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Wednesday, 26 October 2011, 10 a.m.
New York

President: Mr. Al-Nasser . . . . . (Qatar)

The meeting was called to order at 10.25 a.m.

Agenda item 3 (*continued*)

Credentials of representatives to the sixty-sixth session of the General Assembly

(b) Report of the Credentials Committee

Second report of the Credentials Committee (A/66/360/Add.1)

The President (*spoke in Arabic*): The draft resolution recommended by the Credentials Committee in paragraph 11 of its report reads as follows:

"The General Assembly,

"Having considered the second report of the Credentials Committee and the recommendation contained therein,

"Approves the second report of the Credentials Committee."

I now give the floor to the Chairman of the Credentials Committee, His Excellency Mr. Pablo Antonio Thalassinós of Panama.

Mr. Thalassinós (Panama), Chairman of the Credentials Committee: I have the honour to introduce the second report of the Credentials Committee for the sixty-sixth session of the General Assembly.

Members will recall that the General Assembly approved the first report of the Credentials Committee (A/66/360) at its meeting on 16 September, pursuant to resolution 66/1.

The General Assembly now has before it the second report of the Committee, dated 20 October 2011 (A/66/360/Add.1), concerning the credentials of representatives of Member States to the sixty-sixth session of the General Assembly other than the credentials of the representatives contained in the first report.

As the second report of the Credentials Committee indicates, the Committee decided, after having examined the credentials of those representatives to the sixty-sixth session listed in the report, to accept the credentials of all the representatives of the Member States concerned. This proposal was adopted without a vote.

I would also like to recall that, since the adoption of the report by the Credentials Committee, the following Member States have submitted formal credentials in the form required by rule 27 of the rules of procedure of the General Assembly: Moldova, Mauritania, Ukraine and Uzbekistan.

Finally, I would request that the General Assembly proceed to approve the second report of the Credentials Committee as contained in document A/66/360/Add.1.

The President (*spoke in Arabic*): The General Assembly will now take action on the draft resolution recommended by the Credentials Committee in paragraph 11 of its report (A/66/360/Add.1).

The Credentials Committee adopted the draft resolution entitled "Credentials of representatives to

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the sixty-sixth session of the General Assembly" without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 66/1 B).

The President (*spoke in Arabic*): The General Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 3.

Agenda item 72

Report of the International Court of Justice

Report of the International Court of Justice (A/66/4)

Report of the Secretary-General (A/66/295)

The President (*spoke in Arabic*): The General Assembly will now consider the report of the International Court of Justice covering the period 1 August 2010 to 31 July 2011, which is contained in document A/66/4. May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President (*spoke in Arabic*): In connection with this item, the Assembly also has before it a report of the Secretary-General, circulated in document A/66/295, on his Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

It is now my great honour to welcome to United Nations Headquarters His Excellency Mr. Hisashi Owada, President of the International Court of Justice, and to give him the floor.

Mr. Owada, President of the International Court of Justice: It is an honour and privilege for me to address the General Assembly for the third time as President of the International Court of Justice on the report of the International Court of Justice for the period from 1 August 2010 to 31 July 2011 (A/66/4). I wish to take this opportunity to congratulate you, Ambassador Al-Nasser, on your election as President of the Assembly at its sixty-sixth session, and to wish you every success in your office.

I would now like, as is traditional, to present a succinct review of the judicial activities of the Court during the past year, that is, from October of last year to September this year.

The international community of States continues to bring a wide variety of legal disputes to the Court. Since I addressed the Assembly in October 2010 (see A/65/PV.38), the Court has altogether rendered four judgments and three orders. They are a judgment on the merits in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*; one order on provisional measures, in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*; a judgment on preliminary objections in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*; two judgments denying requests for intervention in the case concerning *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, respectively filed by Costa Rica and Honduras; as well as an order granting an application for permission to intervene in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy)*, filed by Greece; and an order on provisional measures in the case concerning *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. These cases have involved States from all regions of the world, and have raised a broad range of legal questions.

Let me recapitulate them one by one in strict chronological order. First, on 30 November 2010, the Court rendered its judgment on the merits in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*. As will no doubt be recalled, this case concerned alleged violations of the rights of Mr. Diallo, a Guinean citizen who settled in the Democratic Republic of the Congo in 1964 and founded two companies: Africom-Zaire and Africontainers-Zaire. At the end of the 1980s, Africom-Zaire and Africontainers-Zaire, acting through their *gérant*, Mr. Diallo, instituted proceedings against their business partners in an attempt to recover various debts. The disputes over the debts continued throughout the 1990s and remained largely unresolved. On 25 January 1988, Mr. Diallo was arrested and imprisoned and released a year later. On 5 November 1995, Mr. Diallo was again arrested and placed in detention with a view to his expulsion, which was carried out on 31 January 1996.

In its prior judgment of 24 May 2007 on preliminary objections, the Court had held the application of the Republic of Guinea to be admissible insofar as it concerned the protection of Mr. Diallo's rights as an individual and the protection of Mr. Diallo's direct rights as *associé* in Africom-Zaire and Africontainers-Zaire, but declared it inadmissible insofar as the application concerned the protection of Mr. Diallo in respect of alleged violations of rights of Africom-Zaire and Africontainers-Zaire.

In its final judgment of 30 November 2010, which is the subject matter of the report today, the first question was that of the protection of Mr. Diallo's rights as an individual. As a preliminary matter, the Court found that the claim relating to Mr. Diallo's arrest and detention in 1988 to 1989 should be excluded from its consideration, as it had not been raised by Guinea until its reply and was neither implicit in the original application nor arose directly out of a question in that application, which concerned events in 1995 to 1996.

On that basis, the Court considered Guinea's claim that the circumstances in which Mr. Diallo was arrested, detained and expelled during the period 1995 to 1996 constituted a breach by the Democratic Republic of the Congo of its international obligations. Guinea argued that Mr. Diallo's expulsion from the Democratic Republic of the Congo breached article 13 of the International Covenant on Civil and Political Rights and article 12, paragraph 4, of the African Charter on Human and Peoples' Rights.

On this point, the Court observed that, in order to comply with those provisions, the expulsion of an alien lawfully in the territory of a State which is a party to those instruments must be decided in accordance with applicable domestic law and must not be arbitrary in nature. The Court held that the expulsion decree of 31 October 1995 did not comply with Congolese law and that the expulsion was therefore in violation of article 13 of the International Covenant on Civil and Political Rights and article 12, paragraph 4, of the African Charter. The Court also found that Mr. Diallo's right, afforded by article 13 of the Covenant, to have his case reviewed by a competent authority had not been respected, and that the Democratic Republic of the Congo had not demonstrated compelling reasons of national security to justify the denial of that right.

Furthermore, the Court held that Mr. Diallo's arrests and detention also violated article 9 of the Covenant and article 6 of the African Charter, concerning liberty and security of the person. It found that the deprivations of liberty suffered by Mr. Diallo did not take place in accordance with the law of the Democratic Republic of the Congo, that they were arbitrary, and that Mr. Diallo had not been informed, at the time of his arrests, of the reasons for those arrests or the charges against him. In addition, the Court found that the Democratic Republic of the Congo had also violated article 36, paragraph 1 (b) of the Vienna Convention on Consular Relations by not informing Mr. Diallo, at the time of his arrests, of his right to request consular assistance from his country.

On the other hand, with regard to the claim of Guinea that Mr. Diallo was subjected to inhuman or degrading treatment while in detention, the Court concluded that Guinea had failed to establish that such had been the case.

The second question that the Court dealt with in accordance with the disposition of the earlier judgment was the question of the protection of Mr. Diallo's direct rights as *associé* in Africom-Zaire and Africontainers-Zaire. On this question, the Court considered Guinea's claim that the Democratic Republic of the Congo had committed several internationally wrongful acts that engaged its responsibility towards Guinea, in particular the claim that there had been breaches of Mr. Diallo's right to take part and vote in general meetings, of his rights relating to the *gérance* of the companies, of his right to oversee and monitor that management and the right to property of Mr. Diallo over his *parts sociales* — that is, the shares — in the companies. The Court found that the alleged rights of Mr. Diallo as *associé* were not legally denied, even though their exercise may have been made more difficult by the Democratic Republic of the Congo's expulsion of Mr. Diallo. The Court did not find that any of those claimed breaches had occurred.

In the light of the circumstances of the case, in particular the fundamental character of the human rights obligations breached, the Court upheld Guinea's claim for reparation in the form of compensation for the injury suffered by Mr. Diallo.

Secondly, the next decision rendered by the Court in the period under review was its order of 8 March 2011 on the request for the indication of provisional

measures, pursuant to Article 41 of the Statute of the Court, in the case concerning *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*. The case was brought by Costa Rica by an application filed on 18 November 2010, in which it founded the jurisdiction of the Court on article XXXI of the Pact of Bogotá and on the declarations made by the two States pursuant to Article 36, paragraph 2, of the Statute. The application was filed in regard to an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as breaches of Nicaragua's obligations towards Costa Rica". Costa Rica claimed that Nicaragua had occupied the territory of Costa Rica on two separate occasions in connection with the construction of a canal, as well as certain related works of dredging on the San Juan River.

Pending the determination of the case on the merits, Costa Rica requested the Court to order, as provisional measures, that Nicaragua not station troops or other personnel, engage in the construction or enlargement of a canal, fell trees, remove vegetation or dump sediment in the area concerned; that Nicaragua suspend its dredging programme; and that Nicaragua refrain from any other action that might prejudice the rights of Costa Rica.

In its order on provisional measures of protection, the Court determined that the instruments invoked by Costa Rica appeared, prima facie, to afford a basis on which the Court had jurisdiction to rule on the merits, enabling it to indicate provisional measures if it considered that the circumstances so required. The Court also found that the rights to be protected by those requested measures — in particular the right to assert sovereignty over a contested area along the boundary — were plausible and that a link existed between the rights the protection of which was being sought and the provisional measures requested.

