United States of America*. By way of background, in November 1992, the Islamic Republic of Iran instituted proceedings against the United States of America arising from the attacks on and destruction of three Iranian offshore oil production platforms by warships of the United States Navy in October 1987 and April 1988. In its application, the Islamic Republic of Iran contended that those acts constituted a "fundamental breach" of certain provisions of the 1955 Treaty of Amity, Economic Relations and Consular Rights between the United States and the Islamic Republic of Iran, and that they also constituted a violation of international law. The Islamic Republic of Iran sought reparation for the damage caused to its oil platforms.

The United States disputed the claim of the Islamic Republic of Iran and counterclaimed that the Islamic Republic of Iran had violated the 1955 Treaty by attacking vessels in the Gulf and by otherwise engaging in military actions that were dangerous and detrimental to commerce and navigation between the two countries. The United States also sought reparation for any injury suffered.

In its judgment on the merits, the Court — having carried out a detailed examination of the evidence provided by the parties — held, first, that the actions of the United States against the Iranian oil platforms could not be justified as measures necessary to protect the essential security interests of the United States, as envisaged in article XX, paragraph 1 (d), of the 1955 Treaty. The Court concluded that recourse to force under that provision was permitted only if a party was acting in self-defence — that is to say, if it had been the victim of an armed attack and if the actions taken were necessary and proportionate.

The Court then examined the issue of whether the United States, in destroying the oil platforms, had impeded their normal operation and prevented the Islamic Republic of Iran from enjoying freedom of commerce between the two territories, as guaranteed by article X, paragraph 1, of the Treaty of Amity. The Court found that there was, in fact, no commerce between the Islamic Republic of Iran and the United States in respect of oil produced by those particular platforms at the time of the attacks. Consequently, the Court held that neither the Islamic Republic of Iran's submission nor its claim for reparation could be upheld.

In respect of the counterclaim of the United States concerning the alleged breach by the Islamic Republic of Iran of the obligations under the Treaty of Amity, the Court concluded, on the evidence before it, that there had not been any impediment to commerce and navigation between the territories of the parties. Consequently, the Court held that the submissions and the claim for reparation of the United States should also be rejected.

The second of the judgments on the merits, in the case requesting a revision of the Judgment of 11 September 1992 in *El Salvador v. Honduras* — concerning the land, island and maritime frontier dispute between El Salvador and Honduras, with Nicaragua intervening — was delivered in December 2003. The Chamber of the Court formed to deal with that case found that El Salvador's application for revision of the 1992 Judgment was inadmissible. In its Judgment, the Chamber recalled, first, that under article 61 of the Statute of the Court, a revision could only be requested by a party upon satisfaction of the conditions contemplated by the Statute, namely, that the revision should be "based upon the discovery of [a] fact" which must be "of such a nature as to be a decisive factor", and should have been "unknown to the Court and also to the party claiming revision" when the judgment was given.

One section of the boundary determined by the 1992 Judgment followed the course of a river known as the Goascorán. El Salvador claimed that it was in possession of scientific, technical and historical evidence that showed the previous course of the River Goascorán, and its avulsion in the mid-eighteenth century.

The Chamber, however, held that the 1992 Judgment had been based on El Salvador's conduct during the nineteenth century with regard to the course of the boundary at that time, and not on a determination of the original course of the river, so evidence of avulsion could not have been a decisive factor.

Secondly, El Salvador sought to rely on a newly discovered copy of an eighteenth century map and report, which had been found in the Newberry Library in Chicago and that differed from the copies presented in evidence by Honduras in the original proceedings. However, the Chamber found that the copies produced by El Salvador varied only slightly from the ones used in 1992 and did not constitute a "decisive factor" as required by article 61 of the Statute.

Moving on to the judgments delivered this year: on 31 March 2004 the Court delivered its decision in *Mexico v. United States of America*, a case concerning Avena and other Mexican nationals. Mexico had instituted proceedings against the United States of America regarding alleged breaches of articles 5 and 36 of the Vienna Convention on Consular Relations of 24 April 1963 that arose from the conduct of criminal proceedings against 52 Mexican nationals who had been tried, convicted and sentenced to death in the United States.

The Court's first task was to consider the applicability of paragraph 1 (b) of article 36 of the Vienna Convention, which sets out the obligations of a receiving State in relation to consular notification. Having found that the United States was subject to those obligations, the Court determined the meaning of the expression "without delay" in the context of the performance of the requirements of paragraph 1 (b).

On the basis of that interpretation, the Court held that in 51 of the cases the United States had breached

its obligation to inform a foreign national of his rights to consular notification when “arrested or committed to prison or to custody pending trial or ... detained in any other manner”, and in 49 of the cases the United States had failed to notify a Mexican consular post about the detention of Mexican nationals. Then, noting the interrelated nature of the three subparagraphs (a), (b) and (c) of paragraph 1 of article 36 of the Vienna Convention, the Court went on to find that in 49 of the cases the United States had breached its obligation under subparagraph 1 (a) to enable Mexican consular officers to communicate with, have access to and visit their nationals and that in 34 cases the United States had violated its obligation under subparagraph 1 (c) to enable Mexican consular officers to arrange for legal representation of their nationals.

Mexico had also alleged that the United States had violated its obligation under article 36, paragraph 2, of the Vienna Convention by failing to provide meaningful and effective review and reconsideration of convictions and sentences. The Court found that the United States had indeed breached that obligation in 3 cases, but that the possibility of judicial re-examination was still open in the other 49.

The Court held that the review and reconsideration of the convictions and sentences of the Mexican nationals by United States courts would provide adequate reparation for the violations of article 36 of the Vienna Convention. Although the Court recognized that the means of effecting the review and reconsideration were a matter for the United States to decide, it expressed its view that it was the judicial process that was suited to such a task.

