United Nations A/69/PV.34

General Assembly

Official Records

Sixty-ninth session

34th plenary meeting
Thursday, 30 October 2014, 3 p.m.
New York

President: Mr. Kutesa . . . . . (Uganda)

In the absence of the President, Mr. Boureima (Niger), Vice-President, too the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 70 (*continued*)

Report of the International Court of Justice

Report of the International Court of Justice (A/69/4)

Report of the Secretary-General (A/69/337)

Ms. Argüello González (Nicaragua) (*spoke in Spanish*): I would first like to thank the President of the International Court of Justice, Mr. Peter Tomka, for the report (A/69/4) he presented this morning (see A/69/PV.33).

Nicaragua aligns itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (see A/69/PV.33).

Among the international tribunals that have proliferared in recent decades, the International Court of Justice continues to play a unique role for States with regard to the peaceful settlement of disputes between them. Nicaragua is an especially strong believer in international law and recognizes the exceptional contribution that the principal judicial organ of the Organization has made in strengthening international law.

Of the 13 cases in the Court's Registry, Nicaragua is a party as an actor and/or a defendant in five, two of which are pending oral hearings that have already been scheduled for 2015. In all the cases to which my country has been a party, it has always faithfully fulfilled its international obligations. We expect reciprocity in the fulfilment of the obligation to abide by the rulings of the International Court of Justice in cases in which it is party, while we recall that the existence of a dispute shall not permit the use of force or threat of force by any of the States parties to the dispute.

Regarding the recognition of the Court's jurisdiction, it is notable that in 2014 a record number of complaints, seven in total, have been registered in which the Court's jurisdiction is based on the future consent of the defendant. The situation created by such requests underscores the importance of States complying with their commitments to promoting the rule of law at the international level and the peaceful settlement of disputes. The latter is an obligation under the Charter and the former is a commitment of Member States reaffirmed every year, particularly at the 2012 High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (see A/67/PV.3-A/67/PV.5).

In that regard, it is worth recalling that the General Assembly has noted on more than one occasion that recourse to the judicial settlement of legal disputes, in particular their referral to the International Court of Justice, should not be considered an unfriendly act between States. Nicaragua therefore considers it worthwhile to reflect on the opportunity presented by this exceptional situation of demands based on future consent, which highlights precisely the importance of

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promoting the acceptance of the obligatory jurisdiction of the Court by all States.

In that regard, Nicaragua is pleased that every year a State joins in recognizing the Court's obligatory jurisdiction through the declaration provided in the Statute. However, we regret that the number of such statements - 70 - is still rather low in comparison to the 193 States Members of the Organization. The celebration of the seventieth anniversary of the Court, scheduled for 18 April 2016, will provide a unique opportunity for more States to make their statements in accordance with the Statute or to withdraw their reservations prior to said actions. In so doing, States can contribute to making the celebration even more meaningful with a record number of recognitions of the Court's jurisdiction.

In terms of its budget, it is clear that the increase in the Court's workload - which is reflected not only in the seven new cases registered this period but also in the increasing complexity of the subjects of the current cases, which require complex technical counsel - suggests the need to adjust the financial and human resources of that institution to today's reality. That is something our delegations must keep in mind in the discussions of the Fifth Committee in order to provide adequate support for its work.

It is worth noting that the lack of adequate resources sometimes means that the Court has to charge the parties for the costs of certain procedures, such as translations, which is detrimental to less affluent countries. Furthermore, one can assume that the Court avoids, where possible, the hiring of experts, which can sometimes also be a disadvantage to less affluent States. Similarly, in relation to budgetary matters, in these discussions we should consider the importance of the publication of rulings and allegations insofar as they contribute to the work of dissemination and have an important role in the academic sphere. Lastly, I recall the need to contribute to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

Today, there are different sophisticated threats to international peace and security, which remind us of the importance of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development. Developing and strengthening friendly relations among States is possible provided that any dispute be permanently resolved by the means provided in international law, of which the Court is one of the most respected institutions and the principal judicial organ of this Organization.

We are grateful for the presentation of the report and note that, although much remains to be done to ensure respect for justice and international law, we have before us invaluable opportunities that we must seize in order to achieve peace, which is the fundamental purpose of the United Nations and the permanent aspiration of humankind.

Mr. Nduhuura (Uganda): I thank the President very much for the opportunity to address the Assembly on this important subject. I wish to start by thanking Judge Tomka, President of the International Court of Justice, for the comprehensive report (A/69/4) he introduced.

Let me briefly address the issues raised in the report in Chapter V, section 2, under the subheading "*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*". The Court found that the parties were under obligation to one another to make reparations for the injury caused. Provisions were also made for the parties to come to an agreement on the question of reparations. Indeed, it is noted that the parties have continued to transmit to the Court information concerning the negotiations being held to settle outstanding issues.

Uganda continues to engage in this process, as there is a mechanism by which this particular aspect of the Court's decision is being handled. A standing negotiating team is seized with the matter and we continue to report to the Court on the status of the negotiations. The next meeting between the negotiating teams will be held on 17 November, and the Court will be informed about the progress in that regard.

We welcome the improvements that have resulted in the efficient handling of matters before the Court. The delivery of justice needs to be timely, because justice delayed is justice denied.

As an ardent believer in the rule of law, Uganda supports the work of the International Court of Justice. Being the principal judicial organ of the United Nations, the International Court of Justice continues to play a positive role in the promotion of the rule of law and consequently enhances the maintenance of international peace and security. It is noteworthy that during the reporting period, the Court registered increased activity, including through its judgments and

advisory opinions. That is a testament to the esteem with which the institution is held, but more importantly, to the increased commitment by States to the rule of law and the peaceful resolution of contentious matters.

As a result of this engagement, Uganda is living at peace with the Democratic Republic of the Congo, and both States enjoy cordial relations. That has enabled the two neighbours to collaborate on various matters of mutual interest, for example security and trade. Indeed, the existing cordial relations have enabled cross-border trade, interconnecting roads, combating illegal trade in minerals and supplying electricity to some parts of eastern Democratic Republic of the Congo, to mention but a few. Uganda and the Democratic Republic of the Congo will remain constructively engaged and will periodically report on the progress achieved.

Mr. Elias-Fatile (Nigeria): As Nigeria commiserates with the Republic of Zambia on the death of His Excellency President Michael Sata on Tuesday, we wish to express gratitude to delegations for their condolences on the death of the spouse of Ambassador Ogwu on Monday.

I thank the President for convening this important debate on the report of the International Court of Justice. My delegation is grateful to the President of the Court, Judge Peter Tomka, for introducing the report (A/69/4).

Nigeria aligns itself with the statement made earlier today by the Permanent Representative of South Africa on behalf of the Group of African States (see A/69/PV.33).

The International Court of Justice is an integral part of the United Nations mechanisms for the promotion of the rule of law and international peace and security through the administration of international justice with independence and impartiality. Nigeria considers the Court the pre-eminent mechanism for the peaceful settlement of disputes among States, and it is noteworthy that many States have expressed their confidence in the ability of the Court to resolve their disputes. The dual character of the Court as the principal judicial organ of the United Nations and court of unique and universal jurisdiction enables it to render impartial decisions in the peaceful settlement of disputes. The Court's judgements and advisory opinions have had salutary effects on maintenance of peace and security in all regions.

Under Article 36, paragraphs 2 and 5 of the Statute of the Court, States are expected to make declarations recognizing the compulsory jurisdiction of the Court. Yet Nigeria notes with concern that out of the 193 States Members of the United Nations that are parties to the Statute of the Court, only 70 have thus far made declarations - and some with reservations - in which they recognize the jurisdiction of the Court as compulsory. My delegation therefore encourages Member States that have yet to submit to the compulsory jurisdiction of the Court to endeavour to do so, as that would further strengthen the Court's ability to promote international justice and the peaceful settlement of disputes.

Nigeria realizes the significance of the Court in the settlement of inter-State disputes on a broad range of complex issues, a role that has in no small measure contributed to peace and harmony in the world. In view of that important function of the Court, Nigeria believes that its budget should be commensurate to its needs and obligations and should support its independence to render vital services to the international community. We therefore note with appreciation that most of the budgetary requests of the Court have been accepted by the United Nations, thus enabling it to continue to carry out its mission unhindered, which is commendable.

As a State party to the Statute of the Court and having made the declaration recognizing the jurisdiction of the Court as compulsory, Nigeria continues to abide by its commitment to the promotion of international justice and the peaceful settlement of disputes. We encourage all Member States to continue to offer their support to the activities of the Court in order to promote international justice and the rule of law.

Mr. Troncoso (Chile) (*spoke in Spanish*): First of all, my delegation would like to express appreciation for the work done by the International Court of Justice in the period covered by the report that the Court's President, Judge Peter Tomka, introduced earlier (A/69/4). In the reporting period, the Court had the opportunity to decide, in exercise of its jurisdiction, matters relating to such diverse subjects as maritime delimitation, whaling in Antarctic waters and interpretation of the Court's own rulings, among many others.

The Court, as the principal judicial organ of the United Nations, plays a vital and irreplaceable role in the interpretation and application of international law, providing its decisions for the settlement of disputes and creating jurisprudence that is a contribution to the

accurate determination of the applicable international law. We therefore believe that States should decisively support the work of the Court.

Chile has recognized in various international instruments the jurisdiction of this high Court and appreciates that the mandatory settlement of disputes is linked to those international instruments that by their jurisdictional clauses allow for recourse to a mechanism to overcome differences that may arise in their application. The role that the Pact of Bogotá has been playing as a basis for the Court's jurisdiction, has been highlighted, and in homage to it, my country reiterates once again the doctrine that the Pact was negotiated with the conviction that it cannot be applied to deal with matters already settled by prior arrangement between the parties, by arbitral decision or by ruling of an international tribunal, or which are governed by agreements or treaties in force on the date of the conclusion of that instrument.

Also central for my country is respect for international law, in particular international treaties. In that spirit, we have complied in good faith with the recent ruling of the International Court of Justice that affected us, as well as rulings of other international tribunals. In that context, I would like reiterate the statement made by my country on 27 January this year, after reading the Judgment delivered by the International Court of Justice in the maritime delimitation case, *Maritime Dispute (Peru v. Chile)*. At that time, without prejudice to its disagreement with certain elements of the decision, Chile agreed to implement the Judgement, stressing those aspects that required work by the parties for a complete implementation.

Consequently, we proceeded, together with Peru, in the joint development of the cartography for determining the exact geographical coordinates of the maritime boundary points set forth by the Court, in a spirit of good-neighbourliness, as ordered by the Court in its Judgment. In that regard, it is noteworthy that both Governments have said they will make a joint delivery to the United Nations of the cartography produced by their efforts. At the same time, they are pursuing regulatory changes for a more effective application of the law of the sea, in accordance with the spirit and terms of the aforementioned Judgment of the International Court of Justice.

My country is now facing an application filed in the Court by the Plurinational State of Bolivia, requesting that Chile be obligated to negotiate with Bolivia a sovereign access to the Pacific Ocean. Chile, in full respect of international law and, in particular, the provisions of the Pact of Bogotá and the Statute of the Court and its Rules, has submitted preliminary objections to the jurisdiction of the Court in the case, which can be properly resolved by the Court itself.

Finally, we believe it important to provide strong support for the dissemination of the significant work done by the International Court of Justice. In this regard, we recall the settled position in this body, namely, the need for Spanish language versions of judgments issued by the Court, as well as the need to increase opportunities for academic meetings in different parts of the world to address the key problems and future challenges that international law is facing, and in particular the judicial settlement of disputes, of which the International Court of Justice is an essential tool.

