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General Assembly

Sixty-third session

Official Records

34th plenary meeting
Thursday, 30 October 2008, 10 a.m.
New York

President: Mr. D'Escoto Brockmann . . . . . (Nicaragua)

The meeting was called to order at 10.20 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Second report of the General Committee (A/63/250/Add.1)

The President (*spoke in Spanish*): In the first paragraph of its report, the General Committee decided to recommend to the General Assembly that an additional item entitled "Recognition of sickle-cell anaemia as a public health priority" be included in the agenda of the current session under heading B, "Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences".

May I take it that the General Assembly decides to include that item in the agenda of the current session under heading B?

It was so decided.

The President (*spoke in Spanish*): In paragraph 1 (b), the General Committee further recommends that the item be considered directly in plenary meeting. May I take it that the General Assembly decides to consider that item directly in plenary meeting?

It was so decided.

The President (*spoke in Spanish*): I should like to inform members that the item entitled "Recognition of sickle-cell anaemia as a public health priority" becomes item 155 on the agenda of the current session.

In paragraph 2 (a) of the report, the General Committee recommends to the General Assembly that an additional item entitled "Granting of observer status for the International Fund for Saving the Aral Sea in the General Assembly" be included in the agenda of the current session under heading I, "Organizational, administrative and other matters". May I take it that the General Assembly decides to include that item in the agenda of the current session under heading I?

It was so decided.

The President (*spoke in Spanish*): In paragraph 2 (b), the General Committee further recommends that the item be allocated to the Sixth Committee. May I take it that the General Assembly decides to allocate the item to the Sixth Committee?

It was so decided.

The President (*spoke in Spanish*): I should like to inform Members that the item entitled "Granting of observer status for the International Fund for Saving the Aral Sea in the General Assembly" has become item 156 of the agenda of the current session.

The Chairman of the Sixth Committee will be informed of the decision just taken by the General Assembly.

In paragraph 3 of the same report, the General Committee recommends to the General Assembly that item 58 entitled "Report of the Human Rights Council"

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be considered in plenary meeting as well as in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that deal with the development of international law in the field of human rights, without prejudice to the right of Member States to present draft resolutions and decisions on all issues considered in the report.

Taking into account this recommendation, the General Assembly, in plenary meeting, will consider the annual report of the Human Rights Council on its activities. It is also understood that the current arrangement is in no way a reinterpretation of resolution 60/251 and will be reviewed before the beginning of the sixty-fourth session of the General Assembly.

May I therefore take it that the General Assembly approves that recommendation?

It was so decided.

The President (*spoke in Spanish*): The Chairman of the Third Committee will be informed of the decision just taken by the General Assembly.

The General Assembly has thus concluded its consideration of the second report of the General Committee.

Agenda item 66

Report of the International Court of Justice

Report of the International Court of Justice (A/63/4)

Report of the Secretary-General (A/63/229)

The President (*spoke in Spanish*): 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 (*spoke in Spanish*): 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/63/229.

I call upon Ms. Rosalyn Higgins, President of the International Court of Justice.

Ms. Higgins: I am pleased to address the General Assembly today under the presidency of His Excellency Father Miguel d'Escoto Brockmann, senior adviser on foreign affairs of Nicaragua. I warmly congratulate you, President D'Escoto, on your election as President of the Assembly at its sixty-third session and wish you every success in that Office.

This is the third time that I have had the privilege of addressing the General Assembly on the occasion of its consideration of the report (A/63/4) of the International Court of Justice. The current report covers the period 1 August 2007 to 31 July 2008, a period of intense judicial activity.

All 192 United Nations Members are, of course, ipso facto parties to the Court's Statute. Of those, 66 have accepted the compulsory jurisdiction of the Court in accordance with article 36, paragraph 2, of the Statute. In addition, some 128 multilateral conventions and 166 bilateral conventions envisage that the Court will be resorted to for the settlement of disputes arising from their application or interpretation.

For the past two years, I have reported to the Assembly on the working methods that the Court has been applying to maximize its throughput — dealing with always more than one case at a time, producing judgments in a timely fashion while never sacrificing quality, and clearing the backlog of cases ready for oral hearing. By applying those working methods, the Court has been able to manage a very full schedule of cases as well as to be in a position to respond swiftly to unanticipated requests for the indication of provisional measures.

Last year I informed the Assembly that the Court had had a very productive year. This year I can inform the Assembly that the Court has had the most productive year in its history. It has handed down four substantive judgments and one order, on a request for the indication of provisional measures. Another order for provisional measures was given just two weeks ago, falling technically outside of the period covered by the annual report but, of course, within the calendar year. Furthermore, in that reporting period, the Court has held hearings in four cases.

First, in December, it heard oral argument on the merits in the case concerning sovereignty over *Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, delivering its Judgment in May. Secondly, in January, the Court completed

hearings in the case concerning *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)* and issued its Judgment in June. Thirdly, in May, the Court heard oral argument on preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*. That Judgment is now under preparation. Fourthly, in June, the Court held hearings on a request for the indication of provisional measures submitted by Mexico within the context of a *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America)*. The Court issued its Order on provisional measures one month later. The Court is currently deliberating on the underlying request for interpretation.

In addition, in September, the Court held hearings on the merits in the case concerning *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*. That case is under deliberation as well. In August, we received a new case, submitted by Georgia, concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*. Georgia also requested provisional measures. Since the Court's Statute provides that such requests have priority over all other proceedings, the Court held hearings in September and issued its Order on provisional measures two weeks ago.

The cases we have decided in the past year have involved States from every United Nations regional group: Asia, Africa, Western Europe, Eastern Europe, North America and Latin America. The Court thus manifestly remains the court of the entire United Nations. The universal character of the Court is also reflected in the subject matter of the past year's cases, which has ranged from human rights to territorial sovereignty to mutual legal assistance to maritime delimitation to interpretation of an earlier Judgment.

In the past year, five new cases were submitted to the Court: *Maritime Dispute (Peru v. Chile); Aerial Herbicide Spraying (Ecuador v. Colombia)*; the *Request for Interpretation between Mexico and the United States*, the *Georgia v. Russian Federation* case and the Assembly's request for an advisory opinion on the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo. The current number of cases on the docket stands at 14.

Today, as is traditional, I will report on the judgments rendered by the International Court during the reporting period. I will also briefly address the Order on provisional measures issued two weeks ago. I shall deal with the decisions in chronological order.

In October 2007, the Court handed down its Judgment in the case concerning *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, the hearings of which had been held in March 2007. The dispute concerned the maritime boundary between the two countries, as well as sovereignty over four cays in the Caribbean Sea. In respect of sovereignty over the islands of Bobel Cay, Savanna Cay, Port Royal Cay and South Cay, located in the area in dispute, the Court concluded that it had not been established that either Honduras or Nicaragua had title to those islands by virtue of *uti possidetis juris*. Having then sought to identify any post-colonial *effectivités*, the Court found that sovereignty over the islands laid with Honduras, as it had shown that it had applied and enforced its criminal and civil law, had regulated immigration, fisheries activities and building activity, and had exercised its authority in respect of public works there.

As for the delimitation of the maritime areas between the two States, the Court found that no established boundary existed along the fifteenth parallel on the basis of either *uti possidetis juris* or a tacit agreement between the parties. It therefore determined the delimitation itself. In view of the particular geographical circumstances of the area, it was impossible for the Court to follow the preferred practice of establishing an equidistance line. The Court thus drew a bisector — that is to say, the line formed by bisecting the angle created by the linear approximations of the coastlines. The bisector method provided the delimitation line with greater stability, as it was less affected by the changing nature of the particular coastline.

It also greatly reduced the risk of error. The Court adjusted the course of the line to take account of the territorial seas around the islands. The Court fixed the starting point of the bisector at a distance of three nautical miles out to sea from an agreed point. The Court instructed the parties then to negotiate in good faith with a view to agreeing on the course of a line between the present agreed endpoint of the land boundary and the starting point of the maritime boundary thus determined. In respect of the endpoint of

the maritime boundary, the Court stated that the line which it had drawn continued until it reached the area where the rights of certain third States might be affected.

In December 2007, the Court decided another case involving Nicaragua: *Territorial and Maritime Dispute (Nicaragua v. Colombia).* This time, the case was at the stage of preliminary objections. After careful consideration of the parties' arguments, the Court found that the treaty signed by Colombia and Nicaragua in 1928 settled the issue of sovereignty over the islands of San Andrés, Providencia and Santa Catalina within the meaning of the Pact of Bogota, invoked by Nicaragua as a basis of jurisdiction in the case. There was no extant legal dispute between the parties on this question and the Court could not therefore have jurisdiction on that point. On the other hand, as regards the question of the scope and composition of the rest of the San Andrés archipelago, the Court considered that the 1928 treaty failed to provide answers as to which other maritime features formed part of the archipelago.

The Court thus held that it had jurisdiction under the Pact of Bogota to adjudicate on the dispute regarding sovereignty over those other maritime features. As for its jurisdiction with respect to the maritime delimitation area, the Court concluded that the 1928 treaty and its 1930 protocol had not effected a general delimitation of the maritime boundary between Colombia and Nicaragua and that, as the dispute had not been settled within the meaning of the Pact of Bogota, the Court had jurisdiction to adjudicate upon it. The Court thus upheld Colombia's preliminary objections to its jurisdiction only insofar as they concerned sovereignty over the islands of San Andrés, Providencia and Santa Catalina. The Court has now set time limits for the filing of the written pleadings on the merits.

In May 2008, the Court, sitting under the presidency of the Vice-President, delivered its judgment in a further case involving sovereignty over maritime features, this time involving two States from Asia which had come to the Court by special agreement: *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/ Singapore)*. The Court first indicated that the Sultanate of Johor, Malaysia's predecessor, had had original title to Pedra Branca/Pulau Batu Puteh, a granite island on which Horsburgh lighthouse stands. It concluded, however, that, by the date when the dispute crystallized, 1980, title had passed to Singapore, as attested to by the conduct of the parties, in particular certain acts performed by Singapore *à titre de souverain* and Malaysia's failure to react to Singapore's conduct.

