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# General Assembly

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**38**th plenary meeting
Thursday, 28 October 2010, 10 a.m.
New York

*President*: Mr. Deiss . . . . . (Switzerland)

*In the absence of the President, Mr. Francisco Carrión-Mena (Ecuador), Vice-President, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

**Tribute to the memory of His Excellency Mr. David Thompson, Prime Minister of Barbados**

**The Acting President** (*spoke in Spanish*): Before proceeding to the items on our agenda, it is my sad duty to pay tribute to the memory of the late Prime Minister of Barbados, His Excellency David Thompson, who passed away on Saturday, 23 October. On behalf of the General Assembly, I request the representative of Barbados to convey our condolences to the Government and people of his country and to the bereaved family of His Excellency David Thompson.

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

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

**The Acting President** (*spoke in Spanish*): I now give the floor to the representative of Malawi, who will speak on behalf of the African Group.

**Mr. Bowler** (Malawi): It is with a heavy heart that, I, on behalf of the African Group, His Excellency Ngwazi Professor Bingu Wa Mutharika, President of the Republic of Malawi and Chairperson of the African Union, my fellow Ambassadors and indeed on my own behalf, express Africa's heartfelt condolences to the family of our dear brother and friend, His Excellency the Honourable David Thompson, Prime Minister of Barbados.

It was only in July, in Kampala, that the African Union hosted representatives from the Caribbean at its Fifteenth Summit. It is therefore unimaginable that today, three months later, we bid farewell to a dear brother, who stood and spoke so passionately of Afro-Caribbean bonds.

Premier Thompson's death is a loss not only to the people of Barbados, but also to the people of Africa and the Caribbean. It is a tragedy to lose someone so young. Premier Thompson was Prime Minister of Barbados at such a young age and sadly departed at a time when he was involved in so many world affairs. So much was on the agenda between Africa and the Caribbean through his initiatives, and it is a tribute to his legacy that we who still survive should fulfil his vision.

Africa has lost a true friend, and Africa will miss him very much. Our thoughts and prayers are with his dear wife and three daughters, as well as the people of Barbados and the whole Caribbean region. May his soul rest in peace.

**The Acting President** (*spoke in Spanish*): I now call on the representative of China, who will speak on behalf of the Asian States.

**Mr. Wang Min** (China) (*spoke in Chinese*): We learned with sadness of the untimely death of the Prime Minister of Barbados, The Honourable David



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Thompson. As the Chairman of the Asian Group, I would like to extend, on behalf of all the members of the Group, our sincere sympathy and condolences to his family and the Government and people of Barbados.

Prime Minister Thompson was an outstanding statesman. Together with the people of Barbados, he made tremendous efforts to overcome the severe impact of the international financial crisis and achieved great progress in building their country. Under his leadership, Barbados also played a very positive role in promoting political solidarity and regional cooperation in the Caribbean Community (CARICOM).

Prime Minister Thompson demonstrated his long-standing commitment to the advancement of the purposes and principles of the United Nations. As a member of the High-level Panel on Global Sustainability, he made a great contribution to the United Nations and the international community in tackling climate change and ensuring sustainable development.

The death of Prime Minister Thompson is a great loss, not only to the people of Barbados and CARICOM but also to the entire United Nations. We will never forget him.

**The Acting President** (*spoke in Spanish*): I now call on the representative of Croatia, who will speak on behalf of the Eastern European States.

**Mr. Vilović** (Croatia): On behalf of the Eastern European Group of States and in my personal capacity, I have the sad duty to extend our heartfelt condolences to the family, the people and the Government of Barbados on the death of their Prime Minister, His Excellency Mr. David Thompson.

During his short term as the Prime Minister of Barbados, Mr. Thompson demonstrated strong leadership within the Caribbean Community family and was firmly committed to the region's goals. His love for the people and country of Barbados was unconditional. As a leader with a mission, his legacy — which extends far beyond that of a Prime Minister and the finite margins of this world — will remain with us.

Although Mr. Thompson's potential as an outstanding leader of Barbados and within the Caribbean region was unjustly cut short, we can all benefit from the vision of this talented individual and his leadership, integrity and friendship, which was inspirational to so many.

The Eastern European Group hopes that Mr. Thompson's leadership will be continued in the future to benefit the countries of the Caribbean region and the world as a whole. All our thoughts remain with the people of Barbados in their time of mourning.

**The Acting President** (*spoke in Spanish*): I now call on the representative of Trinidad and Tobago, who will speak on behalf of the Latin American and Caribbean States.

**Mr. Charles** (Trinidad and Tobago): I have the sad duty to speak on behalf of the Group of Latin American and Caribbean States as the General Assembly pays tribute to The Honourable David John Howard Thompson, former Prime Minister of Barbados.

Prime Minister Thompson was a very outstanding lawyer, orator and skilled debater. He was the protégé of Barbados' founding Prime Minister, the late Errol Walton Barrow. At the young age of 25, he succeeded his mentor as the parliamentary representative of the rural St. John constituency. He represented that district from 1987 until his untimely passing last Saturday. An affable personality, he was highly regarded by his constituents, who viewed him as a loving and compassionate individual, and one who was always accessible.

Prime Minister Thompson was very committed to the transformation of his country during a very difficult world economic and financial crisis. But he never lost faith in the ability of his people to overcome those challenges, challenges that were largely driven by external forces. As an integrationist, he championed the cause of regional integration and the full and effective implementation of the Caribbean Community Single Market and Economy. However, he envisioned an integration movement that would eventually embrace the wider Caribbean region, in partnership with Latin America.

Our region has lost one of its young, brilliant minds, a member of the new generation of leaders charged with the responsibility to continue to build our Caribbean civilization as an integral and equal part of the international community.

The untimely passing of any leader is always marked with sadness and outpourings of grief.

However, it is even more profound when that leader dies at the relatively young age of 48. More difficult to comprehend is a situation where that leader was revered by his people and displayed great passion and love for his country and region.

We, the members of the Group of Latin American and Caribbean States, while mourning the loss of Prime Minister Thompson, are consoled by the fact that although he was at the helm of his country's Government for little more than two years, he made a significant contribution to his country and region. We are confident that the footprints left by Prime Minister Thompson will be used as a beacon by successive generations in their quest to make a meaningful contribution to the development of Barbados and the region.

On behalf of the Group of Latin American and Caribbean States, I wish to extend my condolences to the delegation of Barbados, the family of the late Prime Minister Thompson and the Government and people of Barbados. May this outstanding Caribbean visionary rest in peace.

**The Acting President** (*spoke in Spanish*): I now give the floor to the representative of Spain, who will speak on behalf of the Group of Western European and other States.

**Mr. Yáñez-Barnuevo** (Spain) (*spoke in Spanish*): On behalf of the Group of Western European and other States, and also on behalf of my country and myself, I wish to convey to the people and Government of Barbados our deepest condolences for the loss of their Prime Minister, Mr. David John Howard Thompson. Mr. Thompson was an important figure in his country and will be remembered for, among many other things, promoting community action and propelling integrated regional action in the Caribbean, as well as his contribution to the tasks of the United Nations, particularly with regard to development and global sustainability.

Prime Minister David Thompson was a distinguished politician as well as an eminent lawyer. After receiving his law degree from the University of the West Indies, he worked as a lawyer and law professor for many years, until his election to Parliament in 1987. He was appointed Minister of Community Development and Culture in 1991, and Minister of Finance in 1992. After leading the opposition between 1994 and 2003, and after a brief period in which he returned to the bar, he was appointed Prime Minister in 2008.

The members of the Group of Western European and other States wish to voice our appreciation and gratitude for the significant contribution Prime Minister David Thompson made, not just to his country but to the region and the entire international community. We would like to express to his family and the whole people of Barbados our affection and sincere condolences. Our thoughts and sympathies are with them at this difficult time.

**The Acting President** (*spoke in Spanish*): I now give the floor to the representative of Barbados.

**Mr. Goddard** (Barbados): I wish to thank you, Mr. Vice-President, and to commend your graciousness in arranging for the Assembly to honour the late beloved Prime Minister of Barbados, The Honourable David John Howard Thompson, Queen's Counsel and Member of the Parliament of Barbados. I also wish to thank my colleagues, who spoke so eloquently, kindly and movingly in tribute to the life, contributions and achievements of the late Prime Minister. On behalf of the Thompson family, the Government of Barbados and the people of Barbados, I acknowledge the many condolences received. All this I do with profound pain and sincere humility.

I believe it is appropriate that I shed some light on the life of David John Howard Thompson and on his achievements and contributions to Barbados, and, of course, to the wider Caribbean and the world.

He was born in London on 25 December 1961, but grew up and was schooled in Barbados. He was awarded one of our highest academic honours, a Barbados Exhibition, while at Combermere School. He subsequently returned to his alma mater to teach for a short period before entering the law faculty at the Cave Hill campus of the University of the West Indies, graduating with honours in 1984. He obtained his legal education certificate from the Hugh Wooding Law School in Trinidad in 1986. It was at Combermere School that his debating and public-speaking skills were honed, where his insatiable appetite for reading developed, and where his wide knowledge, self-confidence and emerging maturity were publicly noticed.

Returning to Barbados in 1986, he joined the law firm headed by Errol Barrow, another great and revered

Barbadian, who led Barbados to independence in 1966. It was at this time, between 1986 and 1988, that David Thompson was a part-time law tutor at his old law faculty.

He was elected to serve as President of the youth arm of the Democratic Labour Party between 1980 and 1982. In 1987, following the death of Prime Minister Errol Barrow, David Thompson successfully contested the constituency of St. John, which he continued to represent until his death. David Thompson was appointed to his first Cabinet position in 1991, as Minister of Community Development and Culture. He held the portfolio of Minister of State in the Ministry of Finance in 1991 and 1992 and of Minister of Finance in 1993 and 1994.