Finally, on 9 July this year, in response to a request by the General Assembly, the Court rendered its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

Before addressing the question posed by the General Assembly, the Court considered whether it had jurisdiction to respond to the request and examined the judicial propriety of exercising its jurisdiction in that instance. The Court found, unanimously, that it had jurisdiction to give the advisory opinion and decided, by 14 votes to one, to accede to the request.

Having dealt with those preliminary issues, the Court then addressed the legality of the construction of the wall, as a precursor to dealing with the legal consequences of its construction.

The Court found, by 14 votes to one, that the construction of the wall being built by Israel, the occupying Power, in the occupied Palestinian territory, including in and around East Jerusalem, and its associated regime, are contrary to international law.

With regard to the legal consequences of these violations, the Court distinguished between the consequences for Israel, those for other States and those for the United Nations. Turning firstly to the consequences for Israel, the Court, by 14 votes to one, found that Israel is under an obligation to terminate its breaches of international law, and that it is under an obligation to cease forthwith the work of construction of the wall being built in the occupied Palestinian territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.

The Court further decided, again by 14 votes to one, that Israel is under an obligation to make reparations for all damage caused by the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem.

In respect of the consequences for other States, the Court found, by 13 votes to two, that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction and that, in addition, all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, have the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.

Finally, with regard to the United Nations, the Court found, by 14 votes to one, that the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and its associated regime, taking due account of the advisory opinion.

In the preparation of its advisory opinion, the Court examined the international law principles relating to the prohibition of the threat or use of force, and the extant rules governing the acquisition and occupation of territory. It also addressed the principle of self-determination, and considered the applicability of international humanitarian law and human rights law in the occupied Palestinian territory.

As well as reviewing these vital elements of international law, which are enshrined in numerous treaties, including the United Nations Charter, and in customary law, and reflected in various resolutions of the General Assembly, the Court also recognized the need for the construction of the wall to be placed in a more general context. In particular, the Court noted that Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, and expressed the view that the tragic situation in the region can be brought to an end only through the implementation in good faith of all the relevant Security Council resolutions.

The Court also drew the attention of the General Assembly to the need for efforts to be encouraged with a view to achieving as soon as possible, on the basis of international law, a negotiated solution to the outstanding problems and the establishment of a Palestinian State, existing side by side with Israel and its other neighbours, with peace and security for all in the region.

As well as delivering these judgments and the advisory opinion, the Court has completed the hearings on the preliminary objections of the respondents in the eight "Legality of Use of Force" cases brought by Serbia and Montenegro against States members of NATO. In addition, hearings on the preliminary objections of Germany have recently taken place in the *Certain Property (Liechtenstein v. Germany)* case, which concerns Czechoslovakia's treatment of the property of Liechtenstein nationals as German assets following the Second World War. All nine cases are currently under deliberation.

The achievements of the Court during the review period reflects its commitment to dealing with cases as promptly and efficiently as possible, while maintaining the quality of its judgments and respecting the consensual nature of its jurisdiction.

It is gratifying to note the increased use of the Court by States over recent years, and in order to meet this growing demand and fulfil its judicial responsibilities, the Court has taken further steps in the review period to improve its judicial efficiency. Since I last reported to the Assembly, the Court has undertaken a thorough review of its working methods, and as a result has introduced measures to enhance its internal functioning and encourage greater compliance by parties with previous decisions aimed at accelerating the procedure in contentious proceedings.

With these aims in mind, the Court has recently amended existing Practice Direction V and promulgated new Practice Directions X, XI and XII. Amended Practice Direction V clarifies that the four-month period for the presentation by a party of its observations and submissions on preliminary objections runs from the date of the filing of the preliminary objections. Practice Direction X requests the agents of the parties to attend without delay any meeting called by the President of the Court on a procedural issue. Practice Direction XI provides that in oral pleadings on provisional measures, parties should limit themselves to dealing with matters that are relevant to the criteria for the indication of such provisional measures; it thereby addresses a problem which I noted in my speech to the Assembly last year.

Finally, Practice Direction XII sets out the procedure to be followed with regard to written statements or documents submitted by international non-governmental organizations in connection with advisory proceedings. These additions to the Court's Practice Directions will supplement its efforts to expedite the examination of cases which have been reported to the Assembly in previous years.

I should now like to draw the Assembly's attention to a few matters concerning the budget of the Court for the 2004-2005 biennium. The financial support of the General Assembly is greatly appreciated by the Court, and the Court in turn recognizes its responsibility to apply those funds wisely.

The 2004-2005 biennium was agreed in advance of the General Assembly's urgent request for an advisory opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory. Both the public hearings and the delivery of the advisory opinion attracted unprecedented world attention. Meeting the demands of the media and providing adequate security placed a great burden on the Court's resources, and it is now clear that the Court

will require additional funds to cover its expenses for the 2004-2005 biennium. I sincerely hope that the allocation of such funds will be authorized as soon as possible, so that the Court can rest assured that it has adequate financial support to perform its role in the year ahead.

In the review period, the Court has continued to enhance its use of modern technology, building on the achievements that I outlined in October 2003. However, in order to continue this process and comply with the wishes of the General Assembly in that regard, it is essential for the Court to have the benefit of a high-level professional officer in the Computerization Division. Therefore, the Court will repeat the request made last year for the creation of a post to enable it to recruit a senior informational technology staff member with extensive experience and appropriate qualifications.

Finally, on behalf of the Court, I should like to express thanks for the approval of a number of specific requests. In particular, five new law clerk posts were converted from temporary to established positions, and, on the recommendation of the United Nations Security Coordinator, two security posts were created.