Mr. Koncke (Uruguay) (*spoke in Spanish*): At the outset, I would like to thank the President of the International Court of Justice, Judge Peter Tomka, for introducing the annual report on the Court's activities (see A/69/PV.33). The report (A/69/4) highlights the Court's important work during the year and reflects the international community's confidence in it as a peaceful means of settling disputes. Each year, the increase in the number of cases and the Court's judgements serve to confirm its prestige as the organ entrusted with the settlement of international disputes and to reaffirm its role as the main judicial organ of the United Nations.

Since the Court's establishment, my country, Uruguay, has championed the peaceful settlement of disputes through all of its actions, in accordance with the Charter of the United Nations. Among the measures listed in Article 33 of the Charter, today we highlight in particular judicial settlements or the use of international tribunals to provide justice by settling disputes in accordance with international law. We observe that through both the direct initiatives of countries and the provisions incorporated into international treaties, the Court's jurisdiction has gradually been extended. Reason, justice and law have thereby gained ground over arbitrary actions and the use of force.

Uruguay is proud to have been the first country in the world to have accepted the binding jurisdiction of the International Court of Justice, in the year of its creation. In fact, it did so at the beginning of 1921, when the Court's predecessor, the Permanent Court of International Justice, was created in the framework

of the League of Nations. That action has guided Uruguay's international conduct and commitment to the peaceful settlement of disputes, the primacy of the rule of law and justice without conditions, except those established under international law.

In that vein, we wish to highlight that two years ago my country began working with Switzerland, the Netherlands and the United Kingdom — later joined by Lithuania, Japan and Botswana, as countries representing all of the United Nations regional groups — in drafting a manual to assist the Members of the Organization in gradually adopting the compulsory jurisdiction of the International Court of Justice. The manual was completed by mid-year and to date has been translated into three of the official languages of the United Nations. It is also currently being translated into the remaining official languages in order to reach all Member States.

The manual is directed mainly at Government officials dealing with issues involving international justice, with practical examples, in order to contribute to future decision-making related to the acceptance of the compulsory jurisdiction of the Court. We are convinced that the task represents no less than the commitment of that group of countries to international justice and its adoption as the primary system for resolving international disputes.

Without a doubt, resort to the International Court of Justice has contributed and continues to contribute to avoiding confrontations and conflicts that, prior to its existence, were usually resolved by the use of force. In other areas, we are aware that the advisory opinions referred to in Article 96 of the Charter and Chapter IV of the Statute of the International Court of Justice have shed light on legal gray areas. Furthermore, we have noticed that no advisory opinions have been requested from the Court since 2010. In our view, it would be interesting to explore the possibility of extending the Court's advisory competence through consultations involving Member States.

We cherish the hope that ever more States will accept the Court's jurisdiction in settling their differences, thereby placing international justice in the place of distinction in the peaceful settlement of disputes.

Ms. Hamilton (United States of America): We would like to thank President Tomka for his leadership as President of the International Court of Justice, and for the recent report regarding the activities of the Court over the past year (A/69/4).

We are again struck by how productive the Court continues to be. Over the past year, the Court issued three judgments and 13 orders. In addition, the Court has in its pipeline 7 new contentious cases, bringing to 13 the number of cases on the Court's docket. They cover a very wide range of issues.

The International Court of Justice is the principal judicial organ of the United Nations. The Preamble of the Charter of the United Nations underscores the determination of its drafters "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained". That goal lies at the core of the Charter system, and in particular the role of the Court.

Taking stock today, as we approach its seventieth anniversary, it is clear that the International Court of Justice has made significant contributions in multiple areas of international law.

We were interested to note that, as President Tomka explained in his introduction of the report (see A/69/PV.33), the cases referred to the Court are growing in factual and legal complexity and frequently involve a number of phases. We commend the care taken by the Court in developing its approach to fact-finding. We think that the application of rigorous processes to fact-finding will increase confidence in the Court. We are also interested to see the number of requests for provisional measures, and the Court has taken commendable steps to put itself in a position to respond. We hope that the Court will continue to receive appropriate resources for carrying out its important functions.

We also want to remark upon the Court's continued public outreach to educate key sectors of society — law professors and students, judicial officers and Government officials, and the general public — on the work of the Court and to increase understanding of that work. From a transparency standpoint, we note in particular that the Court's recordings are now available to watch, live and on demand, on United Nations Web TV. All those efforts complement and expand the efforts of the United Nations to promote the rule of law globally and a better understanding of public international law.

We look forward to celebrating, in less than two years, the Court's seventieth anniversary, shortly after the seventieth anniversary of the United Nations itself. It will be an opportunity to reflect on the impressive

legal jurisprudence developed by the Court. We also want to express our appreciation for the hard work of President Tomka, the other judges who currently serve on the Court and all the members of the Court's staff who contribute on a daily basis to the continuing productive work of that institution.

Mr. Hilale (Morocco) (*spoke in French*): Allow me first to thank Judge Peter Tomka, President of the International Court of Justice, for his briefing and for the report (A/69/4) describing the Court's work from 1 August 2013 to 31 July this year. I would also like to acknowledge those judges who are present among us today.

My delegation aligns itself with the statements made by the representatives of the Islamic Republic of Iran on behalf of the Non-Aligned Movement and of South Africa on behalf of the Group of African States (see A/69/PV.33). I will make the following comments in my national capacity.

The International Court of Justice, established by the Charter of the United Nations, is the principal judicial organ of the United Nations. It is the only international jurisdiction of a universal character that has dual jurisdiction dealing with contentious cases and advisory proceedings. That makes it the most accessible and the most solicited in its rulings on the litigation of disputes between States. At the request of States exercising their sovereignty, the Court rules on a bilateral or trilateral disputes. That shows that States have trust in the Court. We should not surprised, then, to see that as of 31 July, 193 States were party to the Statute of the Court. Similarly, more than 300 bilateral or multilateral treaties and conventions provide for the Court's jurisdiction in adjudicating disputes regarding their application or interpretation.

As for the advisory opinions, besides the Security Council and the General Assembly - which under Article 96, paragraph 1 of the Charter are authorized to request advisory opinions from the Court on any legal question - the Economic and Social Council, the Trusteeship Council, the Interim Committee of the General Assembly and international organizations have used the services of the Court. Consequently, due to its independence and impartiality, the International Court of Justice has established itself as the ultimate judicial body of the United Nations system.

The influence of the Court goes well beyond the judgments and opinions it issues. Many disputes have been resolved early by the mere fact that one party suggested submitting the dispute to the Court. In addition, practice shows that the disputes submitted to the Court have sometimes been resolved not by a decision of the Court, but simply because preliminary measures have helped to resolve them.

In that respect, one can cite as an example the case *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* where, following the Judgment of the Court, the two parties

> "were under obligation to one another to make reparation for the injury caused. It decided that, failing agreement between the parties, the question of reparation would be settled by the Court and reserved for this purpose the subsequent procedure in the case. Since then, the parties have transmitted to the Court certain information concerning the negotiations they are holding to settle the question of reparation, as referred to in points (6) and (14) of the operative clause of the judgment and paragraphs 260, 261", etc. (*A/69/4, para. 79*).

Similarly, Ecuador and Colombia thanked the Court for its contribution to the amiable resolution of their dispute on the aerial spraying of herbicides.

As indicated in the report, in accordance with article 89, paragraphs 2 and 3, of the Rules of Court, the President of the Court made an order on 13 September 2013 recording the discontinuance by Ecuador of the proceedings and directing the removal of the case from the Court's list.

Thus the Court performs a function that is an incentive to negotiation by administering a kind of transactional justice to the parties, giving them an opportunity to settle their dispute by themselves through negotiation. In doing so, the Court has rendered an invaluable service to the parties to disputes and performed a valuable role in facilitating negotiation.

Moreover, the activity of the Court as a whole is part of the search for peaceful settlement of disputes, on the one hand, and promoting the rule of law, on the other. Its judgments and advisory opinions will necessarily contribute to the clarification of international law and make a very important contribution to the primacy of law for the sake of peace. Moreover, the Court plays a very important and beneficial role complementary to that played by the Security Council to ensure that peace and international security prevail.

During the period covered by the report the Court was seized of 7 new contentious cases and handed down 13 orders. That shows that the Court is becoming increasingly sought out on various topics concerning various territorial and maritime disputes, violations of territorial integrity and sovereignty, genocide, environmental damage and the conservation of biological resources, the interpretation and implementation of international conventions and treaties, requests for a halt to the nuclear arms race and so on. All that testifies to a very positive assessment and a high degree of satisfaction, trust and efficiency, which contribute to the universality of the Court.

That vast area of work requires the mobilization of skilled human resources and adequate financial resources in order to maintain a high level of effectiveness, quality and impartiality. The Court has increasingly become part of a dynamic that progressively fits it in with international mores, in the interest of respect for the primacy of the rule of law. My delegation is therefore pleased that most of the budgetary requests for the biennium 2014-2015 were met.

The Court's judgments, advisory opinions and decisions deserve to be widely disseminated and published, particularly in law schools, and especially on my continent, Africa, in order to better disseminate the values of the Court and the principles governing the peaceful settlement of disputes and to contribute to preventive diplomacy. The President of the Court, the Registrar, the judges and senior officials of the Court should organize lectures in universities and diplomatic academies in order to make the Court's work better known. The Diplomatic Academy of the Kingdom of Morocco will be delighted and honoured to have the President of the Court, the Registrar or its judges come to give lectures in order to stimulate the intellectual curiosity of young diplomats so that they would know about the role of the Court. Similarly, the Kingdom of Morocco is home to one of the most ancient and prestigious universities in the world, the Al-Karaouine University, founded in 857, whose laureates have contributed through their thinking to the evolution of international law. The university has a large library that contains manuscript treasures and works dating from previous centuries up to the present day. If we were to have the publications of the Court at the university that would be extremely useful to both researchers and students, whether Moroccan or foreign.

I cannot conclude my statement without stating once again how greatly my delegation appreciates the important role played by the Court in the peaceful settlement of disputes, as well as its valuable contribution in strengthening and interpreting the rules of international law.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): The delegation of Madagascar associates itself with the statement made by the representative of South Africa on behalf of the Group of African States (see A/69/PV.33).

We wish to express our gratitude to Judge Peter Tomka, President of the International Court of Justice, who is present here, for his outstanding presentation of the Court's activities during the past year, which has allowed us to appreciate the efforts that organ undertook in the performance its tasks. We read with interest the report of the International Court of Justice (A/69/4).

The world is facing many challenges that call for our attention and collective action. According to the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations. It is therefore an integral element of the United Nations system at the service both of the Organization and its States Members. Its mandate is unique. Its universal nature makes it the preferred mechanism and strategic instrument to settle disputes peacefully. The increase in the volume of cases before the Court demonstrates the confidence of States in the Court. By adopting the spirit of impartiality and independence in accordance with international law, the International Court of Justice is promoting the rule of law, while its decisions are based on legal criteria in order to render fair, well-founded judgments.

Improving access to justice is an essential means of strengthening the links between the rule of law and the three pillars of the United Nations system. As the principal judicial organ, the International Court of Justice has a central place in maintaining international peace and security, as well as in addressing issues essential for development. Its broad jurisdiction — which extends to all cases submitted to it by parties and all matters specially provided for in the Charter of the United Nations or in treaties or conventions in force — provides Member States with an effective instrument to settle their differences.

For that reason, recognizing the Court's jurisdiction is essential. That jurisdiction covers both contentious and advisory matters. Currently, 70 Member States, including Madagascar, have recognized the Court's jurisdiction to settle disputes. We call on those States that have not yet done so to recognize its jurisdiction. We express our gratitude for the initiative undertaken by Switzerland, the Netherlands and other States during the High-level Meeting on the Rule of Law at the National and International Levels, held on 24 September 2012 (see A/67/PV.3-A/67/PV.5) for collaboration with the Secretariat in drafting a handbook to assist States in accepting the compulsory jurisdiction of the International Court of Justice (A/68/963, annex). That initiative reflects the spirit of promoting the compulsory jurisdiction of the Court as a peaceful way to settle disputes and shows the support that Member States of all regions of the world attach to it.