The Democratic Labour Party lost the Government and Thompson became leader of the opposition, a position he held between 1994 and 2003. After subsequently losing two consecutive elections, he relinquished the post of opposition leader in 2003, returning to the helm of the party in 2006 to capture the Government in January 2008. He became Prime Minister of Barbados at age 46.

Along with his wide-ranging portfolio as Prime Minister and Minister of Finance, Economic Affairs and the Civil Service, he also held lead responsibility for the implementation of the Caribbean Single Market and Economy in the Caribbean Community quasi-cabinet.

It was not only in public service and politics that David John Howard Thompson excelled. He headed a substantial legal practice whose specialties include insurance, property, international business and corporate law. In addition, he undertook consultations across the region and beyond, including consultations for the Caribbean Law Institute, the Caribbean Community Secretariat, the Commonwealth Secretariat and the Commonwealth Parliamentary Association.

The late Prime Minister was affiliated with a range of civic, cultural and sporting organizations.

David Thompson endeared himself to the people because he was firmly grounded. There was nothing about him that was artificial, contrived or insincere. Despite his many achievements, he remained humble, approachable and possessed of an inimitable dry wit.

Despite the brevity of his tenure as Prime Minister, his legacy would have to include the following. He promoted the family as the basic and crucial social unit with his Family First project. He conceived and promoted the Friends of Barbados programme, a project aimed at mobilizing the goodwill, skills and financial resources of the Barbadian diaspora to the collective benefit of the island. He promoted HELP, meaning “housing every last person”, a housing solutions initiative. He introduced free bus transportation for schoolchildren and summer camp for school-age children, including preschoolers. He championed the cause of the physically challenged and the cause of youth. He initiated the transformation of the Barbados economy into a green economy. Finally, he drafted his wife, a professionally qualified physical educationist, to spearhead the fight against non-communicable diseases through lifestyle changes, especially in relation to exercise and diet.

This sketch provides a background, a context for the outpouring of grief and the sense of disappointment and loss among the people of Barbados, as well as among our brothers and sisters across the Caribbean and indeed the wider international community on the death of the Prime Minister. He was widely respected, greatly admired and deeply loved. His death evoked expressions of sorrow, regret and disbelief from every sector and corner of Barbados as well as the Caribbean region.

The late Prime Minister Thompson was a staunch believer in multilateralism and the United Nations. He also believed that small States were the glue that kept the fabric of the multilateral system together and that no effort should be spared to defend the principles upon which this great Organization was founded.

It was in this spirit that he graciously accepted the invitation from the Secretary-General to serve on the High-level Panel on Global Sustainability. He shared the vision of the Secretary-General that a new paradigm for sustainable growth and prosperity was required to ensure environmental sustainability and social development. The late Prime Minister Thompson was prepared to offer the Barbados model as an example for developing countries.

To be cut down in the prime of life, to pass away while at your professional zenith, to succumb while at the pinnacle of your political achievement would to some appear as mere mockery of legitimate expectations of a life. Naturally, such a situation

conjures up emotions of regret, sadness and disappointment. Let us resign ourselves to, and take solace in, accepting that the deeds of the Almighty are not to be questioned.

In closing, I respectfully suggest that in the death of Prime Minister Thompson the world has lost an ardent defender of democracy, human rights, social progress for all and multilateralism. The Caribbean has lost a committed regionalist. Barbados has lost a leader of great promise. Margaret and Howard have lost a loving son. Siblings have lost an exemplary mentor. Worst of all, his wife Mara and daughters Osha, Misha and Oya-Marie, have lost the centre of their world. I have lost a close neighbour and a true friend. May he rest in peace — gone but not forgotten.

**Agenda item 70**

**Report of the International Court of Justice**

**Report of the International Court of Justice (A/65/4)**

**Report of the Secretary-General (A/65/309)**

**The Acting President** (*spoke in Spanish*): The General Assembly will now consider the report of the International Court of Justice covering the period from 1 August 2009 to 31 July 2010, which is contained in document A/65/4. May I take it that the General Assembly takes note of the report of the International Court of Justice?

*It was so decided.*

**The Acting President** (*spoke in Spanish*): In connection with this agenda item, the Assembly also has before it a report of the Secretary-General on his Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, which has been circulated in document A/65/309.

I call upon Mr. Hisashi Owada, President of the International Court of Justice.

**Mr. Owada**: Before starting my presentation today, I wish to associate myself, on behalf of the International Court of Justice, with the tributes and condolences expressed by the representatives of different regional groups at the loss of the Prime Minister of Barbados, Mr. David Thompson.

It is an honour and privilege for me to address the General Assembly for the second time as the President of the International Court of Justice and to present the report of the Court for the period from 1 August 2009 to 31 July 2010 (A/65/4).

I wish to take this opportunity to congratulate Mr. Deiss on his election as President of the Assembly at its sixty-fifth session, as well as the Vice-Presidents of the Assembly at this session on their respective elections. I wish them all every success in their offices.

As is traditional, I would like to turn to an overview of the judicial activities of the International Court of Justice during the past year. The Court is gratified to note that the international community of States continues to place its trust in the Court with respect to a wide variety of legal disputes.

Since I addressed the Assembly last October (see A/64/PV.30), the Court has rendered one judgment on the merits, in the case concerning *Pulp Mills on the River Uruguay (Argentina v. Uruguay*), and has given one advisory opinion, in the case concerning the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*. It also has handed down an order on the admissibility of a counterclaim in *Jurisdictional immunities of the State (Germany v. Italy*) and an order discontinuing proceedings in *Certain Questions concerning diplomatic relations (Honduras v. Brazil*).

Moreover, the Court has been engaging in hearings and deliberations in a number of cases, including the case concerning *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo*), the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation*) and the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia*).

These cases have involved States from all regions of the world, and the subject matter has been wide-ranging, extending from classical issues such as diplomatic protection and sovereign immunity to issues of contemporary relevance such as international environmental law.

As members will no doubt note, in one case, concerning the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo,* the Court was requested by the General Assembly to give an advisory opinion. This case received active and lively attention from the United

Nations and its Member States, including many of the States represented in this Hall today. The Court is grateful for the cooperation it received from the Secretariat and the Member States that participated in the proceedings at the written and oral stages.

In the autumn of 2009, following my address to the Assembly, the Court continued its deliberations in a great number of cases filed before it. As a result of those deliberations, the Court's first decision during the period under review was reached on 20 April 2010, when the Court rendered its judgment in *Pulp Mills on the River Uruguay (Argentina v. Uruguay*). The case involved the planned construction, authorized by Uruguay, of the Celulosas de M'Bopicuá S.A. (CMB) pulp mill and the construction and commissioning, also authorized by Uruguay, of the Orion pulp mill, on the River Uruguay.

Argentina argued that the authorizations to build, the actual construction and, where applicable, the commissioning of the mills and their associated facilities constituted violations of obligations arising under the Statute of the River Uruguay, a bilateral treaty signed by the parties on 26 February 1975. It was alleged by the applicant that those acts had been taken by Uruguay in violation of the mechanism for prior notification and consultation prescribed by articles 7 to 13 of the Statute — that is to say, procedural violations. Those allegations were made in respect of both the CMB mill, whose construction on the River Uruguay was ultimately abandoned, and the Orion mill, which is currently in operation.

Argentina further contended, on the subject of the Orion mill and its port terminal, that Uruguay had also violated three provisions of the Statute that related to the protection of the river environment. It was Argentina's contention that the industrial activities authorized by Uruguay had, or would have, an adverse impact on the quality of the waters of the river and the area affected by it and had caused significant damage to the quality of the waters of the river and significant transboundary damage to Argentina — that is to say, substantive violations.

Uruguay, for its part, argued that it had violated neither the procedural nor the substantive obligations laid down by the Statute.

In the light of the extensive scientific evidence at issue in the case, the question arose of the precise status of scientific experts. That issue came up in particular because certain scientific experts presented evidence to the Court in the oral hearings as counsel rather than as experts or witnesses. On that issue, the Court stated, in paragraph 167 of its judgment:

> "Regarding those experts who appeared before it as counsel at the hearings, the Court would have found it more useful had they been presented by the Parties as expert witnesses under Articles 57 and 64 of the Rules of Court, instead of being included as counsel in their respective delegations. The Court indeed considers that those persons who provide evidence before the Court based on their scientific or technical knowledge and on their personal experience should testify before the Court as experts, witnesses or in some cases in both capacities, rather than as counsel, so that they may be submitted to questioning by the other Party as well as by the Court."

Another issue raised in the context of the scientific evidence was that of how the Court should determine the authority and reliability of the studies and reports submitted by the parties, which were sometimes prepared by experts and consultants retained by the respective parties, and at other times prepared by outside experts, such as the International Finance Commission. Assessing those expert reports could be particularly complicated because they often contain conflicting claims and conclusions.

Ultimately, the Court concluded that for the purposes of the judgment, it did not find it necessary to enter into a general discussion on the relative merits, reliability and authority of the studies prepared by the experts and consultants of the parties. On that point the judgment concluded, in paragraph 168, that

> "despite the volume and complexity of the factual information submitted to it, it is the responsibility of the Court, after having given careful consideration to all the evidence placed before it by the Parties, to determine which facts must be considered relevant, to assess their probative value, and to draw conclusions from them as appropriate".

As the Court is expected regularly to consider environmental cases in the future, it will increasingly have to consider complex scientific evidence, and in some cases it may find it difficult to come to a conclusion on such material without the assistance of

expert testimony. In that regard, I might recall a provision in the Resolution concerning the Internal Judicial Practice of the Court (1976), which in its article 1 states:

> "After the termination of the written proceedings and before the beginning of the oral proceedings, a deliberation is held at which the judges exchange views concerning the case, and bring to the notice of the Court any point in regard to which they consider it may be necessary to call for explanations during the course of the oral proceedings."

Such deliberation could be more fruitful in highly technical cases if it could afford an opportunity for the Court to discuss the technical ideas of the issue involved, with the assistance, if appropriate, of objective experts, so that the Court could develop the most accurate account of what further material it would like the parties to produce and whether it would be useful for the Court to hear experts at the oral hearings.