Since its establishment in 1946 — more than half a century ago — the International Court of Justice has contributed to the promotion and development of a unified international legal system, both by the adjudication of contentious disputes between States and by the exercise of its advisory function.

In the period under review, it has demonstrated its ability to deal with a varied and demanding caseload. It has clearly shown that it can react urgently and efficiently to meet the needs of States, as in the case concerning *Avena and Other Mexican Nationals*, and to respond to requests from the General Assembly for an advisory opinion. In performing its role as the principal judicial organ of the United Nations, the Court is always conscious of the purposes and principles of the Organization, and it is particularly aware of its responsibility to contribute to the maintenance of peace and security in every region of the world.

In order to achieve these aims and perform its functions, the Court looks to the other principal organs for support and guidance, recognizing that those organs operate on a strictly equal footing, each affording due deference to the authority of the others.

It remains for me to thank the Assembly sincerely on behalf of the International Court of Justice for its encouragement and assistance during the review period, and to express my hope that this cooperation and understanding will increase in the years to come, so that the Court can contribute to the vision of a revitalized and effective United Nations.

Mr. Balarezo (Peru) (*spoke in Spanish*): First of all, on behalf of the Government and the people of Peru, we wish to convey our condolences on the death of the President of the United Arab Emirates.

I wish to thank the President of the International Court of Justice, Judge Shi Jiuyong, for his introduction of the annual report on the work of the Court. The International Court of Justice is the principal judicial organ of the United Nations. Its contribution to the peaceful settlement of disputes and to the rule of law at the international level has been crucial since its inception and continues to be so today.

Bearing in mind the far-reaching importance of the role of the International Court of Justice in the maintenance of international peace and security and its contribution to achieving the fundamental purposes of the United Nations through the peaceful settlement of legal disputes between States, Peru deems it of the greatest importance that the Court’s jurisdiction be universally accepted.

Today only 65 States, including Peru, have accepted the binding jurisdiction of the Court pursuant to paragraph 2 of article 36 of the Statute of the Court. We would urge all States that have not yet done so to accept the binding jurisdiction of the Court without conditions, to submit their disputes to this body, and to comply with its rulings.

In 1989, the Secretary-General’s Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice was set up in order to support States prepared to resolve their disputes through the Court but deterred by the cost of the process or of abiding by the ruling.

Peru welcomes the amendments made to the mandate of the Trust Fund, which are set out in the report contained in document A/59/372. The expansion of the eligibility criteria whereby States may receive financial assistance from the Fund and the establishment of a mechanism for advances are positive changes which will undoubtedly make it

possible for more States to consider recourse to the International Court of Justice for the peaceful settlement of their disputes.

Peru expresses its recognition to those States that have made contributions to the Fund and echoes the appeal of the Secretary-General to States, intergovernmental organizations, national institutions and non-governmental organizations, as well as natural and legal persons, to continue to make voluntary contributions to the Fund. The increasing number of cases that have been submitted for the Court's consideration — which is currently approximately 20 — attests to the commitment of States to peaceful means for the settlement of disputes and is a clear demonstration of the international community's increasing trust in this jurisdictional authority.

The Court — precisely because of the many cases before it and recognizing how important it is that justice be administered not only efficiently, but in a timely manner — has again reviewed its working methods, and in July it adopted effective additional legal guidelines aimed at expediting cases. Peru appreciates that review and respectfully urges the Court to persevere in that effort.

My country also wishes to highlight the work of the Court in publicizing its activities and decisions. The dissemination of information by electronic means — particularly the Court's web site — are significant tools for ensuring that the Court's valuable activities are widely known. Peru commends the Court for that work and encourages it to consider options with regard to further publicizing its judicial activities in all of the official United Nations languages. In that connection, so as not to incur additional expense, we should explore the possibility of academic institutions working together to translate documentation and making it available to interested parties through electronic means.

Finally, I should like to reaffirm the resolve of Peru —a country that has historically demonstrated its strict respect for international law and peaceful means for the settlement of disputes — to continue to support the International Court of Justice in carrying out the lofty responsibilities entrusted to it by the international community.

Mr. Kitaoka (Japan): It is my great pleasure and honour, on behalf of the Government of Japan, to address the Assembly under the presidency of His Excellency Mr. Jean Ping.

First of all, I would like to express my sincere appreciation to Judge Shi Jiuyong, President of the International Court of Justice (ICJ), for his comprehensive presentation on the report of the ICJ (A/59/4) today. My delegation would like to express its gratitude and support for the achievements of the International Court of Justice over the past year.

There is a growing awareness among nations that the international community must establish law and order and that international law should play a greater role in that regard. International law is a dynamic legal system that has continued to evolve over time. Needless to say, interpreting and implementing international law require not only profound knowledge of the law, but also wisdom and far-sightedness on the part of the international community. From that point of view, the importance of the role of the Court, as the principal judicial organ of the United Nations, cannot be overstated.

Japan is a State that believes in the rule of law and steadfastly upholds the principle of the peaceful settlement of disputes. The Secretary-General, in his address to the General Assembly on 21 September this year, also reaffirmed the importance of respect for the rule of law. Japan appreciates the achievements of the Court in the past year, during which — despite a high number of cases on the docket — the Court managed to deliver judgments and an opinion based on in-depth consideration of the relevant legal issues. This year, we have also witnessed some notable decisions involving controversial issues in international law. The question of whether or not the Court should remain within the traditional area of international law, applying only established jurisprudence, requires further discussion. But it is a fact that the international community is developing rapidly and that we require a system of laws capable of addressing the latest situations confronting the world. Therefore, with regard to interpretations of the individual issues of international law that were highlighted by the Court, I believe that nations will eventually come to a common understanding.

To conclude my statement, I would like once again to underscore the great importance attached to the International Court of Justice as the keeper of law

and wisdom in our world. Japan will continue to contribute to the invaluable work of the ICJ.