On the basis of that finding that it had the power to indicate provisional measures, the Court proceeded to examine whether there was a real and imminent risk that irreparable prejudice might be caused to the rights in dispute before the Court had given its final decision, and found that, given that Nicaragua intended to carry out certain activities, if only occasionally, in the contested area, a real risk of irreparable prejudice to Costa Rica's claimed title to sovereignty over the said territory did exist. It further found that the situation gave rise to a real and present risk of incidents liable to cause irremediable harm in the form of bodily injury or death.

On the basis of those findings, the Court decided to indicate provisional measures to both of the parties, ordering that each party refrain from sending to or maintaining in the disputed territory any personnel, whether civilian, police or security, until such time as the dispute on the merits had been decided or the parties had come to an agreement on the subject.

In addition, the Court held that Costa Rica may dispatch civilian personnel charged with the protection of the environment of the disputed territory, insofar as it is necessary to avoid irreparable prejudice being caused to the part of the wetland where that territory is situated, on the condition that Costa Rica consult with the secretariat of the Ramsar Convention on Wetlands in regard to those actions, and give Nicaragua prior notice of them. The Court also ordered that each party refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve, and that each party inform the Court as to its compliance with the provisional measures.

Thirdly, the third decision of the Court related to its judgment of 1 April 2011 on preliminary objections in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*. As members no doubt recall, proceedings in that case were instituted on 12 August 2008, when Georgia brought a case against the Russian Federation, alleging a violation by the latter of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Georgia founded the jurisdiction of the Court on article 22 of that Convention.

The Court gave its judgment in 2008 on the application in respect to provisional measures of protection, finding that it had prima facie jurisdiction. In the next phase of the case, which is the present phase, the Russian Federation raised four preliminary objections to the Court's jurisdiction under article 22 of CERD. Its objections were, first, that no dispute between the parties existed concerning the interpretation or application of CERD; secondly, that the procedural requirements of article 22 of CERD had not been fulfilled; thirdly, that the alleged wrongful conduct had taken place outside the territory of the Russian Federation, and thus the Court lacked

jurisdiction ratione loci; and fourthly, that any jurisdiction that the Court might have was limited ratione temporis to events that had occurred after the entry into force of CERD between the parties on 2 July 1999.

The Court examined the Russian Federation's first preliminary objection in relation to events during three distinct time periods. With respect to the first period, which was the period before CERD had entered into force between the parties on 2 July 1999, the Court concluded that there was no evidence of the existence of a dispute about racial discrimination during that period and that even if a dispute had been found to have existed, it could not have been a dispute between the parties with respect to the interpretation or application of CERD.

With regard to the second period, from the time when CERD entered into force between the parties and before the beginning of armed conflict between the parties in early August 2008, the Court reviewed the documents and statements during that period and concluded that none of the documents or statements from that period provided any basis for a finding that there was a dispute between Georgia and the Russian Federation with respect to the interpretation and application of CERD during that time frame.

With respect to the events that occurred during the third period, August 2008 — in particular after the armed hostilities in South Ossetia that began during the night of 7 and 8 August — the Court found that, while Georgia's claims were primarily focused on allegations of unlawful use of force, they also expressly referred to ethnic cleansing by Russian forces. All of those claims had been made against the Russian Federation directly and had been rejected by the latter. The Court therefore concluded that, by 12 August 2008, there was a dispute between Georgia and the Russian Federation about the latter's compliance with its obligations under CERD. The Court accordingly dismissed the Russian Federation's first preliminary objection.

The Court then examined the Russian Federation's second preliminary objection, concerning the procedural requirements under article 22 of CERD, which provides that

> "[a]ny dispute ... which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall ... be referred to the International Court of Justice for decision".

The Court found, based on an analysis of the ordinary meaning of the phrase used, that article 22 did establish certain preconditions to be fulfilled before the applicant could seize the Court on the basis of article 22.

On that basis, the Court examined whether such preconditions had been met. In the instant case, with regard to the requirement to follow "the procedures expressly provided for" in CERD, the Court noted that both sides agreed that, prior to the seizing of the Court, Georgia did not claim that it had used or attempted to use that mode of dispute resolution. The Court therefore focused on the question of whether negotiation was a required precondition and, if so, whether that condition had been fulfilled. It observed, in the light of its finding on the first preliminary objection, that the dispute had arisen only as of 9 August 2008, and that the issue could be examined in relation to the period between that date and 12 August 2008, when the application was filed.

After reviewing the facts in the record relating to that period, the Court found that, although certain claims and counterclaims had been made by the parties during that period concerning ethnic cleansing, which might evidence the existence of a dispute as to the interpretation and application of CERD, they did not amount to attempts at negotiations by either party. The Court therefore concluded that Georgia had not established that, in the relevant period, it had attempted to negotiate CERD-related matters with the Russian Federation, and that Georgia and the Russian Federation had engaged in negotiations with respect to the latter's compliance with its substantive obligations under CERD.

Having determined that the requirement established in article 22 had not been satisfied, the Court concluded that it did not need to determine whether the two conditions set out in article 22 were cumulative or alternative. The Court accordingly held that article 22 of CERD could not serve to found the Court's jurisdiction, and upheld the Russian Federation's second preliminary objection. It therefore concluded that the case could not proceed to the merits phase, noting that it did not need to consider the Russian Federation's third or fourth preliminary objections.

Let me now turn to the two judgments of 4 May 2011 relating to the requests to intervene in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, filed by Costa Rica and Honduras, respectively.

The principal case between Nicaragua and Colombia concerns the disputed sovereignty over several maritime features in the Caribbean Sea, as well as the plotting of the maritime boundary between the parties. On 25 February and 10 June 2010, respectively, Costa Rica and Honduras filed requests for permission to intervene in the case.

In its application, Costa Rica stated that it sought to intervene as a non-party for the purpose of informing the Court of the nature of its legal rights and interests and of seeking to ensure that the Court's decision regarding the maritime boundary between Nicaragua and Colombia did not affect those rights and interests.

In its judgment of 4 May on whether to grant Costa Rica's application to intervene, the Court first defined the legal framework for intervention provided for under Article 62 of its Statute and article 81 of the Rules of Court.

The Court examined whether Costa Rica had established an interest of a legal nature that may be affected by the decision in the main proceedings. The Court accepted that although Nicaragua and Colombia differed in their assessments as to the limits of the area in which Costa Rica might have a legal interest, they both recognized the existence of Costa Rica's interest of a legal nature in at least some areas claimed by the parties to the main proceedings.

However, the Court, in examining whether Costa Rica had established that the interest of a legal nature that it had set out was one which "may be affected" by the decision of the Court in the main proceedings, concluded that Costa Rica had not succeeded in establishing that point. The Court stated that, in accordance with its consistent practice, when drawing a line delimiting the maritime areas between the parties to the main proceedings, that it would, whenever necessary, end the line in question before it reached an area in which the interests of a legal nature of third States might become involved. In that situation, the Court held that Costa Rica's application for permission to intervene in the case could not be granted.

Honduras, in its application, made it clear that it primarily sought to be permitted to intervene in the pending case as a party. It was only if the Court did not accede to that request that Honduras requested, in the alternative, to be permitted to intervene as a non-party.

In its judgment of 4 May 2011 on whether to grant the application of Honduras to intervene, the Court devoted a significant part of its analysis to the question of intervention as a party.

The Court noted that while neither Article 62 of the Statute nor article 81 of the Rules of Court specified the category in which a State might seek to intervene — namely, as a party or as a non-party — it is accepted by the case law of the Court that a State might be permitted to intervene either as a non-party or as a party. The Court pointed out, however, that whatever the capacity in which a State is seeking to intervene, whether as a party or a non-party, it must fulfil the condition laid down by Article 62 of the Statute and demonstrate that it has an interest of a legal nature that might be affected by the future decision of the Court.

On that basis, the Court turned to an examination of whether Honduras had satisfied that condition. The area in which Honduras had specified that it had an interest of a legal nature that might be affected by the decision in the main proceedings was an area that had been the subject of the Court's judgment of 8 October 2007 in the case concerning *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*. The question on which the Court focused was whether that judgment of 2007, to which Honduras was a party, barred it from making the request to intervene in a case in which Honduras claimed to have an interest of a legal nature.

The Court decided that by virtue of the principle of res judicata, as applied to the judgment of 8 October 2007, Honduras could not have an interest of a legal nature in the area south of the maritime boundary line established by the Court in that decision. With respect to the area north of that boundary line, the Court concluded that Honduras could have no interest of a legal nature that might be affected by the decision in the main proceedings for the simple reason that neither of the parties to the new proceedings, Nicaragua nor Colombia, was contesting the rights of Honduras over that area.

The Court held that Honduras had no interest of a legal nature that might be affected in any of the maritime areas it had identified in its application. The Court further observed that Honduras could not claim an interest of a legal nature in the effects that the decision of the Court in the main proceedings might have on the rights of Honduras under the 1986 Maritime Delimitation Treaty, which had been agreed between Honduras and Colombia, inasmuch as it was a bilateral treaty and the matter was exclusively between Honduras and Colombia and as such had no relevance to the Court's eventual determination of the maritime boundary between Nicaragua and Colombia. For those reasons, the Court held that the Honduran application for permission to intervene in the case, either as a party or as a non-party, could not be granted.

Now I will move to the fifth case. That case, in which the Court handed down its decision in the form of an order on 4 July 2011, relates to a request to intervene by Greece in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy)*.