When it comes the activities of the Court, we appreciate the various initiatives that the Court has taken during the visits of prominent individuals and dignitaries, especially the exchange on cooperation between the Court and the Secretariat's Office of Legal Affairs, the rule of international law in the modern world, the Court's jurisprudence and the Court's role in the international legal system. There was the organization of a seminar for members of the East African Court of Justice and of the Supreme Court of the United Republic of Tanzania, and the visit by academicians, researchers and legal experts. These show the constant attention that the Court has given to promoting international law in the modern world, since international law is an essential basis of the rule of law. We are also pleased that celebrations were held during the centenary of the Peace Palace in The Hague and that such issues were discussed during those events.

The Court has made laudable efforts in publishing its decisions and developing multimedia support and its website at the request of Governments of Member States, since the world situation requires that all States contribute to settling the issues that concern the world. To that end, we support the Court's request for financing the celebration of its seventieth anniversary. The year 2014 was successful for the Court. In that context, Madagascar welcomes the prospect of celebrating next year with all Member States the seventieth anniversary of that prestigious institution.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): The Russian Federation greatly appreciates the work of the International Court of Justice as the principal judicial organ of the United Nations. We would like to thank the President of the Court, Judge Peter Tomka, for his detailed report. The report of the Court (A/69/4) shows that States continue to ask the International Court of Justice to be seized of their disputes, which demonstrates a very high degree of trust in the Court. The standards of justice and the expert opinions the International Court of Justice has developed are now becoming real guidelines for political and legal decisions taken by States.

We note that for some years now the International Court of Justice has been extremely busy. The subject matters it deals with are increasingly varied, as is its regional coverage. Today the Court decides not only disputes about the delimitation of land and maritime spaces, which is what it mainly did during the earlier stages of its existence, but also cases on all sorts of different issues.

Although it has a very full agenda, that has not affected the quality of decisions it hands down. It is important that the Court continue making a real contribution to ensuring the rule of law internationally, as rightly noted in the report. Everything the Court does is intended to encourage the rule of law. We welcome the decision by the Court to publish as broadly as possible all of its decisions, to develop websites and to work with academia. These things deserve our full support.

We think the events to commemorate the seventieth anniversary of the International Court of Justice should be high on the agenda of the United Nations next year. We believe that, given the undeniable contribution made by the Court and its members to ensuring justice and the rule of law, the Assembly should respond very carefully to the concerns voiced by Judge Tomka about the material support for the Court and the judges, particularly dealing with the question of pensions.

In early November, there will be elections for five new members of the Court. We feel sure that the vacancies will be filled by excellent judges.

Mr. Mendoza-García (Costa Rica) (*spoke in Spanish*): It is an honour for me to participate once again in the annual meeting of the General Assembly to consider the report (A/69/4) on the work of the International Court of Justice, the only international court of a universal nature that has general jurisdiction. My delegation wishes to thank Judge Peter Tomka,

President of the Court, for introducing the Court's report for the period 2013-2014, as well as for his presence before the Assembly.

During the period covered by the report, the work of the Court was particularly intense. It delivered three judgments, handed down 13 orders, held public hearings in four cases and took on seven new contentious cases.

The peaceful settlement of international disputes is an essential purpose of the United Nations. That is the reason that the role of the Court in maintaining international peace and security and in promoting the rule of law on the international level is essential. It is the responsibility of the United Nations and its States Members to support the Court in carrying out its tasks. That calls for the United Nations to ensure that the Court is able to continue working effectively and objectively, with complete legal and procedural independence on the cases subject to its consideration. That is possible only if the Court is guaranteed the necessary resources to comply with its mandate, taking into account the substantive increase in its workload. In that connection, we are pleased that most of the Court's budgetary requests have been accepted, which will make it possible for the Court to carry out its mission under the best conditions.

Costa Rica believes it necessary to consider the possibility of incorporating the Spanish language as an official working language of the International Court of Justice.

A basic requirement for strengthening the rule of law and the Court itself is for States to observe and abide by its decisions, both judgments and orders, and ultimately all of the interim measures imposed, without exception. That compliance must be full and in good faith in order to guarantee the integrity of each case and consolidate the Court's uncontested role in ensuring justice and peace. In addition, the Organization should consider the possibility of following up on decisions and identifying cases of non-compliance in order to avoid situations of non-observance that violate the rule of law.

Although 193 countries are party to the Statute of the Court, only 70 have made declarations recognizing the compulsory jurisdiction of the Court in accordance with Article 36, paragraphs 2 and 5 of the Satute. Costa Rica, which has accepted its compulsory jurisdiction since 1973, has noted with concern that in recent years the number of countries recognizing the compulsory jurisdiction of the Court has not increased. Although that has not affected the legal activities of the Court, we would respectfully urge States that have not done so to consider using the mechanism provided in Article 36 of the Court's Statute.

For a number of years the Court has made significant contributions to the development of international law through its judgments and advisory opinions since it settled its first case, *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)*. In that regard, we commend the statement made by the President at the centennial celebration of the Peace Palace:

> "The Court will continue to work hard to meet these challenges as they arise, always careful to settle the disputes submitted to it faithfully and impartially, as dictated by the noble judicial mission entrusted to it under the Charter of the United Nations."

Costa Rica reaffirms its absolute respect for the instruments and organizations of international law and its commitment to respecting and complying faithfully with all decisions handed down by them. We reiterate our full trust that the Court will continue to strengthen peace and justice through the exercise of its duties.

Mr. Belaid (Algeria): First of all, I would like to express our appreciation to the President of the International Court of Justice, Judge Peter Tomka, for the exhaustive report he presented (see A/69/PV.33) on the activities of the Court for the past year (A/69/4).

Algeria aligns itself with the statements made by the representatives of the Islamic Republic of Iran, who spoke on behalf of the Non-Aligned Movement, and the representative of South Africa, who spoke on behalf of the Group of African States (see A/69/PV.33).

My delegation would like to highlight the undeniable role of the International Court of Justice in promoting international peace and security, particularly through the fulfilment of its mandate relating to the peaceful settlement of disputes in accordance with the rules of international law and the principles of justice. Indeed, despite the establishment of many specialized jurisdictions at the international and regional levels to address many emerging issues, the International Court of Justice remains the only jurisdiction that enjoys universality. The Court has a unique position within the international legal framework, given the fact that it is embodied in the United Nations Charter as the principal

judicial organ of the Organization. We may recall that its Statute forms an integral part of the Charter.

The Court's work has grown significantly throughout the years in terms of factual and legal complexity. The Court has been entrusted with the mandate to resolve many contentious cases from all over the world, involving a wide range of subjects, such as territorial and maritime disputes, environmental damage, violation of territorial integrity, violation of international humanitarian law and human rights and many other matters. In that regard, my delegation reiterates its 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 them and to international organizations on how best to assume their roles and functions.

In that context, we would like to emphasize the importance for all States, without exception, to abide by their legal obligations and comply with the decisions of the International Court of Justice in cases to which they are parties. It is also important for the United Nations, particularly the Security Council and the specialized agencies, to request advisory opinions from the International Court of Justice on legal questions when needed. The high moral and legal value of the Court's advisory opinions would certainly promote both international peace and security and the rule of law.

The positive contribution of the International Court of Justice in promoting and advancing the rule of law at the international level was strongly highlighted and valued by the Heads of State and Government during the High-level Meeting on the Rule of Law at the National and International Levels, held in New York on 24 September 2012 (see A/67/PV.3 et seq). By fulfilling its two main functions under the United Nations Charter, the International Court of Justice has contributed, over the last six decades, to the development and codification of the rules of international law and consolidated the principles of justice and equality at the international level.

Finally, as outlined in the report,

> "The Court's sustained level of activity has been made possible thanks to a significant number of steps taken by it over recent years to enhance its efficiency and enable it to cope with the steady increase in its workload." (*A/69/4, para. 9*)

In that regard, my delegation commends all the efforts made so far to that end and reaffirms its confidence in the Court's ability to carry out its mission using the same meticulous and impartial methods with a high level of effectiveness.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): The Plurinational State of Bolivia wishes to express thanks for the report of the International Court of Justice covering the period from 1 August 2013 to 31 July 2014 (A/69/4) and for the report to the Assembly by the President of the Court, Judge Peter Tomka (see A/69/PV.33).

Bolivia, as a pacifist State, supports the Charter of the United Nations and the principles upon which the International Court of Justice is based. The Court's jurisdiction is an expression of the permanent call for dialogue among neighbouring and brotherly States. The Court and its purposes and principles open up new opportunities for resolving our differences by peaceful means. The Plurinational State of Bolivia is convinced that the International Court of Justice is one of the best paths for the peaceful settlement of disputes between States. Bolivia urges all States to honour the Court's jurisdiction and decisions in good faith as peaceful alternatives and settlements of disputes in accordance with the provisions of the United Nations Charter.

Bolivia also calls for the provisions of resolution 67/1 to be observed. In that resolution, Member States reaffirm their obligation to settle their disputes through peaceful means, including judicial arrangements. In that same vein, the Manila Declaration on the Peaceful Settlement of International Disputes provides that recourse to a legal arrangement does not constitute an unfriendly act between the States involved.

International law is the basis for the decisions of the International Court of Justice. Therefore, Bolivia would like to once again highlight the importance of implementing its decisions. In the Court's 9 July 2004 advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the Court calls on all States to respect and guarantee compliance with the decisions made by the Court.

It is equally important to highlight that the Bolivian delegation supports the need to dedicate sufficient budgetary resources for the Court to function and for that provision to be made in a timely manner. We would also like to highlight the effort to publish the manual

of the Court in the six official languages of the United Nations, which contributes to the work of all States.

Lastly, Bolivia reaffirms its commitment to the peaceful resolution of conflicts and reiterates its adherence to the provisions of international law and the provisions of the Charter of the United Nations.

Ms. Sealy Monteith (Jamaica): My delegation joins in the expressions of sympathy to the Government and the people of the Republic of Zambia on the passing of President Michael Chilufya Sata.

I extend my appreciation to the President for leading the work of the General Assembly. I also thank the President of the International Court of Justice, Judge Peter Tomka, for the report (A/69/4) that has informed our discourse today.

Jamaica associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (see A/69/PV.33).

Jamaica joins the rest of the international community in underscoring the importance of the Court and its invaluable role in the maintenance of international peace and security and in the development, promotion and protection of the rule of law. Over the decades, the Court has been instrumental in resolving inter-State disputes through peaceful means, thus averting in many instances situations that could have led to war. The increased activity of the Court is in itself evidence of a greater willingness by States to resort to the peaceful settlement of disputes and confidence in the Court to provide effective solutions that ultimately result in securing international peace and sustainable development.

The current report highlights the fact that the variety of issues presented before the Court has grown in complexity over the years. It is noted that during this judicial year alone, the Court has been presented with issues ranging from border delimitation and dispute matters, violations of sovereign rights and genocide, to matters concerning road construction, the seizure and detention of certain documents and data and aerial herbicide spraying. Additionally, the report notes that 70 States have now made a declaration recognizing as compulsory the jurisdiction of the International Court of Justice, in keeping with Article 36 of its Statute. That is an indication of the growing confidence by Member States in the Court to exercise its mandate in an independent manner while maintaining the highest standards, in accordance with international law.

The value of the work of the Court to the Caribbean and Latin American region cannot be overstated. It is noted that the present report highlights that 6 of the 13 cases dealt with by the Court in the past year related to territorial disputes within the region. That is a clear illustration of the faith that the region places in the Court's capacity, as the highest judicial body of the United Nations, to settle critical inter-State disputes.