Mr. Rastam (Malaysia): I wish to join you, Mr. President, and others in expressing the sincere condolences and deep sympathy of my delegation to the delegation of the United Arab Emirates upon the demise of His Highness Sheikh Zayed bin Sultan Al-Nahyan, the late President of that country.

My delegation wishes to thank Judge Shi Jiuyong, President of the International Court of Justice (ICJ), for his eloquent presentation of the report of the Court (A/59/4). That comprehensive document is extremely useful in enabling Member States to understand and appreciate the complexity of the work of the Court and the complex issues that the Court deals with.

Malaysia would like to command the Court for its contribution to the peaceful settlement of international disputes between States and to the development of international law. It is self-evident that, if the international community wishes to resolve and prevent conflicts in a peaceful manner, it needs an impartial third party that is competent to deal with the relevant legal questions. The Court has undoubtedly played an important and influential role in the promotion of peace and harmony between nations and peoples of the world through observance of the rule of law and by helping to resolve disputes between States through legal means, as well as by giving advisory opinions on legal questions referred to it in accordance with international law. Malaysia recognizes that role and has full confidence in the Court's competence and ability to serve as the principal judicial organ of the United Nations, as stipulated in the Charter of the United Nations and the Statute of the ICJ.

The Court has been accessible to all States for the peaceful settlement of disputes. Acceptance of the Court's compulsory jurisdiction signifies that a nation is willing to acknowledge the adjudicative powers of the Court in all legal disputes regarding the interpretation of a treaty, any question of international law and the interpretation of other international obligations. Malaysia is pleased to note that, since 1946, the Court has delivered 79 judgments and given 25 advisory opinions. The increased use of the Court is strong evidence that the level of confidence in the Court is extremely high, for the reason that it can trusted to be impartial and effective. We are pleased that the Court has handed down very high-quality judgments and advisory opinions.

Malaysia's belief that the Court is the most appropriate avenue for the peaceful and final resolution of disputes when all efforts in diplomacy have been exhausted has been further strengthened by the confidence that we and the international community have in the role, function and accomplishments of the Court. Malaysia itself has submitted to the Court cases of territorial disputes, in mutual agreement with the other parties concerned, for adjudication by the Court. Malaysia will fully respect the Court's decision in such cases, consistent with its abiding adherence to international law. We firmly believe that respect for the Court's decisions would make a significant contribution to enhancing the Court's stature and prestige and, in turn, inculcate a culture of respect for the rule of law at the international level.

My delegation believes that the significant increase in the number of cases on the docket of the Court as of 31 July 2004 augurs well for the progressive development of international law and the role of the Court as a dispute-settlement mechanism. We note the acceptance by 65 States of the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute, and that some 300 bilateral or multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of the application or interpretation of those respective treaties. These welcome developments clearly demonstrate the increasing confidence in the decisions of the Court and reliance on the settlement of disputes through adjudication, rather than by the use of force. This manifestation of confidence in the rule of law is particularly important at a time when the world is facing many daunting threats and challenges.

In view of the increased workload of the Court, there is an urgent need to strengthen its capacity to efficiently dispose of the cases before it, as well as to undertake the additional administrative responsibilities arising therefrom. At the same time, we are pleased to note that the Court reviewed its procedures and working methods so as to further increase its productivity. As emphasized in the report, even after taking various measures, the Court will require additional funds for the 2004-2005 budget because of the extraordinary and unforeseen costs associated with, inter alia, security requirements and media demands incurred in connection with the issuance of the

advisory opinion on the question of the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

That advisory opinion — which, inter alia, ruled that the construction of the wall by Israel, the occupying Power, is contrary to international law and that Israel is under obligation to terminate its breaches of international law — is indeed a significant milestone in the long-running effort to bring to an end the suffering of and dire humanitarian consequences faced by the people in the occupied Palestinian territory and to ensure a just and lasting solution to the question of Palestine. Malaysia is pleased to have participated, through both written and oral submissions, in the open hearings at the Court in February 2004. We consider the whole process of seeking and rendering the advisory opinion to have been a clear manifestation of the healthy relationship between the General Assembly and the Court, as envisaged under the Charter. We are, however, very disappointed that the advisory opinion has not been heeded by Israel.

My delegation takes note of the report of the Secretary-General on the Secretary-General's Trust Fund, as contained in document A/59/372. We note the Secretary-General's appeal to all States and other relevant entities to give serious consideration to making contributions to the Fund, which has had a decreasing level of resources since its inception. We also note the revision in the terms of reference of the Fund.

Malaysia commends the efforts undertaken by the International Court of Justice to increase public awareness and understanding of its work in the judicial settlement of international disputes, its advisory functions, case law and working methods, as well as its role within the United Nations, through its publications and lectures by the President, members of the Court, the Registrar and members of the Registry staff. We welcome the Court's distribution of press releases and background notes, as well as its handbook, aimed at keeping the public informed about its work, functions and jurisdiction. We concur with the view that the Court's web site has been extremely useful and well utilized by diplomats, lawyers, academicians, students and interested members of the public as an important source of access to the Court's judgments, which constitute the most recent developments in international case law. We hope that the Court will be granted adequate resources to allow it to continue to fulfil its mandate and meet the demands of an increasing workload.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): I should like first of all to join with all previous speakers who have expressed their sincere and heartfelt condolences to our brothers from the delegation of the United Arab Emirates for the loss of their leader, His Highness Sheikh Zayed bin Sultan Al-Nahyan, who was an eminent and very worthy man.

I would also like to pay tribute to the President of the International Court of Justice and to express appreciation to him for his efforts to strengthen the authority of the rule of international law. I would like to thank him for his comprehensive statement on the work of the Court for last year.