The Hellenic Republic filed an application for permission to intervene in that case on 13 January 2011. The main proceedings to which the application relates concern a dispute over whether Italy has violated the jurisdictional immunity of Germany by allowing civil claims against it in Italian courts based on violations of international humanitarian law by the Third Reich during the Second World War.

The basis for Greece's application to intervene was that it had an interest of a legal nature to the extent that the Court, in the decision it would be called upon to render in the case between Germany and Italy, would rule on the question of whether a judgment handed down by a Greek court can be enforced on Italian territory, having regard to Germany's jurisdictional immunity. Greece stated that the decision of the Court as to whether Italian and Greek judgments for which the Italian Court had given judgment to enforce in Italy may be enforced in Italy was directly and primarily of interest to Greece and could affect its interest of a legal nature.

The Court took the position that, in a judgment that it would render in the main proceedings between Germany and Italy, it might find it necessary to consider also the decisions of Greek courts in the context of the principle of State immunity — which was the issue in the main proceedings — for the purposes of examining the request in Germany's submissions relating to the issue of whether Italy committed a breach of Germany's jurisdictional immunity by declaring Greek judgments as enforceable in Italy. Given that possibility, the Court held that this element was sufficient to conclude that Greece had an interest of a legal nature that may be affected by the judgment in the main proceedings. The request for intervention was therefore granted.

Greece having fulfilled the criteria for intervention laid down in article 81 of the Rules of Court, the Court granted its request to intervene as a non-party, insofar as the intervention would be limited to decisions relating to illegal acts committed by Germany during the Second World War rendered by Greek domestic courts and declared enforceable by Italian courts. The request having been granted, the Court gave its decision in the form of an order of a procedural nature, specifying the forms of procedure to follow, rather than in the form of a judgment, as it was in the two previous judgments that I discussed earlier in this report.

Let me turn now to the sixth case — an order on provisional measures handed down by the Court on 18 July 2011 in the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. The case was brought before the Court by Cambodia.

Cambodia filed a request for interpretation of an earlier judgment rendered by the Court on 15 June 1962, under Article 60 of the Statute of the Court, on 28 April 2011. Cambodia claimed that a dispute existed between the parties as to the meaning and scope of the 1962 judgment. In the 1962 judgment, the Court had found, inter alia, that Cambodia held sovereignty over the Temple of Preah Vihear, situated in the boundary area between Cambodia and Thailand.

On the same day that it filed its application for interpretation of the 1962 judgment, Cambodia also submitted a request for the indication of provisional measures in order to cause the incursions onto its territory by Thailand to cease, pending the Court's decision on the request for interpretation of the 1962 judgment.

At this stage of the proceedings, when the Court dealt with the request for provisional measures, it first

addressed the issue of whether a dispute appeared to exist as to the meaning or scope of the 1962 judgment, relating in particular, first, to the meaning and scope of the phrase “vicinity on Cambodian territory” as used in the operative clause of that judgment; secondly, to the nature of the obligation imposed on Thailand by the operative clause to withdraw any military or police forces, or other guards or keepers; and thirdly, to the issue of whether the judgment did or did not recognize with binding force the line shown on the map submitted by Cambodia in the original proceedings as representing the frontier between the two parties.

In its order of 18 July 2011, the Court held that the rights claimed by Cambodia, insofar as they were based on the 1962 judgment as interpreted by Cambodia, were plausible and that the necessary link between the alleged rights and the measures requested had been established. Examining whether there was a real risk of irreparable prejudice that might be caused to the rights which were in dispute, the Court concluded that because of the persistent tensions and absence of a settlement to the conflict, there was a real and imminent risk of irreparable prejudice being caused to the rights claimed by Cambodia, and that there was urgency.

On that basis, the Court decided to indicate provisional measures to both parties. In the order, the Court in particular established a provisional demilitarized zone, the coordinates of which were set out in its order, and ordered both parties immediately to withdraw their military personnel from that zone and to refrain from any military presence within that zone and from any armed activity directed at that zone.

The Court also ordered both parties, first, to continue the cooperation that they had entered into with the Association of Southeast Asian Nations and, in particular, to allow the observers appointed by the organization to have access to the provisional demilitarized zone; secondly, to refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve; and thirdly and finally, to inform the Court as to compliance with the provisional measures. It also ordered Thailand not to obstruct Cambodia’s free access to the Temple of Preah Vihear or Cambodia’s provision of fresh supplies to its non-military personnel in the Temple.

Those are the cases that the Court has disposed of during the period covered by this presentation.

However, in addition to those seven decisions handed down during the 2010-2011 reporting period, the Court held hearings in March 2011 in the case concerning *Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia* v. *Greece)*. This case has completed its written and oral proceedings and is now under deliberation by the Court. I should also mention that, outside of the reporting period, the Court also completed and held hearings in the case concerning *Jurisdictional Immunities of the State (Germany* v. *Italy*; *Greece intervening)*, which is now under deliberation by the Court with a view to its final decision. In addition, the Court is currently considering the request for an advisory opinion made by the International Fund for Agricultural Development (IFAD) in respect of Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization. Those three cases are now being dealt with by the Court on a parallel basis.

As can be seen, given the remarkable increase in the number of cases on its docket, the Court is now dealing with more than a few cases on a parallel basis, thereby making its best endeavour to eliminate a backlog of judicial work. Our current docket stands at 15 cases, most of which are still in the hands of the parties, who are presenting their written proceedings in advance of the oral hearings.

The two most recent cases filed during the reporting period in are the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua*) and the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. I know that the Court is making its best efforts to respond to the high expectations of the international community for an expeditious handling of the cases referred to the International Court of Justice.

This marks my final address to the Assembly as President of the International Court of Justice. It therefore seems an appropriate moment to reflect on the trust that the international community of States continues to place in the Court to handle a wide variety of legal disputes. States from all corners of the world, faithful to their attachment to international law, continue to have recourse to the Court to find judicial settlements of their disputes. In the three years of my presidency, the docket has never contained fewer than

15 cases. In fact, in the past 10 years the docket has averaged at least 15 cases, and sometimes as many as 28.

As is apparent from the overview I have given today of the Court's work in the past year, the substantive areas on which it is asked to rule are broader in scope than ever before, with each case presenting distinct legal and factual elements. Furthermore, cases are frequently made up of different incidental phases, from preliminary objections to provisional measures to requests for intervention and requests for interpretation. As a result, the Court has been consistently handling cases in parallel and shortening the time between the closure of written proceedings and the opening of the oral proceedings.

It is no exaggeration to say that all regions of the world have become closely intertwined. In this twenty-first century international politics are undeniably interconnected. A truly global economy has emerged, and the natural environment and global climate change have created new challenges. In these times of unprecedented interconnections between States and peoples, it is my sincere belief that a firm reliance on international law must underpin any and all future developments on the global stage. The International Court of Justice, as guardian of international law, is proud to play a vital role in our increasingly globalizing world.

It is my hope that Member States will continue to rely on the International Court of Justice to assist them in the pacific settlement of their disputes and that more States will accept the Court's jurisdiction, whether through a declaration under Article 36, paragraph 2, of the Statute, or through signatures of the many multilateral treaties that now contain compromissory clauses that refer to the Court disputes relating to interpretation or application of those treaties.

Let me conclude by offering my profound thanks not only for the opportunity to address the Assembly today, but also for the trust Members have placed in the Court over the past three years. I wish the Assembly a most productive sixty-sixth session.

The President: I thank the President of the International Court of Justice.

Mr. Kessel (Canada): On behalf of Australia, New Zealand and Canada, I would like to thank the President of the International Court of Justice, Judge Owada, for his excellent report on the work of the Court over the past year, and to express our appreciation to him and to the Vice-President, Judge Tomka, for their leadership of the Court. Judge Owada's report highlights the invaluable role that the Court plays in the peaceful resolution of disputes between States. Canada, Australia and New Zealand have always been, and will continue to be, strong supporters of the International Court of Justice as the principal judicial organ of the United Nations.

The past year was a busy one for the Court. As its annual report (A/66/4) indicates, 14 contentious cases and one advisory proceeding were on the Court's List during the past year. The Court deliberated four cases consecutively, and two new cases were initiated before it.

The cases before the Court cover an impressively wide range of issues, from environmental concerns to jurisdictional immunities of the State to violations of human rights, and a wide range of the countries around the world.

Despite the increasing complexity of the cases before it, the Court has managed to clear its backlog of cases. Canada, Australia and New Zealand are encouraged by the Court's continued commitment to ensuring the efficiency of its working methods.

The regional and subject-matter diversity of the contentious cases before the Court illustrates both the Court's universality and the ever-growing confidence of the international community in its decisions.

As noted in the report, the Court, as a court of justice and the principal judicial organ of the United Nations, occupies a special position in promoting the rule of law through its judgments and advisory opinions. Canada, Australia and New Zealand look forward to the International Court of Justice continuing to play its vital role in the peaceful settlement of international disputes and the promotion of the rule of law, as mandated by the Charter of the United Nations.

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

Mr. Ahamed (India): I would like to thank Judge Hisashi Owada, President of the International Court of

Justice, for his comprehensive and detailed report covering the judicial activities 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.

India attaches the highest importance to the Court as the principal judicial organ of the United Nations. The peaceful resolution of disputes is fundamental to the maintenance of international peace and security. The Court has fulfilled that task admirably since its establishment and has acquired a well-deserved reputation as an impartial institution with the highest legal standards, in accordance with its mandate under the Charter of the United Nations.

The Court remains the only judicial body with legitimacy derived from the Charter and possessing universal character with general jurisdiction, while other international judicial institutions have competence and jurisdiction in specific areas only. The Statute of the Court is an integral part of the Charter of the United Nations, a unique status enjoyed only by the International Court of Justice.

One of the primary goals of the United Nations, as stated in the Preamble to the 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 jurisdiction in international law, is uniquely placed to fulfil that role.