As far as the procedural violations are concerned, the Court noted that Uruguay had not informed the Administrative Commission of the River Uruguay of the projects as prescribed in the Statute. The Administrative Commission of the River Uruguay is a body established under the Statute for the purpose of monitoring the river, including assessing the impact of proposed projects on the river. It is known by the Spanish acronym "CARU". The Court concluded that by not informing CARU of the planned works before the issuing of the initial environmental authorizations for each of the mills and for the port terminal adjacent to the Orion mill and by failing to notify the plans to Argentina through CARU, Uruguay had violated the 1975 Statute.

With respect to the substantive violations, the Court found, based on a detailed examination of the parties' arguments, that there was

> "no conclusive evidence in the record to show that Uruguay has not acted with the requisite degree of due diligence or that the discharges of effluent from the Orion (Botnia) mill have had deleterious effects or caused harm to living resources or to the quality of the water or the ecological balance of the river since it started its operations in November 2007".

Consequently, the Court concluded that Uruguay had not breached substantive obligations under the Statute. In addition to that finding, however, the Court emphasized that under the 1975 Statute, the parties have a legal obligation to continue their cooperation through CARU and to enable it to devise the necessary means to promote the equitable utilization of the river, while protecting its environment.

On 6 July 2010, the Court handed down its order on the admissibility of a counterclaim submitted by Italy in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy*). This case, which was filed by Germany in December 2008, concerns a dispute over whether Italy has violated the jurisdictional immunity of Germany. The applicant argued that the respondent, by allowing civil claims against Germany in Italian courts on the alleged ground of violations of international humanitarian law by the German Reich during the Second World War, committed an internationally wrongful act against the applicant.

In its counter-memorial filed on 23 December 2009, Italy presented a counterclaim with respect to the question of the reparation owed to Italian victims of grave violations of international humanitarian law committed by forces of the German Reich. In its order of 6 July 2010 on the admissibility of that counterclaim, the Court concluded that the dispute that Italy intended to bring before the Court by way of its counterclaim related to facts and situations existing prior to the entry into force, as between the parties, of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957, which formed the basis of the Court's jurisdiction. For that reason, the Court gave a decision stating that the counterclaim did not come within its jurisdiction ratione temporis as required by article 80, paragraph 1, of the Rules of Court, and was thus inadmissible.

On 22 July 2010, the Court rendered its advisory opinion on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*. As I mentioned earlier, this advisory opinion was given in response to the request made by the General Assembly in its resolution 63/3 of 8 October 2008, that the Court provide an opinion on the following question:

> "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

A considerable number of States from all regions of the world took part in the case. In all, 36 Member States of the United Nations filed written statements on the question, and the authors of the unilateral declaration of independence filed a written contribution. Fourteen States offered their written comments on the written statements by States and the written contribution by the authors of the declaration of independence. The authors of the declaration of independence also submitted a written contribution regarding the written statements by States. In the public hearings stage, 28 States and the authors of the unilateral declaration of independence participated in the proceedings. The procedure was thus truly a global one and represented an important form of interaction between the General Assembly and the Court.

In its advisory opinion delivered on 22 July this year, the Court concluded that the declaration of independence of Kosovo, adopted on 17 February 2008 did not violate international law.

In reaching its conclusion, the Court first addressed the question of whether it possessed jurisdiction to give the advisory opinion requested by the General Assembly. The position the Court reached on that preliminary question was that the question asked was referred to the Court by the General Assembly, which is authorized to request the Court to give an advisory opinion on any legal question under Article 96, paragraph 1, of the Charter, and that because that question was a legal question within the meaning of Article 96 of the Charter and Article 65 of its Statute, it had jurisdiction to give an advisory opinion in response to the request.

The Court then dealt with the question, raised by a number of participants on various grounds, as to whether the Court should nonetheless decline, as a matter of discretion, to exercise its jurisdiction to give an advisory opinion. After detailed examination of various aspects of the issues involved in this question, the Court concluded that in light of its established jurisprudence, there were "no compelling reasons for it to decline to exercise its jurisdiction" (see A/64/881, para. 48).

In addressing the question referred to it by the General Assembly, the Court carefully examined the precise scope and meaning of the question put to it. In particular, with regard to the reference to the Provisional Institutions of Self-Government of Kosovo in the request for an advisory opinion formulated by the General Assembly, the Court stated that it was part of its judicial function to decide, proprio motu, whether the declaration of independence had been promulgated by a body of that designation or by any other entity. The Court also concluded that the question that it had been asked to answer amounted to a strictly circumscribed question of whether a rule of international law prohibited a declaration of independence, and not the question of whether international law conferred a positive entitlement upon Kosovo to declare independence.

It was on the basis of that careful circumscription of the issues presented to the Court that the Court assessed whether the declaration of independence was in accordance with general international law. It noted that State practice during the eighteenth, nineteenth and early twentieth centuries points clearly to the conclusion that international law contained no prohibition of declarations of independence.

The Court declared that the scope of the principle of territorial integrity is confined to the sphere of relations between States. It further analysed three Security Council resolutions that were cited by some participants as evidence for the proposition that the declaration of independence was prohibited by international law, and concluded that no general prohibition of declarations of independence could be deduced from them, since the Security Council resolutions in question were addressed to specific situations where declarations of independence had been made in the context of an unlawful use of force or a violation of jus cogens norm.

The Court thus concluded that the declaration of independence as such was not prohibited by general international law.

The Court then analysed whether the declaration of independence of Kosovo in question was in accordance with Security Council resolution 1244 (1999) of 10 June 1999. It determined that the object and purpose of resolution 1244 (1999) was to form "a temporary, exceptional legal regime which … superseded the Serbian legal order … on an interim basis" (*ibid., para. 100*).

As such, the resolution constituted a legal framework in relation to the institutions established by the Constitutional Framework under resolution 1244 (1999). The question to be examined, therefore, was whether the authors of the declaration of independence could act outside that Framework. The Court, in this context, carefully analysed whether the authors of the declaration of independence were the Provisional Institutions of Self-Government of Kosovo, as mentioned in the request from the General Assembly, or otherwise.

Analysing the content and form of the declaration, as well as the context in which it was declared, the Court came to the conclusion that the authors of the declaration of independence were not — were not — the Provisional Institutions of Self-Government but, rather, "persons who acted together in their capacity as representatives of the people of Kosovo outside the framework of the interim administration" (*ibid., para. 109*).

On that basis, the Court came to the conclusion that the declaration of independence of Kosovo did not violate resolution 1244 (1999) on the following two grounds. First, the resolution and the declaration of independence operate on a different level, since resolution 1244 (1999) remains silent as to the final status of Kosovo, whereas the declaration of independence was an attempt to determine that final status. Secondly, resolution 1244 (1999) imposes only very limited obligations on non-State actors, but none of those obligations contains a general prohibition on Kosovo to declare independence.

Since the authors of the declaration of independence were not the Provisional Institutions of Self-Government of Kosovo, the authors of the declaration of independence were not bound by the Constitutional Framework established under resolution 1244 (1999) and thus their declaration of independence had not violated that Framework. Consequently, the Court concluded that the adoption of the declaration of independence did not violate any applicable rule of international law.

In addition to the cases that I have just summarized, the Court also held, during the period covered by this annual report, oral proceedings and deliberations in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo*). That case concerns claims for diplomatic protection made by Guinea on behalf of Mr. Ahmadou Sadio Diallo, a Guinean businessman who alleges that he was unlawfully arrested, detained and expelled from the Democratic Republic of the Congo, where he had been living and conducting business for over 30 years, since 1962.

The Court had already disposed of the issue of preliminary objections raised by the respondent in its 2009 judgment. The public hearings it held in April this year thus related to the merits of the case. The Court is now deliberating on its judgment on the merits of this case, and the judgment will be rendered in due course.

Another case that the Court had to deal with during the period covered by the report is the case between Honduras and Brazil. The Assembly may recall that, in my address last year (see A/64/PV.30), I mentioned that the Court had received just one day earlier an application instituting proceedings by the Republic of Honduras against the Federative Republic of Brazil relating to legal questions concerning diplomatic relations and associated with the principle of non-intervention in matters which are essentially within the domestic jurisdiction of any State.

This case was unique in that the Court was faced with conflicting contacts coming from competing governmental authorities, both purporting to be acting on behalf of Honduras in a situation of political uncertainty. Immediately after the application of 28 October 2009 was made in the name of the Government of Honduras as represented by its ambassadors in the Netherlands and France, allegedly acting as agents and co-agents, another letter of the same date, in the name of the Minister for Foreign Affairs of the Republic of Honduras, stated that the agents and co-agents of the Republic of Honduras who had filed the first application of 28 October had been relieved of their duties.

In spite of that notice, however, a subsequent letter of 2 November — signed by one of the agents who had reportedly been relieved of his duties according to the letter from the Minister for Foreign Affairs — informed the Court that "the Government of the Republic of Honduras … [had] appointed … to act as its Agent" the other of the agents who had been relieved of their duties in that previous letter. Under those unclear circumstances, the Court decided that no

further action would be taken in the case until the situation in Honduras was clarified.

The matter was finally settled when the Court received a letter dated 30 April 2010, in which the Minister for Foreign Affairs of the Republic of Honduras informed the Court that the Honduran Government was "not going on with the proceedings initiated by the Application filed on 28 October 2009 against the Federative Republic of Brazil" and that "insofar as necessary, the Honduran Government accordingly [was] withdraw[ing] this Application from the Registry".

In the light of that communication, which put an end to the complex situation, the Court, in its order of 12 May 2010, while noting that the Brazilian Government had not in the meantime taken any steps in the proceedings in the case, took an official decision to record the discontinuance by the Republic of Honduras of the proceedings it had instituted and ordered the removal of the case from the General List.

In addition to those cases that the Court has dealt with, three new contentious cases were filed in the relevant period, and the Court also received one new request for an advisory opinion.