Syria is deeply convinced of the important and fundamental role of justice in the life of peoples and nations. We believe that the International Court of Justice, as the main instrument of the United Nations for the application of justice among nations, is qualified to protect rights and settle disputes.

The countries of the Arab region, including my own country, Syria, witnessed the first forms of justice with the Code of Hammurabi thousands of years ago. Those countries stress the fact that our world today is in dire need of strict international order of justice that would fulfil the requirements and deal with the developments that have taken place in all fields in the region in the past decade.

Some of the disputes have often become open bloody conflicts, which undermine international peace and security. In that regard, we believe that the Charter is still the instrument that will make it possible to resolve many of those disputes. As its Statute makes clear, the International Court of Justice is called upon to address those disputes. An increasing number of States have had recourse to the International Court of Justice in the past few years in order to resolve disputes and put an end to contentious issues with other States.

Here, I would again like to reaffirm the importance of ensuring adequate and needed funding for the mandates of the Court so that it can do its job properly.

The report submitted by Judge Shi Jiuyong, President of the International Court of Justice, refers to a large number of cases of which the Court has been

seized recently, as well as the results achieved and the respect that those decisions have received. I would like to refer in particular to the advisory opinion, which was adopted almost unanimously, condemning the construction of a wall by Israel on occupied Palestinian territory. The members of the Court stated almost unanimously that the building of that wall on occupied Palestinian territory was contrary to international law and that Israel should refrain from its violations put an end to the building of the wall and make the necessary reparations. We should also note that in its advisory opinion the Court stated that all States are bound not to recognize the legal situation arising from the building of the wall and should press Israel to respect international humanitarian law, as embodied in the Fourth Geneva Convention.

The advisory opinion also declared that the United Nations, including the Security Council and the General Assembly, should take all necessary measures to put an end to the unlawful situation that has arisen from the building of the wall; we expect those bodies to play their proper role.

The International Court of Justice, the instrument that the United Nations has for carrying out justice, has expressed its opinion. What is more important, therefore, is to implement the advisory opinion. The peoples of the world who believe in justice are waiting for the implementation of the advisory opinion. Justice is not simply an opinion; its true value lies in its implementation.

We believe that the peoples of the United Nations are anxious to see justice prevail, including justice for the future of the Palestinian people, and to see the establishment of its own independent State on its own territory. Yet the world continues to witness Israel's rejection of the provisions of international law and of the International Court of Justice's advisory opinion.

Syria once again expresses its respect for the role and work of the Court, and along with other States Members of the Organization that are devoted to justice and the rule of law, we will be relentless in our efforts to strengthen the role of the International Court of Justice in all respects.

Mr. Gómez Robledo (Mexico) (*spoke in Spanish*): My delegation wishes to convey its appreciation to the President of the International Court of Justice, Judge Shi Jiuyong, for the very detailed report that he has presented to the General Assembly.

Mexico wishes to pay tribute once again to the principal judicial organ of the United Nations for its constant contribution to the development of international law and the promotion of justice among States. The spectacular increase in the number of cases referred to the Court is a clear and palpable sign of the political backing of the international community for its judicial practices, its impartiality and its independence.

The current workload of the Court greatly differs from the meagre number of cases submitted to it not so long ago, for example, in the 1970s. At the present time, the Court faces the challenge of resolving 21 cases. Unquestionably, the end of the cold war helped tremendously to induce States to have recourse to the Court to solve their disputes through peaceful means, so as not to endanger international peace and security, or justice.

In the context of constant growth and evolution, the Court has not overlooked the needs resulting from its own success. Expediting the processing of cases and improving its methods of work have been key factors in the strategic operational planning of the Court, with a view to responding to current demands and the complexity that many cases have acquired from a procedural point of view.

Mexico appreciates the efforts of the Court in that area, and encourages parties involved in contentious cases to cooperate fully with the Court and to follow its guidelines. In particular, we warmly welcome the recent measures taken by the Court to enhance its productivity, in terms of internal functioning, with the goal, among other things, of shortening the period of time between the conclusion of written activities, and the opening of the oral proceedings. At the same time, Mexico welcomes the adoption of a set of reforms to the Court's practical guidelines.

These comments on the activities of the Court are merely the direct result of the recent first-hand experience of Mexico, in the case in which my country was involved with the United States — the case of *Avena and Other Mexican Nationals v. The United States of America*. That was the first time that Mexico took part in a contentious case before the Court. A decision of such far-reaching importance could be taken only if there was well-founded trust in the seriousness, strict legal standards and impartiality of the Court. Mexico was not disappointed by the Court.

Concerning the procedures in that case, the Court was able to induce the parties not to delay the phases of the case, given the vital importance of the rights and the laws at stake. The parties fully cooperated with the Court, and the Court worked determinedly to meet the expectations of the parties. Upon the request of the applicant, the Court ordered provisional measures in order to safeguard Mexico's rights. The United States fully respected the Court's order concerning provisional measures.

With regard to the ruling on the substance of the issue, the Court, once again, did international law and justice a distinguished service. The actions of the Court resolved an issue which negotiations between the parties had not been able to achieve, over many years.

In *Avena*, the Court spelled out the scope of the obligations stemming from article 36 of the Vienna Convention on Consular Relations, regarding the right to notification of and information about, consular assistance, and clarified aspects which the parties wished to see defined, since the ruling in the *LaGrand* case. In *Avena*, the Court spelled out the criteria which govern the question of restitution, following violations of obligations stemming from article 36 of the Vienna Convention on Consular Relations.

Lastly, in *Avena*, the Court established principles which must be observed, generally, by all States parties to the Vienna Convention on Consular Relations. In short, Mexico was fully satisfied as regards the application it made, and the pleas that it addressed to the Court.