The report of the Court (A/66/4) clearly illustrates the confidence that States have in it, as shown by the number and scope of cases entrusted to it. It also shows the Court's growing specialization in complex aspects of public international law and demonstrates the Court's universality 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. It now stands at 17, involving more than 30 different States, as well as one request for an advisory opinion, as Judge Owada mentioned. The variety in the subject matter of recent cases, from territorial and maritime disputes to the obligation to prosecute or extradite, also demonstrates the significant role the Court plays in solving disputes between States and providing its opinion on important questions of international law.

The judgments delivered by the International Court of Justice have played an important role in the interpretation and clarification of rules of international law, as well as in the progressive development and codification of that law. In the performance of its judicial functions, the Court has remained highly sensitive in respecting States' political realities and sentiments, while acting within the provisions of the Charter, its own Statute and other applicable international law. It has contributed significantly to settling legal disputes between sovereign States, thus promoting the rule of law in international relations.

Since its inception, the Court has dealt with a variety of complex legal issues. It has pronounced judgment in areas covering territorial and maritime delimitation, diplomatic protection, environmental concerns, racial discrimination, violations of human rights, and the interpretation and application of international treaties and conventions. The Court's second function, of providing advisory opinions on legal questions referred to it by the organs of the United Nations and its specialized agencies, continues to fulfil the important role of clarifying key international legal issues.

It is commendable that the Court has taken significant steps in recent years to enhance its efficiency in coping with the steady increase in its workload, including, inter alia, re-examining its procedures and working methods, updating its Practice Directions for States appearing before it, and setting a particularly demanding schedule of hearings and deliberations so that it can consider several cases at the same time. As a result, we are happy to note that the Court has successfully cleared its backlog of cases, with the effect of further strengthening the confidence of States in its competency and efficiency.

In conclusion, I wish to reiterate the great importance that the international community attaches to the work of the International Court of Justice and to draw the Assembly's attention to the importance of strengthening its functioning, including by the provision of additional staff as the Court has requested. India reaffirms its strong support for the International Court of Justice.

Mr. Abdelaziz (Egypt): At the outset, I would like to express Egypt's appreciation to Judge Hisashi Owada, President of the International Court of Justice, for his comprehensive presentation of the report of the

Court on its activities over the past year (A/66/4). I also wish to reaffirm Egypt's full 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 best to carry out 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* (A/51/218, annex), on the *Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory* (A/ES-10/273), on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo* (see A/64/881) and many other decisions on territorial and maritime border disputes, which have and will continue to contribute to the peaceful settlement of disputes around the world, preventing them from escalating into armed conflicts.

Egypt also recognizes the important contribution of the Court's decisions and orders delivered during the past year, inter alia, the order delivered in March 2011 on the provisional measures in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* and its decision in July 2011 on the provisional measures in the case concerning *Request for Interpretation of the Judgment of 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia* v. *Thailand) (Cambodia* v. *Thailand)*. The Court's efforts in this field also contribute to and supplement the theme proposed by the President of the General Assembly for the current session, which reaffirms the importance of the peaceful settlement of disputes and the role mediation can play in that regard.

Egypt therefore emphasizes the need to encourage States and United Nations organs and specialized agencies to request advisory opinions of the Court on important legal questions arising within the scope of their activities, because such opinions constitute development and codification of the rules of international law. They also assist in consolidating the principles of justice and equality at the international level, because of the high moral and legal values they embody, and thus promote the maintenance of international peace and security.

Furthermore, Egypt expresses its appreciation for the pioneering role played by the Court in fostering the rule of law at the international level and in promoting a democratic and equitable international order. We stress the need to draw on the experiences of the Court in consolidating established legal rules in many spheres. Among them are the criteria and procedures for accepting new Members into the United Nations, which is relevant to the current discussions on the application by Palestine; the responsibility of States to protect their citizens in accordance with international law; and the distinction between legitimate armed struggle, in the framework of the right to self-determination, and terrorism.

Egypt believes that it is important to provide the Court with the chance to consider the legality of the encroachment by certain principal organs of the Organization on the competence of other principal organs, which are more representative and democratic in nature, contrary to the delicate balance established in the Charter. In the same vein, it is necessary to monitor and assess the implementation of the Court's judgments, decisions and advisory opinions to enhance international recognition of the moral and legal values of its advisory opinions. Egypt reiterates its proposal to establish a mechanism within the United Nations for that purpose; first, to ensure that, as required under the Charter, States respect the advisory opinions and judgments issued by the Court at the request of one or the other of the principal organs; secondly, to monitor the damages caused by failure to implement opinions and judgments; and thirdly, to adopt modalities for compensating affected States, similar to the one formed to assess the damages caused by the construction of the separation wall in Palestine — which so far still faces major obstacles.

In that regard, it is also important to act on the decision of the League of Arab States in October 2011 to present to the General Assembly a draft resolution requesting an advisory opinion of the International Court of Justice on the legal status of the Palestinian and Arab prisoners and detainees in the prisons of Israel, the occupying Power, under the relevant rules of international law, and to reassert their status as prisoners of war and their legitimate right to freedom.

Egypt also welcomes the steps taken by the Court to increase its effectiveness in dealing with the steady increase in cases before it and encourages the Court's continued examination of its procedures and working

methods. Egypt supports the Court's request for additional posts financed by the regular budget in order to strengthen its existing security team and its Department of Legal Matters and Publications Division. Egypt will work with other States in the Fifth Committee to respond positively to those demands, especially since they come 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 this regard, Egypt welcomes the reference in the Court's report to the ongoing work on the technological renovation of the Peace Palace halls and the replacement and modernization of the audio-visual equipment in its historic courtroom and nearby rooms, so as to enable the Court to perform its tasks in a way befitting its international standing.

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

Mr. Chuquihuara (Peru) (*spoke in Spanish*): Before making my statement, I wish to join in the expressions of condolence on the great loss of Mr. Antonio Cassese, a great jurist, who contributed greatly to the body of international law. We will always regret his loss.

I would like to thank the President of the International Court of Justice, Judge Hisashi Owada, for being with us this morning and for his very interesting introduction of the report on the intense work of the Court in the past year (A/66/4).

The purpose of the United Nations is to ensure that States resolve their disputes by peaceful means, in accordance with the principles of justice and international law. To that end, the United Nations Charter itself recognizes the peaceful resolution of disputes as a general principle, whereby States should refrain from the use or threat of use of force. Underscoring the essential role that the United Nations Charter ascribes to the maintenance of international peace and security and to fostering relations of friendship and cooperation, Member States declared in resolution 2625 (XXV) that they would refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner contrary to the principles of the United Nations.

Likewise, they believed that it is essential, to that end, for all States to resolve their international disputes through peaceful means, in keeping with the Charter. In that regard, the International Court of Justice was established as the principle judicial organ of the United Nations to institute a universal system that would enable States to resolve their disputes by peaceful means. Article 94 of the Charter provides for the Court's decisions to be complied with in such a way as to put an end to legal disputes. For that reason, Peru, as a country that respects international law, reiterates its commitment to comply with the obligations that arise from the statutes of the Court and urges all other States to comply with the decisions of the Court.

Despite the sensitivity of the topics taken up by the Court — including issues of territorial and maritime boundaries, environmental issues, the interpretation of treaties and the immunities regime, just to mention a few — States have opted freely, in exercise of their sovereignty, to go before the Court so that it would be the Court that would resolve their disputes. That is the result of the judicial quality of its rulings, as well as of the independence and impartiality of its judges, which has led to universal recognition of the Court's high degree of legitimacy.

Peru's commitment to the work of the International Court of Justice is reflected in the American Treaty on Pacific Settlement of 1948, also known as the Bogotá Pact, by which the States parties agreed always to refer procedures to the Court for peaceful resolution. Likewise, in keeping with Article 36, paragraph 2, of the Statute of the Court, Peru gave unconditional recognition to its jurisdiction in contentious matters.

Moreover, through the Manila Declaration on the Peaceful Resolution of International Disputes, which was adopted by consensus through resolution 37/10 in 1982, it was reiterated that legal disputes should, generally speaking, be brought by parties to the International Court of Justice, and that bringing a case before the Court should not be viewed as an unfriendly act between States.

As a result of that recognition, Peru believes that it is of the greatest importance for the Court's jurisdiction be universally accepted by all States. As indicated in its report, currently only 66 States have

issued statements indicating that they recognize the compulsory jurisdiction of the Court, although in many cases those statements were made with reservations. Peru therefore urgently calls on all States that have not yet done so to accept the compulsory jurisdiction of the Court in contentious matters.

We reaffirm our full endorsement and support of the work of the Court in both its judicial and its advisory capacities. At the same time, we wish to stress the prominent work of its judges, with respect both to the high level of their legal skills and to their efficient management, which have made it possible for the Court to adopt measures aimed at making its work more effective.

We would also like to recognize that the support of the Secretariat has been critical in meeting those objectives. The Court has had an agenda packed with litigation over the past several years, with the presentation of two new cases. Those new tasks must be added to the pending cases and an advisory opinion procedure, which means that in the current session a total of 14 cases have been heard, along with one advisory procedure.

We should also mention the Court's important role in communication through its official publications and its electronic portal, all of which provide an invaluable tool, as does the dialogue of the Court with other institutions, such as the International Law Commission, with various regional and national courts and with academic institutions, all of which enables an exchange of views that benefits and enriches the legal community.

All of those efforts, it is clear, contribute substantively to the promotion of the rule of law at the international and national levels. States should ensure that the Court has sufficient resources available to carry out the task assigned to it. In that regard, we believe that the requirements characterized as indispensable in the report with regard to the Court's needs in the area of human resources (A/66/333), such as security, legal assistance and publications, are fully reasonable and should be addressed as quickly as possible.