The Court consequently awarded sovereignty over Pedra Branca/Pulau Batu Puteh to Singapore. As for Middle Rocks, a maritime feature consisting of several rocks that are permanently above water, the Court observed that the particular circumstances which had led it to find that sovereignty over Pedra Branca/Pulau Batu Puteh rested with Singapore clearly did not apply to Middle Rocks. It therefore found that Malaysia, as successor to the Sultanate of Johor, should be considered to have retained original title to Middle Rocks. Finally, with respect to the low-tide elevation South Ledge, the Court noted that it fell within the apparently overlapping territorial waters generated by Pedra Branca/Pulau Batu Puteh and by Middle Rocks. Recalling that it had not been mandated by the parties to delimit their territorial waters, the Court concluded that sovereignty over South Ledge belonged to the State in whose territorial waters it lies.

After this series of territorial and maritime disputes, the Court delivered a judgment in June in a completely different type of case: *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)*. This was the fist occasion it fell to the Court to pronounce on a dispute brought before it by an application based on article 38, paragraph 5, of the Rules of Court — *forum prorogatum*. This, of course, is when a State submits a dispute to the Court, proposing to found the Court's jurisdiction upon consent yet to be given or manifested by the State against which the application is made. So it will, I think, attract much attention in the world of international law for that reason alone.

In this case, France did give its consent in a letter to the Court, specifying that this consent was

> "valid only for the purposes of the case, within the meaning of Article 38, paragraph 5, i.e. in respect of the dispute forming the subject of the Application and strictly within the limits of the claims formulated therein"

by Djibouti. The parties disagreed as to exactly what France had agreed to. Reading Djibouti's application together with France's letter, the Court determined the

extent of the mutual consent of the parties and resolved that problem.

The dispute before the Court concerned whether France had violated its obligations under the 1986 European Convention on Mutual Assistance in Criminal Matters. In that Convention, judicial cooperation is envisaged, including the requesting and granting of letters rogatory — usually the passing, for judicial purposes, of information held by a party. The Convention also provided exceptions to that envisaged cooperation. A key question was — given that at the end of the day the French judicial authorities declined to pass the requested case file — whether that refusal fell within the permitted exceptions.

Also at issue was whether France had, in other regards, complied with different provisions of the 1986 Convention. The Court held that the reasons given by the French investigating judge for refusing the request for mutual assistance fell within the scope of article 2(c) of the Convention, which entitles the requested State to refuse to execute a letter rogatory if it considers that execution is likely to prejudice its sovereignty, its security, its *ordre public* or other of its essential interests. The Court did, however, conclude that, as no reasons were given in the letter whereby France informed Djibouti of its refusal to execute the letter rogatory, France had failed to comply with its international obligation under article 17 of the 1986 Convention to provide reasons.

In addition to those substantive judgments, the Court has pronounced on two requests for provisional measures. In July, the Court ruled on a request for the indication of provisional measures submitted by Mexico against the United States in connection with its *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America)*.

In its order, the Court stated that the United States was to take "all measures necessary" to ensure that five Mexican nationals "are not executed pending judgment on the Request for interpretation" submitted by Mexico, "unless and until [they] receive review and reconsideration consistent with paragraphs 138 to 141 of the Court's [*Avena*] Judgment". The Court also held that the United States was to inform it of "the measures taken in implementation" of the order. The underlying request for interpretation is under deliberation and the Court will be issuing a decision in the near future.

A further request for an order on provisional measures came to the Court on 14 August 2008 in connection with the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*. The next day, acting in accordance with the powers conferred by article 74, paragraph 4, of the rules of Court, I addressed an urgent communication to the parties, calling upon them "to act in such a way as will enable any order the Court may take on the request for provisional measures to have its appropriate effects".

The Court held three days of hearings in September and issued its Order two weeks ago, requiring both parties to, inter alia, do all in their power to ensure the security of persons, the right of persons to freedom of movement and residence and the protection of property of displaced persons and of refugees. The parties are also called upon to facilitate humanitarian assistance.

In February 2009, the Court's composition will change when the new members, elected by the General Assembly and Security Council voting simultaneously, will take their place on the bench. Until that time, we are working hard on the preparation of our judgments in the *Croatia v. Serbia*, *Mexico v. United States of America* and the *Romania v. Ukraine* cases. I am also glad to inform the Assembly that the Court has decided to open hearings in early March 2009 in the *Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*. Later in the year, we will hold hearings in the case concerning *Pulp Mills on the River Uruguay (Argentina v. Uruguay)* and we will certainly be giving appropriate attention to the Assembly's recent request for an advisory opinion on whether the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo was in accordance with international law. On 17 October, we already issued an Order relating to procedural steps in that matter.

It will be recalled that last year I informed the Assembly that, due to a prodigious effort, we had cleared the backlog of cases that had built up over the years, and I am pleased to report that the backlog remains clear. States thinking of coming to the Court can be confident that as soon as they have finished their written exchanges, we will be able to move to the oral phase in a timely manner.

Last year, the Court requested the creation of nine law clerk posts, a post for a senior legal officer in the Department of Legal Matters and a temporary post of indexer/bibliographer in the Library for the 2008-2009 biennium. While the latter two posts were granted, for which the Court is grateful to the General Assembly, only three of the nine law clerk posts were approved. Yet they remain as necessary as ever in order to enable each judge to benefit from personalized legal support for research, fact analysis and management of the case file. The situation remains that the International Court of Justice is the only major international court or tribunal which does not have one law clerk assigned to each judge. The pace of work of the Court which has made it possible, with difficulty, to ensure that States obtain justice without unreasonable delay, cannot be sustained without such assistance.

In its budget submission for the 2010-2011 biennium, the Court will therefore reiterate its request for the creation of the six law clerk posts that have yet to be granted to it. Further, the Court would note that the General Assembly has unfortunately not provided it with the means to create an effective documents division by merging the Library and the Archives Division, as we had been advised to. It will therefore resubmit the request for a post reclassification, which by itself would enable the Court to implement the merger for the sake of greater productivity.

The Court will also be requesting certain additional new posts. It will seek funds for the replacement and modernization of the conference systems and the audio-visual equipment in its historic courtroom, the Great Hall of Justice, which will be renovated in cooperation with the Carnegie Foundation, the owner of the Peace Palace. The amount requested will also cover the installation of the most up-to-date information technology on the judges' bench and the tables occupied by the parties to cases. That technology is essential to enhancing communication among the judges and the parties during the oral hearings. It will facilitate the immediate sharing of data and documents and the clear display of maps and images relevant to the case. The objective is to make the Great Hall of Justice a courtroom that serves the professional needs of those who use it, bench and bar. No court today can operate without those electronic facilities. The principal judicial organ of the United Nations cannot work as a court with archaic facilities. It is all part and parcel of greater efficiency.

Under article 31 of the Statute, a party to a dispute before the Court, when no judge of that nationality is sitting on the bench, is entitled to nominate a judge ad hoc to serve in full equality for the duration of that case.

Our heavy docket, combined with the wide array of States using the Court, means there has been a very substantial take up of that possibility. In relation to the current docket, the Court has 20 judges ad hoc. Over the past six years we have had 40 judges ad hoc. Of course, they perform admirable service while at the Court. They receive the comparable daily rate of a regular judge for all work, together with travel and lodging. Judges ad hoc now represent 2 per cent of the Court's annual budget, and offices and secretarial support are also required for them.

In the *Kasikili/Sedudu Island (Botswana/Namibia)* case of 1999, neither party had a national on the bench and they informed the Court that they had jointly agreed not to appoint a judge ad hoc each, both having full confidence in the Court as constituted in its regular membership. Given the increasing percentage of International Court costs associated with judges ad hoc, the Court believes that where two States appear before it, neither of which has a national on the Bench, they might want to give very careful consideration to what I will term the Botswana/Namibia model.

I take this opportunity to note with appreciation the decision of the General Assembly to meet the concerns expressed by the Court during the year under review with regard to resolution 61/262. The Court is grateful to the Assembly for having resolved that matter by its decision 62/547 of 3 April 2008. The principle of equality among judges, which is enshrined in our Statute and which, in turn, is annexed to the United Nations Charter, is central to our function as the principal judicial organ of the United Nations. We are pleased to see that it has now been reaffirmed.

The Court finds it of great importance that the proposed pension scheme for judges in service and for retired judges and their dependents should not lead to a decrease in real terms. If, without further adjustments being in place, the pension would be calculated on the basis of the annual net base salary, excluding post adjustment, a decrease in real terms would ensue. In addition, the Court notes that, notwithstanding its repeated requests on this point, no mechanism is yet in operation to adjust effectively for cost-of-living

increases and fluctuations in the value of the United States dollar. It therefore foresees the possibility of a further significant decline in the years ahead of the purchasing power of retired judges and their surviving spouses, in particular those residing in the euro zone. The Court is counting on the understanding of the General Assembly as to those points.

The sheer number and variety of cases that have been entrusted to the International Court during the period under review affirm its role as the Court of the United Nations. Whether it is a complex case on maritime delimitation with thousands of pages of pleadings or an urgent request for provisional measures concerning an ongoing conflict, States are turning to the International Court for the peaceful settlement of their disputes. The Court greatly values the trust placed in it by the Members of the United Nations and, as always, stands ready to play its role in attaining the cardinal principle of the Charter, the maintenance of international peace and security.

The President: I thank Judge Rosalyn Higgins, President of the International Court of Justice, for her excellent and comprehensive report. I think that we all agree that the world Court is one of the organs of the United Nations about which we have every right to feel very proud. I hope that we will find it within our means to provide the support that Judge Higgins has requested with regard to a few lawyers to assist the judges. They are short-handed and the amount of work, as the Assembly has heard, is really immense. Once again, I thank Judge Rosalyn Higgins.

Mr. Morrill (Canada): On behalf of Canada, Australia and New Zealand (CANZ), I would like to thank the President of the International Court of Justice, Judge Rosalyn Higgins, for her excellent report (A/63/4) on the work of the Court over the past year.

CANZ continues to strongly support the Court in its role as the principal judicial organ of the United Nations. The diversity of cases before the Court, in both subject matter and geographic circumstances, demonstrates the universal character of the Court as well as the unique role it plays in international justice. We see that the cases referred to the Court are growing in factual and legal complexity and continue to include cutting-edge issues. CANZ appreciates that the significant workload of the Court requires it also to juggle urgent requests for indication of provisional measures while maintaining the forward momentum of other cases, including the consideration of preliminary matters.

