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President: Mr. Lykketoft . . . . . (Denmark)

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

Agenda item 75

Report of the International Court of Justice

Report of the International Court of Justice (A/70/4)

Report of the Secretary-General (A/70/327)

The President: I welcome The Honourable Judge Ronny Abraham, President of the International Court of Justice, to the General Assembly. Since its creation 70 years ago, the Court has played a crucial role in advancing the rule of law at the international level, and its judgments and advisory opinions contribute to promoting international law worldwide. During those years, the increased level of activity of the Court has been an indication of the growing desire of States to settle their international disputes by peaceful means, in accordance with the Charter. It has also demonstrated that States from all regions of the world have strong confidence in the Court and its capacity to deliver justice for all.

In April next year, we will celebrate the seventieth anniversary of the first session of the International Court of Justice. That will be an occasion to recognize the fundamental role that the principal judicial organ of the United Nations has played in the maintenance of peace and security in our world, but also in dealing with the challenges that lie ahead and how best to overcome them, inspired by our commitment to international law.

It is now my honour to invite Judge Ronny Abraham, President of the International Court of Justice, to take the floor.

Mr. Abraham, President of the International Court of Justice (*spoke in French*): I would first of all like to begin by taking this opportunity to congratulate you, Mr. President, on your election as President of the General Assembly at its seventieth session. I wish you every success in your mission.

I should also like to express my gratitude to the Assembly for following the long-standing tradition of giving the President of the International Court of Justice the opportunity to present an account of the Court's judicial activity over the previous year. I am particularly honoured to address the Assembly for the first time as President and thus to avail myself of a privilege that bears witness to the interest in the Court displayed by the General Assembly and the support that it provides the Court.

In the course of the judicial year 2014-2015, the Court has continued to work, to the best of its abilities, for the peaceful settlement of those disputes that the community of States has seen fit to submit to it. As can be seen from the report that I have the honour to present today (A/70/4), the Court has made every effort to meet, in a timely manner, the expectations of the international parties appearing before it. During the reporting period from 1 August 2014 to 31 July 2015, the total number of contentious cases pending before the Court was 14. The Court held hearings in three of those cases.

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First, in April and May, the Court heard arguments on the merits of the case *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, which was joined with the case *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, accompanied by provisional measures. Then, in May 2015, the Court held hearings in the case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. It should, moreover, be noted that during the reporting period, beginning on 1 August, the Court also held hearings on preliminary objections in two cases: in September and October, *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*; and in October, *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*. Currently, all of the cases in which the Court has held hearings are under deliberation, with the exception of the proceedings between Bolivia and Chile, in which, on 24 September, the Court delivered a judgment in which it found that it has jurisdiction in the case, and the proceedings on the merits of the case have accordingly been resumed.

During the reporting period, the Court also delivered its judgment on the merits in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*. I shall, as is customary, offer a brief presentation of that judgment. I shall then say a few words about the judgment rendered some weeks ago on the preliminary objection raised by Chile in the case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*.

The judgment on the merits, delivered on 3 February, brought to a close the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*. On 2 July 1999, the Government of the Croatia filed an application instituting proceedings against the Federal Republic of Yugoslavia with respect to a dispute concerning alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, a Convention that was approved, through the adoption of resolution 260 (III), on 9 December 1948 and entered into force on 12 January 1951. The application invoked article IX of the Genocide Convention as the basis for the jurisdiction of the Court. On 11 September 2002, the respondent raised preliminary objections relating to that jurisdiction and to the admissibility of Croatia's application, giving rise to a first judgment on 18 November 2008.