Finally, Peru would like to publically acknowledge those who have contributed to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. We would like to join the Secretary-General's appeal to all States and relevant entities to collaborate with the Fund.

Ms. Flores (Honduras): We thank the president of the International Court of Justice, Mr. Hisashi Owada, for the presentation of the Court's most recent report (A/66/4). We also express our gratitude to the other distinguished members of the Court.

Honduras, as a peace-loving and law-abiding country, has relied on the Court's rulings on several occasions to settle mayor territorial disputes with neighbouring nations. Our Constitution clearly states that Honduras shall adhere to the principles and practices of international law based on human solidarity, our people's self determination, the non-intervention of others in our internal affairs and the consolidation of peace and universal democracy.

Historically, our two-century-old boundary disputes and other matters pertaining to our territorial and maritime rights, which we have not been able to resolve directly with other parties by means of peaceful negotiations, mediation or arbitration, have been submitted to the consideration of the International Court.

My country, which has overcome difficult periods of unrest, political and social upheaval and the polarization of conflict in the Central American region, has always respected the Court's decisions. Where there has been any room for further interpretation, we have voluntarily deferred to the better judgement and advice of the International Court of Justice. We are therefore thankful to the Court for the many times we have settled our differences with other States by submitting to its jurisdiction.

The most recent cases dealt with our sovereign rights in the Fonseca Gulf and secure passage for our country to the Pacific Ocean and, most recently, with maritime delimitation in the Caribbean as pertaining to the Caribbean Sea Maritime Limits Treaty, which we signed with Colombia in 1999.

Following our last petition to the International Court, the Court found that the application for permission to intervene in the proceeding, either as a party or as non-party, filed by the Republic of Honduras under Article 62 of the Statute of the Court, could not be granted, since Honduras could not claim an interest of a legal nature that might be affected in any of the maritime areas identified in its application.

Having relied on several occasions on the wisdom of the International Court of Justice for settling serious and heartfelt disputes, we can certainly attest here today as to the Court's contribution to peaceful coexistence and the valuable role it continues to play in regional and world peace.

The willingness of Member States to join in efforts to combat impunity and strengthen universal justice is essential to the United Nations. We can fairly say that it enables them to work for accountability. Those efforts undoubtedly help to secure the road to reconciliation and provide victims with redress. The role the Court will play in this new century, with a jurisdiction based on consent, will depend on its activity and on its acceptance in the international community as an effective tribunal that can truly serve as a world court.

Despite all the achievements in our region with respect to securing and strengthening the rule of law, we live in an everyday reality where criminal activities and corruption threaten the core of governance and hinder, or even paralyse, States' national justice systems. Violence and crime are eating through the valued weave of our societies from deep within. We have to find a way to prevail in our common goals while making our systems work. We need to provide security while guaranteeing rights to our citizens, and we have to provide relief to the needy and protection to the innocent.

We therefore require a coordinated, strong institutional and international judicial framework. Close to home, we can praise the efforts of the International Commission against Impunity in Guatemala (CICIG), established under an agreement with the United Nations, in contributing to that accountability process. So far, as we know, CICIG has assisted the Guatemalan State to investigate and dismantle violent criminal organizations believed to be responsible for widespread crime and paralysis in that country's justice system.

In that same vein, I would like to stress the importance of several issues in the Court's report that constitute good ideas that have been dormant in our agenda, including the right to protect or the issue of human security. Recently, the Assembly decided to continue to debate the human security issue in order to address the lack of a definition of the concept. The concept has serious legal implications for Member States. It would be of paramount importance if the Court would, for illustrative purposes, pronounced itself on the rights and responsibilities of States with relation to human security.

It is indeed difficult to see the splendors of justice shadowed by the hindrances of social inequity, disparity and unrest. There will be no rest as long as one part of the population enjoys the benefits of the system and the opportunity to participate, while the vast majority remains isolated, powerless and marginalized from the blessings of development.

The sense of powerlessness resulting from the inability to achieve a decent standard of living — rightly deserved by the immense, motley multitudes who, in various latitudes of the Earth subsist in the most precarious economic and social conditions — is undeniably a latent source of conflict. Only by recognizing and respecting the rights of each other will the world have a chance at peace.

Mr. Ndiaye (Senegal) (*spoke in French*): Allow me to begin my statement by thanking Mr. Hisashi Owada, President of the International Court of Justice, for his comprehensive and detailed report on the activities of that organ from 1 August 2010 to 31 July 2011. I also thank the staff of the Court.

My country, Senegal, takes the opportunity provided by this annual meeting to review the report of the International Court of Justice (A/66/4) to highlight the Court's productivity in moving forward the ideals of peace and justice upon which the Organization was founded. A better time could hardly be imagined to commend the invaluable role of the Court in establishing a more just and peaceful world by promoting respect for the rule of law and the peaceful settlement of disputes. In that connection, my delegation would like to urge the International Court of Justice, as the only international court of universal character, to continue its efforts to strengthen international justice, develop international law and maintain international peace and security.

The growing role of the Court for States is clearly manifested in the increased number of applications presented to the Court. Such a demonstration of confidence also reflects the growing acceptance of the primacy of law as well as the interest of countries in the peaceful settlement of disputes. By promoting the legal settlement of disputes, the Court has contributed to peaceful relations among States, thereby greatly

contributing to the maintenance of international peace and security.

Similarly, in basing its actions on the rule of law, the International Court of Justice contributes at the same time to the interpretation and development of international law in accordance with respect for the rule of law at the international level. In addition, the Court's orders and decisions serve as juridical precedent in many situations, enriching the codification and consolidation of international law.

For all of those reasons, my delegation reiterates its full support to the International Court of Justice and its appreciation for its praiseworthy efforts to enhance its effectiveness. We urge that the Court be provided with the necessary means to appropriately accomplish its noble mission.

In conclusion, on the occasion of the review of the report of the International Court of Justice, my delegation would recall that today the positive effects of the peaceful settlement of disputes are obvious. From that perspective, the work of the Court clearly contributes to achieving the purposes of the Charter of the United Nations, in particular those pertaining to the peaceful settlement of disputes in conformity with the principles of justice and international law.

Given its deep commitment to the promotion of justice and the rule of law and the peaceful settlement of disputes, Senegal reiterates its confidence in the Court, the clearest demonstration of which was my country's acceptance of the Court's compulsory jurisdiction in line with Article 36 of its Statute.

Mr. Gevorgyan (Russian Federation) (*spoke in Russian*): The Russian Federation would like to express, through the presidency of the Assembly, its gratitude to Mr. Hisashi Owada, President of the International Court of Justice, for his presentation of the Court's report (A/66/4). Given its staunch commitment to the peaceful settlement of disputes, the Russian Federation has always attached great importance to the Court's activities.

We are pleased to note the dynamic work of the primary judicial organ of the United Nations. The increasing geographic and thematic diversity of the Court's cases, as it has rightly noted in its report, speaks to the unique universal nature of that organ.

Over the past year, once again, the Court upheld the highest standards of judicial practice, objectivity and political independence. My country is pleased with the judgment rendered on 1 April 2011, concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia* v. *Russian Federation)*. We believe that the judgment goes far beyond the framework of bilateral inter-State relations. Its adoption has made a notable contribution to enhancing not only the integral system of the peaceful settlement of disputes, but also the foundation of the peacekeeping process. In its judgment, the Court confirmed the growing significance of key tools of the peaceful settlement of disputes, including negotiation. It enhanced the authority of relevant treaty bodies and United Nations bodies and prevented an attempt to abuse established legal procedures and circumvent the provisions of international treaties.

Secondly, the Court supported a State that was actively participating in peacekeeping. The suit was filed against a State that was not party to a dispute but that was in good faith fulfilling its role as peacekeeper and mediator in the negotiations. At the same time, the application was made to the Court after an armed attack was carried out against those very same peacekeepers and civilians in a conflict region.

If the Court had ruled otherwise, any activities of peacekeepers could risk violating the International Convention on the Elimination of All Forms of Racial Discrimination. In our view, thanks to the Court's success in rendering an impartial and de-politicized judgment, there has been an obvious and consistent increase over the past years in confidence in the Court, that has been reflected in the increasing number of States that have accepted the Court's jurisdiction, as well as in the growing scope of the international legal issues that have been put before the Court.

The Russian Federation would like to note another facet of the Court's activities. Within the United Nations, active discussions are under way on the issue of the rule of law. We have seen the process of transforming the rule of law into a practical tool for reconstruction and at times, even survival, in conflict and post-conflict societies. We feel that the Court is itself a key mechanism for ensuring the rule of law internationally. As duly noted by the Court in its report, its activities are aimed at bolstering the rule of law. It carries out such activities through the clarification of international law and the just settlement of the most

delicate of international disputes, working as an independent judiciary for other judicial bodies.

We closely follow the legal activities of the Court and, at the same time, try to accord due attention to the everyday issues of the Court. Despite its busy calendar of hearings, where some cases are heard simultaneously, the Court has nevertheless succeeded in maintaining the high judicial quality of its decisions. We believe that the Court's request for the provision of human resources and additional funding to adapt its judicial processes and to maintain its unique status merit the closest attention. For its part, the Russian Federation stands ready to spare no efforts in that area.

Elections to the Court are set for the near future. We will select five of the 15 judges of the International Court of Justice. We hope that from the number of highly qualified candidates, we will choose the most outstanding individuals to carry the torch of international justice through the halls of the Peace Palace in The Hague.

Mr. Zellweger (Switzerland) (*spoke in French*): My delegation would first like to thank the President of the International Court of Justice for the presentation of his very comprehensive report (A/66/4).