Mr. Tanin (Afghanistan), Vice-President, took the Chair.

As we review the status of the Court for this year, we see that once again the International Court has a full caseload, with 14 cases formally pending. During the past judicial year, the Court handed down four judgments and one order on a request for the indication of provisional measures, and held hearings in four cases.

CANZ notes that the Judgment in the case concerning *Certain Questions of Mutual Assistance in Criminal Matters* (*Djibouti v. France*) is one of the few to have been decided by the Court on the basis of *forum prorogatum*, whereby the jurisdiction of the Court is founded on the conduct of the respondent State in relation to a unilateral application by another State.

CANZ appreciates the ongoing efforts made by the Court to increase its efficiency and sustain its increased workload. CANZ also welcomes the increased public accessibility to the work of the Court through its enhanced website, which now includes the entire jurisprudence of the Court as well as of its predecessor, the Permanent Court of International Justice. We recognize that, for the Court to continue the consideration of several cases at the same time, regular replacement and modernization of technological systems and equipment is required.

(*spoke in French*)

We also know that the Court has a very full agenda for the year ahead, as States continue to reaffirm their confidence in the Court’s ability to resolve their disputes. In that regard, we note that the Court has already received two cases in the current judicial year, including the request by the General Assembly for an advisory opinion on Kosovo’s unilateral declaration.

(*spoke in English*)

CANZ welcomes the vital role of the International Court of Justice in the peaceful settlement of international disputes and in strengthening the international legal order as mandated by the Charter of the United Nations. Wider acceptance of its compulsory jurisdiction enables the Court to fulfil its

role more effectively. Accordingly, we continue to urge Member States that have not done so to deposit with the Secretary-General of the United Nations a declaration of acceptance of the Court's compulsory jurisdiction.

Finally, CANZ would also like to take this opportunity to express our deep appreciation and thanks to Judge Rosalyn Higgins for her tremendous leadership and contribution to the development of international law through her work as Judge and President of the International Court of Justice. We wish her well in her future endeavours.

Ms. Defensor-Santiago (Philippines): As this is the first time that I take the floor during the current session, allow me to convey my warmest felicitations to the President on his well-deserved election. I convey the same sentiments to the Vice-Presidents, whose role the President has made visible through effective teamwork and the sharing of responsibilities. With his dedication, commitment and spiritual zeal, and guided by the theme he has chosen for the sixty-third session, his stewardship will be crowned with achievements despite the grave crises the world is facing today.

On behalf of the delegation of the Republic of the Philippines, I am honoured and privileged to address the General Assembly during its consideration of the report of the International Court of Justice for the period 1 August 2007 to 31 July 2008. Before turning to the report, my delegation wishes to commend Judge Rosalyn Higgins, President of the International Court of Justice, for her dedicated stewardship of the Court. Her term will end on 5 February 2009 and she will, no doubt, leave a legacy that will further enhance the prestige and integrity of the Court. Her appointment as the first woman member of the Court was itself an historic and significant event and we urge all Member States to ensure that we maintain in the Court a policy of gender balance.

My delegation commends the efforts of the Court to increase its efficiency, including the regular re-examination and review of its procedures and working methods. These efforts have led to the successful conduct of four hearings and the promulgation of an order on a request for the indication of provisional measures and have enabled the conduct of oral proceedings in the case concerning the maritime delimitation in the Black Sea (Romania v. Ukraine) for the judicial year 2008-2009.

My delegation also commends the International Court of Justice for the speed with which it acted on the request submitted by Georgia for the indication of provisional measures in the case concerning the application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), as well as on the latest request of the General Assembly for an advisory opinion contained in resolution 63/3, dated 8 October 2008, on the question of whether or not the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo is in accordance with international law.

My delegation has also taken due note of how the General Assembly has contributed to sustaining the efforts of the Court aimed at streamlining its working methods and making them more efficient by providing the much-needed additional posts in the Court's Registry. The General Assembly's response, in its resolution 61/262, to the Court's concerns regarding conditions of service of members of the Court that could lead to inequality and inequity, was also favourable in this regard. The Philippines reiterates its call for United Nations Member States to continue to provide the Court with the necessary means to ensure its proper, effective and efficient functioning.

The variety of cases pending before the Court, involving issues or controversies between States in Europe, Latin America and Africa, truly reflects the universality of the International Court of Justice. The Philippines again registers its approval of the work done by the Court aimed at making its decisions more widely accessible to the public through the effective use of the worldwide web. Making these decisions more widely known will help strengthen the foundations of, and enhance respect for, the rule of law and promote its effective implementation.

The complexities of living in an increasingly interdependent world indicate quite clearly the need to rely on the rule of law. The cases that are brought before the International Court of Justice demonstrate the reality that, though territorial disputes are still the staple of the Court, other complex or emerging issues, such as allegations concerning massive human rights violations or the management of shared natural resources as a consequence of global interdependence, are now also being handled by the Court.

The formal regime of *jus ad bellum* is long past, but the new millennium has ushered in a reality of armed conflicts that demands our serious attention to ethnic and religious differences. The civil strife and social cleavages that are involved in those conflicts represent the new challenges to international public order, enhancing the qualitative importance of international humanitarian law, which the Court itself has referred to as "lex specialis" in parallel application with international human rights law.

The past few years have witnessed a steady rise in the number of States, entities and even individuals resorting to specialized tribunals and forums in an attempt to cope with the demands of increasing interdependence. My delegation views this development not as a decline in confidence in the authority of the International Court of Justice to adjudicate contentious legal issues, but as an increase in the reliance on the rule of law as a bulwark against brutal force and war. Indeed, this development is a visible demonstration of people's faith in and respect for the rule of law, which the International Court of Justice has unceasingly helped to propagate. In this regard, the Philippines is counting on the Court's norm-elucidation function to provide the basic framework of case law and norms for the guidance of these specialized tribunals: a harmony of jurisprudence in general international law.

The Philippines once again strongly affirms its unconditional support for the work of the International Court of Justice and the invaluable role it plays in promoting an international legal order founded on the primacy of the rule of law and the peaceful settlement of disputes. As the principle judicial organ of the United Nations and, therefore, as the report under consideration states, the only international court of a universal character with general jurisdiction, the Court is the primary institution invested with the duty and responsibility to ensure respect for the rule of law in international relations.

In short, the increased workload of the Court heralds an increasing trust and confidence in the supremacy of the International Court of Justice to strengthen the rule of law, its universality and general jurisdiction. These are salient features that augur well for the future of the Court in particular and for a more peaceful and secure world in general.

Mr. Voto-Bernales (Peru) (*spoke in Spanish*): I would like to thank the President of the International Court of Justice, Rosalyn Higgins, for being with us this morning and for her interesting and detailed presentation on the work carried out by the Court over the past year. Once again, I am happy to congratulate her on her competence and leadership, which bolster the high prestige enjoyed by the International Court of Justice.

Article 1 of the Charter of the United Nations established that States must seek to bring about the settlement of international disputes by peaceful means and in conformity with the principles of justice and international law. This means then that the peaceful settlement of disputes is established as a general principle of international law, whereby States must abstain from the use or threat of force. To bring these principles into effect, the International Court of Justice was established; its Statute is integral to the Charter of the United Nations. The Court is the only international body of a universal character with general jurisdiction. Its judgments put an end to legal disputes brought before it by States and help to build international peace. Furthermore, through its advisory opinions, the Court contributes to the development of international law and to upholding of the rule of law. The juridical quality of its decisions, as well as its independence and impartiality, has earned the Court a great legitimacy. The proof is in the fact that, despite the sensitive nature of the disputes put before it — such as questions of territorial limits, the exercise of jurisdiction and the system of immunities, among others — States have preferred to resort to the Court for the definitive resolution of those disputes.

Peru's commitment to the work of the International Court of Justice is included in the 1948 American Treaty on Pacific Settlement — the Pact of Bogotá — whereby States parties agreed to always seek peaceful means of resolving disputes, among which is recourse to the Court. Peru has also recognized, in accordance with paragraph 2 of Article 36 of the Statute of the Court, its contentious jurisdiction.

Consequently, Peru believes it is of the greatest importance that the jurisdiction of the Court be universally accepted. In this regard, we appeal to States that have not yet done so to accept the Court's compulsory jurisdiction in contentious cases. We States are obligated to comply with the Court's decisions.

Peru, as a State that respects the international legal order, reiterates its commitment to fulfil its obligations flowing from the Statute of the Court and urges other States to comply with its decisions.

With regard to the contentious cases, the Court has had a heavy load in the past year, with the presentation of four new cases, in one of which Peru is a party. In this session, the General Assembly has also submitted a request for an advisory opinion. In addition to those new tasks, there are the cases pending, as well as the requests for provisional measures already submitted.

In affirming our full support for the Court, we should at the same time recognize the distinguished work of its judges. It is not only their high legal abilities that stand out, but also their managerial abilities, as the measures adopted to review procedures and working methods have increased their efficiency.

It is also appropriate to highlight the outreach work that has been done, particularly with regard to the website. It is an invaluable tool allowing access to information about the Court's work. Peru trusts that the archives of audio-visual material of hearings will soon be included in the website.

States must ensure that the Court has sufficient resources to carry out the tasks entrusted to it. It must have the necessary legal support staff and the means enabling it to manage the documentation required for its daily work. That will enable the Court to quickly resolve the disputes before it and to issue advisory opinions for the benefit of the international community. In this regard, Peru supports, with complete conviction, the reasonable requirements set out by the Court's President, Judge Rosalyn Higgins.

Finally, a matter which must not escape the concern of States is the high costs that a State must face in order to gain access to the Court. In some cases, those costs can be an impediment to access. That is why the establishment of a Trust Fund has enabled States to rely in part on financial assistance they need to carry out such a procedure. Peru therefore wishes to express its gratitude to those that have contributed to the fund and joins with the appeal of the Secretary-General to all States and bodies to cooperate with it.

Ms. Kumari Singh Deo (India): At the outset, we thank the President of the International Court of Justice, Judge Rosalyn Higgins, for her excellent introduction of the report contained in document A/63/4. We welcome the opportunity to address the General Assembly on the report of the Court.

We commend President Higgins for her dedicated stewardship of the Court and for the Court's impressive achievements over the period under review. That will no doubt further enhance the international community's confidence in this unique organ of international law, which has made a distinctive contribution to the maintenance of international peace and security.