In its judgment of 3 February, the Court began by recalling that the name of the respondent had changed over the course of the proceedings. In February 2003, the Federal Republic of Yugoslavia had informed the Court that it was to be henceforth called Serbia and Montenegro. Subsequently, following the Republic of Montenegro's declaration of independence on 3 June 2006, the Republic of Serbia — which I shall refer to as Serbia — remained the sole respondent in the case. The Court had previously indicated those changes in its 2008 judgment on the preliminary objections. In that judgment, it had rejected the first and third preliminary objections raised by Serbia but had found, however, that the second objection was not, in the circumstances of the case, of an exclusively preliminary character and should therefore be considered in the merits phase. In the second objection, Serbia asked the Court to find that Croatia's claims, based on acts or omissions that had taken place prior to 27 April 1992, the date on which the Federal Republic of Yugoslavia came into existence as a separate State, lay beyond its jurisdiction and were, moreover, inadmissible. Subject to that conclusion, the Court found that it had jurisdiction to entertain Croatia's application. It therefore had to rule on that objection in its 2015 judgment, before considering, if necessary, the merits of Croatia's claims.

I would also recall that, some months after the 2008 judgment, Serbia filed a counter-claim, in which it contended that Croatia had committed acts of genocide against Croatian Serbs in 1995. The Court had to consider that claim as well. Before deciding the dispute, the Court first began by setting up the historical and factual background to the case. It therefore first recalled that both parties to the dispute were sovereign States that had emerged from the break-up of the Socialist Federal Republic of Yugoslavia, and it outlined the key stages of their establishment as such. It then described the main events that had taken place in Croatia between 1990 and 1995, and noted in particular that shortly after Croatia's declaration of independence on 25 June 1991, an armed conflict broke out between, on the one hand, Croatia's armed forces and, on the other, Serb forces opposed to Croatia's independence. At least from September 1991 on, the Yugoslav National Army (JNA) — which, according to Croatia, was by then controlled by the Government of the Republic of

Serbia — intervened in the fighting against the Croatian Government forces.

I would like to point out in passing that I have just used the term Serb forces, as the Court did in its judgment, to refer collectively to part of the Serb minority within Croatia and to various paramilitary groups, irrespective of the issue of the attribution of their conduct.

The Court observed that by late 1991, those Serb forces and the JNA controlled around one third of Croatian territory within its boundaries in the Socialist Federal Republic of Yugoslavia, a situation that was to last until 1995. Croatia alleged that it was during that conflict that a genocide had been committed. The Court also described how, during the spring and summer of 1995, Croatia had succeeded, as a result of a series of military operations, in retaking the greater part of the territory that had slipped from its control; Serbia, for its part, alleged in its counter-claim that a genocide had taken place during the Croatian Operation Storm in August 1995.

Having accordingly outlined the background to the case, the Court turned to the questions of its jurisdiction and the admissibility of the parties' respective claims. Starting with the questions of jurisdiction and admissibility as they arose in the context of Croatia's claim, the Court recalled that, in its 2008 judgment, it had found that it had jurisdiction to rule on Croatia's claim regarding acts committed dating from 27 April 1992 — the date when the Federal Republic of Yugoslavia came into existence, as a separate State, and became party, by succession, to the Genocide Convention — but that it had reserved its decision on its jurisdiction pertaining to breaches of the Convention alleged to have been committed prior to that date.

After analysing the parties' arguments on the question, the Court concluded that it had jurisdiction to rule on the whole of Croatia's claim, including that part of it relating to events prior to 27 April 1992. To reach that conclusion, the Court began by stating that the Federal Republic of Yugoslavia could not have been bound by the Convention before 27 April 1992, contrary to Croatia's main argument; it took note, however, of an alternative argument relied on by the Applicant, namely, that the Federal Republic of Yugoslavia, and subsequently Serbia, could have succeeded to the responsibility of the Socialist Federal Republic of Yugoslavia for breaches of the Convention prior to that date.

The Court stated that in order to determine whether Serbia was responsible for breaches of the Convention, it would first have to decide whether the acts alleged by Croatia had taken place and, if so, whether they contravened the Convention; secondly, if that were the case, whether those acts were attributable to the Socialist Federal Republic of Yugoslavia at the time that they had occurred and whether they had involved the responsibility of the latter; and, thirdly, assuming that the responsibility of the Socialist Federal Republic of Yugoslavia had been involved, whether the Federal Republic of Yugoslavia had succeeded to that responsibility.