We convey our congratulations to Slovakia, for having joined this year the family of States recognizing the compulsory jurisdiction of the Court, pursuant to paragraphs 2 and 3 of article 36 of the Court's Statute. Slovakia brings the number of States that have deposited such declarations to 65. We urge the States that have not already done so or those that have withdrawn their declarations to accept, once and for all, the compulsory jurisdiction of the International Court of Justice.

Regarding the judicial practices of the Court, we should note the key role the Court has played in developing case law relating to questions concerning the delimitation of maritime zones between States. The case most recently brought before the Court by Romania against Ukraine, concerning a disputed delimitation in the Black Sea, is an example of that trend. Mexico will be monitoring those developments very closely and we will be continuing its efforts on the regional level to enable coastal States of the Caribbean Sea that so wish to draw on the financial means to obtain the necessary technical and legal assistance to begin bilateral negotiations on maritime delimitation or even resort to judicial settlement. For the third consecutive year Mexico has provided financial resources to the trust fund for maritime delimitation in the Caribbean Sea, whose purpose is to provide resources for technical assistance, as I just mentioned, in the area of maritime delimitation.

In that context, Mexico would also like to convey its appreciation and gratitude to the Secretary-General for the review of the mandate of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We encourage all States in a position to do so to make contributions to that Fund.

The Court will continue to play a distinguished role in the international judicial arena, which has been strengthened by new institutions to benefit the international community. Mexico will continue to support all those mechanisms and institutions so as to promote the peaceful settlement of disputes among States.

The Organization is experiencing the winds of change. Mexico is convinced that institutional reforms occasioned by the process of change now under way should not be confined to just one principal organ of our Organization. The reform process needs to be comprehensive and, accordingly, it should embrace all the principal organs of the United Nations, including the International Court of Justice. Given the expectation of possible changes in the composition of the principal organs of the Organization, Mexico urges Member States to reflect upon the potential consequences of those changes on the composition of the Court. Mexico is ready to contribute to that discussion and at an appropriate time will be putting forward more detailed ideas on that issue.

Mr. Lavalle-Valdés (Guatemala) (*spoke in Spanish*): My delegation wishes to add its condolences to those expressed on the passing of the head of State of the United Arab Emirates.

The illustrious Grotius highlighted the need of human communities for law to govern their activities in order to ensure their survival, adding that that

generalization applied to the human race as a whole. It might be thought that, given the far-reaching changes that have taken place in international relations since the age of the great Dutch thinker, his comment, which as far as he was concerned related to all States then existing, is very far from being applicable without qualification to the community of modern States. We, however, believe that Grotius's ideas are still fundamentally valid. All the more so, since, as distinct from the events of his era, the activities of States and of individuals not fully controlled by such States can cause tremendous damage to the human race as a whole.

For those who spoke Latin the close affinity between the concepts of law, judge and judgement — or, respectively, *ius*, *iudex* and *iudicium* — was obvious. It is as if, except for those absolutely primitive laws that we believe no longer exist, there can be no law without judges. Indeed, in a large number of juridical systems law is conceived of as something so inseparable from those who perform it that their activity comes to be the principle modality of expressing the law. Thus, it is understandable that for centuries now States have occasionally referred their disputes to ad hoc bodies of a judicial character. For similar reasons, much more recently, some States have done the same on the regional and subregional levels, through collective intergovernmental organs of a much more markedly judicial nature but which, despite their relative permanency, generally lack comprehensive jurisdiction.

It is also understandable, then, that there should be a court equally competent to be seized of disputes between States, but whose jurisdiction is totally comprehensive and in which practically all States participate or may participate. I am, of course, referring to the International Court of Justice. If we regard the International Court of Justice more as a continuation than as a successor of the venerable Permanent Court of International Justice — which is highly justifiable — it is plain that the Court to which I refer is the is the one that was founded under the latter name in 1922, and then, in 1946, with changes that simply reflected the new international order, it became the Court whose report we are now considering and whose activities in recent years have expanded in an impressive fashion.

The annual consideration in the Assembly of the report of the International Court of Justice, although it follows an already traditional pattern, has not become a mere rote procedure, but is a real opportunity for Member States to study the report and to listen with great interest to the statement that that President of that venerable institution makes. In that regard, I would like to say that we are all very grateful for the extremely important participation of the President of the Court in this meeting, as he is able to make the contents of the report come to life, enhancing to the highest degree the validity of our debate through his comments. Consideration of the report in the plenary meeting of the Assembly is also an appropriate opportunity and a unique occasion for Member States wishing to do so to voice their opinions about the Court in general and, more specifically, about the work that it is doing, as well as about the practical functioning of the Court.

Thus, we have before us a document of the greatest interest and usefulness, owing not only to the far-reaching topics that it addresses, but also to the scope and precision of the report and the care that has gone into its design and preparation. We also commend the sound judgement of its authors in presenting information that is not overburdened with detail, but still meets the need we all feel to familiarize ourselves with the multiple activities of the Court, which cover a fairly broad range and which derive directly from the implementation of the corresponding provisions of the Charter of the United Nations and the Statute of the Court.

I would like to address some practical aspects of the report (A/59/4). Paragraph 249, we believe, should reflect not only the amended Practice Directions, but also the other amendments that were proposed. We would like in the next report to include all the proposed amendments to the Practice Directions. We know that the texts appear on the Internet, but, all the same, we would like to see them in the report.

We would like to reaffirm to the President of the Court our profound appreciation for his attendance here once again to introduce the report of his institution; and we would like to extend our thanks to the secretariat of the Court for having prepared this valuable document.

Mr. Ayua (Nigeria): This statement is being read out on behalf of the Permanent Representative of Nigeria to the United Nations, His Excellency Ambassador Aminu Bashir Wali, who is unavoidably absent.