The report also points to the growing factual and legal complexity of the cases referred to the Court and the high volume of work undertaken during the judicial year 2013-2014. It is noted that during that period judgments were delivered in 3 cases, 13 orders were handed down, public hearings were conducted in 4 cases and the Court was seized of 7 new cases. The high volume of work undertaken not only speaks to the importance and usefulness of that esteemed body but is an affirmation of the efficiency and ability of the Court to carry out its mandate with impartiality and independence.

In view of the need for continued efficiency of the Court to deal with the number of cases, Jamaica supports the view that the Court should continue to be adequately resourced to meet the increased workload.

Jamaica respects the judgments and decisions of the Court as fundamental to its mandate of upholding and promoting the rule of law. The wide publication of, and access to, its decisions is indeed laudable, as it contributes to strengthening and clarifying the rule of law. Small States such as ours appreciate that there is easy access to information on legal developments through various media. One case in point is the efficient posting of judgments on the Court's website, which provides a user-friendly environment for research.

Jamaica commends the Court's public outreach efforts over the period under consideration. We fully concur with the President that, in carrying out its judicial functions, the Court helped to further advance the objectives and principles enshrined in the Charter of the United Nations, not the least of which was the promotion of the rule of law. We commend the Court for its use of various media in publicizing its work, including its annual publication, print and electronic media and online services and resources to disseminate information to the wider public. Jamaica believes that public education and sensitization are essential ingredients in the promotion of the rule of law and in inspiring greater confidence in the Court.

As the Court celebrates its seventieth anniversary, it is only fitting that there be heightened public-information activities aimed at highlighting the work and relevance of the Court. We take note of the schedule of activities planned and look forward to participating in those events.

In conclusion, Jamaica acknowledges that the significance of the work of the Court surpasses that of judicial processes, functions, convincing arguments and submissions. The decisions and opinions delivered are far-reaching in effect and have a significant impact on the daily lives of ordinary men and women. In that regard, we commend the judges and staff of the Court for the seriousness and dedication with which they address and consider the cases brought before them. We hold the view that this, the highest court at the international level, should continue to benefit from the experience and professional attributes of those who stand in the vanguard of the law in all its expressions and from all legal systems and regions.

Jamaica reiterates its belief in the principles underpinning the work of the Court and reaffirms its support for the advancement of its objectives.

Mr. Haniff (Malaysia): At the outset, I would like to take this opportunity to thank Judge Peter Tomka, President of the International Court of Justice, for his presentation of the report of the Court (A/69/4) for the period of 1 August 2013 to 31 July 2014 (see A/69/PV.33).

Malaysia also wishes to associate itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement (see A/69/PV.33).

Malaysia recognizes and commends the important role played by the International Court of Justice as a principal organ of the United Nations in the development of international law, and its contribution to the peaceful settlement of international disputes and to the maintenance of international peace and security. My delegation deeply values the Court's adherence to its prescribed mandates and its observance of the rule of law. We believe that such adherence undoubtedly serves to increase the confidence of Member States and non-Member States alike in the Court's effectiveness in fulfiling its role as the principal judicial organ of the United Nations.

We also commend the noble efforts undertaken by the Court to increase public awareness and understanding of its important work in the judicial settlement of international disputes, its advisory functions, case law and working methods, as well as its role within the United Nations, including through its publications and lectures.

Malaysia is committed to the pacific settlement of international disputes through peaceful means. Our commitment is clearly evidenced by the fact that we have resolved our differences with our neighbours peacefully through the Court, namely, in the cases *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* and *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. While Malaysia does not rule out other dispute resolution mechanisms for a satisfactory resolution of our claims, we believe that the Court has provided the international community with an important, independent and impartial avenue for Member States to seek legal recourse for their disputes.

In relation to this, my delegation believes that in serious questions concerning disputes among States there is a need to pay heed to the important role that the International Court of Justice can play. To be more specific, Malaysia would encourage the organs of the United Nations to take advantage of the Court's issuance of advisory opinions, as provided for under Article 96, paragraph 1 of the Charter of the United Nations. We believe that deliberations on contentious political issues would be better served if supplemented by an authoritative legal opinion. We further recall that there is a precedent for this in a 1971 advisory opinion — *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

Malaysia also wishes to recall that, by way of resolution 49/75 K, adopted on 15 December 1994, the General Assembly, pursuant to Article 96, paragraph 1, requested the Court to urgently render its advisory opinion on the question "Is the threat or use of nuclear weapons in any circumstance permitted under international law?" On 8 July 1996, the Court recognized, for the first time in history, that the threat or use of nuclear weapons is generally contrary to the rules of international law applicable in armed conflict and in particular the principles and rules of humanitarian law. The Court further declared, unanimously, that

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading

to nuclear disarmament in all its aspects under strict and effective international control." (*A/51/218, annex, p. 45*)

In Malaysia's view, that opinion of the International Court of Justice constituted a significant milestone in the international efforts aimed at nuclear disarmament, by lending a moral argument for the total elimination of such devastating weapons. The pronouncements by the highest international legal authority are of historic importance and cannot be dismissed. With that opinion, the Court set legal parametres whereby the use of nuclear weapons ignores customary international law and international treaties. In respect of that advisory opinion, since 1996 Malaysia has annually submitted a draft resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of Nuclear eeapons".

This year, we are also commemorating the tenth anniversary of the 9 July 2004 advisory opinion of the Court entitled *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. Malaysia was one of the sponsors of resolution ES-10/14, adopted an 8 December 2003, which requested that opinion. Our delegation was one of 15 that delivered oral statements in The Hague prior to the issuance of the advisory opinion. In that connection, my delegation wishes to reaffirm the Court's conclusion that Israel cannot rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall, and that the Court had accordingly found that the construction of the wall, and its associated regime, are contrary to international law.

In conclusion, my delegation underlines our support for the significant work carried out by the International Court of Justice in the promotion of the peaceful settlement of disputes. Malaysia is a firm believer in, and an advocate for, the role of the Court. We have put that into practice by resolving our territorial disputes through this mechanism. The Court is an integral part of the international multilateral system, and we hope that all Member States will continue to hold the highest regard and respect for that important institution.

Mr. Tuy (Cambodia): At the outset, I would like to thank President Peter Tomka for his leadership as well as for his comprehensive report on the work of the International Court of Justice (see A/69/PV.33).

My delegation wishes to recall that, on 11 November 2013, the International Court of Justice announced its Judgment on the case *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)*, as follows:

> "The Court,
>
> "Unanimously,
>
> "Finds that it has jurisdiction under Article 60 of the Statute to entertain the Request for interpretation of the 1962 Judgment presented by Cambodia, and that this Request is admissible;
>
> "Unanimously,
>
> "Declares, by way of interpretation, that the Judgment of 15 June 1962 decided that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear, as defined in paragraph 98 of the present Judgment, and that, in consequence, Thailand was under an obligation to withdraw from that territory the Thai military or police forces, or other guards or keepers, that were stationed there."

I would like to emphasize that paragraph 98 of the Judgment clearly defines the location of the promontory.

This is an important step forward in the historical significance in the efforts made by the Royal Government of Cambodia to seek a peaceful resolution based on international law to the dispute between Cambodia and Thailand concerning the Temple of Preah Vihear and its vicinity. In particular, I underscore the fact that the International Court of Justice used the 1:200,000 scale Annex 1 map, which was submitted by Cambodia to the Court in 1962, as evidence for interpretation of its Judgment giving a clear direction to the parties for their subsequent implementation.

On this basis, on behalf of the Royal Government of Cambodia, I would like to reiterate and re-emphasize the statement of Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, to all Cambodian compatriots on 7 November 2013, concerning the commitment of Cambodia to comply with the common position reached between the Prime Minster of Cambodia and Her Excellency Ms. Yingluck Shinawatra, former Prime Minister of Thailand. The statement was to the effect that, regardless of the outcome of the judgment of the International Court of Justice to come on 11 November 2013, the two countries must abide by the decision and maintain friendship

between the two nations and peoples, as well as preserve peace and stability along the border at any cost.

The President took the Chair.

Moreover, I would like to reaffirm that the Royal Government of Cambodia will respect and implement that commitment in accordance with the spirit of the meeting between the Ministers for Foreign Affairs of the two nations, Cambodia and Thailand, on 28 October 2013, in Poipet, Banteay Meanchey province, in which both parties agreed to further discuss within the existing competent mechanisms the implementation of the judgment of the International Court of Justice. In this regard, the Governments of the two countries committed not to do anything to cause any tension and to prevent anyone from undertaking any act that may cause tension between the two countries. In the same vein, the two Governments will pay special attention to maintaining and strengthening friendly relations and good cooperation between the two countries, as well as to avoid any act that may affect the movement of peoples on both sides of the border, commercial exchange, investment, transport and other areas of cooperation.

Mr. Ney (Germany): On behalf of Germany, let me first thank President Tomka for his excellent presentation in this year's International Law Week. The International Court of Justice is an indispensable institution for the settlement of international disputes through peaceful means and in accordance with international law. The Court thus makes a crucial contribution to the maintenance of international peace and security. The existence of the Court and its success constitute the very antithesis to the idea of might-is-right.

As a fervent advocate of the international rule of law, Germany has been an ardent supporter of the Court for a long time. A recent example of the importance Germany attributes to the Court and its work is the international conference on the International Court of Justice that was organized in January by the German Federal Foreign Office together with the editors of *The Statute of the International Court of Justice: A Commentary*. The conference brought together the President of the Court, two of its other judges, former judges and leading experts on the Court.

One of the subjects - and this might interest my fellow legal advisers - that were addressed during the conference concerned the effect the Court's consent-based and consent-limited jurisdiction may have on its capacity to truly contribute to a sustainable settlement of the underlying conflict between the States involved. Of course, the consent of the parties must remain the basis for the Court's jurisdiction. There is, however, one specific disadvantage this requirement may have. In some cases, acceptance of the Court's jurisdiction may be derived only from a specific international instrument covering a very specific subject. In this case, the Court's jurisdiction will be limited to that very specific subject. A well-known example is the Court's jurisdiction under the Genocide Convention: this jurisdiction is limited to the subject of genocide. Hence, other international legal aspects of the conflict underlying any case of possible genocide will remain a priori outside the Court's jurisdiction. The result may be, by necessity, a somewhat lopsided coverage of the legal ground, which in turn might jeopardize the prospects of settling a conflict through the Court.

But there is a remedy: the best way to prevent this consists in the acceptance of the general jurisdiction of the Court under the optional clause in Article 36, paragraph 2, of its Statute by as many States as possible. Germany made such a declaration in 2008. It thereby recognized the Court's jurisdiction as compulsory. A further increase in the number of such declarations would enable the Court to further enhance its function as a prominent facilitator of peaceful dispute resolution. I would like to call on my fellow legal advisers to consider that option within their respective Governments if those Governments have not yet made such a declaration.

If we all wish to support the Court in its work, respect for its judgments and the full implementation of its decisions is of primary importance. Invoking provisions of internal law can never be justification for failure to comply with international obligations or with the Court's decisions.

The President: We have heard the last speaker in the debate on agenda item 70.

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

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 70?

It was so decided.

Agenda item 73

Report of the International Criminal Court

Note by the Secretary-General (A/69/321)

Reports by the Secretary-General (A/69/324 and A/69/372)

The President: I welcome Judge Sang-Hyun Song, President of the International Criminal Court (ICC), to the General Assembly, who will present the report on the work of the Court (see A/69/321).

The ICC was established as an independent international court to fill the historical legal void relating to serious crimes such as genocide, war crimes, crimes against humanity and the crime of aggression. Given its mandate, the principle of universality remains central to the Court, and we should continue aiming towards it. It should also strive to ensure that it dispenses justice in a fair and balanced way, in law and practice alike. When that happens its credibility as an impartial and fair institution is enhanced.

I have noted that the Court is reaching out to strengthen its cooperation with the United Nations and regional organizations. That outreach must continue with a view to enhancing the complementary role of the Court. The Court should also support the primacy of national jurisdiction in that regard.