Noting that the parties were in disagreement on these questions, the Court considered that there was a dispute between them falling under article IX of the Convention, namely a

> "[dispute] ... relating to the interpretation, application or fulfilment of the ... Convention, including [one] relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III".

The Court concluded that it had jurisdiction to rule on the dispute by specifying that, in reaching that conclusion, it was not necessary to take a decision beforehand on the aforementioned three questions, since they were substantive.

Regarding the question of the admissibility of Croatia's claim, the Court noted that Serbia had argued primarily, as a matter of principle, that it was inadmissible because the Federal Republic of Yugoslavia could not be held responsible for acts alleged to have taken place before it had come into existence as a State, on 27 April 1992; however, it observed that this argument involved questions of attribution, on which it was not necessary to rule before considering on the merits the acts alleged by Croatia.

The Court further noted Serbia's alternative argument that Croatia's claim was inadmissible because it related to events prior to 8 October 1991, the date on which Croatia had come into existence as a State and become party to the Convention; it pointed out, however, that Croatia had not formulated any separate demands for the events that had occurred before and after 8 October 1991, and that, rather, it had advanced a

single claim alleging a pattern of conduct increasing in intensity throughout the course of 1991.

In that context, the Court considered that what had happened prior to 8 October 1991 was, in any event, pertinent to an evaluation of whether what had taken place after that date had involved violations of the Genocide Convention; it accordingly concluded that it was not necessary to rule on Serbia's argument before it had considered and assessed all of the evidence submitted by Croatia.

The Court then considered the question of the admissibility of Serbia's counterclaim, in the light of the criteria set out in article 80 of its rules of procedure. It arrived at the conclusion that this claim was admissible, inasmuch as, first, it came within the jurisdiction of the Court since it fell within the scope of its jurisdiction under article IX of the Convention, and, secondly, it was directly connected with the subject matter of the main claim, both in fact and in law.

Thirdly, the Court clarified the question of applicable law in the case, namely, the Convention on the Prevention and Punishment of the Crime of Genocide. It recalled that, under the terms of article II of the Convention:

> "[g]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group."

The Court recalled that genocide thus defined contains two constituent elements, namely, the physical element, or *actus reus* — acts that have been committed — and the mental element, or *mens rea* — the intent to destroy the group as such.

With regard, first of all, to the mental element of genocide, the Court indicated that it is the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such that is the essential characteristic of genocide and that distinguishes it from other serious crimes. It stated that this is regarded as a *dolus specialis*; that is to say, a specific intent which, in order for genocide to be established, must be present in addition to the intent required for each of the individual acts involved. The Court further explained that the intent must be the physical or biological destruction of the protected group, or of a substantial part of that group. Evidence of that intent is to be sought, first, in the State's policy, although such intent will seldom be expressly stated, but it can also be inferred from a pattern of conduct where such intent is the only reasonable inference to be drawn from the acts in question.

Next, regarding the physical element of the crime of genocide, the Court recalled the meaning to be given to the prohibited acts listed in subparagraphs (a) to (e) of article II of the Convention, which I cited.

Fourthly and finally, still in the stage preceding the actual consideration of the merits of the case, the Court addressed questions of the burden of proof, the standard of proof and the methods of proof applicable in the case. It recalled in particular that it is, in principle, for the party alleging a fact to demonstrate its existence. It further noted that claims against a State involving charges of exceptional gravity must be proved by evidence that is fully conclusive. Finally, it laid down certain principles governing consideration of the evidence submitted by the parties, which in these proceedings included documents from the International Criminal Tribunal for the former Yugoslavia, reports from official or independent bodies, and written statements of witnesses.

I now turn to the Court's consideration of the merits of the case. I shall begin by discussing the Court's treatment of Croatia's claim, which comes first in the judgment, and shall then turn to its treatment of Serbia's counter-claim, which is dealt with subsequently.