Over the last 60 years, the Court has dealt with a variety of legal issues. Its judgments have covered disputes concerning sovereignty over islands, navigational rights of States, nationality, asylum, expropriation, law of the sea, land and maritime boundaries, enunciation of the principle of good faith, equity and legitimacy of use of force.

The issues presently before the Court are equally wide ranging, and its judgments have played an important role in the progressive development and codification of international law. Despite the caution it has exhibited and the sensitivity it has showed to the political realities and sentiments of States, the Court has asserted its judicial functions and consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. Thereby the Court clearly emphasized the role of international law in regulating inter-State relations, which are necessarily political.

The advisory function of the Court contributes to clarifying law and removing ambiguities, thus assisting the United Nations and its organs in carrying out the objectives of the Organization.

In recent years, the docket of the Court has grown significantly and it continues to enjoy universal support and respect. Another significant development that needs to be welcomed is that, unlike in the past, when the jurisdiction phases of cases occupied most of the Court's time, the Court is now being frequently called upon to deal directly with a diversity of complex substantive issues of international law from all regions of the world.

The year under review has been the most productive in the Court's history. It has handed down four substantive judgments and two orders on requests for the indication of provisional measures. Further, the

Court has held hearings in four cases and has three judgments under deliberation. That has been possible due to the streamlining of the procedures and internal working methods, which has led to scheduling of cases without significant delay. We appreciate the efforts of the Court to eliminate the backlog.

We also note that the Court's request for nine law clerk posts was not agreed to. We hope that the General Assembly will be able to approve that request, as such assistance is critical, given the increasing number of fact-intensive cases. Judges of all other tribunals enjoy that facility. The Court's request for individualized legal assistance for all its members is reasonable, and granting it would enable the Court to carry out its designated functions more efficiently as the principal judicial organ of the United Nations.

The recent period has witnessed the creation of a number of specialized regional and international courts and bodies. Along with that development have come concerns about the fragmentation of international law. There is apprehension that similar legal issues or disputes may well be subjected to final and binding interpretations by two different bodies, with potentially differing views.

There is also considerable apprehension that the expansion of the field has created problems not only of coherence, but also of priority between different dispute settlement procedures. The challenge is to find a balance between, on the one hand, the need for diversity and specialized regimes and solutions, and, on the other hand, the importance of maintaining an overall framework or system of international law that offers a sufficient degree of security and coherence. We welcome the initiative taken by the President of the Court aimed at regular dialogue between the international courts and tribunals and the exchange of information with a view to improving the unity of international law and addressing the problems of overlapping jurisdictions and the fragmentation of international law.

The Court's phenomenal docket explosion attests to the high standing of the Court not only in the United Nations system, but in the international community itself. It also represents an affirmation of faith in the Court.

President Higgins will soon be completing her term in the Court. We thank her immensely for her enormous and invaluable contributions to the work of the Court and wish her the very best in her future endeavours.

Ms. Negm (Egypt) (*spoke in Arabic*): At the outset, I should like to express Egypt's appreciation to Judge Rosalyn Higgins, President of the International Court of Justice, for her valuable presentation of the report of the International Court of Justice (A/63/4) on its work over the past year. I should also like to reaffirm Egypt's conviction that the Court plays a central role in ensuring the implementation of the provisions of international law, in settling disputes between countries and in providing advisory opinions to countries and international organizations to assist them in carrying out their functions more effectively.

Since its establishment, the Court has promoted important principles and rules of public international law through its advisory opinions on the legality of the threat of use or the use of nuclear weapons and on the legal consequences of the construction of the separation wall in the occupied Palestinian territory, as well as its judgments related to land and maritime boundary disputes, opinions and judgments that contribute to the prevention of armed conflict throughout the world.

In that connection, the Egyptian delegation stresses the need to enhance the capacity of countries, the United Nations and its specialized agencies to request advisory opinions from the Court in important cases, because the Court's opinions develop and codify the rules of international law and consolidate the principles of justice and equality at the international level. Furthermore, their great moral and legal value assists in promoting international peace and security.

If the United Nations reform process is to be comprehensive and inclusive, it should include the International Court of Justice, which is one of the principal organs of the Organization. That would ensure that the Organization is effective and can meet the demands of today's world, in particular since the principle of the rule of law now prevails both in international relations and at the national level.

Although the 2005 World Summit Outcome (resolution 60/1) mandated the Member States to consider means of strengthening the Court's work, the United Nations has yet to discuss any initiatives or studies in that regard. Therefore, we should take a clear position and serious measures to enhance the Court's role and to make the best use of its legal capacities. For

its part, the Court should present its views on the advancement of its legal and judicial roles. In that connection, Egypt proposes that the General Assembly hold an informal interactive debate, led by its President and with the participation of the Court's President and Registrar, to identify the main problems preventing the Court from operating as efficiently as possible, as well as proposals to overcome those problems. Such a debate could take place after the Court has completed its ongoing review of its proceedings and working methods, as mentioned in paragraph 18 of the report.

In that context, the Egyptian delegation stresses the need to benefit from the Court's experiences in consolidating established law related to the responsibility of States to protect their citizens and respect international law, whether through diplomatic protection or consular relations, as well as abuse by States of the principle of universality of specialized jurisdiction, in contravention of the principle of the territoriality of national laws, and differentiation between legitimate military struggle in pursuit of the right of self-determination, on the one hand, and terrorism, on the other.

Furthermore, it is essential that the Court render advisory opinions on controversial issues arising from new ideas being discussed in the corridors of the United Nations, whether they concern human rights, control of natural resources or other issues being used as a pretext for interference in States' internal affairs, in violation of the principles of international law and the Charter of the United Nations. The Egyptian delegation expresses its appreciation for the Court's pioneering role in consolidating the principle of the rule of law.

The Egyptian delegation commends the steps taken by the Court to increase the efficiency of its work so that it can keep abreast of its constantly increasing workload. Egypt supports the Court's request for the creation of six new law clerk posts from the regular budget and for the resources needed to establish an effective documents division by merging the Library and Archives divisions. Egypt also supports the idea of providing the Office of the Registrar with the necessary resources and of modernizing the Court's technology to promote greater productivity. In addition, it is important that we effectively address the issues related to the pension scheme for current and retired judges. The Egyptian delegation will work with other countries in the Fifth Committee to meet those demands, in particular because they have come at a time of increasing international efforts to enhance the Organization's role and capacity to carry out its mandate, in accordance with international legitimacy, to maintain the public international order, as agreed when the United Nations was established.

Finally, the Egyptian delegation expresses its gratitude to all the Court's judges, its Registrar and its employees for their efforts over the past year. We wish them every success in fulfilling the Court's aspired role in the future.

Mr. Amil (Pakistan): First, I would like to thank Her Excellency Judge Roslyn Higgins, President of the International Court of Justice, for the excellent report that she presented to the Assembly on the work of the Court during the past year (A/63/4). The report adequately covers matters related to the Court's functioning as well as substantive judicial issues related to the Court's work.

The need for the peaceful settlement of disputes could never have been felt more seriously than at the present time. It has been mandated by the development and progress of human society, as well as by the havoc wrought upon human society by the frequent use of force by State and non-State actors. It is through the peaceful settlement of disputes and conflict prevention that we could ensure justice, equality and peace in our world.

The International Court of Justice, as the principal judicial organ of the United Nations, provides Member States and United Nations organs with the best platform for that endeavour. It is an international court of a universal character, with twofold general jurisdiction.

In the first place, it decides upon disputes freely submitted to it by States in the exercise of their sovereignty. One hundred ninety-two States are parties to the Statute of the Court, 66 of which have also accepted the Court's compulsory jurisdiction. Pakistan is a party to the Statute and has accepted the Court's compulsory jurisdiction. Additionally, more than 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the settlement of disputes arising out of interpretation of those treaties. The Court also enjoys jurisdiction in forum prorogatum situations.

The Court is playing a valuable role as far as its handling of cases related to its primary jurisdiction is

concerned. We are happy to note that the number of cases decided by the Court during the past 10 years has substantially increased compared with the previous 10-year period through efficient handling of the cases brought before the Court. However, the problem comes from the States that are reluctant to accept the Court's jurisdiction in the area of dispute settlement owing to the weakness of their cases or to other political considerations. We hope that, with the passage of time, even those who are reluctant today will move forward and accept the Court's jurisdiction for the peaceful settlement of disputes and conflict prevention.

The Court's second type of jurisdiction is that of advisory opinion, in accordance with article 69 of its Statutes, which covers consultations by the General Assembly and the Security Council on legal questions arising within the scope of their activities. In the recent past, more cases of the use of force under Chapter VII of the Charter were noted, as compared to the referral of disputes to the Court for peaceful resolution under paragraph 3, Article 36 of Chapter VI of the Charter. The United Nations Charter recognizes in Article 1 that settlement of international disputes "by peaceful means, and in conformity with the principle of justice and international law" is one of the basic purposes of the United Nations. Chapter VI of the Charter offers vast possibilities for the United Nations and its organs to play an important role in the pacific settlement of disputes. We strongly believe that better utilization of the Court for the peaceful settlement of disputes and conflict prevention will serve as the basis for the long-term peaceful coexistence of the international community.

We are happy to note that the Court has handed down judgments on three important cases. The Court's judgment in the case concerning *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)* is helpful in understanding the Court's approach to the difficult legal questions. The Court was to decide the sovereignty of Nicaragua or Honduras over the islands of Bobel Cay, Savanna Cay, Port Royal Cay and South Cay. It was important to note that the Court first wanted to base its decision on the principle of *uti possidetis juris*. The Court sought to identify any post-colonial *effectivités* after it concluded that the title of the islands could not be established by virtue of *uti possidetis juris*. We are of the view that this approach could help settle disputes related to small islands and that the decision should not serve as a general precedent for the handling of such cases.

The Court also handed down its judgment in the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia)*. The case was related to the obligation of parties under treaties and the interpretation of treaties. It also highlighted the willingness of Nicaragua and Colombia to settle these disputes through peaceful means. The Court's judgment in the case concerning sovereignty in the *Malaysia/Singapore* case was also an important outcome. We have noted that many aspects of the Court's judgment in these cases were put to vote and had to be decided on the basis of a majority decision. We have been carefully studying these judgments and their precedent-setting implications on international law.