First, in December 2009, the Kingdom of Belgium initiated proceedings against the Swiss Confederation in the case concerning *Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters*, which relates primarily to the interpretation and application of the Lugano Convention of 16 September 1988 on jurisdiction and the enforcement of judgments in civil and commercial matters. In particular, the case involves a dispute between the main shareholders in Sabena, the former Belgian airline. Belgium argues that Switzerland is breaching the Lugano Convention and other international obligations by virtue of the decision of its courts to refuse to recognize a decision in a Belgian court on the liability of the Swiss shareholders to the Belgian shareholders, including the Belgian State and three companies owned by the Belgian State. The parties are now in the process of preparing their written pleadings.

Secondly, in April 2010, the Court received a request for an advisory opinion from the International Fund for Agricultural Development (IFAD), a specialized agency of the United Nations, concerning a judgment rendered by the Administrative Tribunal of the International Labour Organization (ILO) requiring IFAD to pay a staff member two years' salary plus moral damages and costs for the abolishment of the post of that staff member.

That request for an advisory opinion falls within the framework of a special procedure under which the Court is given the power of engaging in the review of judgments of administrative tribunals of the United Nations family in the form of an advisory opinion — a procedure that has given rise to four advisory opinions since 1946.

The Court has set 29 October 2010 as the time limit for the submission of written statements by IFAD and its member States entitled to appear before the Court, the States parties to related United Nations conventions entitled to appear before the Court, and those specialized agencies of the United Nations that have made a declaration recognizing the jurisdiction of the ILO Administrative Tribunal.

Thirdly, at the end of May 2010, Australia initiated proceedings against Japan concerning

> "Japan's continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic ('JARPA II'), in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling ('ICRW'), as well as its other international obligations for the preservation of marine mammals and the marine environment".

Australia alleges in its application that whales caught in the JARPA II programme are ultimately being placed on commercial sale and that the scale of whaling under the programme is in fact bigger than existed before the moratorium on commercial whaling under the International Convention for the Regulation of Whaling, in violation of certain international obligations under the international conventions that it cites in its application. The parties are now preparing their written pleadings.

Finally, on 20 July 2010, Burkina Faso and Niger jointly submitted to the Court a territorial dispute relating to the boundary between them, pursuant to a special agreement signed in Niamey on 24 February 2009, which entered into force on 20 November 2009. In the special agreement, the Court is requested to determine the course of the boundary between the two countries from Tong-Tong to the beginning of the

Botou bend. The parties have also requested the Court to take cognizance of the parties' agreement to follow the recommendations of a joint technical commission with regard to two other sectors of their common border.

As the Assembly can see, all these different cases raise a great variety of divergent issues of public international law. I can say that the work of the Court truly reflects the broad substantive scope that international law now covers.

As I stated at the beginning of this presentation, the international community of States continues to place its trust in the Court to handle a wide variety of legal disputes coming from all geographical regions of the world. The Court's docket of pending cases has been consistently increasing in number in recent years, now standing at 16 cases involving approximately 30 different States.

Moreover, the coverage of the cases that the Court is entrusted to deal with is also broader in scope than ever, with each case presenting distinct legal and factual elements. The increased recourse by States to the International Court of Justice for the judicial settlement of their disputes testifies to the growing consciousness among political leaders of those States of the importance of the rule of law in the international community.

Indeed, it must be emphasized that the importance of the rule of law in the contemporary international community is growing rapidly, against the backdrop of the deepening process of globalization. It is no exaggeration to say that the rule of law now permeates every aspect of the activities of the United Nations, from the maintenance of peace and security to the protection of human rights, and from the fight against poverty to the protection of the global environment, including the case of climate change.

While every part of the Organization has a role to play in the promotion of the rule of law, the Court, as the principal judicial organ of the United Nations, is expected to play a central role in this area. By working to strengthen the rule of law, the Organization can strengthen its moral fibre which is so essential to uniting an increasingly interconnected world. In this situation, the Court greatly appreciates the trust that Member States have continued to place in its work.

I wish in particular to express my deep and sincere gratitude to the General Assembly and its member States in this context for the recent decision to provide the Court with additional P-2 legal officers so that now each judge can benefit from the assistance of a dedicated law clerk. I am particularly happy to report that the new law clerks have been selected through a most rigorous recruitment process in which the Court received no less than 1,600 applications for 6 vacancies, and they have just taken up their functions at the beginning of September 2010.

Those additional staff members provide essential assistance to the Court, which, with its rapidly increasing workload, badly needs support to be able to continue to produce the quality work that is expected of it. That added research support not only helps the Court as it deals with its increased caseload, but also assists it enormously in strengthening the high degree of collegiality and confidentiality between Chambers within the Court, as a collegial body of judges who are dedicated to the cause of promoting justice in the contemporary world. On behalf of the entire Court, let me express our deep appreciation for that assistance.

Looking ahead, I pledge that the Court will continue to do its utmost to achieve its mandate, as set out under the Charter and the Statute, in assisting the Member States in the pacific settlement of their disputes. It is my hope that Member States will continue to place their trust in the Court, not only with the submission of new disputes, but also through acceptance of the Court's jurisdiction, be it through a declaration under Article 36, paragraph 2, of the Statute, or through the signature of the many multilateral treaties which now contain compromissory clauses that refer disputes as to the interpretation or application of those treaties to the Court.

Let me close my brief presentation of recent activities of the International Court of Justice by thanking the Assembly for this opportunity to address it today. I wish the Assembly a productive sixty-fifth session.

For our part, the Court will continue to dedicate its fullest efforts to the promotion of the rule of law in the international community at the international level and the peaceful settlement of disputes among Member States of the United Nations.

**The Acting President** (*spoke in Spanish*): I thank the President of the International Court of Justice.

**Mr. Rönquist** (Sweden): I have the honour to speak on behalf of the five Nordic countries: Finland, Iceland, Norway, Denmark and my own country, Sweden.

Let me first thank President Owada for his presentation of the report of the International Court of Justice (A/65/4). The Nordic countries attach great importance to the Court as the principal judicial organ of the United Nations. The peaceful resolution of disputes is fundamental for the maintenance of international peace and security. The Court has fulfilled that task during the past 65 years and has acquired a solid reputation as an impartial institution with the highest legal standards, in accordance with its mandate under the Charter of the United Nations.

The submission of a dispute to the Court must not be regarded as a hostile act, but rather as an act that reflects the obligation of States to settle their disputes peacefully. In that context, the Nordic countries recall the recommendation of the 2005 World Summit that States not yet having done so consider accepting the jurisdiction of the Court, in accordance with its Statute. We welcome the attention given to that issue during the meeting of legal advisers this week, including in relation to the possibility of reconsidering reservations to Article 36 of the Court's Statute.

The International Court of Justice is the cornerstone of international legal order. Its mere existence, as well as its practice, has strengthened the rule of law and has contributed to the prevention and resolution of international disputes. In support of the obligation to settle disputes peacefully, the increasing caseload before the Court is encouraging. The many different geographical regions from which those cases appear are also a testament to the growing recognition of the Court's vital role in that regard.

The report of the Court clearly illustrates the confidence States put in the Court, as shown by the number and scope of cases entrusted to it and the Court's growing specialization in complex aspects of public international law. The Court's relevance in today's legal challenges has been shown, inter alia, in the advisory opinion rendered on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*.

The development of the Court's jurisprudence has proven to be most useful to States, not only for those who participate as parties to the proceedings, but for all States for which guidance is needed on the interpretation of international law. The progressive development of international law is welcomed, and the Court's contribution to the ongoing development towards an international legal order based on the rule of law is significant.

Having said that, we must ensure that the Court is not overburdened for lack of sufficient resources. In order to facilitate judicial settlement of disputes through the Court, some of the Nordic States have contributed to the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

The Nordic countries welcome all efforts made to rationalize the Court's working methods, for example by introducing the system of law clerks who are at the disposal of the members of the Court. We need to ensure that the Court has adequate resources for its important work.

The Nordic countries would also like to express their appreciation for the Court's informative website, which gives instant access to past and pending cases, judgments and opinions, thus contributing to the wider study, recognition and dissemination of the Court's work.

The Nordic countries reaffirm their strong support for the International Court of Justice.

**Mr. McLay** (New Zealand): First of all, New Zealand would like to associate itself with the earlier comments on the sad death of The Honourable David John Howard Thompson and extends its condolences to his family and the Government and people of Barbados.

On behalf of Canada, Australia and my own country, New Zealand, I thank the President of the International Court of Justice, Judge Owada, for his helpful report on the work of the Court over the past year. I also thank him and Vice-President Judge Tomka for their leadership of the Court over that period.

Canada, Australia and New Zealand (CANZ) congratulate Judges Xue and Donoghue on their recent election to the Court. We acknowledge the judicial service of their predecessors, Judges Shi and Buergenthal, both of whom resigned during the last year, and thank them for their valuable work during their terms of office.

CANZ takes this opportunity to reiterate its strong support for the work of the Court as the principal judicial organ of the United Nations. One of the primary goals of the United Nations, as stated in the Preamble to the United Nations Charter, is to establish conditions under which justice and respect for the obligations of international law can be maintained.

The International Court of Justice, as the only international court with general international law jurisdiction, is uniquely placed to further that goal. It plays an essential role in the peaceful resolution of disputes between States. As the Court's record reports, disputes have been submitted to it by a variety of States from many regions. This diversity, together with the wide-ranging, significant and complex subject matter under deliberation and pending before the Court over the past year, bears testament to the importance that Member States attach to the role of the Court in resolving international disputes.

The Court's second function, of providing advisory opinions on legal questions referred to it by organs of the United Nations and specialized agencies, continues to fulfil the important role of clarifying key international law issues.

CANZ encourages Member States who have not yet done so to declare their acceptance of the Court's compulsory jurisdiction. Its report records that fewer than half of the States parties to the Statute of the Court have declared their acceptance of that jurisdiction. As more States accept the Court's jurisdiction, it will have more time to consider the substance of cases, rather than objections to its jurisdiction.