Regarding Croatia's claim that the Court should find Serbia responsible for violation of the 1948 Genocide Convention, the Court first considered whether acts constituting the *actus reus* of genocide had been committed by the Yugoslav National Army or Serb forces against members of the national or ethnical Croat group between 1991 and 1995. Following a thorough analysis of the evidence in the case file,

it concluded that, in the regions of Eastern Slavonia, Western Slavonia, Banovina/Banija, Kordun, Lika and Dalmatia, the Yugoslav National Army and Serb forces had committed acts constituting the actus reus of genocide within the meaning of subparagraphs (a) and (b) of article 2 of the Convention, namely, the killing of members of the national or ethnical Croat group and acts causing serious bodily or mental harm to members of that group. On the other hand, the Court stated that it was not persuaded that acts capable of constituting the *actus reus* of genocide had also been proved in relation to subparagraphs (c) and (d) of article 2 of the Convention, that is, it considered that it had not been established that conditions of life calculated to bring about the group's physical destruction, in whole or in part, had been deliberately inflicted, or that measures intended to prevent births within the group had been imposed.

The *actus reus* of genocide within the meaning of subparagraphs (a) and (b) of article 2 of the Convention having thus been established, the Court examined whether the acts in question had been committed with genocidal intent. It stated that, in the absence of direct evidence of such intent, it would consider whether a pattern of conduct had been established from which the only reasonable inference to be drawn was an intent on the part of the perpetrators of those acts to destroy a substantial part of the group of ethnic Croats. After a thorough analysis of the evidence in its possession, the Court considered that the crimes committed against Croats appeared to have been aimed at the forced displacement of the majority of the Croat population from the regions concerned, and not at its physical or biological destruction.

In the absence of proof of the necessary specific intent to destroy the protected group, in whole or in part, the Court found that Croatia had failed to substantiate its allegation that genocide or other breaches of the Convention had been committed. It accordingly rejected Croatia's claim in its entirety and considered that it need not rule on other matters, such as the attribution of the acts found to have been committed, or succession to responsibility.

Regarding Serbia's counter-claim, on the basis of the evidence submitted to it, the Court concluded that, during and after Operation Storm, carried out in August 1995, and in its aftermath, forces of the Republic of Croatia had perpetrated acts falling within subparagraphs (a) and (b) of article 2 of the Convention, that is, the killing of members of the national or ethnical Serb group who were fleeing or had remained within the areas of which Croatian forces had taken control, and acts constituting serious bodily or mental harm to members of the group.

To respond to the question of the existence of a genocidal intent, the Court examined in particular the transcript of the meeting held on the island of Brioni, under the chairmanship of the then President of the Republic of Croatia, in order to prepare Operation Storm. It also considered the overall course of the military operations conducted by Croatia during the period 1992-1995. It found that the intent to destroy, in whole or in part, the national or ethnical group of the Croatian Serbs had not been proven, and noted in particular that while acts constituting the *actus reus* of genocide had been committed, they were not perpetrated on a scale such that they could only reasonably demonstrate the existence of a genocidal intent.

The Court therefore found that neither genocide nor other violations of the Genocide Convention had been proved and therefore rejected Serbia's counter-claim in its entirety. Those are the main conclusions of the judgment rendered by the Court on 3 February.

As I mentioned in the beginning of my statement, on 24 September the Court delivered a second judgment bearing on the preliminary objection to jurisdiction raised by the respondent in the case *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*. I would recall that, on 24 April 2013, the Government of the Plurinational State of Bolivia filed with the Registrar of the Court an application introducing proceedings against the Republic of Chile in the matter of a dispute in relation to

> "Chile's obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean".

Bolivia attempted to argue for the Court's jurisdiction by invoking article XXXI of the American Treaty on Pacific Settlement, known as the Pact of Bogotá, which provides that

> "In conformity with article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory

ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

a) the interpretation of a treaty;

b) any question of international law;

c) the existence of any fact which, if established, would constitute the breach of an international obligation;

d) The nature or extent of the reparation to be made for the breach of an international obligation".