The Nigerian delegation wishes to express its appreciation to Judge Shi Jiuyong, President of the International Court of Justice (ICJ) for the comprehensive annual report (A/59/4) now under consideration. We commend the Court for the wide-ranging activities covered in the report and the principles of justice and international law, which it continues to uphold.

Nigeria reiterates its conviction that the ICJ remains the only international court of universal character with general jurisdiction concerning the settlement of disputes freely submitted to it by sovereign States. In this regard, Nigeria is not only a State party to the Statute of the Court but is also one of the 65 States that has deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute. Indeed, this formed the basis of Nigeria's acceptance of the October 2002 decision of the Court on the land and maritime boundaries dispute with Cameroon, the implementation of which has proceeded under the aegis of the Nigeria-Cameroon Mixed Commission.

Nigeria commends the Court for upholding the rule of law within the United Nations system, as well as its positive contribution to international peace and security through its invaluable adjudicative role in resolving varied disputes among States. We also note the advisory opinion offered by Court in July 2004 on the question of the legal consequences of the construction of a wall in the occupied Palestinian territory**.**

Nigeria welcomes the increased confidence that States continue to show in the Court's ability to resolve their disputes. This is evident in the 26 cases referred to the Court from all over the world during the period under review, out of which 20 are now pending. In addition to enlarging the number of ad hoc judges chosen by States parties to handle the growing number of cases referred to the Court, it is gratifying to note the continuation of the Court's periodic reviews of its procedures and working methods, including added measures adopted in July this year, aimed at enhancing the internal functioning of the Court, together with practical steps taken to increase the number of decisions rendered each year by shortening the period between the closure of written proceedings and the opening of oral proceedings.

Our delegation further commends the adoption of amended Practice Direction V and new Practice Directions X, XI and XII, which we consider as significant steps towards increasing the effectiveness and efficiency of the Court in light of the growing number of cases being referred to the Court by States. We urge the Court to continue fulfilling its role as the principal judicial organ of the United Nations with utmost care and firmness. We believe that adequate funding of the Court would enable it keep pace with the advancement of modern technology, which it requires for the discharge of its functions. In this regard, the pending request of the Court for a modest expansion of its Computerization Division from one to two professional officers deserves favourable consideration. This request needs to be considered in tandem with the Court's extrabudgetary expenditures occasioned by the offer of its advisory opinion on the question of the legal consequences of the construction of a wall in the occupied Palestinian territory, as well as the measures taken by the Court to enhance the security and safety of its staff and premises.

We note with appreciation the contributions made during the period under review by Finland, Norway and Mexico to the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We commend the Secretary-General for the review of existing procedures governing the eligibility rules for application for financial assistance by States which lack the necessary financial resources to cover expenses in connection with either a dispute submitted to the Court by way of a special agreement or in connection with the execution of a judgment. A revision would no doubt assist in meeting the needs of all States wishing to call upon the Court to settle their disputes peacefully and would encourage them to do so, thus fulfilling the objective that informed the establishment of the Fund.

Finally, Mr. President, let me reaffirm Nigeria's commitment to the provisions of the Statute of the Court, recognizing that this will enhance respect for international law.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): Allow me to begin by conveying the most heartfelt condolences of the Spanish delegation to the delegation of the United Arab Emirates on the occasion of the recent death of His Highness Sheikh Zayed bin Sultan Al-Nahyan, head of State of the United Arab Emirates.

At the beginning of this session of the General Assembly, the Secretary-General highlighted the value of the rule of law both within States and in international relations. Just a few days ago the Security Council held a debate on the same issue from the standpoint of the role of the United Nations in post-conflict peace-building. As we are now considering in the Assembly the report of the International Court of Justice (ICJ), and having heard the very useful statement by Judge Shi Jiuyong, its President, this opportunity is particularly timely because the Court is a key body and a principle organ of the United Nations in ensuring that the rule of law genuinely prevails in international relations in an increasingly complex world.

The ICJ report reveals — and this is something we note with satisfaction — that States have been referring many cases to the ICJ in recent years. This is a good sign, not only in terms of the quantity, when compared to the not-too-distant past, but also in terms of the clearly increasing acceptance of the rule of law by States of all regions of the world, both developed and developing, in the context of international disputes of a wide-ranging nature.

Secondly, we need to stress the intensive judicial work that the Court has been carrying out in the period covered by the report, with its various oral proceedings that have led to three rulings and the issuance of an Advisory Opinion, together with a large number of findings in pending cases.

These facts in themselves indicate that the Court is becoming a very active body, and it is foreseeable that its activities will further expand over the next few years, given the number of cases that still have to be resolved and those that are steadily being added to its list. For this reason, we welcome the fact that the Court has undertaken a review of its working methods, a fact that has already led to a number of measures to improve its internal functioning and, as far as possible, expedite proceedings.

This intensive work on the part of the Court is due to the fact that the Court embodies the principle of the equality of States before international law. As a third impartial party, it acts as the guardian of international law, thus safeguarding the maintenance of a coherent international legal order, as described by the President of the Court himself.

In applying international law, the Court is helping to develop it and to spell out its functions, as may be noted, for example, in the declaration of the Court in 2001 concerning the obligatory nature of the findings that establish provisional measures. Compliance by States with such provisional measures is undoubtedly a key factor in peace.

We should also underscore the importance of the advisory function of the Court, as can be seen from the Opinion issued in July 2004 on the legal consequences of the construction of a wall in the occupied Palestinian territory, an opinion requested by the General Assembly. This Advisory Opinion bears witness to the fact that international law, applied to a specific issue, may play a relevant role in addressing a prolonged conflict situation, such as the one in the Middle East, which affects the whole international community and which demands a speedy resolution that would be satisfactory to all parties in the interests of peace and justice.