It is now my honour to welcome to United Nations Headquarters His Excellency Mr. Sang-Hyun Song, President of the International Criminal Court. I give him the floor.

Mr. Sang-Hyun Song (International Criminal Court): Before I begin my presentation, on behalf of the International Criminal Court (ICC), I would like to join all those who this morning expressed their condolences following the untimely death of President Michael Chilufya Sata of Zambia. Zambia was one of the initial signatories of the Rome Statute of the International Criminal Court, and our hearts go out to the people of Zambia and to his family and friends for their loss.

Forty-one years ago, the Assembly adopted resolution 3074 (XXVIII), which recognized the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity. During the past year, the International Criminal Court has been busy engaging in exactly such international action, and I am honoured to present to the Assembly today the ICC's tenth annual report to the United Nations (see A/69/321).

We have reached many milestones in the last 12 months. We now have a first final judgement and sentence, a conviction in the *Germain Katanga* case. The number of investigations has grown from eight to nine, and there are an unprecedented six cases at the trial stage of proceedings. The ICC has issued the first final ruling that grants an admissibility challenge by a State, giving way to domestic proceedings. The Court has launched its first proceedings on allegations of witness interference. Ukraine became the second non-State party to lodge a declaration accepting the jurisdiction of the ICC. Another seven States parties ratified the amendments to the Rome Statute on the crime of aggression, and six States parties ratified the amendments that make the use of chemical weapons in non-international conflicts a war crime punishable by the ICC.

Let me give a brief overview of the situations in which the ICC is involved.

The first phase in any situation before the ICC is a preliminary examination by the Prosecutor, who will assess whether the legal and factual conditions for opening an investigation are met. That does not mean the matter must go to the ICC. As representatives know, the Rome Statute is built on the principle of complementarity. Domestic courts therefore have jurisdictional primacy — the ICC is a Court of last resort. Indeed, during the preliminary examination phase national authorities retain the primary responsibility to make sure that any credible allegations are addressed in a genuine manner, which would make an ICC investigation unnecessary. That is an integral part of the Rome Statute system's impact: encouraging national proceedings as a consequence of the ICC's involvement.

During the reporting period, the Prosecutor's office opened preliminary examinations in the Central African Republic, Ukraine and Iraq and closed the one in the Republic of Korea, finding that the requirements for an investigation were not met. In Afghanistan, the Prosecutor's Office found a reasonable basis to believe that crimes against humanity and war crimes had been committed. Accordingly, the Prosecutor expanded the examination to include admissibility issues. Preliminary examinations also continued in Colombia, Guinea, Honduras and Nigeria, and the Gaza

Flotilla situation following the referral by the Union of Comoros.

In the situation of the Democratic Republic of the Congo, several important developments occurred during the last year. Mr. Germain Katanga was sentenced to 12 years of imprisonment after he was found guilty of war crimes and a crime against humanity in connection with the attack on the village of Bogoro in Ituri province that took place on 24 February 2003. The verdict and the sentence became final, as both parties withdrew their appeals. The proceedings on reparations for victims have begun. Thirteen charges of war crimes and five charges of crimes against humanity were confirmed against Mr. Bosco Ntaganda. His trial is scheduled to start in June next year. The Appeals Chamber expects to deliver in the months ahead its judgements on the final appeals in the *Lubanga* and *Ngudjolo* cases.

In the situation in the Central African Republic, final arguments in the trial of Mr. Jean-Pierre Bemba are expected next month. However, Mr. Bemba, together with four other persons, is also a suspect in a separate, related case concerning allegations of false evidence and corruptly influencing witnesses. These proceedings regarding offences against the administration of justice are unprecedented at the ICC. They demonstrate that the Court takes witness interference very seriously.

In the light of the recent tragic events in the Central African Republic, and following a new referral by its Government, the Prosecutor has decided to open new investigations there. In the situation in Uganda, Joseph Kony and his three co-accused regrettably still remain at large.

In the situation in Darfur, the Sudan, Trial Chamber IV issued an arrest warrant for Mr. Abdallah Banda in the light of information that the Government of the Sudan would not cooperate in facilitating the accused's presence at the trial. Further exchanges are taking place with regard to the accused's ability and willingness to appear in Court. He is charged with alleged crimes in connection with an attack on African Union peacekeeping forces in Haskanita. The four other suspects in the situation of Darfur still remain at large.

In the situation in Kenya, the trial of Mr. Ruto and Mr. Sang continues. In the *Kenyatta* case, several motions by the parties are pending before the Trial Chamber after the recent status conference. In the *Walter Barasa* case, regarding allegations of corruptly influencing a witness, the ICC awaits his surrender to the Court by the Kenyan authorities.

In the situation in Libya, the Appeals Chamber upheld the admissibility decisions of Pre-Trial Chamber I in the two cases before the Court. In the case of *Saif Al-Islam Al-Qadhafi*, the judges found that Libya had failed to demonstrate that its domestic investigation covered the same case that is before the ICC. Consequently, Libya is under a duty to proceed immediately with the surrender of Mr. Al-Qadhafi. On the other hand, the Appeals Chamber confirmed the Pre-Trial Chamber's ruling that the ICC's case against Mr. Abdullah Al-Senussi was inadmissible, as it was subject to ongoing domestic proceedings conducted by the competent Libyan authorities, and Libya is genuinely willing and able to carry out such proceedings on the same allegations as those before the ICC. Those decisions are an important addition to the growing jurisprudence that gives concrete shape to the principle of complementarity between the ICC and national jurisdictions.

In the situation in Côte d'Ivoire, Pre-Trial Chamber I confirmed four charges of crimes against humanity against Mr. Laurent Gbagbo. The trial date will be set in due course. In the *Simone Gbagbo* case, an admissibility challenge filed by the Government of Côte d'Ivoire is pending. Mr. Charles Blé Goudé was transferred to the ICC in March this year, following the unsealing of the arrest warrant. A decision on the confirmation of charges is pending.

Finally, in the situation in Mali, the investigation by the Prosecutor's Office continues, with an emphasis on the three northern regions.

This month marks 10 years of the Relationship Agreement between the ICC and the United Nations. I would like to express the ICC's sincere gratitude to the United Nations for all the support and cooperation that we have long enjoyed. We share the same core values. Both organizations are based on the ideals of peace, security and respect for human rights, and the realization that those goals can be attained only through the rule of law and international cooperation. Just as peace and justice go hand in hand, so must the United Nations and the ICC. Our partnership is indispensable for a strong international community and the protection of the interests of humankind as a whole.

As President of the ICC, it has been one of my priorities to nurture this important relationship. I am

very proud of the effective cooperation that we enjoy today in a wide range of areas, and we are keen to explore ways to develop it further. Where the fundamental building-blocks of society threaten to break down, we often see the United Nations and the ICC working side by side with mutually supportive mandates. We greatly appreciate the assistance we receive from the United Nations in the field on a reimbursable basis. At the level of the broader Rome Statute system, the United Nations and its specialized agencies make important contributions to strengthening the capacity of national judiciaries, which in turn helps States provide effective cooperation to the ICC.

The winds of renewal are blowing at the ICC. The permanent premises of the ICC are fast rising in the dunes along the North Sea. The Court looks forward to moving into its new, purpose-built home before the end of 2015. Next year, the remaining four judges from the very first generation of 2003 will leave the ICC. I see it as a great strength of the ICC that we rejuvenate our judicial bench with six new judges every three years. That guarantees a balance of continuity and fresh energy.

Many reforms are now taking place at the ICC. Drawing lessons from the first wave of pre-trial and trial proceedings, the judges are streamlining the criminal process through practical innovations. The Prosecutor has introduced a new strategic plan, adapting her approach to investigations and prosecutions in the light of the experiences of the first cases. The Registrar is overhauling the support structures of the Court so as to serve the judicial proceedings in the most effective and efficient way and to strengthen the ICC's presence in the field.

The ICC is an institution in constant movement, and so it must be if we wish to respond effectively to the ever-changing challenges we face. But we cannot do it alone. Ultimately, the Rome Statute is only as strong as States make it. States hold the key to unlocking the ICC's full potential. The Court has no enforcement powers of its own. We have the committed support of 122 States parties. I would like to acknowledge the significant contributions that have been made by a number of non-State parties in extending highly valuable cooperation to the ICC.

As President of the Court, I have reached out to many States not yet party to the Rome Statute to encourage them to join it. I have spoken with Government leaders, parliamentarians, legal professionals and representatives of civil society. I have drawn their attention to the legal protections and deterrent effect that the Rome Statute provides. I have underlined the principle of non-retroactivity, which means that joining the ICC is an insurance policy for a safer future, not a method of settling old scores. I have highlighted the numerous checks and balances built into the ICC's legal framework and I have stressed how the values of the Rome Statute reflect global solidarity and commitment to peace, security and international law.

I am delighted that over recent years the ICC family has gained many new members, and I hope and believe that this process will continue. It is only by steadily building global support for the Rome Statute system that we will achieve its ultimate aim of universality, with the corollary of no hiding place for perpetrators of international crimes.

In that context, it is of great concern to me that requests for arrest and surrender issued by the ICC still remain outstanding for 13 persons, some of them since 2005. Nine years at large is an affront to justice, an affront to victims and an affront to the global community, which wants to see those suspected of the most atrocious crimes face the charges levelled against them. But the suspects should not think that they have evaded justice. We have seen fugitives from international courts arrested after much longer periods of time.

None of that is meant to undermine the presumption of innocence. It remains a cornerstone of the ICC's proceedings at all times, together with legality and due process. But the only way for suspects to make the charges go away is to confront them at the ICC, in scrupulously fair proceedings before a court of law.

Just as the ICC respects the rights of suspects and the accused, it also strives to provide justice to victims. Parallel to the judicial proceedings at the Court, the Trust Fund for Victims provides a very concrete response to the urgent needs of numerous victims of crimes within the ICC's jurisdiction. The Trust Fund's programmes of physical and psychological assistance, as well as material support, are implemented by locally based partners, and they currently support over 110,000 victims, their families and communities in Uganda and the Democratic Republic of the Congo.

The empowerment of women and girls is a fundamental requirement of any justice, reconciliation and peacebuilding process. Over 5,000 Trust Fund

beneficiaries are survivors of sexual and gender-based violence. The following is the testimony of Salima, a victim of sexual violence in South Kivu, Democratic Republic of the Congo, and a beneficiary of a Trust Fund-supported project:

> "We had no experience in business. Little by little, I learned through training how to conduct my small business. Now I have two plots of land and I have a husband. My husband had his own children and I came with mine, and all have been educated. On one of my plots, I built a house for my children. I do my small trade and I am contributing to the development of my community."

The Trust Fund depends upon donations, which may also be needed to fund reparations when a convicted person is indigent. Once again, I thank those States that have generously supported the ICC's Trust Fund for Victims with voluntary contributions. I call upon others to consider doing so, for the benefit of the victims.

This is the last speech I will give before the General Assembly on behalf of the International Criminal Court. My mandate as Judge and President will come to an end next March. It has been a tremendous honour to serve the ICC in its historic, formative phase. When the first 18 judges of the ICC gathered at the interim premises of the ICC in The Hague 11 years ago, we were not certain about the future of the Court. Would we be able to turn it from a court on paper into an active judicial institution? Would States embrace the Court's mandate in practice? Would the ICC be able to make a difference and have an impact?

My firm belief is that the answer to all these questions is a resounding "yes". What used to be an idea is now a reality. We now have a permanent international body that can hear allegations of large-scale international crimes and investigate and prosecute such acts when justice cannot be achieved in national courts. The ICC has launched investigations in response to four referrals by States, two referrals by the Security Council and a declaration accepting jurisdiction by a non-State party at the time. Our cases involve hundreds of thousands of victims.