We have noted with appreciation that the Court has been systematically and regularly re-examining its ongoing proceedings and work methods. The Court's efforts to enhance its productivity, especially through regular meetings devoted to strategic planning of its work are praiseworthy. We have also noted that the Court has set for itself a particularly demanding schedule of hearings and deliberations and has cleared the backlog of cases. We appreciate the Court's assurance to Member States that oral proceedings on the cases can now be started in a timely manner, immediately after finishing the written exchanges.

The international legal institutions, especially the International Court of Justice have an important role in defining and implementing justice and rule of law in today's world. The principles of peaceful coexistence and respect for basic human rights can only be ensured through respect for the rule of law and justice. The International Court of Justice, through its impartial and independent decisions, could contribute to a rule-of-law-based international society. However, it is the willingness of Member States, General Assembly and the Security Council that will play pivotal role in defining and promoting a rule-of-law-based international legal system.

Mr. Bula-Bula (Democratic Republic of the Congo) (*spoke in French*): The delegation of the Democratic Republic of the Congo has carefully studied the report presented to the General Assembly by the President of the International Court of Justice covering the period from 1 August 2007 to 31 July 2008. During this period we note that the Court has

dealt with 15 cases. The delegation of the Democratic Republic of the Congo will offer observations on the four following subjects that relate to eight judicial decisions of great interest: Firstly, emerging jurisprudence relating to the environmental rights and the right to development; secondly, decisions relating to applications against State organs; thirdly, matters relating to international peace and security and lastly, cases relating to consular rights.

It would seem, to my delegation, somewhat unnecessary to dwell on conventional jurisprudence relating to the law of the sea, although some who have brought applications to the Court have remained unsatisfied. A similar fate indeed awaits the Diallo case relating to diplomatic protection, a remnant of the past that archaeologists in the legal arena seek to excavate, indulging in ideological speculation about a so-called diplomatic protection by substitution, which is unknown in contemporary international law. There is still time for the parties to spare the international judges from having to hear this case, for, as Charles Rousseau said, they are far removed from the many domestic laws relating to this unfortunate misunderstanding between the parties.

We are grateful to the Court, and particularly the President of the Court, for having so quickly made real progress in maximizing its throughput.

The *Gabčikovo-Nagymaros Project* case *(Hungary v. Slovakia)*, the *Pulp Mills on the River Uruguay (Argentina v. Uruguay)* and the *Aerial Herbicide Spraying* case *(Ecuador v. Colombia)* are three rulings which, apart from providing a solution for the parties, relate to the law of the environment, which is so closely linked to the right to sustainable development.

The Court has a duty to ensure balance between environmental and developmental considerations. Did the international judge know, at the time of taking that initial decision on 25 September 1997, that he was establishing a very fruitful precedent for cases brought before the Court and perhaps also for advisory opinions sought in the future, for example, on climate change and who knows what else?

The African Charter on Human and Peoples' Rights for the first time enshrined the right to development and environmental rights, and is now part of general international law. By recognizing that its decisions are long term, the International Court of Justice should and does know that, with the *Gabčikovo-Nagymaros Project* case, it has opened up a new chapter in jurisprudence, the main idea being the right to development of the individual, of peoples, of States, of humanity, spanning space and time as Mr. Dupuy has said.

Following the case of the arrest warrant of 11 April 2000, there has been a tendency to bring criminal complaints against the organs of the State to the Court, namely the case concerning *Certain criminal proceedings in France (Republic of Congo v. France)*; and *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)*. That case is therefore still pending before the Court. However, the findings of the judgment handed down on 4 June 2008 in the case concerning *Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)*, two and a half years after the case was submitted on 9 January 2006, does not appear to have addressed the issue of the immunity of organs of a foreign State, which is not to be confused with impunity.

The case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)* is similar to the historic *LaGrand* case *(Germany v. United States of America)*. *Avena* has to do with the violation of consular rights. As we know, in that case the Court said that orders for provisional measures under article 41 of its Statute were mandatory. Such measures entail legal consequences for parties that do not implement them. Unfortunately, however, that did not happen in the case of the order issued on 5 February 2003, which has not been implemented. A year and a half after they were issued, with the International Court acknowledging that they were binding, the mandatory nature of provisional measures must not be allowed to become a dead letter. At stake is the credibility of the Court's decisions — a fortiori, in this case, the effective implementation of the 31 March 2004 judgment. The jurisprudence emanating from the LaGrand case must be safeguarded.

The case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* entails an extreme example of what Article 2, paragraph 4, of the Charter of the United Nations referred to as the

> "use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations".

That case, which was decided by the judgment of 19 December 2005, overruled the 1949 case of the *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*, the 1986 *Nicaragua* case and the 2003 case involving oil platforms. Although, as some have rightfully pointed out, the decisions of the International Court of Justice could have been more precise in their findings, they are no less well established, regardless of the wording employed. In that regard, it is important to read the entire judgment carefully, especially paragraphs 153, 304 and 345. Given the friendly relations of cooperation that are gradually being restored between the two former belligerents, the delegation of the Democratic Republic of the Congo expects that the matter of compensation will be justly, equitably and speedily resolved through the means prescribed by the judgment of 19 December 2005.

The Democratic Republic of the Congo is a State that is unique in having brought five cases to the Court in the period of a decade and has made an enormous contribution to the effectiveness of international judicial settlement and therefore to that of the main legal organ of the United Nations. The delegation of the Democratic Republic of the Congo, its Government and its national group on the Permanent Court of Arbitration believe that, as a State that has so amply demonstrated that it believes in the rule of law and respects international law — sometimes as applicant State and others as respondent — our country has built up a wealth of experience that it would like to share with the international community. That is the underlying motivation for the first candidacy submitted by the Democratic Republic of the Congo to the International Court of Justice, namely, my own modest candidacy, as a former ad hoc Judge of the Court, for the elections to be held on 6 November 2008. That candidacy, which fully meets all of the requirements for professionalism and high moral character, also contributes to striking a perfect balance at the Court in line with the provisions of articles 2 and 9 of the Statute, regarding the world's main forms of civilization and the practice legal systems, as well as the practice of equitable geographic rotation.

Those are the comments that the delegation of the Democratic Republic of the Congo wanted to make with regard to the serious, clear and well-organized report that has been submitted by the Court.

Mr. Appreku (Ghana): My delegation wishes to thank to Her Excellency the President of the International Court of Justice, Dame Rosalyn Higgins, for introducing the report (A/63/4) on the role and functioning of the Court during the period under review. We also wish to thank the Secretary-General for his report (A/63/229).

As this happens to be the last time that Judge Higgins may be addressing the General Assembly in her capacity as President and Judge of the International Court of Justice, my delegation wishes to place on record Ghana's deep appreciation for Judge Higgins' distinguished contribution to the renaissance in the working methods of the Court, thus helping to lift the image of the Court as an indispensable judicial organ for the peaceful settlement of international disputes.

Thanks to the prodigious efforts of President Higgins and the other judges of the Court, the record shows that a growing number of States are turning to the International Court of Justice as the pre-eminent judicial forum to which States may refer the resolution of their legal disputes in accordance with the principles of justice and international law. The confidence of States parties to the Statute of the Court — even for States that have yet to accept the Court's compulsory jurisdiction — is further expressed in the number of treaties and other international agreements, including those to which Ghana is party, that contain provisions for the settlement of disputes by the Court in the event of a failure in the processes of negotiations, mediation, conciliation or arbitration.

As a result of the varied nature of cases that the Court is called upon to adjudicate — ranging from the traditional areas of disputes concerning territorial claims and the treatment of nationals to cutting-edge issues such as allegations of massive violations of human rights — the Court is significantly defining and refining the rules that should govern the behaviour of States, nations and individuals. The Court's influence is increasingly being felt in fields such as international human rights and humanitarian law, as well as with regard to laws about the environment, shared natural resources and diplomatic and consular relations, thus making an invaluable contribution to the codification and progressive development of international law.

At the global level in general, and in Africa in particular, there is a happy coincidence in the decreasing incidence of armed conflicts that were

prevalent over the past decade and the increasing number of cases of disputes that have been submitted to the courts for peaceful resolution, many of which involve African States as parties. According to the report before us, during the period under review, the regional diversity of the cases that came before the Court from the world over reflected its universality.

Ghana notes with satisfaction that regular dialogue between the Court and other international tribunals such as the International Criminal Court and the ad hoc Tribunals for the former Yugoslavia, Rwanda and Sierra Leone, among others, ensures the promotion of universality, not only in regional or geographical terms, but also in terms of jurisprudence. Ghana would also urge that dialogue between the International Court and the newly created regional and subregional courts in Africa be encouraged in order to strengthen capacity-building and deepen the rule of law at the regional and subregional levels.

Ghana believes that the Court's endeavours to uphold the principles of the strict equality of parties and due process, as well as its own impartiality, independence and judicial integrity, have contributed in no small measure to inspiring renewed confidence in the Court.

Besides its role as an avenue for the settlement of disputes through peaceful means, the Court's role in conflict prevention through the promotion of respect for the rule of law cannot be underestimated. It should be recalled that a recent assessment by the Secretary-General in his report to both the General Assembly and the Security Council indicated that it is much less expensive to prevent armed conflicts than to resolve them. Ghana therefore believes that no effort should be spared to meet the request contained in the Court's report for adequate human and material resources, including the recruitment of the requisite number of law clerks, in order to enable the Court, with the support of its Registry, to handle more effectively and expeditiously its cases, which, according to its report, are growing in factual and legal complexity.

The need for adequate funding of the Court becomes even more urgent, given that a significant number of cases have direct or indirect bearing on the three pillars of the United Nations agenda, namely peace and security, human rights and development, which are essentially interwoven and interdependent, as neither of them can be pursued without the other, nor can any one of them be realized without justice being anchored in the rule of law.

Ghana also welcomes steps taken by the Court not only to improve the quality of justice but also to ensure greater accountability in the management of budgetary resources through the reporting mechanism, under which the Registrar reports more frequently to the Budget and Finance Committee of the Court.

My delegation recognizes the contribution of the Secretary-General's Trust Fund in facilitating access to the Court by less-endowed States. Ghana commends the Court's open-door policy, which allows all people, including political leaders, scholars and students alike, to visit the Court's premises, and facilitates access to information about the work of the Court through the Internet, thus helping to demystify the law and enhancing the Court's legitimacy and authority in the world. Ghana will continue to do whatever it can to support the noble work of the International Court of Justice for the advancement of the rule of law everywhere.