Chile, in its preliminary objection, claimed that, by applying another provision of the same treaty, namely, article VI, the Court did not have jurisdiction to rule on the dispute submitted by Bolivia. In the words of that article,

"[T]he aforesaid procedures, furthermore, may not be applied to matters already settled by arrangement between the parties, or by arbitral award or by decision of an international court, or which are governed by agreements or treaties in force on the date of the conclusion of the present Treaty".

According to Chile, the matter in dispute in the case was not, as the application indicated, the existence of an obligation to negotiate Bolivia's sovereign access to the sea and Chile's alleged breaching of that obligation. The respondent argued that the matters actually at issue in the present case were territorial sovereignty and the character of Bolivia's access to the Pacific Ocean, matters that had, according to Chile, been settled by arrangement in the 1904 peace treaty. According to Chile, those issues are governed by the aforementioned treaty.

Bolivia, in response to that objection, stated that the dispute was over the existence of an obligation incumbent on Chile to negotiate in good faith a sovereign access of Bolivia to the Pacific Ocean and the non-compliance with that obligation. According to Bolivia, such an obligation arose from "agreements", from "diplomatic practice" and "a series of statements attributable to ... [Chile]", which go back over more than a century, and it existed independently of the Treaty of Peace and Friendship of 1904 between Chile and Bolivia. Bolivia concluded that article VI of the American Treaty on Pacific Settlement did not present an obstacle to the jurisdiction of the Court by virtue of article XXXI of that Treaty, as long as the issues in dispute in the present case did not constitute issues that had been resolved or were governed by the 1904 Peace Treaty within the meaning of article VI.

In its ruling, the Court began by observing that, as presented, the claim covered a dispute relating to the existence of an obligation to negotiate sovereign access to the sea and the non-compliance with that obligation. The Court then considered that, even if one could assume that sovereign access to the Pacific Ocean was Bolivia's ultimate goal, it was appropriate to make a distinction between that goal and the dispute, which were linked but separate matters. It was the dispute that had been submitted in the application. It appeared that Bolivia did not request the Court to state and decide whether it was entitled to access to the sea in that dispute.

The Court held in the case that, in the light of the subject of the dispute as it had been defined, the issues under dispute between the parties had not "yet been resolved through an agreement between [them]" nor were they "governed by agreements or treaties in force" at the time of the signing of the Pact of Bogotá on 30 April 1948. That conclusion was based on the fact that the relevant provisions of the 1904 Peace Treaty, invoked by Chile to support its plea of lack of competence or jurisdiction, do not explicitly or implicitly deal with the issue of an obligation that would fall on Chile to negotiate with Bolivia on the matter of sovereign access to the Pacific Ocean. The Court therefore concluded that article VI did not represent an obstacle to the jurisdiction that article XXXI of the Pact of Bogotá granted to the Court. It therefore rejected the preliminary plea of lack of jurisdiction raised by Chile.

I insist on the fact that the Court has not heard arguments of the parties on the merits of the case, that the ruling that it delivered was aimed strictly at establishing whether it had jurisdiction or not to hear the case that had been submitted by Bolivia, and that nothing in the judgment of 24 September can and should be interpreted as prejudging the substantive issues raised in the claim by Bolivia.

I have now finished with the report regarding the two rulings issued by the Court over the past year. I would now like to comment on the other decisions taken by the Court during the period covered by my report.

(*spoke in English*)

I will now speak in English, as it is our practice at the Court, in accordance with the Statute, to work at all times in both French and English.