The ICC's growing jurisprudence of international criminal law builds on the historic achievements of the ad hoc tribunals and mixed courts established or supported by the United Nations. We have broken new ground on issues such as the use of child soldiers and gender-based violence. The ICC is responding to humankind's call for justice, helping to change the world for the better. Instead of being a rare exception, accountability for international crimes has become something that communities, victims and societies around the world expect and demand, in keeping with the resolve the General Assembly expressed four decades ago in its resolution 3074 (XXVIII), of 3 December 1973.

The perpetrators of mass killings, deportations, attacks on civilians and rape as a weapon of war can no longer count on impunity. Today, the prospect of international prosecution helps deter the deadliest and most atrocious acts imaginable.

But we are still far from ending impunity. Billions of people fall outside the protective cover of the Rome Statute, and atrocities are rampant in some parts of our shared planet. It is my dream to see the entire world united in a strong system of international criminal justice that will, above all, help us prevent the worst crimes from happening altogether.

Without the rule of law, there cannot be justice, there cannot be sustainable peace, and there cannot be universal respect for human rights. I appeal to the 31 signatory States and other States not parties to the Rome Statute to seriously think about joining the ICC. Give the gift of hope to the children, men and women of tomorrow.

The President: I now give the floor to the observer of the European Union.

Mr. Marhic (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina, as well as Georgia, align themselves with this statement.

At the outset, we thank President Song for his presence in New York and for his comprehensive presentation, and we thank the International Criminal Court (ICC) for its tenth annual report to the United Nations (see A/69/321), covering the period from 1 August 2013 to 31 July 2014 and detailing what is described as another increasingly busy year for the ICC.

We are staunch supporters of the International Criminal Court, and our strong policy in this respect has a firm institutional foundation in a detailed 2011

European Council decision and a 2011 action plan on implementation that is adjusted to the evolving activity of the Court.

We note from this year's report that, with 21 cases in 8 situations at different stages of proceedings, and a further 10 situations under preliminary examinations, the ICC is facing an increasing workload. The Prosecutor is currently investigating more allegations than in the previous reporting period. We acknowledge in that regard the opening of preliminary examinations concerning allegations of crimes occurring in the Central African Republic, Iraq and Ukraine and the conclusion of the preliminary examination of the situation in the Republic of Korea. We welcome the first final verdict of the ICC in the case *The Prosecutor v. Germain Katanga,* of June 2014.

The Court has given hope to the victims of the most serious crimes. During the reporting period, more than 3,000 applications for participation and 2,500 applications for reparations were registered. We welcome the fact that 20 States have contributed to the Trust Fund for Victims. We encourage others to do the same.

The recent report of the ICC describes the efforts that the Court has made in fulfilling its mandate. It also describes the challenges that the ICC is facing.

Although no new State has ratified the Rome Statute or the Agreement on the Privileges and Immunities of the Court during the reporting period, we note that eight States ratified the amendments on the crime of aggression and nine States ratified amendments on certain crimes in non-international armed conflicts. We welcome the fact that Ukraine, a State not party to the Statute, accepted the jurisdiction of the Court through a declaration of 17 April 2014 on alleged crimes committed on its territory from 21 November 2013 to 22 February 2014.

Ensuring the universality of the Rome Statute, which continues to be one of the main challenges faced by the ICC, is essential for guaranteeing accountability for the most serious crimes of concern to the international community. Perpetrators of such crimes, regardless of their status, must be held accountable for their actions. A key element in the Rome Statute is its equal application to all persons without distinction based on official capacity.

We need to continue to work tirelessly to make the Rome Statute truly universal. During the reporting period, we continued to engage in promoting the universality of the Rome Statute, increasing participation in the Agreement on the Privileges and Immunities of the International Criminal Court and promoting a better understanding of the Court's mandate. We did that through démarches and dialogue in third States and international organizations, such as the League of Arab States and the African Union, through the organization of dedicated local or regional seminars, the systematic inclusion of an ICC clause into agreements with third countries and financial support to civil society organizations lobbying for the universality of the Rome Statute. Since 2003, the EU has provided more than €30 million to the global ratification campaigns undertaken by civil society and to projects of the ICC.

The primary responsibility for bringing offenders to justice lies with States themselves, in conformity with the relevant provisions of the Rome Statute. Complementarity is a core principle in the Rome Statute. In order to make it operational, all States parties need to prepare and adopt effective national legislation to implement the Rome Statute in national systems. We are currently conducting démarches to identify needs to assist countries in enhancing their institutional and legal capacity to integrate the Rome Statute domestically.

Another fundamental challenge remains, and that is the necessity to ensure cooperation with the ICC and, in particular, how to react to instances of non-cooperation by States that are in violation of their obligations with regard to the ICC. Cooperation with the Court and enforcement of its decisions are indeed equally essential to enabling the Court to carry out its mandate. That applies to all States parties to the Rome Statute and when the Security Council has referred a situation to the Court in accordance with Chapter VII of the Charter of the United Nations.

We note with concern that arrest warrants issued by the Court remain outstanding, some since 2005. We recall that non-cooperation with the Court in respect of the execution of arrest warrants constitutes a violation of international obligations and stifles the ICC's capacity to deliver justice. We call upon all States to take consistent actions to encourage appropriate and full cooperation with the Court, including the prompt execution of arrest warrants. We also reiterate the crucial importance of all States refraining from helping to shelter or hide the perpetrators of the most serious crimes and taking the

necessary steps to bring those perpetrators to justice in order to end impunity. A further additional challenge remains in that the Court's proceedings must be fair and expeditious, while preserving the rights of the accused. We therefore support the Court's work in seeking to expedite proceedings.

We welcome the actions undertaken by States, international organizations and civil society to increase cooperation with and assistance to the ICC. We particularly praise the ongoing cooperation of the United Nations with the Court, at the level of Headquarters, specialized institutions and field missions, which is acknowledged in the report. We also welcome the recent United Nations practice of informing the Prosecutor and the President of the Assembly of States Parties to the Rome Statute beforehand of any meetings with persons who are the subject of arrest warrants issued by the Court that are considered necessary for the performance of United Nations-mandated tasks, developed pursuant to the guidance issued by the Secretary-General in 2013.

The European Union and its member States undertake, on their part, to pursue their efforts in the fight against impunity, notably by giving the Court full diplomatic support. For the first time this year, on the basis of the 2006 Agreement between the International Criminal Court and the European Union on Cooperation and Assistance, a joint ICC-EU round table was set up to consult and to ensure regular exchange on matters of mutual interest, including cooperation, complementarity, diplomatic support and mainstreaming, as well as public information and outreach.

Our common goal remains the same: to further strengthen the Court to fulfil its mandate effectively. There are States parties to the ICC across all parts of the world, and all States parties share ownership of the Statute. We will continue to encourage the widest possible participation in the Rome Statute. We are dedicated to preserving the integrity of the Statute, supporting the independence of the Court and ensuring cooperation with the Court. We are also committed to fully implementing the principle of complementarity enshrined in the Rome Statute by facilitating the effective and efficient interplay between national justice systems and the ICC in the fight against impunity.

Mr. Charles (Trinidad and Tobago): I have the honour to make this intervention on behalf of the 14 States members of the Caribbean Community (CARICOM).

We also take this opportunity to honour the memory of the late President of Zambia, His Excellency Mr. Michael Sata, not only for his contribution to the development of his country, but also for his dedication to the work of the International Criminal Court (ICC).

CARICOM continues to play a pivotal role in upholding the purposes and principles upon which the International Criminal Court was founded. On 9 April, CARICOM and the other members of the international community mourned the passing of the former Prime Minister and President of Trinidad and Tobago, His Excellency Mr. Arthur Robinson, who was recognized globally for his pioneering work resulting in the adoption of the Rome Statute in 1998, which established the International Criminal Court. As a region, CARICOM strongly supports the mandate of the ICC and its primary objective to help put an end to impunity for perpetrators of the most serious crimes of concern to the international community, as a whole, as well as to contribute to the prevention of such crimes.

It is no exaggeration to state that, despite its detractors and many challenges, it cannot be ignored that the ICC remains a beacon of hope to all victims of crimes committed within its jurisdiction who are seeking justice. Those include thousands of women and children, who are those most affected by the actions of criminals showing blatant disregard for the sanctity of humanity by violating international humanitarian law and international human rights law.

The Court continues to grow. More States parties are becoming adherents to the Rome Statute. It is CARICOM's hope that the ICC will gain universality in the near future.

We also recognize the renewed and strengthened relations between the Court and the United Nations. In that regard, we appreciate the report of the Secretary-General on the information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the ICC (A/69/364). As a result of the symbiotic relationship that exists between the United Nations and the ICC, CARICOM applauds the joint collaboration of the Court and this important institution. At the same time, however, we wish once again to reiterate our call on the United Nations to meet the costs associated with the referrals by the Security Council of situations to

the ICC. In our view, that would be consistent with the relevant provisions of the Rome Statute and the Relationship Agreement between the United Nations and the Court.

Over the past two years, CARICOM has witnessed the tremendous strides made by the Prosecutor of the ICC, Ms. Bensouda, to discharge her mandate. In that regard, we welcome the launch by the Prosecutor of the ICC's policy on sexual and gender-based violence, the first ever such document to be elaborated by an international court or tribunal. At the same time, CARICOM also applauds the President of the ICC, Judge Song, for introducing the annual report of the ICC (see A/69/321) and wishes to place on record our appreciation for his sterling work in shaping the ICC since his first election to the Court in 2003. It is our view that as Judge Song demits office in March 2015, he will be able to take comfort in the fact that he will be leaving behind an ICC that is much stronger than it was when he entered in 2003. We applaud him for that.

During the past year we have also observed the continued work of the Court to bring to justice several persons accused in numerous situations referred to the institution. Most importantly for us in CARICOM, the verdict rendered on 7 March — in which the ICC found Mr. Germain Katanga guilty of five counts, including war crimes and crimes against humanity — and his subsequent sentencing in May bode well for international criminal justice.

At this juncture, we hope that States parties, when selecting judges at elections in December at the Assembly of States Parties to the Rome Statute, scrupulously observe the relevant provisions of article 36 of the Rome Statute and elect only those persons who meet the absolute criteria and experience for election as judges to the ICC. Failure to do so could result in the bench of the Court being held by individuals who will not gain the confidence of the international community.

We in CARICOM are satisfied that at each stage of the proceedings in the case of *The Prosecutor v. Germain Katanga*, the ICC adhered to all of the tenets associated with the conduct of an impartial trial. In addition to the sentencing of Mr. Katanga, CARICOM also commends the Court for its landmark decision on reparations for victims. That decision, in our view, is comprehensive in scope, as it also establishes principles relating to reparations.

It is CARICOM's hope that in the near future the ICC will be in a position to commence the trial of other individuals who are accused of committing crimes under article 5 of the Rome Statute. But if that objective is to be achieved, the relevant entities must honour their legally binding obligations to execute the outstanding arrest warrants issued by the Court and arrest and surrender to the ICC those individuals who continue to evade justice. We wish to remind all those involved who have failed to honour such obligations that they are contributing to a culture of impunity, which not only prevents the dispensing of justice, but also serves to undermine the foundations of the rule of law.

Cooperation with the Court is at the centre of the Rome Statute, and it does not fall only to States parties, but also to all States Members of the United Nations, especially as it relates to referrals by the Security Council. Those who argue that the ICC is an obstacle to achieving lasting peace and security must be reminded that, consistent with the doctrine of complementarity enshrined in the Rome Statute, the jurisdiction of the ICC is invoked only when States are unable or unwilling to prosecute individuals accused of perpetrating the most severe crimes of concern to the global community. In other words, CARICOM is of the view that no individual should fear the ICC, because it is a court of last resort. CARICOM is also satisfied that in its 16 years of operations, the ICC has stoutly adhered to that cardinal principle.

We also welcome the growing number of ratifications of the Kampala amendments to the Rome Statute, including those on the crime of aggression. To that end, CARICOM further calls on all States parties to the Rome Statute to ratify the amendments so that the Assembly of States Parties can take action in 2017 to enable their entry into force.