Finally, my delegation would like to congratulate Ms. Rosalyn Higgins for her distinguished record as Judge and President of the International Criminal Court. We wish her the very best in all her future endeavours.

Mr. Benmehidi (Algeria) (*spoke in French*): I would like, first of all, to express my thanks to Judge Rosalyn Higgins for her eloquent presentation of the annual report of the International Court of Justice (A/63/4). She has painted a detailed picture of the achievements and the active role that the Court continues to play under the Charter of the United Nations, specifically the promotion of the ideals of law through the peaceful settlement of disputes, the non-recourse to the use of force, the promotion of international law and the primacy of the rule of law in international relations.

In the 2005 World Summit Outcome Document, our heads of State and Government forcefully reaffirmed the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter and, when appropriate, to bring them before the International Court of Justice.

The judgments of the Court over more than six decades have dealt with a very varied set of disputes. The judgments of the Court and its advisory opinions

have significantly contributed to increased respect for international law, as well as to its progressive codification.

The factual and legal diversity and complexity and the increasing number of cases brought before the Court clearly display the increased confidence of a wide range of parties in the jurisdiction, impartiality and independence of this institution.

Algeria welcomes the judgments handed down by the Court during the year 2007-2008 in the case of the territorial and maritime dispute in the Caribbean Sea between Nicaragua and Honduras, the territorial and maritime dispute between Nicaragua and Colombia, the sovereignty of Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge between Malaysia and Singapore, and in the case pertaining to mutual assistance in criminal matters between Djibouti and France. The Court has also ruled on the request for provisional measures submitted by Mexico with regard to a request for interpretation of the judgment handed down by the Court on 31 March 2004 in the case of Avena and other Mexican nationals.

This kind of result is undoubtedly due to the intense efforts by the judges despite the logistical difficulties pointed out on numerous occasions by the successive Presidents of the Court in their reports. It is regrettable that the principal judicial body of the United Nations continues to suffer from a lack of budgetary resources. The budgetary requests expressed by the Court have only been partially satisfied. Member States, by means of the General Assembly, must make available to the Court the human and financial means that will allow it to carry out its mission.

We would like here to congratulate the Court for its ongoing endeavours to improve its procedures and working methods and increase its productivity, in particular by holding regular strategic planning meetings. This display of dynamism and self-discipline has made it possible for the Court to clear its backlog, which is something we must welcome.

Judge Higgins has reminded us of the many cases that the Court has examined and the judgments and opinions issued since it was created. Respect for and implementation of the judgments it has issued are of capital importance for the parties concerned and for the entire international community. The Charter of the United Nations entrusted the Security Council with a role in that area.

With regard to another important aspect of the Court's activities — the advisory opinions rendered by this principal judicial organ of the United Nations — my delegation believes that they are not merely points of view, but rather reaffirmations of principles of international law and contributions to its enrichment and development. At a time when the primacy of international law is being reaffirmed more and more each day because of the growing complexity of international relations, we believe that advisory opinions should be taken into consideration by all Member States and, first and foremost, by the principal United Nations organs, in particular the General Assembly and the Security Council.

The Court's opinions must not remain dead letters. In particular, the recent opinion on the legal consequences of the construction of the wall of separation in the occupied Palestinian territory enshrines the principle of the inadmissibility of acquiring land by force and must be taken into account by the principal United Nations organ responsible for the maintenance of international peace and security. Member States must continue to have recourse, through various United Nations organs, to the Court's jurisdiction by requesting advisory opinions on issues involving or concerning them — as the General Assembly did on the issue of Kosovo's unilateral declaration of independence. Such requests will undoubtedly enrich the Court's jurisprudence and ensure that the principles and ideals promoted by the Charter's authors will prevail.

Finally, we wish to reaffirm once again our support for the role of the International Court of Justice and our confidence in its members, who have been faithfully represented by the presidency of Judge Higgins. While we wish her a very enjoyable and well-deserved retirement, we are convinced that she will continue to serve justice.

Mrs. Miculescu (Romania): Let me start by expressing Romania's appreciation for the report of the International Court of Justice (A/63/4), which is — as it is every year — comprehensive and enlightening as to the complex activities carried out by the Court. Our congratulations go to the Honourable Judge Rosalyn Higgins, President of the International Court of Justice, and all members of the Court on their outstanding work.

The report proves once more that the International Court of Justice is pivotal in strengthening respect for international law by resolving the disputes submitted to it by States in accordance with the relevant norms. My country is deeply devoted to conducting its international relations on the basis of full observance of international law and is committed to settling all disputes exclusively by peaceful means. In that respect, Romania attaches great importance to the crucial role played by the International Court of Justice in promoting the rule of law in international relations.

That is clearly proved by the fact that Romania brought before the Court the issue of maritime delimitation concerning the continental shelf and the exclusive economic zones of Romania and Ukraine in the Black Sea. We did so only after a long and intense negotiation process and after it had become obvious that the bilateral talks on that issue could not lead to a mutually agreed solution within a reasonable period of time. The decision to bring that matter before the Court represented our clear recognition of the Court's professionalism and, in particular, its extensive expertise in the field of maritime delimitation. It was also an expression of our full confidence in the impartiality of the principal legal organ of the United Nations.

The most recent development in the case, namely, the hearings that took place in September in The Hague, occurred after the period covered by the report. We are now expecting the delivery of the judgment. Let me stress that Romania is extremely satisfied at the swift development of the proceedings in this case and highly appreciates the efforts of all the Court services that were involved. In that context, I would like to express our gratitude for the very effective and courteous assistance provided by the Registry in all procedural matters.

Romania is fully confident that the Court will find an equitable solution with regard to the delimitation of the maritime spaces of the two countries through correct application of the relevant international law and the method developed by the Court in its well-established jurisprudence on the matter. It goes without saying that Romania is committed to complying with the decision taken by the Court. We are pleased that Ukraine has also stated its commitment to abide by the judgment rendered. Those pledges are, I believe, a demonstration of maturity and also of the friendly relations that our two countries enjoy.

Furthermore, our confidence in the Court, as well as our ongoing support for its activities, were demonstrated by our positive vote requesting an advisory opinion of the Court with respect to the conformity with international law of the unilateral declaration of independence by Kosovo's Provisional Institutions of Self-Government. Romania also notes with appreciation the Court's activities in the other cases mentioned in the report, given that the Court's workload has increased considerably in recent years. It is reassuring to see that the Court has been successful in maintaining the high standards of legal rigour and clarity that have always characterized its work. It is noteworthy that the judgments rendered by the Court during the period under review addressed many important points of law, ranging from the method to be applied in maritime delimitation to the immunities enjoyed by State officials. Romania wishes to acknowledge the significant contribution that those judgments by the Court make to the development of international law by reinforcing, refining and further enriching the long-established rules of international law.

I now turn to the future. A look at the Court's current docket shows that many new challenges lie ahead. The Court will have to deal with additional complex cases regarding matters of great importance, both for the States directly concerned and for the international community. That shows the international community's increasing confidence in the impartiality of the Court and in the high quality of its work, as well as in the increased role that it is called to play in maintaining international peace and security.

In closing, I would like to add that we have no doubt that the solutions to be found in each of these cases by the International Court of Justice will be the result of thorough evaluation of the applicable norms and the relevant facts, thus further helping to strengthen the international legal order, which is one of the major roles that the Court has to play in this ever more complicated world.

Mr. Bristol (Nigeria): The Nigerian delegation warmly welcomes Her Excellency Judge Rosalyn Higgins, President of the International Court of Justice, and thanks her for the report of the Court (A/63/4) and for her immense contributions to the progressive development of international law in the three years during which she has been President of the Court. We are also appreciative of her briefing on 27 October to

the legal advisers of ministries of foreign affairs of Member States and to Sixth Committee representatives. We welcome that enlightening annual exchange.

We are delighted that the Court is working tirelessly and consistently in the discharge of its twofold mandate of adjudicating the legal disputes submitted to it by States in the exercise of their sovereignty and rendering advisory opinions on legal questions referred to it by duly authorized United Nations organs and specialized agencies. It is heartening to note that the past year was the most productive in the Court's history and that the Court, during that period, handed down four substantive judgments and two orders and held hearings in four cases, with three judgments currently under deliberation. Five new cases have also been submitted to the Court, including the General Assembly's request for an advisory opinion.

In addition, approximately 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising from their application or interpretation.

The Court is also seized of cases concerning more cutting-edge issues such as allegations of massive human rights violations, including genocide, and the management of shared natural resources. Needless to say, that continuing increase in the Court's caseload requires adequate and commensurate resources.

We therefore thank the Court for the various procedural innovations and initiatives that it has adopted to be more efficient and to eliminate the backlog of cases. Those innovations include simplifying the Court's deliberations, continuously improving its working methods, issuing periodic practice directions, reaching out to other international courts and tribunals and taking full advantage of information technology through the launching of a new website.

The foregoing is a positive development, especially in view of the fact that the value of the Court is not to be judged only by the number of cases it handles but more by its contribution to the progressive development of international law. The invaluable nature of the Court's contributions was only slightly revealed when the President addressed legal advisers on 27 October, through her reference to but a few cases. Her discussion of the cases threw light on some of the issues that the Sixth Committee is currently deliberating.

My delegation notes with satisfaction the refreshing interchange and regular dialogue between the Court and other international courts and tribunals. Issues decided by other international or regional judicial bodies arise in Court cases, and the judicial work of other international courts and tribunals has relevance to Court findings. That development is highly commendable, especially as it could help in forestalling fragmentation of international law. We therefore commend the Court for its cooperation with those international judicial bodies.

In recognition of the indispensable and dependable nature of the Court's work, my country submitted to the Court's jurisdiction in its dispute with Cameroon, a neighbouring country. In the same vein, since the Court's judgment in 2002 we have painstakingly taken steps to implement the judgment, a process that was completed on 14 August 2008.

In that unprecedented achievement, Nigeria clearly demonstrated its deep commitment to international peace and security by adhering to the Court's ruling, thereby shunning the option of belligerence. We urge Member States to take disputes before the Court. That will ensure the peaceful resolution of disputes and broaden the spectrum of the Court's contribution to the further development and dissemination of international law.