Switzerland is firmly committed to a stable and just international order, to which international jurisdictions, and the International Court of Justice in particular, make a major contribution. Switzerland believes that the International Court of Justice plays an irreplaceable role. It has always recognized the competence of the Court, and calls on all other States to do the same. All States should bring their disputes before the Court in order to settle them peacefully. The increasing number of legal matters and issues brought before the Court demonstrates the confidence placed in it by the international community.

Moreover, my delegation welcomes the measures taken by the Court to increase its effectiveness and to deal with its increasing workload. It supports the Court in its undertakings to ensure its smooth functioning.

The International Court of Justice devotes some paragraphs in its report to the case of *Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Belgium* v. *Switzerland)*. While welcoming the swift settlement of this case, my delegation would like to make the following clarification. In its report, the Court quotes word for word from the letter in which Belgium announced its withdrawal. In the letter, Belgium refers to, and paraphrases, paragraph 85 of Switzerland's preliminary objections. However, it goes without saying that only the original text of paragraph 85 of the preliminary objections conveys Switzerland's unwavering position.

I am convinced that, through its activities, the International Court of Justice will continue its specific efforts towards a more peaceful world.

Mr. Yamazaki (Japan): It is my great pleasure and honour, on behalf of the Government of Japan, to address the General Assembly under the presidency of His Excellency Ambassador Al-Nasser. 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/66/4). 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, to deliver decisions and opinions based on exhaustive deliberations.

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. The variety in the subject matter of recent cases, from territorial and maritime delimitation to the interpretation and application of international conventions and treaties, also demonstrates the significant role played by the Court in solving international disputes between States and in providing its opinions on important questions in international law. While dealing with the variety and complexity of such cases, the Court has taken effective measures to conduct its activity at a sustainable level. The Government of Japan commends the Court for its continuous efforts to re-examine its procedures and working methods.

In the current international environment, where we continue to witness armed conflicts and acts of terrorism, the firm establishment of law and order is indispensable. There has been increasing recognition in the international community of the necessity of establishing and maintaining the primacy of international law, as well as the importance of settling disputes through peaceful means.

In that regard, the role of the International Court of Justice as the principal judicial organ of the United Nations is paramount and cannot be overstated. We believe that the Court must bring to bear not only a profound knowledge of international law but also the farsighted view of the international community, given that the world is now experiencing rapid change. Japan respects the Court's ability to meet that requirement and continues to fully support its work.

Since 1958, two years after becoming a State Member of the United Nations, Japan has recognized the compulsory jurisdiction of the Court. We urge Member States that have not yet done so to accept the Court's jurisdiction in order to facilitate the establishment of the rule of law in the international community.

In concluding my remarks, I wish to reiterate the great importance that 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. Japan, for its part, will continue to contribute to the invaluable work and the efficient and effective operation of the Court.

Mr. Yee (Singapore): My delegation thanks President Owada for his presentation of the comprehensive report of the International Court of Justice covering its activities over the past year (A/66/4). We also thank President Owada and Vice-President Tomka for their able leadership of the Court in that period. It is a testament to their vigorous efforts that the Court has been able to discharge its duties to the highest standards for another full year.

Singapore is firmly committed to a stable and peaceful international order governed by the rule of law. In our view, the international rule of law is indispensable to realizing the purposes and principles of the United Nations, including the maintenance of international peace and security, and the preservation of friendly relations. In the exercise of its contentious jurisdiction, the Court fulfils a key function in facilitating the Charter obligation to settle disputes peacefully. In the exercise of its advisory jurisdiction, the Court provides guidance on important issues of international law.

Furthermore, my delegation welcomes the continued regional and subject-matter diversity of the cases standing on the Court's List as of the end of the reporting period. We also note that the legal issues on the Court's List are not only diverse but complex. Those factors will ensure that the Court's jurisprudence will continue to command immense influence and have a deep impact on the development of international law. In that regard, there have been several jurisprudential developments during the period under review that my delegation has followed with great interest, including those relating to jurisdictional immunities of the State and the rights of shareholders. We note that two new cases were referred to the Court during the reporting period, and look forward to receiving the Court's views on those cases and others pending on its List.

Turning next to the administration of the Court, my delegation commends the Court for successfully clearing its backlog of cases. We welcome the Court's efforts to keep its procedures and working methods under continual review, so as to ensure that its users can be confident that proceedings before the Court will be as efficient as possible. We are also encouraged to read that work continues on the modernization of the Great Hall of Justice, including the introduction of information technology resources on the judges' bench. We look forward to their speedy completion.

Singapore notes the request made by the Court for additional security posts in paragraph 27 of its report. My delegation continues to hold the view that this request is not made lightly. Given the central role that the Court plays, and the range of issues which it has to deal with, including those of a highly controversial nature, it is only right and prudent that we renew our support for this request. Singapore also notes the requests for an additional P-2 post in paragraph 28, and for an additional post in the General Service category in paragraph 29. My delegation believes that it is important for the Court to be adequately resourced in order to perform its work. As such, Singapore supports both these requests.

In conclusion, Singapore reaffirms its strong support for the work of the Court, which plays a vital role in the institutional dimension of the international rule of law. We wish the Court every measure of success in meeting its future challenges and in the discharge of its duties in the year ahead.

Mr. Benmehidi (Algeria) (*spoke in French*): I would like to thank the President of the International Court of Justice, Judge Hisashi Owada, for his detailed

and exhaustive presentation on the undertakings of the Court from 1 August 2010 to 31 July 2011. I should also like to express the appreciation of my delegation for his presidency of that important organ of the Charter of the United Nations.

Algeria underscores the particular role of the judicial settlement of disputes as one of the pillars of the peaceful settlement of disputes in the maintenance of peace and international security.

As one of the principal organs of the Charter, whose Statute makes it an integral part of the Organization, the International Court of Justice occupies a unique place within the international legal system. The multiplication of international jurisdictions, in particular those that have become specialized over the past several decades, has in no way detracted from the prestige of the Court.

The number of cases on the Court's docket, including two new ones added during the most recent session, the diversity of the issues subjected to litigation, which touch on many areas of international law, as well as the fact that parties to disputes brought before the Court belong to every geographic region of the world, bear witness to the universal nature of this institution.

Algeria would like to emphasize the eminent role that the Court plays in the implementation and strengthening of the rule of law at the international level, in particular with respect to its sustained efforts on behalf of the application, promotion and elucidation of international law, as well as in the dissemination of the Court's activities through relevant programmes.

In that spirit, the Court deserves a pre-eminent place in all high-level debates devoted to the rule of law that will be held during the opening of the sixty-seventh session of the General Assembly in September 2012.

The execution of the Court's determinations in establishing the primacy of international law and implementing the rule of law at the international level is of critical importance. Initiatives and ideas intended to contribute to improved implementation of the Court's rulings deserves to be encouraged.

It is vital for the International Court of Justice to receive the resources it needs to function effectively, to render its decisions with due speed and to rule between the plaintiffs who come before it. The complexity and multiplicity of the cases the Court hears, as well as the diversity of their procedural phases, in particular with regard to certain cases that become increasingly protracted, implies a requisite adjustment with respect to both human and material resources. The 14 matters currently pending before the Court, several of which have been on the docket for a number of years, might find swifter resolution if the additional resources requested by the Court were made available.

My delegation wishes to acknowledge the efforts of the Court to adapt and streamline its workload, which continues to grow in volume year by year, by reworking its calendar, its procedures and its work methods.

It remains for the United Nations, and for its Member States in particular, to explore the best ways to continue to provide the requisite support to the Court.

In conclusion, my delegation would like to stress its firm support for role of the International Court of Justice in the development of international law. In addition to ruling on disputes, the Court interprets and elucidates the rules of international law, especially through its important practice of providing advisory opinions, whose positive influence we would do well to emphasize. Although they do not entail obligatory consequences for States, advisory opinions nonetheless offer clarifying guidance, in particular for international organizations, chief among them the United Nations.

Mr. Osorio (Colombia) (*spoke in Spanish*): I would like to begin by thanking Judge Hisashi Owada, President of the International Court of Justice, for his very complete and detailed report on the activities of the Court during the period 2010-2011 (A/66/4). As this is the last time that Judge Owada will address the Assembly in his capacity as President of the highest world court, I should like to pay tribute to him for his stewardship of that organ over the past three years.

For those delegations that participate in the work of the General Assembly, it is very useful to be made familiar with the development of contentious cases and advisory cases before the Court and the manner in which the principal judicial organ of the Organization is performing the task assigned to it by the Charter.

We note that during the year covered by the report there was a constant flow of cases submitted to the Court, with three cases declared concluded and two

new contentious cases put before the Court. Over the decades, States from different regions of the world have gone before the Court to request its ruling on various controversies, in accordance with international law, covering a wide range of aspects of international life.

It is also important to take into account that in the various cases brought before the Court a wide range of other issues also arose, all of which required intense labour on the part of the members of the Court and its secretariat. In clear contrast with that, we note that the Court continues to receive very few requests for advisory opinions.

We are pleased to note that the Court has worked with exceptional diligence in order to tackle the considerable challenges presented by the many cases on its docket and ensure adequate and sufficient consideration thereof.

The Court has adapted its practice and procedures through the adoption and subsequent adjustment of the Practice Directions, which have been very useful to litigating States. Likewise, the Court has implemented an intense agenda of hearings and deliberations, which now makes it possible to consider various cases with the requisite swiftness, including the various incidental proceedings that arise. The success in the Court's putting measures into place is tangible and reflected in the fact that it has been able to keep delays brought about by the very busy docket to a minimum. States considering the possibility of going before the Court can now be certain that the transition from the written phase to the oral phase in each proceeding will take place in an expedited manner.