During the reporting period, the case *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)* was struck from the Court's List by an order of 11 June 2015. The oral hearings on the merits, which were scheduled for September 2014, had first been postponed following the receipt of a joint letter, dated 1 September 2014, whereby the agents of Timor-Leste and Australia requested the Court "to adjourn the hearing set to commence on 17 September 2014 in order to enable [them] to seek an amicable settlement". In the same letter, the agents of the parties had also raised the possibility that the parties might jointly seek a change in the order indicating provisional measures that the Court had adopted on 3 March 2014. On 15 March 2015, the agent of Australia indicated, in a separate letter, that his Government wanted "to return the materials removed from the premises of Collaery Lawyers on 3 December 2013". In order to allow for that restitution, the respondent State also requested, pursuant to article 76 of the Rules of Court, a "modification of the second interim measure", which the Court had indicated in its order of 3 March 2014 and which required Australia to "retain under seal the documents and electronic data seized, and any copies thereof, until further decision of the Court".

By an order rendered on 22 April 2015, the Court first

> "[a]uthorised the return, still sealed, to the firm Collaery Lawyers of all the documents and data seized on 3 December 2013 by Australia, and any copies thereof, under the supervision of a representative of Timor-Leste appointed for that purpose;"

Secondly,

> "[r]equested the parties to inform it that the return of documents and data seized on 3 December 2013 by Australia, and any copies thereof, had been effected and on what date that return had taken place;"

Thirdly,

> "[d]ecided that, upon the return of the documents and data seized on 3 December 2013 by Australia, and any copies thereof, the second measure indicated by the Court in its order of 3 March 2014 shall cease to have effect".

The Court subsequently received confirmation by both parties that on 12 May 2015 Australia had returned the documents and data seized on 3 December 2013. Then the agent of Timor-Leste informed the Court that his Government wished to discontinue the proceedings, stating that,

> "[F]ollowing the return of the seized documents and data by Australia on 12 May 2015, Timor-Leste successfully achieved the purpose of its application to the Court, namely, the return of Timor-Leste's rightful property, and therefore Australia recognizes that its actions had violated the sovereign rights of Timor-Leste".

Australia, which had been asked to state its views on Timor-Leste's request for discontinuance, informed the Court that it had no objection to the discontinuance of the proceeding as requested by Timor-Leste.

On the basis of those elements, in my capacity as President of the Court, I placed on record the discontinuance by the applicant of the proceedings and directed that the case be removed from the Court's List. Needless to say, the fact that that contentious procedure did not require to a judgment shows that the Court assisted the parties in seeking a solution to the dispute between them. That highlights the role that the Court can play, even indirectly, in the peaceful settlement of international disputes.

Having recalled the principal decisions handed down by the International Court of Justice in the course of the past year, I now come to the new cases submitted to it.

During the reporting period, a new case was placed on the List, and the proceedings have resumed in another case, with regard to the question of reparations. Regarding the first case, Somalia instituted proceedings against Kenya on 28 August 2014 relating to a dispute concerning maritime delimitation in the Indian Ocean. In its application, Somalia contends, on the one hand, that both States disagree about the location of the maritime boundary in the area where their maritime entitlements overlap and asserts, on the other hand, that diplomatic negotiations, in which their respective views

have been fully exchanged, have failed to resolve the disagreement. It then proceeds to requesting the Court

> "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]".

The applicant further asks the Court to determine the precise geographical coordinates of the single maritime boundary in the Indian Ocean.

In the view of the applicant, the maritime boundary between the parties in the territorial sea, exclusive economic zone and continental shelf should be established in accordance with, respectively, articles 15, 74 and 83 of the United Nations Convention on the Law of the Sea. Somalia explains that, accordingly, the boundary line in the territorial sea

> "should be a median line as specified in article 15, since there are no special circumstances that would justify departure from such a line"

and that, in the cases of the exclusive economic zone and the continental shelf, the boundary

> "should be established according to the three-step process the Court has consistently employed in its application of articles 74 and 83".

Somalia adds that

> "Kenya's current position on the maritime boundary is that it should be a straight line emanating from the parties' land boundary terminus and extending due east along the parallel of latitude on which the land boundary terminus sits, through the full extent of the territorial sea, exclusive economic zone and continental shelf, including the continental shelf beyond 200 [nautical miles]".