CANZ recognizes that, every year, the Court handles a significant and complex range of cases and advisory opinions, and that it has successfully cleared a case backlog. We acknowledge and appreciate the Court's efforts to enhance its efficiency, which will enable it to sustain an increasing workload and to manage, simultaneously, a demanding schedule of cases. CANZ is pleased that additional staff positions have been made available to the Court and that the upgrade of technical equipment at the Peace Palace will be realized. We hope that this will improve the Court's working environment and ease the processing of its heavy caseload.

CANZ values the contribution of the International Court of Justice in promoting the rule of law and the peaceful resolution of international disputes, thus fulfilling the critical Charter objective of establishing conditions under which justice and respect for the obligations of international law can be maintained.

**Mr. Christian** (Ghana): The Ghanaian delegation feels honoured to speak under agenda item 70, in relation to the report (A/65/4) of the International Court of Justice, which the President of the Court, His Excellency Judge Hisashi Owada, presented this morning in an admirably comprehensive and lucid manner. We applaud the work done by the International Court of Justice during the reporting period under his able presidency.

Ghana welcomes the election of Judge Xue and Judge Donoghue and wish them success on the Court. We believe that these distinguished Judges will also make a significant impact on the work of the Court and build on the remarkable contribution made by Judge Shi Jiuyong, former President of the Court, and Judge Thomas Buergenthal, respectively, whom they replace.

The report of the Court before the Assembly today reminds us that the International Court of Justice is not only an organ of the United Nations — its principal judicial organ for that matter — but also the only international court of a universal character with general jurisdiction. The regional and cross-regional diversity of the great number of cases, contentious or otherwise, that the Court has dealt with in the past or which are still pending reflects the Court's universality and demonstrates that before the Court the international community speaks one language: the language of international law. The breadth and depth of the subject matter of which the Court is seized — ranging from the environment, territorial disputes, jurisdictional immunities of the State, racial discrimination and human rights to the interpretation and application of treaties — illustrate the importance of the Court in promoting the peaceful settlement of disputes and the maintenance of international peace and security and the rule of law.

As with all languages, having a thorough knowledge of the language of international law requires constant education and learning, and obviously certain disciplines of international law, such as the jurisdictional immunities of States and the immunities of high-ranking State officials from foreign criminal jurisdiction need further clarification. The

relevant jurisprudence of the Court will no doubt be invaluable in achieving this goal.

As Chair of the United Nations Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, Ghana attaches great importance to the need for a more holistic approach to the wider dissemination and progressive development of international law and its codification. We would therefore urge that greater resources be given to the Codification Division of the Office of Legal Affairs, as well as the International Law Commission (ILC), to ensure that they contribute more effectively to promoting a better understanding and appreciation of international law. This would include providing resources for ILC special rapporteurs and the Audiovisual Library of International Law, as well as increasing the funds in the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. The conditions for accessing the Trust Fund should be less restrictive.

We are encouraged by the initiatives taken by the Court to improve its working methods to enhance its efficiency and effectiveness in the management of its caseload and to increase its legitimacy through its real and perceived impartiality and fairness. Programmes such as the panel discussion on the topic of compulsory jurisdiction held during this week's International Law Week meeting of legal advisers of Member States are also steps in the right direction. The reports of the Court also help to demystify the procedures and rules of the Court. Enhancing access to the Court will not only depend on resources but also on building the capacity of States through training and knowledge.

In closing, I wish to observe that the debate on the report of the International Court of Justice is taking place at a time when the United Nations has given pride of place to the promotion of the rule of law at the national and international levels. The continued success of the Court will serve as an inspirational model to the regional courts that have been established, help to bridge the fragmentation of international law and serve as a bulwark for the rule of raw at the regional level.

In keeping with Ghana's motto "Freedom and Justice", the Government and people of Ghana will continue to contribute in any way, shape or form to help create conditions in which the Court will be accorded the respect and resources it deserves within the United Nations and among the international community. We shall continue to support the Court as an anchor for the peaceful settlement to disputes so that justice will surely reign to enable the peoples and States of the world to live and be at peace with each another.

**Mr. Sumi** (Japan): I would like to express my gratitude to President Hisashi Owada for his in-depth report summarizing the current situation of the International Court of Justice (A/65/4). 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 presided over by Judge Owada in delivering decisions and opinions based on exhaustive deliberation.

We are especially impressed by the wide regional range of Member States seeking to resolve international legal disputes by referring cases to the Court. This fact illustrates the universality of the Court and the great importance that Member States attach to it. I am especially glad to see that the Court's docket of pending cases has grown consistently in recent years and now stands at 16 cases, involving approximately 30 different States, as Judge Owada mentioned.

The variety of the subject matter of recent cases, from the frontier dispute to the obligation to prosecute or extradite — aut dedere aut judicare — also demonstrates the significant role played by the Court in solving international disputes between States and providing its opinion on important questions of international law. In this regard, we commend the work of the Court on the advisory opinion regarding the question of the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*.

In the international community, where we continue to witness armed conflicts and acts of terrorism, the firm establishment of law and order remains indispensable. In this regard, the role of the International Court of Justice as the principal judicial organ of the United Nations is paramount and cannot be overstated.

In concluding my remarks, I wish to reiterate the great importance the international community attaches to the lofty cause and work of the International Court of Justice and to draw the Assembly's attention to the

importance of strengthening the functioning of the Court, including the provision of additional P-2 legal officers. Japan, for its part, will continue to contribute to the invaluable work and the efficient and effective operation of the Court.

**Mr. Hernández** (Mexico) (*spoke in Spanish*): The delegation of Mexico would like to commend the International Court of Justice for the difficult work it carried out this year. Moreover, Mexico welcomes the appointment of Xue Hanqin and Joan Donoghue as the new Judges of the Court, replacing Judges Shi Jiuyong and Thomas Buergenthal, respectively, to whom we express our sincere gratitude for their important contributions to international justice and jurisprudence.

My delegation believes it appropriate to highlight the four new contentious cases and the recent request by the International Fund for Agricultural Development for an advisory opinion. Likewise, we would highlight the ruling in the *Pulp Mills on the River Uruguay* case and the advisory opinion regarding the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo*, issued during the period under review. These important developments demonstrate the confidence that the international community has in the Court as the principal international judicial body.

My country also welcomes the periodic review carried out by the Court over the past few years with regard to its procedures, working methods and practice directions, aimed at enhancing the effective handling of cases. This has been crucial to this judicial body being able to sustain its level of activity.

Mexico also welcomes the General Assembly's willingness to increase the Court's number of law clerks and security personnel and to establish a new telecommunications technician post in the General Service category. In this regard, Mexico calls upon the General Assembly to continue to provide tools to the Court in order for it to achieve optimal performance as the principal judicial organ of the United Nations.

The report under review (A/65/4) today clearly and concisely lays out the disputes before the Court, showing beyond a doubt its universal nature. In this regard, my delegation wishes to stress that out of the 17 cases that the Court considered during this period, five had to do with States from Latin America and the Caribbean. Additionally, one of them was resolved this year. This demonstrates our region's commitment to international law and to the principle of the peaceful settlement of disputes.

Mexico would like to highlight the substantial legal significance that the Court's rulings have for the States parties to a dispute. It also represents the establishment of international jurisprudence that is of interest for the entire international community. The Court has an essential role in the development of international law. The ruling in the *Pulp Mills on the River Uruguay* case is a clear example of this.

In the oral and written proceedings concerning the request for an advisory opinion submitted by the Council of the International Seabed Authority to the Seabed Disputes Chamber of the International Tribunal of the Law of the Sea on the subject of responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area, several States referred to the Court's opinion on the *Pulp Mills on the River Uruguay* case. They stated that the condition of undertaking an environmental impact assessment constitutes a requirement under general international law whenever the risk of a planned industrial activity might have significant adverse impacts in a cross-border context.

Without prejudice to the decision of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea regarding the advisory opinion, Mexico believes that this procedure will demonstrate how the Court, in developing good principles in its decisions and opinions, can enrich the work of other international legal bodies, thus furthering the development of international law as a whole.

In Mexico's view, this indicates that the existence of multiple international courts and tribunals does not necessarily lead to a fragmentation of international law. Rather, it opens doors for inter-judicial dialogue. Based on mutual respect for the competences of each judicial organ, that dialogue has enormous potential to strengthen international judiciary as a whole, in particular with a view to making it more efficient and dynamic in facing the proliferation of global challenges.

I would like to conclude by reiterating Mexico's support for the International Court of Justice as the principal judicial body for the peaceful settlement of disputes and as a principal organ of the United Nations.

**Mr. Kim Hyungjun** (Republic of Korea): At the outset, on behalf of my delegation, I would like to express our gratitude to President Hisashi Owada for his comprehensive report on the judicial developments and activities of the International Court of Justice. We also express our appreciation and support for the Court's achievements during the period under review. In addition, we would like to take this opportunity to extend our congratulations to Judge Xue Hanqin and Judge Joan Donoghue on their election as judges of the Court. We are confident that the two judges will be able to draw upon their extensive experience to make positive contributions to the Court.

Following the Cold War era, in the 1990s both public and scholarly circles naturally turned to international institutions and international law to provide solutions. Driven by rapid globalization and drastic change in the international order, debates between States on a variety of issues — ranging from territorial disputes to environmental conflicts — emerged on the international political arena, as international law appeared to be the inescapable wave of the future.

In this context, what is, or can be, the role of the International Court of Justice, the primary judicial organ of the United Nations? To prevent the occurrence of discrepancies and incongruent development of international law, we expect that the Court can act as the anchor for the harmonization of the international judiciary. Sixty-five years ago, the Court's role as the central judicial body was enshrined in the United Nations Charter. We expect to see the Court continue to seize that mandate in providing its legal wisdom and experience to the international community.