The delegation of Colombia would also like to highlight the very worthwhile contribution that the International Court of Justice can make with regard to addressing another issue on the General Assembly's programme of work, namely, the state of the rule of law in the international arena. As correctly reflected in the report, in this context the Court plays a special role within the United Nations institutional architecture since, by definition, as it is a judicial organ, everything it does is geared towards promoting the rule of law. It can therefore be said that all its actions and decisions could potentially contribute to the promotion and clarification of norms in international law that it is called upon to interpret and apply, including norms that regulate its practice and procedure.

For that reason, we would like to join those delegations that have indicated that the President of the Court should be invited to participate in the opening session of the high-level event on this topic that will take place on 24 September 2012. That important event would thereby benefit from the perspective of one of the principal organs of the Organization entirely devoted, in the most efficient and laudable manner, to promoting the rule of law at the level of international relations.

Mrs. Morgan (Mexico) (*spoke in Spanish*): The delegation of Mexico would like to express its deep appreciation to the International Court of Justice for the arduous efforts it has undertaken this year. We would also like to thank its President, Judge Hisashi Owada, for his presentation of the Court's report (A/66/4).

Mexico welcomes the periodic review of proceedings, methods of work and guidelines undertaken by the Court in recent years, which has facilitated expedited attention to cases and has been key in ensuring that this legal organ can sustain its pace of activity.

Moreover, Mexico wishes to thank the General Assembly for its willingness to increase the number of the Court's legal assistants and security staff, as well as for its willingness to create a new General Service post for telecommunications technician. Along the same lines, Mexico calls for the General Assembly to continue to provide the Court with tools to ensure its optimal performance as the principal judicial organ of the Organization.

The report currently before us illustrates with clarity and conciseness the contentious cases before the Court and is evidence of its universal nature. In this regard, my delegation wishes to indicate that, of the 17 cases before the Court under the period under review, a number of them concerned States from Latin America and the Caribbean, which clearly shows the commitment of the region to compliance with international law and the peaceful resolution of disputes.

My delegation would like to highlight the great legal value of the Court's rulings not only for States parties involved in a case, but also for the creation of international jurisprudence that is of interest for the international community as a whole. The Court plays a fundamental role in developing international law. The

ruling in the case concerning *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, is a clear example of this fact. We also see it in the constant evolution of the thematic complexity of the cases before the Court.

I would like to conclude by reiterating Mexico's attachment to the International Court of Justice as the main legal organ for the peaceful solution of disputes.

Mr. Arguello-Gómez (Nicaragua) (*spoke in Spanish*): Nicaragua would like to express its gratitude to Judge Hisashi Owada, President of the International Court of Justice, for his introduction of the Court's report (A/66/4).

The fact that the 2010-2011 judicial year, like the previous period, continues to be an extremely busy one and that, moreover, it is expected that next year will be equally intensive due to the initiation of two contentious cases, illustrates the relevance of the International Court of Justice as the principal United Nations judicial organ and as the only international court of a universal character and with general jurisdiction. In this regard, we would like to highlight that the work of the Court not only contributes to promoting, consolidating and disseminating information about the rule of law, but also that its work is key to international security in that it promotes the peaceful resolution of conflicts, which is one of the main purposes of the United Nations and a constant desire of humankind.

We regret that, once again, the report reflects the fact that only 66 States have recognized the compulsory jurisdiction of the International Court of Justice and that some of those recognitions contain reservations that, in many cases, void the very meaning of the acceptance of such jurisdiction. We urge all States that have not yet done so to recognize the Court's jurisdiction, thereby contributing to strengthening the rule of law internationally.

Nicaragua's international relations are based on a policy of friendship, solidarity and reciprocity between peoples, which is why we not only recognize the principle of the peaceful settlement of international disputes by means of international law, but why we have also resorted to such means many times and will continue to do so. In the past 26 years, Nicaragua has participated as a plaintiff or defendant in eight major cases and various incidental ones before the International Court of Justice. Those cases include that of *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*, which ruled 25 years ago that the United States was obliged to indemnify Nicaragua for all the damage caused by its activities violating international law. This judgment by the Court is still pending compliance, which is why Nicaragua still reserves the right to claim the compensation it is due.

Among the cases involving Nicaragua is the currently pending *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* brought by Nicaragua 10 years ago, whose continuation is due in part to incidental proceedings arising from the case. Here, it should be mentioned that in May the Court decided that applications for permission to intervene presented by Costa Rica and Honduras could not be granted, and most recently reaffirmed the scope of the judgment of 8 October 2007 in the case of the *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*.

Similarly, in the recent case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, President Daniel Ortega was the first to propose publicly that both countries should refer the matter to the Court if they could not reach a bilateral agreement. In March, the Court handed down its ruling on the provisional measures requested by Costa Rica, deciding that both parties should refrain from sending or maintaining personnel in the disputed territory and should find common solutions to care for the environment, among other things. Nicaragua is pleased to say that it has faithfully abided by all the points in the ruling and will continue to do so.

Nicaragua has demonstrated its confidence in international justice not only by its actions; it has also turned to the Court on a number of occasions and has used its judgments to endorse and propose mechanisms for the peaceful settlement of disputes. In that regard, allow me to recall that the initiative for declaring the United Nations Decade of International Law came from Nicaragua, which proposed it under the auspices of the Non-Aligned Movement in 1988. This initiative included a basic concept, that of promoting universal compulsory mechanisms for the peaceful settlement of disputes, particularly through the International Court of Justice.

With this purpose in mind, a ministerial meeting of the Non-Aligned Movement was held at The Hague

in 1989, culminating in a declaration by the Movement's more than 80 member States — which at the time represented a significant majority of the membership of the United Nations — approving the initiative of presenting the proposal for the Decade of International Law to the General Assembly. The basic reason for this initiative was to bring back the spirit of the first two peace conferences held in The Hague in 1899 and 1907, which sought to establish a universal compulsory mechanism for the peaceful settlement of disputes. That mechanism, which those first conferences were unable to achieve, has now been realized in the International Court of justice. Our task is to enable it to truly become a universal compulsory mechanism without loopholes that undermine the compulsory nature of its jurisdiction and with genuine resources that can ensure compliance with its decisions.

Nicaragua believes that while perhaps because of international factors prevailing at the end of the 1980s this could not be fully achieved, we may now take it up again in order to advance universal acceptance of the Court's compulsory jurisdiction. With this in mind, Nicaragua will once again retrace the steps that can enable us to revive this initiative of almost a quarter of a century ago.

In conclusion, my delegation would like to express our great satisfaction with the work of the Court and to once again thank Mr. Owada, the President of the Court, for his report.

Mr. Sorreta (Philippines): At the outset, allow me to express our sincere sympathies on the passing away of Judge Antonio Cassese. He was, in the truest sense, a giant of international law whose experience and expertise in the field are widely and rightly recognized.

Our debate today comes at a most opportune time as we commemorate International Law Week here at the United Nations. As we renew our pledge to build a more peaceful, progressive and prosperous world, we are reminded once again of our solemn duty to further strengthen the ramparts upon which our world is built, on justice and the rule of law. That commitment finds its fullest expression in the International Court of Justice and in the Court's faithful exercise of its mandate. 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, as it upholds an integral legal order founded on the primacy of the rule of law and the peaceful settlement of disputes.

In this regard, the Philippines welcomes the report of the International Court of Justice contained in document A/66/4, and the report of the Secretary-General contained in document A/66/295. These documents are a comprehensive and detailed demonstration of the Court's important work and activities. The Philippines wishes to thank and commend Judge Hisashi Owada, President of the International Court of Justice, for the preparation of the report.

The importance of the Court cannot be overstated. It is the only international court of a universal character with general jurisdiction. The Court handles cases that are growing in legal and factual complexity. The subject matter of those cases is extremely varied, including, among other issues, territorial and maritime delimitation, environmental concerns, the jurisdictional immunities of States, violations of territorial integrity, racial discrimination, violations of human rights, and the interpretation of international conventions and treaties. These cases, coming from diverse regions, illustrate the Court's universality. The Philippines notes the sustained level of activity of the Court. During the period under review two new cases were brought before the Court, bringing the number of contentious cases on its List to 14 as of 31 July. The Philippines continues to follow developments in these cases closely.

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

To continue doing so, however, the Court needs vital support, particularly in the area of human resources. The Philippines notes that the Court's budget submission for 2012 to 2013 includes requests for the establishment of several posts. The Philippines reiterates its call for Member States to continue to provide the Court with the means necessary for ensuring its proper and efficient functioning.

My delegation wishes to register its approval of the work done by the International Court of Justice to make itself and its decisions more widely accessible to the public, to academia, to the international legal community and to media professionals through publications, visits, sustained engagement with the media and the use of innovative information and communications technology. The annual publication of the reports on judgments, advisory opinions and orders, the yearbook and the bibliography, among others, as well as the inclusion in the Court's website of its entire jurisprudence and that of the Permanent Court of International Justice, are particularly to be commended. The Court's website — with dynamic developments in its content and user interface — will continue to play an important role in keeping the Court engaged and connected with the world by providing a platform for access at various points and at different levels throughout the world.

The Philippines submits that in order to strengthen the foundations for global respect for the rule of law and its effective implementation, transparency and accessibility, along with integrity and independence, must 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 Court's reiteration of its request to strengthen the Court's security team to enable it to confront new technological threats in respect of information systems security.

In recent years, we have witnessed a steady rise in the number of States, entities and even individuals resorting to specialized tribunals and forums in attempts to address the increasing demands of interdependence. My delegation views that development as a reflection of increased confidence in, and recourse to, the rule of law, which the Court has helped to propagate.

In that regard, we continue to 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 the exercise of its mandate as the only international court of universal character with general jurisdiction, our obligation is to continue to provide the support crucial for the International Court of Justice to maintain and strengthen the rule of law, which underpins peaceful relations between States.