By an order of 16 October 2014, I fixed 13 July 2015 as a time limit for the filing of a memorial by Somalia, and 27 May 2016 for the filing of a counter-memorial by Kenya. After the memorial of Somalia was filed within the set time limit, Kenya raised, on 7 October 2015, certain preliminary objections to the jurisdiction of the Court and to the admissibility of the application. The proceedings on the merits have therefore been suspended, and the Court fixed 5 February 2016 as the time limit within which Somalia may present a written statement with its observations and submissions on the preliminary objections raised by Kenya.

Furthermore, by an order dated 1 July 2015, the Court decided to resume the proceedings in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* with regard to the question of reparations.

It is recalled that the Court delivered its judgment on the merits in the case on 19 December 2005. In that judgment it found, on the one hand, that Uganda was under obligation to make reparation to the Democratic Republic of the Congo for the injury caused by Uganda's violation of the principle of the non-use of force in international relations and the principle of non-intervention, of obligations incumbent upon it under international human rights law and international humanitarian law, and of other obligations incumbent upon it under international law and, on the other hand, that the Democratic Republic of the Congo was under obligation to make reparation to Uganda for the injury caused by the Democratic Republic of the Congo's violation of obligations incumbent upon it under the 1961 Vienna Convention on Diplomatic Relations. In the same judgment, the Court decided that, failing agreement between the parties, it would settle the question of the reparation due to each of them and reserved for that purpose the subsequent procedure in the case.

Over the years, the parties have transmitted to the Court certain information concerning the negotiations that they have held to settle the question of reparation. However, on 13 May 2015, the Registry of the Court received from the Democratic Republic of the Congo a document entitled "New application to the International Court of Justice", requesting the Court to decide the question of the reparation due to the Democratic Republic of the Congo in the case.

In its order of 1 July 2015, the Court observed that

> "although the Parties have tried to settle the question of reparations directly, they have been unable to reach an agreement in that respect".

The Court therefore decided to resume the proceedings in the case with regard to the question of reparations and fixed 6 January 2016 as the time limit for the filing by the Democratic Republic of the Congo of a memorial on the reparations that it considers to be owed to it by Uganda, and for the filing by Uganda of a memorial on the reparations that it considers to be owed to it by the Democratic Republic of the Congo.

Together with the new case *Somalia v. Kenya*, that brings to 12 the total number of cases currently on the Court's docket.

(*spoke in French*)

It will be apparent from my report that the activities of the International Court of Justice remain within the area of the peaceful settlement of inter-State disputes. Having succeeded in eliminating the judicial backlog that it was facing, even as late as a few years ago, the Court will intensify its efforts to make optimum use of the modest resources at its disposal, with a view to achieving prompt resolution of the disputes submitted to it. To do so, it will not hesitate to continue its practice of dealing with several cases concurrently.

The Assembly will certainly have noted, at the start of my address, that four cases are currently under deliberation. That fact bears witness to the Court's concern, as it approaches its seventieth anniversary, to discharge its noble and uplifting judicial mission within a reasonable time frame. The Court has successfully faced each new challenge posed by the complexity of legal relations between States. It will keep rising to those challenges in order to fulfil its role as the principal judicial organ of the United Nations. It is worth recalling that it does so at a minimum cost for States. It trusts that, in the exercise of its functions, the Court can keep relying on the constant support of the Assembly.

I should like to conclude by reminding everyone that the Court, which took up its office a few months after the entry into force of the Charter of the United Nations, will be marking its seventieth anniversary next April. The event will be celebrated in a formal session in The Hague in the presence of His Majesty the King of the Netherlands. The Court will also be organizing a seminar, attended by eminent jurists, on various legal topics directly related to its work. That event will be an opportunity both to celebrate the work accomplished over the past seventy years and to reflect on the new challenges facing the Court.

Once again. I would like to express my gratitude for the opportunity to address the Assembly. I wish the General Assembly at its seventieth session every success.

Mr. Gharibi (Islamic Republic of Iran): I have the honour to deliver this statement on behalf of the Non-Aligned Movement.