The increasing number of cases brought to the Court serve clearly to illustrate the respect and confidence that States have in the Court. Allow me to recapitulate current developments in a couple of cases that are of particular importance to our delegation.

Recently, the Court delivered its judgment concerning the *Pulp Mills on the River Uruguay* case. The case includes questions of environmental implications in the utilization of the part of the river that constitutes the countries' joint boundary, as well as the issue of whether there was a violation of obligations under the treaty signed between the States parties. The Court separated the breach in its procedural obligations from its substantive obligations under the relevant articles of the treaty in this judgment. The delivery of this decision illustrates the Court's in-depth judicial analysis in providing the most adequate decision for this case.

We also take note of the advisory opinion of the Court on the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*. The opinion presents an important opportunity for Kosovo and Serbia to open a new phase of relations through constructive and sincere dialogue. We hope that sustainable solutions can be reached to establish peace and stability in the Balkans in the near future.

Among the various contentious cases we are interested in, the *Whaling in the Antarctic* case has attracted our attention. We expect that the Court will suggest reasonable standards, based on its judicial prudence, to interpret international conventions and obligations for the preservation of marine mammals and the marine environment.

We also note the importance of the case concerning the *Jurisdictional Immunities of the State* because of its unique historical background. The case foreshadows the possibility of the Court playing an important role in providing judicial guidance in the settlement of unfortunate historical grievances. It is essential to reconcile and settle the past in a way that individuals can also be consoled and compensated in order to rebuild amicable and friendly future-oriented relations between States.

My delegation noted and appreciated the Court's efforts to enhance its efficiency. Recently, the General Assembly contributed to sustaining those efforts by providing an appropriation for the replacement of information technology equipment. That will cover the cost of installing information technology resources, which can improve work efficiency, but additional funds are still needed. In that regard, my delegation would like to underscore the importance of the contributions of Member States, including their respect for the Court's decisions and their cooperation with the Court's efforts to promote the rule of law.

In concluding my statement, I expect that the Court will continue to extend its role and responsibilities based on its experience in creating and interpreting international law for 65 years. I reaffirm that the delegation of the Republic of Korea will be a steadfast supporter and contributor to the invaluable work of the Court.

**Ms. Gendi** (Egypt): Let me begin by expressing the deep condolences of Egypt to the people and Government of Barbados on the enormous loss of the late Prime Minister of Barbados, The Honourable David John Howard Thompson.

I would like to also take this opportunity to express the appreciation of Egypt to Mr. Hisashi Owada, President of the International Court of Justice, for his comprehensive presentation of the report of the Court (A/65/4) on its activities over the past year. I should also like to reaffirm Egypt's support for the Court's key role in ensuring the implementation of the provisions of international law, adjudicating disputes between States and providing advisory opinions to States and international organizations to guide them on how to best assume their roles and functions.

Since its establishment as the principal judicial organ of the United Nations, the Court has strengthened important legal principles and rules through its advisory opinions on the *Legality of the Threat or Use of Nuclear Weapons*, the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* and other decisions on territorial and maritime border disputes. Those opinions have contributed to the settlement of several disputes around the world and to preventing them from escalating into armed conflicts.

The delegation of Egypt therefore emphasizes the need to encourage States and United Nations organs and specialized agencies to request advisory opinions from the Court on important legal questions arising within the scope of their activities, as these opinions encompass developments in and the codification of the rules of international law. Owing to their high moral and legal values, they contribute to consolidating the principles of justice and equality at the international level, which reflect positively on the maintenance of international peace and security. Egypt considers that it is important to provide the Court with an opportunity to consider the legality of encroachment by certain principal organs of the Organization on the competence of other principal organs that are more representative and democratic in nature.

In the same vein, it is necessary to monitor and assess the implementation of the Court's decisions and to enhance international recognition of the moral and legal values of its advisory opinions. This can be done by establishing a mechanism for that purpose within the United Nations to examine the extent of States' implementation in good faith, as required under the Charter of the United Nations, of the advisory opinions issued by the Court at the request of one of the principal organs, as well as to monitor the damage caused by failures in implementation and adopt modalities for compensating affected States. Such a mechanism would be similar to the one established to assess the damages caused by the construction of the wall and determine the required compensation, which so far still faces major obstacles.

Furthermore, the delegation of Egypt expresses its appreciation for the pioneering role played by the Court in consolidating the principle of the rule of law. We also stress the need to draw on the experience of the Court in consolidating established legal rules with respect to the responsibility of States to protect their citizens and respect international law, both with regard to diplomatic protection or consular relations and the distinction between legitimate armed struggle in the framework of the right to self-determination and terrorism.

Egypt also welcomes the steps taken by the Court to increase its effectiveness in dealing with the steady increase in cases before it. We support its request for six positions for law clerks from the regular budget. Egypt will work with other States in the Fifth Committee to respond to that request, especially as it comes at a time of increasing international efforts to utilize good governance at the international level as a means to fulfil the commitments of the Court.

In that regard, Egypt also welcomes the reference in the Court's report to the ongoing work with regard to the technological updating of the Peace Palace halls and the replacement and modernization of the audio-visual equipment in its historic courtroom and nearby rooms in order to enable the Court to perform its tasks in conformity with its international standing.

In conclusion, Egypt expresses its appreciation to all the judges of the Court and to the Registrar and staff for their efforts in the year covered by the report. We wish them success in performing the envisaged role of the Court in the future.

**Mr. Cabactulan** (Philippines): Before I proceed, I also would like to express the condolences and sympathies of my delegation to the Government and

people of Barbados on the sad demise of their Prime Minister, The Honourable David Howard Thompson.

I am pleased and honoured to address the General Assembly during its consideration of the report of the International Court of Justice (A/65/4). Likewise, I take this opportunity to commend Judge Hisashi Owada, President of the International Court of Justice, for his dedicated stewardship of the world Court and for the comprehensive and detailed report he has presented to us. On behalf of the Philippines, I also take this opportunity to welcome the election to the Court of Judge Xue Hanqin of China and Judge Joan Donoghue of the United States. They — and all the Court's judges — possess a breadth of experience and depth of expertise that is crucial in the exercise of the Court's mandate.

The Philippines reaffirms its support for the work of the Court 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 principal judicial organ of the United Nations, the Court is the primary institution tasked with ensuring respect for the rule of law in international relations.

The Court's importance cannot be overstated. The cases referred to the Court come from diverse regions, deal with extremely varied subject matter and are growing in legal and factual complexity. Yet, the Court has remained steadfast in its efforts to further increase its efficiency.

In that regard, the Philippines commends the Court for taking steps that have allowed it to sustain its level of activity. The continuous re-examination of its procedures and working methods, the regular updating of its practices adopted in 2001 for use by States appearing before it, and the setting of an exacting schedule have all enabled the Court to clear its backlog of cases, and thus increase the confidence placed in it by States submitting a dispute for fair and timely resolution.

My delegation has taken due note of the General Assembly's contributions to sustaining the Court's efforts at streamlining and making its working methods more efficient by approving the establishment of much-needed additional posts in the Court's Registry in 2009. The Philippines reiterates its call for Member States to continue to provide the Court with the necessary means to ensure its proper and efficient functioning.

My delegation again reiterates its approval of the work done by the world Court aimed at making the Court and its decisions more widely accessible to the public through traditional media and information and communications technology. The Court's website continues to undergo dynamic changes in both its content and its user interface. The Philippines welcomes the inclusion on the Court's website of its entire jurisprudence and that of its predecessor, the Permanent Court of International Justice.

In order to strengthen the foundations for global respect for the rule of law and its effective implementation, transparency and accessibility must, along with integrity and independence, be the Court's cornerstones. Yet, transparency and accessibility must never compromise the Court's security. It is on that point that the Philippines notes the request to strengthen the Court's security team to enable it to confront new technological threats in respect of information systems security.

Our increasingly interdependent world underscores the need for the rule of law. The cases brought before the International Court of Justice illustrate the variety and complexity of the issues we face. New and emerging subjects of specialization in international law demand thorough consideration in order to ensure that rights are not encumbered and obligations are carried out.

In recent years, we have witnessed a steady rise in the resorting by States, entities and even individuals to specialized tribunals and forums, in attempts to address the increasing demands of interdependence. My delegation views this development as a reflection of increased confidence in, and recourse to, the rule of law, which the International Court of Justice has helped to propagate. In that regard, we count on the Court's function of elucidating norms to provide a basic framework of case law and norms, as well as to harmonize jurisprudence in general international law, in order to provide guidance for specialized tribunals.

In conclusion, the Philippines views the increased workload of the International Court of Justice as a positive sign of the trust and confidence placed in the Court's legal supremacy. Therefore, in the exercise of its mandate as the only international court of universal character with general jurisdiction, we must continue to provide the support crucial for maintaining and

strengthening the rule of law, which underpins peaceful relations between States.

**Mr. Gutiérrez** (Peru) (*spoke in Spanish*): I would like to thank the President of the International Court of Justice, Judge Hisashi Owada, for being here with us this morning and for his interesting briefing on the hard work carried out by the Court over the past year.

States should resolve their disputes by peaceful means and in accordance with the principles of justice and international law. To achieve that goal, the Charter of the United Nations itself recognizes the peaceful settlement of disputes as a general principle of international law whereby States must refrain from the use or the threat of the use of force. To emphasize the supreme importance that the Charter of the United Nations ascribes to maintaining international peace and security and to the development of friendly relations and cooperation, States declared as a principle, in resolution 2625 (XXV), that in international relations they would refrain from resorting to the threat or 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. Likewise, they deemed it imperative for all States to settle their international disputes by peaceful means in accordance with the Charter.

The very establishment of the International Court of Justice was intended to contribute to the creation of a universal system at the service of States for the peaceful settlement of their disputes, in accordance with international law. To that end, the Court's decisions resolve the legal disputes brought to it by States and contribute to international peacebuilding. Similarly, by means of its advisory opinions, the Court contributes to the development of international law and the primacy of the rule of law.