With the imminent cessation of operations of the ad hoc criminal tribunals, the international community must fully embrace the ICC as the only permanent international tribunal dedicated to the prosecution of all individuals, without distinction as to rank or status, who commit international crimes that have the potential to undermine the rule of law and the political and economic stability of States. In that regard, we also echo the words of the ICC Prosecutor, who, at an open debate of the Security Council, remarked that justice plays a crucial role in maintaining international peace and security (see S/PV.7285).

Finally, CARICOM remains committed to the progressive development of the relationship between the United Nations and the ICC as part of our overall support for the maintenance of an international regime based on respect for the inalienable human rights of individuals, respect for the territorial integrity of States and the need to ensure justice for those who cry out for help and that the perpetrators of the most grave crimes of concern to the international community do not enjoy impunity.

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

Let me start by thanking the International Criminal Court (ICC) for its annual report to the United Nations (see A/69/321). I would also like to personally thank Judge Song, President of the ICC, for giving us a thorough presentation of the main issues addressed in the report.

The Nordic countries would like to express their sincere appreciation to the Court for its significant contribution to the fight against impunity worldwide. From the report and President Song's introduction, it is evident that the caseload of the Court has continued to increase. The activities of the Court have a worldwide reach, and during the reporting period, the Office of the Prosecutor opened preliminary investigations in the Central African Republic, Iraq and Ukraine and concluded its preliminary examination in the Republic of Korea. During the reporting period, the Court rendered its first final judgement, in the case of *The Prosecutor v. Germain Katanga*. Six cases are at the trial preparation or trial stage, with 8,040 victims represented. The ICC recently finalized an arrangement with Libya for the entry and presence of ICC staff, and a similar arrangement is under way with Mali. These are important achievements. The Court has become the most important international actor in efforts to fight impunity and in the development of international criminal law.

Victims' participation and right to reparations are unique and essential features of the Rome Statute. Victims' issues are key for the Nordic countries, especially regarding those who have been subjected to sexual and gender-based crimes, as well as other vulnerable persons. We commend the important work of the ICC Trust Fund for Victims, which has supported more than 110,000 victims of crimes under the ICC's jurisdiction. The Nordic countries had contributed a total of €5.8 million to the Fund as of last year, with further substantial contributions this year. We continue to encourage States and other actors to contribute to the Trust Fund, which will enable victims to access their rights to reparations. In that regard the Nordic countries are convinced that the full realization of the rights of victims is an important aspect of the continuing success and relevance of the Court.

The principle of complementarity enshrined in the Rome Statute means that the ICC is to be complementary to national criminal jurisdictions. Ideally, it should have no cases. We must, however, acknowledge that many States lack the resources and capacity to conduct criminal proceedings for such complex and large-scale crimes as genocide, crimes against humanity and war crimes. The Nordic countries emphasize the value of capacity-building among States parties and stress that States parties may also benefit from the knowledge and expertise of the Court. One concrete example of our complementarity engagement is the Justice Rapid Response facility, which is a support mechanism for providing States and organizations with rapidly deployable criminal justice professionals trained for international investigations.

The Nordic countries would like to recall that the success of the Court is contingent upon its highly qualified and competent judges and staff. The forthcoming election of judges at the Assembly of States Parties in December 2014 will be an important opportunity for States parties to ensure that the Court is equipped with the most qualified, competent and experienced judges. The Court needs judges with courtroom experience, the right skills for managing complex criminal cases, and expertise in international and national criminal law, international humanitarian law and human rights law.

Another important topic for the upcoming Assembly of States Parties will be the annual budget debate. Although the Court and its Office of the Prosecutor manage their workload in a commendable manner within the framework of the current budget, it is evident that the increased number of situations and cases necessitates an increase in the resources available to them. As States parties, it is our common responsibility to ensure that the Court and the Office of the Prosecutor have the sufficient staff and other resources to fulfil their mandate. Equally, the resources of the Trust Fund for Victims provided for in the Court's budget must be sufficient to fulfil its important mandate.

Despite the success of the ICC, it is a cause for concern that the number of outstanding arrest warrants remains high. Progress has to be made. States' cooperation with the Court, including the Office of the Prosecutor, must improve. States parties have a legal obligation under the Rome Statute to cooperate fully with the Court. Therefore, we urge all States parties to strengthen their efforts to execute the orders of the Court, including to avoid non-essential contacts and abstain from inviting and receiving suspects who are under an arrest warrant. We would also like draw particular attention to the continued need for new agreements between the Court and States parties on witness relocation and protection.

All States must also fully comply with their obligations under the Charter of the United Nations and Security Council resolution 1593 (2005) concerning the situation in Darfur. The Government of the Sudan and all other parties to the conflict in Darfur must cooperate fully with the Court and the Prosecutor.

The Nordic countries stress the need for coordinated and coherent implementation of the policies of international organizations and States on contact with persons who are the subject of arrest warrants or summons issued by the ICC. By mainstreaming our ICC policy into regular bilateral diplomacy, we enhance the reach and relevance of the Court.

Being independent does not mean that the Court stands alone. We are heartened by the detailed description in the report of multifold communication and interaction between the United Nations and the ICC. However, enhanced support for the Court from the Security Council is required in cases of non-cooperation with the ICC, as is strengthened follow-up of cases referred to it by the Council. While respecting the independence and integrity of the Court, the Council must play its part in ensuring accountability when gross violations of international humanitarian law and human rights law have occurred in any part of the world, such as in Syria.

The quest for universal adherence to and implementation of the Rome Statute continues and should be intensified. We also stress the need for all States parties and States not parties that have not yet done so to ratify and fully observe the Agreement on the Privileges and Immunities of the ICC as a matter of priority.

It should be recognized that the activities of the ICC reach all parts of the world, with the Office of the Prosecutor receiving communications and conducting preliminary examinations relating to a range of countries in different parts of the world. In that regard, the Nordic countries welcome the Court's intention to increase its presence in the field. The ICC must be an institution that is both visible and accessible to the people on the ground. It is also important to make the Court better known in all parts of the world, but this is particularly true in the situation countries. For example, public debates on the ICC have proven to be a useful way of disseminating information and exchanging views. The Court must also have sufficient resources for effective outreach.

Victims of war crimes, crimes against humanity and genocide, wherever they are found, deserve justice. The International Criminal Court was created to take up the cases that States were not able or willing to take up. But in today's reality, an effective and independent Court is dependent upon the integrity of the Rome Statute and effective and comprehensive cooperation by States. Only then is it possible for the international community and the Court to pursue the aim of ending impunity for past crimes and preventing such crimes in the future.

Both the Court and the States parties are part of the Rome Statute system of international criminal justice, built upon the principles of complementarity, cooperation and shared responsibility, to hold perpetrators of mass crimes accountable. The independence and strength of the Office of the Prosecutor are vital in that respect. We support the Office's efforts to use preliminary examinations as a tool for complementarity, as such examinations provide an opportunity for dialogue with national authorities and can encourage national examinations and identify possibilities to support national authorities in their work. The efforts with regard to Guinea and Colombia are among such positive examples.

The Nordic countries welcome the Prosecutor's ambitions to further enhance the efficiency of the Court. We especially welcome the Court's engagement in important areas such as sexual and gender-based crimes, prosecuting crimes against children and using new forms of evidence in addition to witnesses.

Let me conclude by renewing our pledge that the Nordic countries will remain principal supporters of the

ICC. We are committed to continuing to work for the Court's effectiveness, professionalism, independence and integrity.

Mr. Hahn Choonghee (Republic of Korea): First of all, the Republic of Korea would like to express its sincere gratitude to the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, for his leadership and his comprehensive report on the current activities of the Court.

Next year, President Song will conclude his duty as the President of the Court, which he assumed in 2009, and that of a judge of the Chambers, which he assumed in 2003. He has been playing a vital role in leading the Court towards a brighter future and is a dedicated ICC judge and passionate President of the Court. He has been an important part of the history of the ICC itself. President Song will be remembered as one of the champions who devoted themselves to the development of the newly established permanent court of international criminal justice and who kept on supporting the rule of law and fighting against impunity to advance global justice. As fellow Koreans, we are especially proud of President Song's outstanding contribution and remarkable achievement as the President and judge of the Court for such a long period of time. We would like to thank him.

My delegation also commends the joint efforts by the Chambers, the Office of the Prosecutor and the Registry, which have laid a solid foundation for the effective functioning of the Court. Thus far, the Court has demonstrated notable achievements with its involvement in eight situations. The Office of the Prosecutor has devoted itself to its duties in spite of an increased workload in the past year. In particular, we welcome the fact that there has been progress in the case of Mr. Laurent Gbagbo regarding the situation in Côte d'Ivoire, which has passed the review of Pre-Trial Chamber I for the confirmation of the charge.

We also note that the caseload of the Chambers and workload of the Office of the Prosecutor has increased significantly in the past year. The ICC has completed its final judgement and sentence conviction in the case of Germain Katanga, who was sentenced to 12 years imprisonment with respect to the situation in the Democratic Republic of the Congo.

There are also many cases in the trial stage, such as the trial of Mr. Jean-Pierre Bemba Gombo regarding the situation in the Central African Republic. The Appeals Chamber has been actively performing its essential function of judicial supervision with respect to various cases, such as the case of Mr. Lubanga Dyilo and Mr. Ngudjolo Chui. The Chamber also issued a judgement to uphold the very contrasting Pre-Trial Chamber's decisions on Libya admissibility challenges in two cases. That is attributable to a precise interpretation of the principle of complementarity and related articles of the Rome Statute.

Despite the Court's remarkable achievements, however, much remains to be done in order to accomplish its mandate. Those goals cannot be achieved completely through the efforts of the ICC alone. Indeed, it is also crucial to enhance the international community's ongoing endeavours in the pursuit of justice, the rule of law and sustainable peace. Building upon the existing agreement between the United Nations and the ICC, we cannot overemphasize how vital it is for the two organizations to strengthen their relationship further.

Furthermore, it is also critical for the Court to garner ample support and cooperation from all Member States. Without their full cooperation, the ICC cannot execute the outstanding arrest warrants for perpetrators of grave crimes, nor conduct thorough investigations for the appropriate prosecutions. The International Criminal Court was established in order to embody the guiding principles of the Rome Statute — to end impunity and contribute to the prevention of grave crimes, including genocide, war crimes and crimes against humanity. To fulfil its mandate fully, the ICC should be respected as a non-political, independent and judicial institution by all stakeholders and by State parties to the Rome Statute. By doing so, we can expect the ICC to continue to pursue criminal accountability against the most serious crimes of international concern and thus keep making a positive contribution to laying a solid foundation for sustainable global peace in the future.

The Republic of Korea will always remain one of the strongest supporters of the Rome Statute and the International Criminal Court, and will continue working relentlessly to attain that common goal of the international community.

Mr. Elias-Fatile (Nigeria): We thank the President of the International Criminal Court (ICC), Judge Song, for the report of the Court (see A/69/321), which is before us for consideration today. We commend him on his leadership of the Court throughout the past years and wish him success in his future endeavours after

completing his ICC assignment next year. We also wish to take this opportunity to express appreciation to the President of the Assembly of States Parties to the Rome Statute of the ICC, Ambassador Tiina Intelmann, for her work in coordinating the affairs of the Assembly during her tenure, which expires in December 2014. In the same vein, we congratulate the President-elect, Mr. Sidiki Kaba, Minister of Justice of Senegal, and look forward to his endorsement at the thirteenth session of the Assembly, in December.

My delegation welcomes the appreciable progress recorded by the ICC in the fight against impunity and crimes against humanity. Nigeria commends the Tribunal for its trailblazing contributions in developing substantive and procedural international criminal law and the promotion of the rule of law. Through its work, the ensuring of accountability for genocide, crimes against humanity and war crimes has been strengthened.