Mr. Errázuriz (Chile) (*spoke in Spanish*): Chile takes this opportunity to express its appreciation to the President of the International Court of Justice, The Honourable Judge Hisashi Owada, for presenting the comprehensive report covering the period from 1 August 2010 to 31 July 2011 (A/66/4).

The great responsibilities of the International Court of Justice and its work as the highest judicial organ of the United Nations deserve to be highlighted before the international community. The Court's mission of fulfilling an advisory role and peacefully settling disputes, as entrusted to it under the United Nations Charter, is reflected in the report introduced by its President, which we are pleased to welcome.

The Court is central to the international legal system, and States recognize its leading role of providing guarantees to all members of the international community. We once again reiterate that the advisory role of the International Court of Justice is particularly important. Its opinions, which are founded on international law, provide reasoned arguments to States and sound support for the functions of the United Nations Organization.

The Court makes an ongoing contribution, in the framework of the multilateral system of peace and security, to strengthening relations among countries and to instilling a sense of respect for the law in the international legal order, by combining the fundamental principles and the mandates of the Charter of the United Nations, which is its backbone.

As its President has explained, the Court has extensive and complex jurisdiction, which it exercises for the good of the international community. It carries out its mandate in a framework of coexisting international, multilateral and bilateral treaties, through which it is entrusted with the judicial settlement of disputes and the application of mechanisms accepted by States in their unilateral declarations.

As the Court is the highest judicial organ of the system, we must make our voices heard and support it by ensuring that the necessary material and human resources are made available to it for the exercise of those competencies, according to its judicial tasks and the important functions that it must carry out.

We also express our appreciation for the efforts being made by the International Court of Justice to widely publicize its work and make it broadly accessible to international public opinion, using modern methods and technologies.

Those efforts have strengthened international law, and the Court should therefore receive ongoing and broad support for its activities. We note the progress made in the use of electronic media to publicize the work of the Court and facilitate access to its documents and to information on its work.

I shall conclude by reiterating our appreciation for the praiseworthy work of the Court and for its invaluable contribution to the effectiveness and observance of international law.

Mr. Silva (Brazil): Before I begin, allow me to express my country's condolences on the irreparable loss of Mr. Antonio Cassese. Although he is no longer with us, Mr. Cassese's lessons on international law will certainly remain.

I join previous speakers in extending a warm welcome to Judge Hisashi Owada and thanking him for his comprehensive presentation. My delegation very much appreciated Judge Owada's briefing yesterday to the Security Council (see S/PV.6637), in particular his thoughts on how the Council could make fuller use of the International Court of Justice in the settlement of disputes. Judge Owada spoke of the organic linkage that exists between the Council and the Court. My country believes that the Council would benefit from a closer relationship with the Court.

I was also very interested in his observations on the parallel and complementary roles of the Court and the Security Council, as illustrated by the case between Cambodia and Thailand, a matter that the Council dealt with last February (see S/PV.6480), under the Brazilian presidency, and one in which my country was very directly involved.

The International Court of Justice is a key element in efforts to uphold the principles and norms of international law and to ensure the peaceful settlement of disputes. In the Preamble to the Charter, Member States made a commitment to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law could be maintained. The reinforcement of the rule of law on a global scale is a major contribution that the Court has given to the maintenance of international peace and security. Such an accomplishment should not be taken for granted.

The advisory jurisdiction of the Court has also played a major role in clarifying legal questions put forward by United Nations organs and other specialized agencies. The authoritative views expressed by the Court in its advisory opinions have made an important contribution to international law. The General Assembly should continue to rely on the Court whenever necessary.

The Court's latest report (A/66/4) shows the heavy demands placed on it, with cases covering myriad issues, from the jurisdictional immunity of the State to racial discrimination, and from environmental concerns to territorial and maritime delimitation. Those issues relate to cases in all continents. It also demonstrates the genuinely universal character of the Court and its importance as the principle judicial organ of the United Nations.

Brazil welcomes the continued efforts of the Court to keep up with its increasing workload. As highlighted in the report, cases are increasingly complex, often involving a number of phases and requests for urgent provisional measures. We appreciate the steps taken to enhance the efficiency of the Court. The continued re-examination of its procedures and working methods are important measures in order to face a very demanding level of activity.

The international community has many good reasons to celebrate this year's sixty-fifth anniversary of the International Court of Justice. Brazil praises the Court for its role in the development of international law and in upholding the principles of the Charter. The work of the Court is crucial to ensuring the primacy of law in international affairs, the peaceful settlement of disputes and the promotion of more just, equitable and fair international relations.

We are proud to have contributed to that process, along with the Court's history, with highly qualified Brazilian judges. I take this opportunity to pay tribute to their work for the cause of justice, a tradition honoured currently by Judge Antonio Augusto Cançado Trindade. In a matter of days, six judges will be elected both by the General Assembly and the Security Council. Brazil wishes them every success in the discharge of their duties.

I take this opportunity to express once again Brazil's full support of the International Court of Justice and our appreciation to President Owada.

Mr. Adoke (Nigeria): On behalf of the Federal Republic of Nigeria, let me extend our sincere appreciation to Mr. Owada, President of the International Court of Justice, for his comprehensive and incisive report on the activities of the Court (A/66/4).

As a peace-loving State, Nigeria expresses its resolve and unequivocal support for the settlement of disputes by the peaceful means of mediation, preventive diplomacy, arbitration and, in particular cases, adherence to the judgments of the Court as the principal judicial organ of the United Nations.

Recalling the international dimension and the diverse legal issues upon which the Court has to adjudicate, such as contentious cases, the jurisdiction of the Court and advisory proceedings, to mention but a few, serves to underline the universality of the Court's rulings, in line with modern trends, which my delegation believes merits accolades and commendation. Nigeria therefore calls on countries that have not yet honoured the Court's decisions to do so.

Nigeria is a role model in adhering to the ruling of the Court in the *Bakassi* case. It thanks the Court for its judgment, which has been implemented under the Greentree Agreement, of which I am the co-Chair under the auspices of the United Nations.

Nigeria praises the Court and its role in the development of international law and assures it of our support at all times.

Mr. Tsiskarashvili (Georgia): I would like to take this opportunity to join previous speakers in referring to the essential role of the International Court of Justice as the principal judicial organ of the United Nations.

In the light of that, the report before us (A/66/4) and its presentation today by President Owada once again accentuate the fundamental place of the Court in the system of the settlement of disputes in accordance with international law. As indicated in the report, on 1 April, the Court delivered the judgment in the case submitted by Georgia against the Russian Federation on the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, upholding the second preliminary objection of the Russian Federation.

Notwithstanding the fact that Georgia has repeatedly attempted to resolve existing disputes under the Convention with the Russian Federation through negotiations, including both prior to and since the commencement of the major hostilities in August 2008, in the light of the Court's recent judgment, Georgia formally invited the Russian Federation to participate in further negotiations to resolve the existing disputes that have arisen with respect to the Russian responsibility for breaches of the Convention.

Georgia invokes the responsibility of Russia, inter alia, for the prevention of the exercise of the right of return of ethnic Georgians who were expelled from the Tskhinvali region and Abkhazia during the early 1990s and as a result of the 2008 Russia-Georgia war. We also invoke the responsibility of Russia for discrimination in the period prior to the commencement of major hostilities in August 2008 against ethnic Georgians living in areas of the Tskhinvali region and Abkhazia controlled by Russia and the proxy regimes, including with respect to ethnically motivated violence, the destruction of property, the violation of educational, cultural and linguistic rights, freedom of movement and issuing of passports.

While the Government of Georgia is taking all adequate measures to ensure that the breaches of the Convention by the Russian Federation are brought to an immediate end, as I end my intervention I would like to draw the Assembly's attention to paragraph 172 of the report and paragraph 186 of the judgment of the Court, where the Court unequivocally indicates that the parties are under a duty to comply with their obligations under the Convention.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): The delegation of Costa Rica thanks Judge Hisashi Owada, President of the International Court of Justice, for his clear report on the work of the Court (A/66/4) and for his presence before the Assembly. His leadership is a source of motivation and strength to the current and the ongoing work of the Court. We are also grateful for 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/66/295).

This is the right time to once again express our country's complete adherence to the primacy of international law, our full respect for the instruments and organizations of international law, and our commitment to faithfully comply with the decisions to which they give rise.

Article 1, paragraph 1, of the Charter of the United Nations recognizes the peaceful resolution of international disputes as an essential purpose of the Organization, in keeping with the principles of justice and international law. As the only universal international tribunal fully incorporated into the United Nations system, the Court's responsibilities in that area are indispensable to the international community, hence the responsibility of the Organization and its States Member to support the Court in carrying out its tasks. Of course, that support also includes a financial and logistic dimension that should be appropriately reflected through the allocation of adequate resources to the Court so that it can efficiently and effectively and with absolute legal independence tackle the cases brought before it.

Even more important, States must respect the decisions of the Court without distinction, whether they are substantive matters or provisional measures, which are especially important in the case of conflicts already taking place on the ground. Such respect should be provided in good faith without any manoeuvring or provocations or attempts to undermine the Court's decisions and based on the conviction that any damage to the Court's integrity or its mandate or hindrance of its functions will work against the international community as a whole. Respecting the Court and its decisions is the best way to guarantee the integrity and proper functioning of each proceeding and the best way of once again consolidating the Court's indisputable role.

In conclusion, Costa Rica notes the well established experience of the candidates among whom the Court's five new Judges will be chosen shortly. We wish those who will be elected every success. We also thank the Court for its efficient work and express our confidence that it will continue resolutely along the path towards fully accomplishing its duties, overcoming all challenges and promoting peace and respect through the application of international law.

The President: We have heard the last speaker in the debate on agenda item 72. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 72?

It was so decided.

The meeting rose at 1.05 p.m.