Mr. Muita (Kenya): At the outset, allow me to join other delegations in commending the President for the excellent manner in which he continues to guide our deliberations in the Assembly.

My delegation would like to commend Judge Rosalyn Higgins, President of the International Court of Justice, for her valuable contribution to the work of the Court. As she approaches retirement, my delegation would like to thank her most sincerely and wish her well in her future endeavours.

We thank Judge Higgins for her introduction of the report of the Court contained in document A/63/4, detailing the work accomplished by the Court over the past year. The report discloses the Court's contribution to the global administration of justice. My delegation underscores the importance of that role and of respect for the rule of law as the only guarantee of lasting peace in the world.

We note that the past judicial year has been very active for the Court, having been seized of six cases,

which it has dealt with expeditiously. The diversity of cases before the Court illustrates the Court's universality. That demonstrates the crucial role played by the Court in the peaceful settlement of international disputes, thereby contributing immensely to the maintenance of international peace and stability, as provided in the United Nations Charter.

In that regard, we urge States that have not done so to accept the Court's compulsory jurisdiction, in accordance with Article 36 of the Statute of the Court. We also encourage States, in the exercise of their sovereignty, to freely submit disputes to the Court.

In addition, it is within the jurisdiction of the Court to be consulted by States, the General Assembly or the Security Council on any legal question arising from the scope of their activities. Similarly, other organs of the United Nations and agencies so authorized by the General Assembly may seek advisory opinions from the Court, to clear any doubt that they have regarding any matter of interest. In that regard, we wish to point out that increasing compliance with the Court's decisions contributes to the credibility of international law.

Kenya attaches great importance to the work of the Court and appreciates the mechanisms that have been put in place to disseminate information about its activities. Such information encompasses the decisions of the Court, which we recognize for their contribution to the progressive development of international law. Given the significance of the rule of law in international relations, we encourage the Court to continue disseminating its decisions and other publications to the relevant institutions and Member States so as to create more awareness about its work, functions and jurisdiction.

In our view, the official visits to the Court by heads of States and Government and other high-ranking Government officials reflect the recognition conferred on the Court and play an important role in enhancing its image as a central organ for the resolution of international disputes. We encourage such visits as part of the awareness programmes, and we appreciate the measures to educate officials from Member States during such visits.

We note from the report the need for modernization of the facilities of the Court to enable it to operate in an environment that meets established standards and criteria. My delegation has further noted the pension claim for judges of the Court. We are of the opinion that both claims have merit. We therefore think that the two issues, in addition to that of staffing levels in the Court's Department of Legal Matters, deserve the positive consideration of Member States.

Let me conclude by saying that peace and justice are inextricable. Whether the two must go together is a complex issue. It is certain that peace can only be sustained if the issues of justice are properly put in place.

Mr. Nhleko (Swaziland): Let me congratulate the International Court of Justice for a productive session and thank it for the comprehensive report in document A/63/4, presented to us by the President of the Court, Rosalyn Higgins.

As the International Court of Justice is the principal judicial organ of the United Nations, its work contributes to international peace and security and is widely appreciated. The Court has significantly advanced the international rule of law with landmark decisions and advisory opinions characterized by the diverse and rich legal background of its members. It is indeed a cornerstone of the international legal order.

The Kingdom of Swaziland reaffirms its strong support for the Court.

My delegation notes with satisfaction that over the past year, the number of cases pending before the Court remained high and that some of them involved developing States. The Kingdom of Swaziland supports the use of the Court by Member States and the right of United Nations institutions to seek advisory opinions on questions relating to their functions. We underline that it is of the utmost importance for States to comply with the decisions of the Court.

Upon becoming a Member of the Organization in 1968, the Kingdom of Swaziland declared its readiness to accept the Court's compulsory jurisdiction. Consequently, we urge those States that have not yet done so to consider accepting the Court's jurisdiction in accordance with its Statute.

Notwithstanding its financial difficulties, the Court continues to soldier on and to respond with determination in offsetting an increased workload with maximum efficiency. My delegation is pleased to note that the Court has managed to clear its backlog of cases and that in an effort to increase and expedite the availability of Court documents and reduce

communication costs it has launched a new website that makes it possible to access the Court's entire jurisprudence since 1946, thus ensuring wider global awareness of its activities. Further, we applaud the Court for its contributions as part of its current role in promoting the rule of law, following the 2005 World Summit Outcome (resolution 60/1).

For a judicial body of the magnitude of the International Court of Justice to function effectively, it must be accorded the support it deserves. Accordingly, the Kingdom of Swaziland appeals to the Organization to provide the Court with the tools it needs for its service to humanity.

Mr. Okuda (Japan): It is my pleasure and honour to address the Assembly on behalf of the Government of Japan. My delegation would like to express its gratitude to President Rosalyn Higgins for her in-depth report describing the current situation of the International Court of Justice and its appreciation and support for the achievements in the work of the Court during the past year. We welcome the fact that Member States are in principle trying to resolve disputes through international law. Close cooperation between Member States and the Court to that end should continue.

The Court's devoted work and profound legal wisdom in seeking peaceful settlement of disputes have been attracting the respect and support of international society. In the present international community, where we continue to witness armed conflicts and acts of terrorism, the firm establishment of law and order is truly indispensable. Indeed, there has been an increasing awareness among nations that international society must recognize the value and share the goal of establishing and maintaining the primacy of international law. In that regard, the role of the International Court of Justice as the principal judicial organ of the United Nations cannot be overstated.

As a State resolutely devoted to peace and firmly dedicated to the promotion of the rule of law and respect for the principle of the peaceful settlement of disputes, Japan appreciates the strenuous efforts and work of the Court over the past year in delivering decisions based on exhaustive deliberation. We believe that the Court must bring to bear not only a profound knowledge of international law but also a farsighted view of the international community, given that the world is now experiencing such rapid change and that a variety of international disputes continue to arise. Japan respects the Court's ability to meet that requirement and continues to fully support its work.

Japan has accepted the compulsory jurisdiction of the Court since becoming a Member State of the United Nations. We urge Member States that have not yet done so to accept the Court's jurisdiction in order to facilitate establishment of the rule of law in the international community.

In concluding my statement, I wish to reiterate the great importance the international community attaches to the lofty cause and work of the International Court of Justice. Japan, for its part, will continue to contribute to the invaluable work of the Court.

Mr. Badji (Senegal) (*spoke in French*): Allow me first to extend my warmest congratulations to Ms. Rosalyn Higgins, President of the International Court of Justice, and to the other judges and all of the Court's staff for the excellent work they have accomplished as part of that institution.

As an international court with a general character, the International Court of Justice is indubitably the principal link in the international legal system that, in its day-to-day work, promotes international justice, the development of international law and the strengthening of the ideals of peace and justice that oversaw the creation of the Organization.

My delegation is pleased to be participating once again in the consideration of the annual report of the International Court of Justice (A/63/4). It is also an excellent opportunity to highlight the constructive work of the Court and to confirm Senegal's keen interest in its diverse activities.

My delegation is pleased to see the increased number of requests being made to the International Court of Justice, which reflects the widespread acceptance of the primacy of law and the interest that States accord to the peaceful settlement of disputes. The importance of the role of the International Court of Justice as the principal judicial organ of the United Nations in settling disputes can be gauged by the growing confidence placed in it by States that increasingly are turning to the wisdom of its judges.

In promoting the legal resolution of disputes, the supreme court of the United Nations participates in establishing peaceful relations between States and

greatly contributes to the maintenance of international peace and security. Likewise, in basing its action on promoting the rule of law, the International Court of Justice also contributes to respect for the rule of law at the international level. In addition, the decisions and judgments of the Court serve as jurisprudence and legal interpretations in many situations, thus contributing to the enrichment, codification and unification of international law.

My delegation therefore reiterates its strong support for the International Court of Justice and its commendable efforts to maintain its current effectiveness and we plead for all necessary assistance to that end.

As I had occasion to recall during the Sixth Committee's consideration of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/63/33) at this session of the General Assembly, the beneficial effects of the peaceful settlement of disputes are evident.

The reference in the United Nations Charter to the settlement of disputes "by peaceful means, and in conformity with the principles of justice and international law" being one of the primary purposes of the United Nations and the main instrument for maintaining international peace and security, sums up the importance of that type of settlement.

Thus, the United Nations has a special responsibility to promote the settlement of disputes, including legal disputes, by the International Court of Justice. That is why my delegation is greatly interested in the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. In that regard, I would like to echo the Secretary-General's appeal to States to make substantial and regular contributions to the Trust Fund.

Mr. García González (El Salvador) (*spoke in Spanish*): The delegation of El Salvador wishes to express its gratitude to Judge Rosalyn Higgins, President of the International Court of Justice, for her introduction of the Court's excellent report (A/63/4) to the General Assembly, covering the period from 1 August 2007 to 31 July 2008.

We also wish to congratulate the Court on its efforts to achieve the objectives that Judge Higgins set forth in her statement. This is of prime importance in increasing the confidence of the international community in that high court of justice, which significantly contributes to maintaining international peace and security by exercising its jurisdiction.

That growing confidence in the Court is reflected in the number of litigious disputes and requests for advisory opinions being brought before it, and in the diversity of the States that are party to them. As the report clearly states, that shows the universality of the Court.

We very much welcome the range of disputes brought before the Court. As well as dealing with traditional territorial disputes, maritime delimitation cases and disputes linked to the treatment of nationals of one State by other States, the Court is also now examining very topical matters, such as those connected with human rights and shared natural resources. Those disputes have gained in complexity now that they involve several phases as a result of preliminary objections raised by respondents with regard to the jurisdiction or admissibility, as well as the requests for provisional measures that need urgent examination.

The Republic of El Salvador acknowledges the great legal value of the judgments of the Court both to the States party to a dispute and to all other States in the international community, since they establish guidelines that contribute to the codification and progressive development of international law and the strengthening of the rule of law.

In that regard, our country is delighted to welcome the establishment of the Court's new website, launched last year, not only because of the amount of information it provides, but also because of the efforts to include material in the official United Nations languages. That not only extends the global reach of the Court, but also means that, from the outset of their studies, future generations of lawyers will know and become familiar with the large body of jurisprudence established by the International Court of Justice and understand the important role that the Court plays in maintaining international peace and security.