Despite the sensitivity of the issues that are the subject of disputes among States — including, among others, questions of territorial and maritime demarcation, diplomatic protection, environmental issues, the exercise of jurisdiction and the system of immunities — States have consistently chosen to come before the Court to resolve such disputes definitively. That shows that, thanks to the judicial quality of its decisions and its independence and impartiality, the Court enjoys a great degree of legitimacy.

Peru's commitment to the work of the International Court of Justice is expressed in the American Treaty on Pacific Settlement of 1948, otherwise known as the Pact of Bogota, whereby States parties agreed always to avail themselves of peaceful proceedings to resolve disputes, including turning to the Court. Peru has also recognized the Court's unconditional competence in disputes, in accordance with Article 36, paragraph 2, of the Statute of the Court.

Similarly, the Manila Declaration on the Peaceful Settlement of International Disputes, adopted by consensus in resolution 37/10, established that, as a general rule, disputes of a legal order should be brought before the International Court of Justice by the parties, and that such submissions should not be considered as unfriendly acts among States. In accordance with this acknowledgement, Peru deems it of the highest importance that the Court's jurisdiction be universally accepted. As the report contained in document A/65/4 indicates, currently 66 States have issued statements acknowledging the compulsory jurisdiction of the Court, although in many cases such statements have been made with reservations. In that connection, Peru appeals to States that have not yet done so to accept the Court's compulsory jurisdiction on disputes.

As States, we are obliged to respect the decisions of the Court. As a State respectful of international law, Peru therefore reiterates its commitment to comply with the obligations stemming from the Statute of the Court and urges other States to comply with its decisions.

As we reaffirm our full support for the work of the Court, we must also acknowledge the outstanding work of its judges. Both their superior legal skills and efficient management have made it possible for the Court to adopt measures aimed at allowing it to carry out its tasks more easily, despite the greater number of cases before it.

In terms of disputes, the Court has had a heavy docket over the course of the past year with the submission of four new cases and one request for an advisory opinion. Those new cases must be added to the pending cases, which bring the number of proceedings to 17 and two advisory procedures during the current period.

We must also emphasize the important outreach work done by the Court, especially by means of its official publications and its Internet portal, which is an

invaluable tool. Similarly, the dialogue between the Court and various institutions such as the International Law Commission, various national and regional tribunals and academic bodies enables an exchange of opinions that benefits and enriches the legal community and the promotion of the rule of law at both the international and national levels.

States must ensure that the Court enjoys sufficient resources to carry out the tasks entrusted to it. Thus we welcome the fact that in 2009, additional posts requested for legal and technical assistants were approved, as was the replacement and modernization of the equipment. However, a request remains pending for the creation of additional security posts, which will make it possible to reinforce the performance of tasks and confront new technological threats to the security of the Court's information systems. In that context, we believe the request referred to in the Court's report is completely reasonable and should be heeded as swiftly as possible.

Peru expresses its gratitude to those countries that have contributed to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice and joins in the appeal of the Secretary-General to all States and relevant bodies to cooperate with the Fund.

Lastly, I would not like to conclude without putting on record my country's congratulations to the Court's two new Judges, Xue Hanqin and Joan E. Donoghue. We also wish to express our warmest gratitude to retiring Judges Shi Jiuyong and Thomas Buergenthal and to thank them for their valuable contribution.

**Mr. Sene** (Senegal) (*spoke in French*): Allow me at the outset to thank the President of the International Court of Justice, Mr. Hisashi Owada, for his rich and detailed presentation of the activities of that body for the period from 1 August 2009 to 31 July 2010. I would also like to extend my thanks to all the staff of the Court.

I wish to say how pleased my delegation is to take part, once again this year, in the annual meeting that gives us an opportunity to review the report of the International Court of Justice (A/65/4). For Senegal, this gathering is a timely opportunity to focus on the constructive action of the Court in promoting the ideals of peace and justice, which are at the base of the creation of the United Nations. The emergence of a fairer and more peaceful world requires in particular promoting respect for the rule of law and the peaceful settlement of disputes.

It goes without saying that the International Court of Justice, which is the only international body of a universal character with general jurisdiction, undoubtedly constitutes the main link in the international legal order. Its everyday activities help in the promotion of international justice, the development of international law and the maintenance of international peace and security.

Senegal, firmly committed to promoting justice and the rule of law, reiterates its confidence in the International Court of Justice. And that confidence is undoubtedly best reflected by its recognition of the compulsory jurisdiction of the Court, pursuant to Article 36 of its Statute.

My delegation welcomes the high number of applications submitted to the Court, which reflects, moreover, the growing acceptance of the primacy of law throughout the world and of the interest that States accord to the peaceful settlements of disputes.

The importance of the role of the International Court of Justice as the principal legal organ of the United Nations in dispute settlement can be gauged by the increasing confidence placed in it today by States turning increasingly to the wisdom of its judges. In promoting the legal settlement of disputes, the Court helps to mend relations between States and contributes considerably to maintaining international peace and security.

Along the same lines, basing its work on the promotion of the rule of law, the International Court of Justice also contributes to respect for the rule of law at the international level. Moreover, the orders and decisions handed down by the Court in serving jurisprudence and legal rationale in several situations helps to enhance, codify and unify international law.

For all of those reasons, my delegation reiterates its full support for the International Court of Justice. It commends its praiseworthy efforts to enhance its efficacy and calls for it to be given the necessary resources to duly carry out its noble missions.

The review of the report of the International Court of Justice seems also to be a timely moment to recall — if that were still necessary — that the beneficial effects of the peaceful settlement of disputes

no longer need to be proven. The reference in the United Nations Charter to the settlement of disputes by peaceful means in conformity with the principles of justice and international law as one of the essential goals of the United Nations and the principal instrument for maintaining international peace and security sums up in itself all its importance.

Our Organization, which has a special responsibility in the sphere of promoting dispute settlement, should continue its efforts to help Member States submit their disputes before the International Court of Justice.

**Mr. Ali** (Sudan) (*spoke in Arabic*): Our delegation welcomes the report of the Secretary-General in document A/65/309, and the report on the work of the International Court of Justice in document A/65/4, which covers the period from 1 August 2009 to 31 July 2010. We also welcome the presence of Mr. Hisashi Owada, President of the International Court of Justice, and his presentation on the work of the Court.

The report of the International Court of Justice reaffirms the positive developments in the work of the Court and the fact that it is considering a growing number of cases submitted to it. That is proof of the Court's increasing importance to this Organization and to Member States.

Our delegation commends the high professionalism of the judges of the Court and its rulings and advisory opinions and the high quality of the Court's work, which qualifies it to continue its function in support of international peace.

While we reiterate the important role of the International Court of Justice, its continued impartiality — in which we are confident — has continued to gain the trust of the international community, as indicated by the growing number of cases on its docket. We also commend the active role played by the Court and its advisory opinions in support of the principles of State sovereignty and non-interference in the affairs of other States, in line with the principles of the United Nations Charter and established norms of international law.

Our delegation also welcomes the report of the Secretary-General on the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/65/309). We welcome the information it contains and call for providing more support to the Court so that it may maintain its judicial role.

In conclusion, we also want to express our confidence that the Court will continue its judicial process, which has been distinguished by objectivity, professionalism and impartiality, in the service of protecting international law from politicization.

**Mr. Errázuriz** (Chile) (*spoke in Spanish*): First, I wish to join in the expressions of condolence offered by the Ambassador of Trinidad and Tobago, speaking for the Group of Latin American and Caribbean States, on the unfortunate death of the Prime Minister of Barbados, David John Howard Thompson. Our entire region is in mourning. On behalf of my Government and on my own behalf, I wish to extend our most sincere condolences to the Government and people of Barbados and to the family of the late Prime Minister.

Chile takes this opportunity to express our appreciation to the President of the International Court of Justice for presenting the comprehensive report covering the period from 1 August 2009 to 31 July 2010 (A/65/4).

The significant work done by the International Court of Justice as the highest judicial organ of the United Nations and the mission entrusted to it by the Charter for the peaceful settlement of disputes and for advisory functions have been highlighted in the report introduced by its President this morning. The Court makes an outstanding contribution, in the framework of the multilateral system of peace and security, to consolidating relations of peace and friendship among countries and to strengthening the international legal order based on respect for the law, which the United Nations has, in the Charter, as its fundamental pillar.

The Court has a huge task to perform in the current international context, because of the existence of numerous multilateral treaties requiring judicial settlement of disputes as well as of the application of mechanisms accepted by countries in their unilateral declarations or in bilateral treaties.

As in previous years, we reiterate that the advisory function of the Court is particularly important, as demonstrated by its opinions based on international law, which provide substantive support to the work of the United Nations.

Our country continues to believe that the Court should be given the necessary material and human means and resources to deal correctly with the increase in its caseload and with the responsibilities which it must assume in the context of international law.

We also express our appreciation for the Court's efforts to widely publicize its work and make it broadly accessible to international public opinion, using modern methods and technologies. Thanks to those efforts, international law itself is strengthened, and we must give ongoing and broad support to the activities of the Court. We emphasize our interest, shared with the Ibero-American community, in making available a Spanish-language version of the judgments of the International Court of Justice.

As regards the case brought against Chile before the International Court of Justice, my Government once again expresses its confidence in the efficacy of international law and in respect for treaties.

I shall conclude by reiterating our recognition of the commendable work of the Court and its invaluable contribution to the observance of international law.

**Mr. Gevorgian** (Russian Federation) (*spoke in Russian*): Allow me to express our gratitude to the President of the International Court of Justice, Mr. Hisashi Owada, for his introduction of the Court's report (A/65/4).

The past year, like previous years, was very productive for the International Court of Justice. The caseload considered by the Court was unprecedented, which reflects the increasing level of confidence of States in the principal legal organ of the United Nations.