The objective of the ICC is based on the concept that impunity must be challenged and that everybody should be held accountable for their actions. Therefore, the cooperation of States, international organizations and civil society is vital for the Court to continue to discharge its role as enshrined in the Rome Statute. To this effect, we commend His Excellency Mr. Uhuru Kenyatta, President of Kenya, who at great personal risk appeared in The Hague on 8 October as a private citizen in response to an invitation by the Court. We consider that to be the height of cooperation that anyone or any State can accord to the Court, and it also demonstrates commitment to and respect for the rule of law.

However, we wish to express our concern that the ICC did not dismiss the case against President Kenyatta despite having failed to establish a case against him. Therefore, we call on the Court to show more respect to African leaders and to engage with the African Union and African States on a mutual and respectful basis, as we all share the same values of promoting the rule of law and fighting impunity for the most serious crimes. It should be borne in mind that, of the 122 countries that are States parties to the Rome Statute of the ICC, 34 are African States. Africa is thus the continent with the highest number of members. Indeed, that significant number should not be alienated.

As a signatory to the Rome Statute, Nigeria is faithfully committed to the ideals of the ICC. Our stance on human rights, the rule of law, peace and security, democracy, good governance and accountability is in line with the principles that the ICC was established to promote. We have been demonstrating our abiding commitment to the promotion of these values in diverse ways. Nigeria is a member of the Assembly of States Parties to the Rome Statute, which we ratified on 27 September 2001. We are committed to the ICC and to the fundamental values of the Statute. We endorse the guiding principles and objectives of the ICC, and we have consistently underlined the structural importance of the ICC in the fight against impunity and the quest for judicial accountability.

We believe that impunity must be addressed resolutely wherever it occurs in the world, and we have instituted different instruments to address it domestically. It is our belief that the aspiration to a global system that bears on the rule of law, where accountability and social justice are the foundations of durable peace, should be a source of inspiration to all. Indeed, it should be a priority for the international community, for world leaders and for citizens alike.

Mr. Kamau (Kenya): The report before us today (see A/69/321) is the tenth that we have received from the International Criminal Court (ICC), and we thank the Secretary-General for it. I would also like to take this opportunity to recognize Judge Sang-Hyun Song, President of the International Criminal Court. Judge Song has without doubt presided over the ICC during a most difficult and challenging period. During his tenure, the ICC has grown in both stature and reach. As this will be his last attendance at the General Assembly as President of the Court, 1 would like to wish him on behalf of the Republic of Kenya all the very best in his future endeavours.

Over the years, we have continued to encourage the ICC to expand its activities, to enhance its work, to improve its efficiencies and to continue to deliver for the Member States and, more importantly, for the victims of crimes within the ambit of its jurisdiction. We created the Court because we believed that the international community - by which we mean all countries, rich and poor alike - needed a common platform for the exercise of international jurisprudence. As President Uhuru Kenyatta recently stated in his address to a joint sitting of the Senate and the National Assembly:

> "Given our experience, however, with the Court, many have since asked why we acted with such enthusiasm [to join the Court.] It was because we believed then, as we do now, that in an unequal world, only a common set of rules governing international conduct could keep anarchy at bay."

The Court was created to ensure that no country would have a privileged relationship within it and that no individual would enjoy special privilege before it. As with any young institution in its early years, we continued to engage, encourage and provide guidance to the Court in order to try to instruct it so as to keep it faithful to our objectives, to keep it aligned with the Rome Statute, and to keep it focused on what we believed was the kind of future we wished to see in the context of the work of international jurisprudence. As we look at the report of the International Criminal Court that is before us today, we cannot help but feel deep disappointment and a little let down by the institution for which we had such great expectations and aspirations.

The conclusion contained in the report tells a sad and disheartening story of low ambition, poor execution and little success. The Court says in the conclusion that

> "the activities of the International Criminal Court continue to grow, with the first ever final judgement rendered and 8,040 victims represented in six cases at the trial preparation or trial stage of proceedings, which is more than ever before" (*A/69/321, para. 98*).

In a world that has been consumed by violent and astronomically devastating regional wars and clashes, and where hundreds of thousands — if not millions — of people have died over the past 10 years, it seems extraordinary that the ICC has only one judgement to show for its years of existence and a victims' footprint of only 8,040. The ICC has registered in its report a rather anaemic, underachieving account of itself to Member States. That to us is simply confounding. It is also truly depressing to imagine that the Court would stand before Member States and state in its most recent report that it has finalized only one judgement and rendered representation for only 8,040 victims.

Clearly something is deeply wrong. It comes as no surprise, therefore, that the conclusion contained in the same report also states for the first time ever that no new State had ratified the Rome Statute during the latest reporting period. Clearly, the Court, which continues to enjoy membership from one segment of countries of the world, is having difficulties convincing new countries that are not signatories to the Court to join it and enhance its international reputation and work.

For those of us who have interacted with the Court intimately over the past few years, it is clear that something radical and urgent must be done if the Court is to stand any chance of long-term survival as a viable and credible international institution. Kenya remains deeply concerned by the current interpretation and implementation of the Rome Statute, and for us this may very well be the undoing of the Court. While the ICC endeavours to carry out its mandate and continues to receive earnest cooperation from States parties, it may appear that in the present state of interpretation and implementation, the ideals of the Rome Statute - namely, punishment for serious crimes, fighting impunity, national healing, and reconciliation and reparations for victims - may actually be achievable. A cursory look and superficial reading of the annual report may even lead one to believe that success is indeed at hand. However, our delegation believes that the current interpretation and implementation of the Rome Statute are counterproductive and antagonistic to the very ideals contained in the Rome Statute.

Kenya, as a situation country, continues to be painfully aware of the manner in which the ICC operates and the interpretation it gives to the Rome Statute. After six years as a situation country and one entire election cycle later, we are beginning to recognize that the manner in which the ICC and the Office of the Prosecutor operate can be severely disruptive and even detrimental to the process of political and social progress, healing and the promotion of peace and security. The Kenyan population has a deep desire to proceed with matters of social reconciliation and development.

It is therefore deeply regretted that the ICC continues to be a hindrance and a stumbling block for that aspiration of the Kenyan people. Surely, this cannot be why we created the International Criminal Court. Our continued silence and acceptance of the status quo, therefore, will only undermine the legitimacy of the Court and its core mandate, including the fight against impunity. It also does a great disservice to the victims in whose name the proceedings continue to be perpetuated, not to mention that it violates the rights of the accused as protected by the Rome Statute.

One of the first things that the Court must do to mend its ways is to unshackle itself from a pernicious group of countries that have hijacked its operational mandate and created a distorted institution that now represents the moral, ethical and, most disturbingly,

political values of a group of countries. The agenda of that group of countries seems to us to represent a very shameless, disruptive and unrelenting pursuit. This is witnessed in the working groups of the Assembly of States Parties here in New York and at The Hague. It is also witnessed in the recruitment and operational practices of the Court. It is witnessed in its judicial and prosecutorial behaviour, and even in the group's insidious manipulation of third-party actors, particularly civil society organizations, as interlocutors of the Court.

The wealth and power that have given that group of countries their arrogance to lay claim to the high ground of international action is well known. But what is also well known is the genesis of that wealth, mostly born of imperialists and colonial adventure, tax and financial havens, and a dogged proprietorship over intellectual property in a manner that denies other countries the technology they need for their own development. Indeed, there exists a similar proprietorship that this cabal of countries exercises over the ICC. That is driven by those who think that because they fund a disproportionately larger amount of the budget for the operations and, I might add, digressions of the ICC, that therefore they have an inherent right to lay claim to a special relationship with the ICC, including its staff, prosecutor and judges. But what we say is that money, like might, does not necessarily make right.

I know that I have digressed, but I did so only to make a single point. The point is that the ICC is failing us because in its leadership, in its core professional staffing, in its financing and in its operations it seeks to represent an ethos, morality, values and jurisprudential paradigm that represents one segment of the Assembly States of Parties.

The ICC was created as an international institution that was intended to work for all the signatory member States, irrespective of size, wealth or political dispensation. But what we have witnessed in the Court over the past five years, in particular, is seriously disturbing. The Court seems more interested in quasi-judicial theatre that is not in pursuit of justice and the fight against impunity, or in supplicant service to its broad membership, but rather seems to be driven by the parochial issues and political objectives of a small group of member States.

In paragraph 64, the report states that "the Rome Statute was never intended to replace national courts". While that is true, we also know that the Rome Statute is not only about complementarity. Beyond complementarity, no attempt is made in the report to give member States the benefit of the Court's experience in implementing the Rome Statute. Yet we all know that it is the judicious, impartial application of the Rome Statute that the Court seems to be unable to muster.

When we, the member States, were forming the International Criminal Court, we were convinced that we were setting up a Court with higher standards of practice and procedures than those found in our national jurisdictions. However, today we find ourselves saddled with a Court that has lower thresholds and standards than those found in our national courts. That is simply unacceptable. We therefore believe that the Rome Statute is undergoing a test of veracity, relevance and impartiality, both in its application and in its value, and we therefore urge member States, for the sake of the Court itself, to revisit the Rome Statute and re-examine its interpretation and implementation.

The report we have in front of us, as we said earlier, is a sad litany of low ambition and obfuscation, couched in professional non-statements. Paragraphs 2 through 84 of the report leave us none the wiser on the experience of the Court. None of the organizational realities and challenges that the Court has faced in implementing its mandate, including its singular, myopic obsession with African situations, is contained in that report. It lacks analysis and perspective. The report is a lame accounting of what is in fact an institutional failure of historical proportions. It is a heartbreaking account in which the aspirations of millions of people and the investment of time and tens of millions of dollars from States parties have no correlation whatsoever with the outcomes that can be enjoyed and celebrated by the ICC membership, and indeed by the world at large.

Were it not for the fact that the noble objectives of international rule of law and the historical imperative of our time to fight impunity were such a pressing, urgent and necessary requirement for international peace and security, it would also be our historical duty to put the ICC to rest, thus save it from further self-inflicted misery and the international community tens of millions of dollars, while sparing the long-suffering victims the pangs of false hope and empty promises.

The President: The representative of the Sudan has asked to speak in exercise of the right of reply. May I remind members that statements in the exercise of the right of reply are limited to ten minutes for the first intervention, and five minutes for the second

intervention. Statements should be made by the delegations from their seats.

Mr. Saeed (Sudan) (*spoke in Arabic*): My delegation would like to exercise its right to reply regarding the request in the statement of delivered by the representative of Sweden on behalf of the Nordic countries that the Government of the Sudan cooperate with the International Criminal Court (ICC).

The Nordic countries would appear to be acting in a spirit of confidence and trusteeship. They have imposed themselves as spokespersons for the International Criminal Court. They seem to believe that they are going to implement international justice. They should concentrate on their own issues and internal challenges, and not give us lessons about international justice when it is related to Africa even as they turn a blind eye to what happens in other countries of the world. They remain silent about such situations because countries that violate international justice believe themselves to be above justice and the rule of law.

The Sudan is not a party to the Rome Statute, and we are not concerned with the ICC's verdicts. We have no commitment to the ICC regarding the 1969 Vienna Convention on the Law of Treaties. The practice of the ICC has nothing to do with justice. The ICC has become a tool of international conflict and politics. The representation of the Court in the Security Council reflects a double standard. A decision by the Security Council to refer a certain country to the ICC is the very same decision that pre-empts other citizens from reaching the ICC. That is a double standard. It is mere politicization.

The ICC is not international, because it seems to be only a court for Africans. It targets Africa's leaders and countries while it overlooks what is happening in other parts of the world. That has been our experience with the ICC to date. Domestic legal institutions are concerned with fighting impunity, which is one purpose of international justice. We all agree that such a principle should be implemented without double standards.

The meeting rose at 6.20 p.m.