In conclusion, I would like to recall that, in a few days, in the General Assembly and the Security Council the election of judges to the five vacant seats on the International Court of Justice will take place. We call on those who are elected to ensure that their work in the Court is as committed and dedicated as that

which has been carried out to date, since it represents the great civilizations and principal judicial systems of the world.

Ms. Kok (Singapore): My delegation would like to express our appreciation to Her Excellency Judge Rosalyn Higgins, President of the International Court of Justice, to the other members of the Court, and to the Registrar and the staff of the Court for the comprehensive report (A/63/4) documenting the work of the International Court of Justice for the period 1 August 2007 to 31 July 2008. Singapore congratulates the Court on the conclusion of another industrious and productive year.

Singapore attaches great importance to international law, and we have always sought to conduct ourselves in conformity with it. We have worked with other like-minded States to strengthen the rule of law in the world. We believe in the peaceful settlement of disputes. When States cannot resolve their differences by consultations, negotiations or mediation, we believe that it is preferable to refer a dispute to a binding third-party procedure. That can take the form of either arbitration or adjudication.

The International Court of Justice provides States with the latter recourse. It is an efficient mechanism established to settle, in accordance with international law, legal disputes submitted to it by States. The Court plays an important role in enunciating principles of international law that help to develop predictability and consistency in inter-State relations. For those reasons, Singapore wishes to stress its firm belief in the importance of the Court and the critical role it plays in upholding the rule of law in the world and the corollary maintenance of international peace and order.

Singapore notes that there are numerous specialized courts and tribunals in the United Nations system. While there is no formal hierarchy of courts in international law, the International Court of Justice is the principal judicial organ of the United Nations and is primus inter pares, or first among equals. Notwithstanding its increasing workload, the Court has discharged its responsibilities with impeccable professionalism and expertise.

As stated in the report, on 23 May 2008, the Court delivered its judgment in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore). The Court found that sovereignty over Pedra Branca belongs to Singapore and sovereignty over Middle Rocks belongs to Malaysia. The Court also found that sovereignty over South Ledge belongs to the State in the territorial waters of which it is located.

The judgment marks an end to a long-standing dispute between Malaysia and Singapore. As close neighbours that wish to maintain good bilateral relations, we decided to refer the matter to binding third-party adjudication, and thus we brought the case before the Court in 2003.

From the very beginning, when the decision was made to submit the matter to the Court, both Malaysia and Singapore agreed to abide by the judgment of the International Court of Justice. This joint commitment to honour and abide by the judgment of the Court and fully implement its decision has been repeatedly confirmed by both Malaysia and Singapore, most recently after the judgment was delivered. To ensure the implementation of the judgment in a peaceful and amicable manner, Malaysia and Singapore have set up a joint technical committee to resolve issues arising from the judgment.

Most importantly, the commitment to abide by the decision of a third-party adjudicator by both sides to a dispute is fundamental to upholding and respecting the rule of international law, which is necessary for peaceful inter-State relations and the maintenance of world order. This idea is another aspect and subset of the principle of States upholding their international obligations in good faith.

Singapore has always marvelled at how the Court manages to do so much with the funds allocated. Singapore takes note of the Court's appropriate and timely development plans as described in its report. We applaud the Court's efforts to modernize its system in line with current practices.

Singapore is sympathetic to the Court's need for more manpower. Given that it continues to fulfil its mandate responsibly and given its core function as the principal judicial organ of the United Nations system, the Court should be readily supported by all Member States. It is important that we ensure that the Court is adequately provided for. Singapore supports the continued allocation of resources from the United Nations regular budget to the Court for its effective functioning.

In summary, I would like to reiterate that Singapore places great emphasis on the rule of law, both domestic and international. As a member of the peaceloving United Nations community, Singapore firmly believes that each of us shares a special responsibility to ensure continued respect for and observance of the rules of international law. We can do our part in this endeavour by showing our support for the Court and respecting its decisions. The Court can be assured of Singapore's steadfast regard for it, and my delegation wishes the Court all good fortune as it engages in the work ahead.

Mr. Serradas Taveres (Portugal): At the outset, I would like to congratulate Mr. Miguel d'Escoto Brockmann on his election to the presidency of the General Assembly at its sixty-third session. Let me also congratulate President Higgins for her work at the International Court of Justice and thank her again for the comprehensive report on the work of the Court over the period under review.

The International Court of Justice, it should be recalled, is the only international court of a universal character with general jurisdiction. As the principal judicial body of the United Nations, the Court holds important responsibilities in the international community, playing a fundamental role in the judicial settlement of disputes between States and in the strengthening of the international rule of law.

The workload of the Court confirms its relevant role in the international legal system. As Judge Higgins reminded us in her statement, the past year has been the most productive year in the Court's history. In July 2008, the number of cases on the docket stood at 12. In the period under review the Court issued four judgments and an order on a request for indication of provisional measures. Further, it held hearings in four cases.

It is worthwhile highlighting that these cases come from all over the world, relate to a great variety of subject matters and are growing in factual and legal complexity. The Court has undertaken an impressive effort in order to respond to this high level of demand for its services. However, it is also important for States Members of the United Nations to acknowledge the Court's need for adequate resources.

The Court plays a crucial role in the international legal system, and this role is increasingly being recognized and accepted. As of 31 July 2008, the 192 States Members of the United Nations were parties to the Statute of the Court, and 66 of them had recognized its jurisdiction as compulsory. Moreover, approximately 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of the application or interpretation of such treaties. Portugal would like to encourage all States that have not yet done so to consider accepting the Court's compulsory jurisdiction.

Portugal is confident that the Court will continue to overcome the challenges that will increasingly impinge upon it. These challenges may be considered to be a good sign, as their existence means that States have confidence in the Court for the settlement of disputes and for the strengthening of the international rule of law towards justice and peace.

Mr. Tommo Monthe (Cameroon) (*spoke in French*): I would like first of all to extend my deepest thanks to Judge Rosalyn Higgins, President of the International Court of Justice, for the excellent report she has just submitted to us on the work of the Court during the period from 1 August 2007 to 31 July 2008.

I wish to say to the President of the Court that for the peoples of the United Nations, the role entrusted to that very noble institution that she has the difficult and delicate task of heading, is irreplaceable in terms of finding peaceful settlement to international disputes and in promoting the rule of law.

That is why it is correct to note that, at the 2005 World Summit, the leaders of the entire world met together here in this very Hall committed to emphasizing the obligation imposed on States to settle their disputes by peaceful means, in accordance with Chapter VI of the Charter of the United Nations, including, should it be necessary, the obligation to bring such disputes before the International Court of Justice.

In our ongoing search for a society in which law prevails, we see the International Court of Justice as the best means for ensuring a brighter future for future generations.

Cameroon is convinced of the importance of law in inter-State relations and would therefore like to take this opportunity to confirm once again its support for the role played by the International Court of Justice as the principal judicial organ of the Organization and the only universal court with general jurisdiction. Not only does the Court decide disputes that States bring to it freely in exercise of their sovereignty, but the Court

can also be consulted on any legal issue by the General Assembly or the Security Council.

Despite the high level and complexity of the matters brought to it, the Court has never been as successful and productive as it has been in recent years.

In the period under review, it has issued four judgments and one order on a request for the indication of provisional measures. Moreover, the cases brought to the Court have come from all corners of the globe. That admirable vitality of the Court derives from the intrinsic worth and the high moral probity of the men and women who work there. It also derives from the seriousness of the decisions rendered by the Court and from its enduring desire to deal swiftly with matters brought before it.

Cameroon welcomes the successes recorded by the Court for the maintenance of international peace and security. Those results would not have been possible unless the Court were inspired by a constant desire to improve its productivity. The Assembly may be assured of my country's support for the significant contribution made by the Court, for the rule of law in international relations and for the remarkable efforts the Court has made to quickly settle matters submitted to it.

Since it was founded in 1946, the Court has handed down over 92 judgments, of which more than one fifth have been in the last 10 years. That increase is proof of the confidence that the authority of the Court inspires in more and more States. Cameroon believes in the rule of law, and we believe that trust in the Court should be reflected in universal acceptance of its compulsory jurisdiction, in accordance with Article 36, paragraph 2 of the Statute of the Court. As of 31 July this year, of the 192 Member States of the United Nations, only 66 have made declarations recognizing the compulsory jurisdiction of the Court. That is less than one third of the membership.

The increase in the number of cases brought before the Court is an ongoing challenge, but it is one we must face if we are to achieve universal jurisdiction and confirm our support for Article 36.

May I turn now to the matter of the resources the Court needs to proceed impartially with its work. For the biennium 2008-2009 the Court had requested a number of posts, not all of which were approved. Cameroon believes that if we do not respond favourably to the Court's financial requests, we run the risk of hampering the good normal functioning of the principal judicial organ of the United Nations. We will closely follow the proposals that the Assembly's Fifth Committee makes on this matter, on the basis of technical advice from the Advisory Committee on Administrative and Budgetary Questions, which has always supported allocations to modernize the tools and working methods of the Court and to improve the conditions of service of the judges. We have to be supportive of the Court as it increases its productivity, in particular as regards the progressive development of international law.

In conclusion, may I say once again that my country truly believes in the primacy of law in international relations and, thus, in the fundamental role of the International Court of Justice in promoting the rule of law.

My country's commitment to the Court and to law is illustrated by the *Bakassi* case, which we brought before the Court. The case resulted in a successful outcome between Cameroon and the sister Republic of Nigeria, thereby opening up a new era of peace and enhanced economic cooperation between the two countries.

Programme of work

The President (*spoke in Spanish*): I wish to inform members that agenda item 58, "Report of the Human Rights Council", will be considered on Tuesday, 4 November 2008, in the morning.

I should also like to announce the following activities. The 2008 United Nations Pledging Conference for Development Activities will be held on Monday, 10 November 2008, in the morning, in Conference Room 2. The Pledging Conference for the Food and Agriculture Organization of the United Nations and the World Food Programme will be held in the afternoon of the same day, Monday, 10 November 2008, also in Conference Room 2.

The announcement of voluntary contributions to the 2008 programmes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East will take place on Wednesday, 10 December 2008, at 11 a.m., in the Economic and Social Council Chamber.

Members are requested to consult the *Journal* for further details on those activities.

The meeting rose at 1.05 p.m.