Yesterday we had an opportunity to speak regarding the Court's activities at a closed meeting of the Security Council. We spoke, inter alia, of our position regarding the advisory opinion of the Court on the question of the legality of the unilateral declaration of independence by Kosovo. An important part of the advisory opinion is the confirmation of the fact that Security Council resolution 1244 (1999) continues to be in force and continues to apply to the situation in Kosovo. In effect, the opinion confirms that the process for defining the final status of Kosovo is not over and that talks on the issue must continue.

Currently the Russian Federation is a party to a case entitled *Application of the International Convention on All Forms of Racial Discrimination (Georgia v. Russian Federation*), instituted by Georgia against Russia. The Russian Federation has submitted its preliminary objections regarding the Court's jurisdiction over this case. A month ago the oral hearings on the case were completed. Now we are awaiting the Court's decision.

I would like to briefly outline our grounds for arguing that the Court does not have jurisdiction over this case.

In order to recognize the jurisdiction of the Court on the Convention on Racial Discrimination, two conditions need to be met: first, the presence of a dispute pertaining to the Convention, and secondly, the applicant State must institute proceedings as envisaged under Article 22 of the Convention, which states that prior to filing an application with the International Court of Justice, talks must be held and the Committee on the Elimination of Racial Discrimination must be addressed. Neither circumstance is present in this case. Prior to Georgia's filing the application with the Court, no dispute existed between Russia and Georgia over racial discrimination in Abkhazia and South Ossetia. Nor has Georgia ever brought that matter up with the Committee on the Elimination of Racial Discrimination.

On those grounds we have every reason to believe that this case has been artificially tied to the Convention and brought before the Court with exclusively spurious political motives.

In addition, the case in question has unique features that the Court has never previously encountered in its practice. For the first time in the history of international jurisprudence, a suit has been brought against a State that is not a party to the dispute but a formerly internationally recognized peacemaker and mediator in negotiations. Moreover, Georgia itself recognized Russia's peacekeeping mission, requested such help through official channels and has never attempted to terminate the Russian peacekeeping forces' mandate. And there is another unique feature here. The suit was cynically brought by a State that attempted to settle an inter-ethnic conflict by using armed brute force, both against civilians and against peacekeepers who were acting with its consent and under an international mandate.

We sincerely hope that these factors will be duly taken into consideration in the decision on the question

of jurisdiction in the case of *Georgia v. Russia*. Otherwise, this would send an incorrect signal to States that might wish to resolve their disputes by peaceful means, as envisaged by the United Nations Charter. Besides that, it would undermine the standing of the Committee on the Elimination of Racial Discrimination and other bodies working in the area of human rights that were specifically created to settle contentious issues. The result would be that the carefully honed methods of settling international disputes, which have been developed over many years, could simply be ignored, and people would resort to the Court immediately.

Furthermore, this could send a negative signal to peacekeeping States, whose peacekeeping contingents could almost always be accused of violating the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. There is also the risk that States would be much more cautious in recognizing the jurisdiction of the International Court of Justice regarding international agreements. We hope that the Court will take into account all of these points when formulating its decision on its jurisdiction in the case under discussion.

We should note that the Russian Federation is firmly committed to the principle of the peaceful settlement of international disputes. We are confident that the International Court of Justice, as the main body of international justice, will continue to demonstrate the highest standards of jurisprudential practice and will remain a paragon of objective and independent international justice, whose authoritative opinion on the most complex issues will continue to contribute to strengthening international order.

**Mr. Riyan** (India): Before I start, I would like to express my sincere condolences to the Government and people of Barbados on the sad demise of their beloved Prime Minister, The Honourable David Thompson.

It gives me great pleasure to address this plenary meeting of the General Assembly on the report (A/65/4) of the International Court of Justice, the principal judicial organ of the United Nations. I would like to thank the President of the Court for his comprehensive and lucid presentation of the report.

The International Court of Justice was established, along with other organs of the United Nations, to save future generations from the scourge of war and to find a way to settle inter-State disputes through peaceful means by the application of international law. The Court still remains the only judicial body whose legitimacy is derived from the Charter and enjoys general jurisdiction, while all other international judicial institutions have specific competences and lack jurisdiction of a universal nature. The Statute of the Court has been made an integral part of the Charter, a status that is unique to the Court and not held by any other international court or tribunal to date.

All States are free to approach the Court for resolution of their disputes with other States. Under Article 36 of the Charter, the Security Council may also recommend that the parties refer their legal disputes to the Court, while the General Assembly and the Security Council may seek its advisory opinions. Those provisions clearly indicate the central role given to the Court within the United Nations system.

The Court's judgements have played an important role in the interpretation and clarification of the rules of international law, as well as in its progressive development and codification. The Court has performed its judicial functions while remaining careful to respect political realities, the sentiments of States and its own Statute. It has emphasized the rule of law and the role of international law in regulating inter-State relations, despite the fact that inter-State relations are necessarily political in nature. It has also contributed significantly to settling legal disputes between sovereign States, thus promoting the rule of law in international relations.

India firmly believes that, owing to the Court's unique position in the United Nations, no other judicial organ in the world possesses its capacity to deal with international problems. Since its inception, the Court has dealt with a wide variety of complex legal issues. It has pronounced judgment in areas covering territorial and maritime delimitation, diplomatic protection, environmental concerns, racial discrimination, the violation of human rights and the application of international treaties and conventions. Such judgments have played an important role in the progressive development and codification of international law.

At present, there are four new contentious cases and one new advisory proceeding before the Court. Those cases deal with a diversity of subjects, ranging from diplomatic relations to jurisdiction and

enforcement of judgments in civil and commercial matters and to an administrative matter related to the International Labour Organization. The Court is also dealing with geographic issues, as in the case of whaling in Antarctica. The cases before it involve countries from all over the world, including States in Europe, Latin America, Africa and Asia, and thus reflect its universality.

The growing acceptance of the Court's jurisdiction by States further highlights the importance of the Court and the confidence of the States in the Court's ability to resolve their legal disputes. This has greatly increased the workload of the Court. As of 31 July 2010, the number of contentious cases on the docket of the Court stood at 15, as compared to 13 one year earlier.

To enable the Court to fulfil its task, it is necessary that the Court be provided with adequate resources, so that it can respond efficiently and in a timely manner to the expectations of States that submit their disputes to it for settlement.

**Mr. Tang** (Singapore): My delegation would like to express its thanks to the International Court of Justice for the comprehensive and informative report on its work from 1 August 2009 to 31 July 2010 (A/65/4). It is evident that the Court has had an extremely busy year dealing with a myriad of legal issues. It is therefore a testament to the leadership of President Hisashi Owada, whom my country had the honour to receive as a guest speaker earlier this year at the Singapore Academy of Law, that the Court has been able to discharge its duties with the highest levels of competence and professionalism.

It is Singapore's firmly held view that international relations must be governed by the rule of law in order to preserve international peace and stability. Fundamental to the rule of law is the notion that disputes must be resolved through peaceful means. Where disputes — in particular those that have become intractable over time — cannot be resolved through informal processes such as negotiations or mediation, serious consideration should be given to the adjudication of the dispute by a neutral third party.

Needless to say, the Court plays a vital role in that regard. Under international law, there is no formal hierarchy among the various judicial mechanisms and international tribunals, but it is incontrovertible that the Court commands immense prestige and authority. First, it is the only international court of a universal character with general jurisdiction. Secondly, it is the principal judicial organ of the United Nations and draws on a heritage dating back to the Permanent Court of International Justice. Its judgments have been, and continue to be, extremely influential and have a deep impact on the development of international law. The Court therefore plays a fundamental role in ensuring that the rule of law in international relations is maintained and strengthened.

During the period covered in the report under consideration, there have been a number of jurisprudential developments of particular interest to my delegation. We note that the Court has taken the opportunity to clarify the jurisprudence relating to the seeking of provisional measures and other jurisdictional issues, given the number of cases in which such issues have been raised. These clarifications are useful in this developing area of international law and, given the increase in the number of cases where such arguments are being made, we anticipate that there will be other occasions in the future for further elaboration and development. We also note the increasing number of disputes involving issues of environmental law that are being brought before the Court. We look forward to receiving the views of the Court on those issues, given the dynamic growth of that area of law and their pertinence to the global community.

We have also keenly followed the deliberations of the Court in the case concerning the unilateral declaration of independence in respect of Kosovo, since this is an area of law which is of importance to all countries. As we have observed on previous occasions, this issue involves a complex factual matrix, and in that regard, we were gratified that the Court took great care to seek the views of the actors involved in that declaration in order to ascertain the complex set of events that led to it. We likewise welcomed the fact that numerous countries took an active role in the deliberations and provided their views on the issues at hand. That inclusive process displayed the seriousness with which the Court undertook its duties in the case and also demonstrated the high level of engagement of the international community in an issue of deep legal importance and augurs well for the continued strength of the rule of law at the international level.

With regard to the administration of the Court, my delegation applauds the continuing steps taken by it

to streamline its procedures and to clear its backlog. That will further assist in assuaging the concerns expressed in certain quarters in relation to the pace of proceedings before the Court. My delegation urges the Court not to let up in that regard, and in particular, to arrange for the commencement of oral proceedings as soon as possible after the conclusion of the written phase of the proceedings. We are also encouraged to read that work is proceeding on the modernization of the Great Hall of Justice, including the introduction of information technology resources on the judges' bench and we look forward to the speedy completion of that work.

Singapore notes the request made by the Court for additional security posts in paragraph 26 of its report. It is the view of my delegation that that request was not made lightly, given that it was pursuant to a security audit triggered by the heightened risk of terrorist attacks. Unfortunately, those risks have not lessened with time. Given the central role that the Court plays and the range of issues that it must deal with, including some of a highly controversial nature, it is only right and prudent that we support that request.

In conclusion, Singapore reiterates its belief that the Court plays a vital role in ensuring the existence and maintenance of the rule of law in international relations. We continue to hold the Court in our deepest regard and pledge our continued support for its work. We wish the Court every measure of success in meeting its future challenges and in the discharge of its duties for the year ahead.

*The meeting rose at 1 p.m.*