I have already said that it is foreseeable that in the next few years the Court will have a very heavy workload. This is something that we should not overlook, because, if we want it to be an efficient judicial organ in the service of the international community, we must give an appropriate response to the staffing and physical needs that this will generate. Accordingly, we cannot reject the modest proposals that the Court has presented to the General Assembly in this regard, as happened, to some extent, last year.

One needs only to read the report to understand that the activity of the secretariat of the Court is dependent on limited resources in a number of areas, and it would be appropriate to gradually increase those resources, in particular when it comes to the application of modern information technologies.

As regards the Court’s budget for the next biennium, my delegation believes that it would be incumbent upon us to support its proposals, so that it can adequately carry out its valuable judicial function in the service of peace and in ensuring the rule of law in international relations.

Mr. Lobach (Russian Federation) (*spoke in Russian*): Mr. President, allow me first of all to express gratitude to the President of the International Court of Justice (ICJ), Judge Shi Jiuyong, for the very important report on the work of the Court that was introduced in the General Assembly today.

The Russian Federation has traditionally paid continuous attention to the work of the ICJ and has fully supported it. The Court is a unique international body that plays the leading role in carrying out one of the main objectives of the United Nations — namely, the peaceful settlement of disputes between States. The Russian delegation greatly appreciates the work of the Court, which has been successful in the discharge of its duties.

It is worth noting that in recent years the work of the Court has been characterized by a steady increase in the number of issues referred to it by States for consideration. There has also been an expansion in the topics it deals with, as well as in the areas it covers. This trend is very telling of a constantly growing authority of the ICJ and its judgments. We believe that this should be completed by a universal practice of concise and unconditional implementation of obligations by States bound to them by these Court rulings. Unswerving fulfilment of this requirement, stemming from the United Nations Charter and the Court's Statute, are essential in order to ensure the primacy of law in international affairs.

Advisory Opinions issued by the Court at the request of United Nations bodies and its specialized agencies on various legal issues are of utmost importance. In our view, States must be extremely cautious in their use of this instrument, particularly when the application pertains to situations relating to a dispute between parties, one of which does not recognize the jurisdiction of the Court as binding upon them. The Court must bear this in mind when exercising its Advisory jurisdiction. We believe that its Advisory Opinions must not hinder the search for political settlements.

We welcome the efforts of the leadership of the Court to enhance the effectiveness of its work and to improve its methods. We also welcome recent additional measures taken to rationalize the internal functioning of the Court and to increase the number of judgments rendered annually.

In conclusion, the Russian delegation would like to express its gratification at the fact that issues pertaining to the financing of the Court, the expansion of its composition and the improvement of the technical equipment provided to it have been addressed successfully of late. We are confident that the as-yet-unresolved problems will be promptly addressed, thereby enabling the Court effectively to continue its work.

Mr. Butagira (Uganda): Let me first express our condolences to the United Arab Emirates upon the untimely death of Sheikh Zayed bin Sultan. May God rest his soul in eternal peace.

Allow me to express our appreciation to President Shi Jiuyong for his very articulate and most succinct introduction of the report of the International Court of Justice, contained in document A/59/4. We further congratulate him and his colleagues for the excellent work they are carrying out in fulfilment of their mandate as judges of the principal judiciary organ of the United Nations.

Uganda recognizes the fundamental role played by the Court in the resolution of international disputes between States, as well as its consultative status with both the General Assembly and the Security Council on legal issues.

Uganda notes that the Court has a large number of cases pending before it; there are more than 20 on its docket. Needless to say, justice delayed is justice denied. That notwithstanding, however, the Court has made commendable progress, especially with regard to its recent Judgments.

It would be insensitive not to appreciate the dilemma faced by the Court when respondents embark on measures that either stall the process or require the Court to sideline its workload in order to deal more expeditiously with provisional measures that have to be decided upon urgently. However, given the nature of the cases brought before the Court, that is to be expected, and the Court has to find the proper equilibrium in its responses to the challenges raised. Hence, I am happy to note the measures taken, inter alia, to rationalize the work of the Registry, make greater use of information technology, improve its own working methods and secure greater collaboration from the States parties involved. The shortening and simplifying of proceedings is a welcome development. Such measures are bound to reap dividends for both the Court and the parties in both the short and the long run.

Conversely, we urge parties to reduce, to the extent possible — without compromising their cases — the number and volume of written pleadings as well as the length of oral arguments.

The decisions rendered in all cases provide an invaluable and indispensable tool to the international legal regime. This vital function is further augmented by the Court's publications, from which my Government has benefited, as, indeed, have many others. States, legal entities, the media and academia have also benefited tremendously from the Court's web site, which features the full texts of the Court's judgments, advisory opinions and orders, including summaries of previous cases.

In conclusion, I wish to reiterate my Government's commendation of the excellent services and direction provided by the Court despite the numerous obstacles it faces given the diversity, complexity and volume of its work and the relatively limited funding, resources and support staff available to it.

The President (*spoke in French*): 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.

Programme of work

The President (*spoke in French*): On Monday morning, 8 November 2004, in addition to the items already scheduled for that meeting, the General Assembly, as the last item, will resume consideration of agenda item 56, Cooperation between the United Nations and regional and other organizations, so as to take action on draft resolutions A/59/L.5/Rev.2, A/59/L.11, A/59/L.14, and A/59/L.19, under sub-items (i), (j), (q) and (t), of agenda item 56.

Also, on Thursday afternoon, 18 November, following the items already scheduled for that meeting, the General Assembly will consider as the last item, agenda item 161 (Andean Zone of Peace). The list of speakers for that item is now open.

The meeting rose at 12 p.m.