I would first like to thank the President of the International Court of Justice for his comprehensive report on the work of the Court (A/70/4). The Non-Aligned Movement attaches great importance to agenda item 75, "Report of the International Court of Justice", and takes note of the account contained in the report on the activities of the Court between 1 August 2014 to 31 July 2015, as requested by the decision of the Assembly last year. I would also like to thank the President of the Court for his statement in presenting his report to the General Assembly today.

The Non-Aligned Movement reaffirms and underscores its principled positions concerning the peaceful settlement of disputes and the non-use or threat of use of force. The International Court of Justice plays a significant role in promoting and encouraging the settlement of international disputes by peaceful means, as reflected in the Charter of the United Nations, and does so in such a manner that international peace and security and justice are not endangered.

Mr. Gumende (Mozambique), Vice-President, took the Chair.

The Movement endeavours to generate further progress in the promotion of full respect for international law and, in that regard, commends the role of the Court in promoting the peaceful settlement of international disputes, in accordance with the relevant provisions of the Charter of the United Nations and the Statute of the Court, in particular Articles 33 and 94 of the Charter.

In regard to the advisory opinions of the Court, we note the fact that the Security Council has not sought any advisory opinion from the Court since 1970, and the Movement urges the Security Council to make greater use of the International Court of Justice, the principal judicial organ of the United Nations, as a source of advisory opinions and interpretations of the relevant norms of international law, as well as opinions on controversial issues. It further requests the Council to use the Court as a source of interpretations relating to relevant international law issues, and also urges it to consider having Council decisions reviewed by the Court, with a view to ensuring their adherence to the Charter of the United Nations and international law. The Movement also invites the General Assembly, other bodies of the United Nations and the specialized agencies so authorized to request advisory opinions from the International Court of Justice on legal questions arising within the scope of their activities.

The Non-Aligned Movement reaffirms the importance of the unanimous nature of the Court's advisory opinion issued on 8 July 1996, entitled the "*Legality of the Threat or Use of Nuclear Weapons*". On that issue, the Court concluded that an obligation exists 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.

The Non-Aligned Movement continues to call on Israel, the occupying Power, to fully respect the 9 July 2004 advisory opinion of the Court entitled "*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*", and calls upon all States to respect and ensure respect of the provisions contained therein aimed at ending the Israeli occupation that began in 1967 and establishing an independent State of Palestine with East Jerusalem as its capital.

Mr. Mamabolo (South Africa): My delegation has the honour to speak on behalf of the Group of African States. The African Group associates itself with the statement just delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

At the outset, the African Group would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his presentation and also for the report of the Court on its work (A/70/4). The African Group continues to consider the International Court of Justice as the pre-eminent mechanism for the peaceful settlement of disputes at the international level. It should be kept in mind that the Court, as a court of justice and, moreover, the principal judicial organ of the United Nations, occupies a special position.

Everything that the Court does is aimed at promoting the rule of law. The World Court hands down judgments and advisory opinions in accordance with its Statute, which is an integral part of the Charter of the United Nations, and thus contributes to promoting and clarifying international law. The African Group welcomes the reaffirmed confidence that States have shown in the Court's ability to resolve their disputes. In particular, we are pleased to see that States continue to refer disputes to the Court. We commend States for no longer limiting their referral of cases to matters of little political significance and for referring disputes involving weighty political issues. The number of cases currently pending on the Court's docket is a reflection of the esteem in which the States hold the International Court of Justice.

Notwithstanding the proliferation of international judicial dispute-settlement mechanisms of both a specialized and a regional nature, the Court continues to attract a wide range of cases covering many areas. While the Court's determination that the requirement to cooperate is based principally on treaty obligations, it also clearly draws upon general principles, particularly in making the link between procedural and substantive obligations. The principle of prevention, enunciated in an earlier Court decision, notably the *Corfu Channel* case and the advisory opinion concerning the *Legality of the Threat or Use of Nuclear Weapons*, is drawn upon significantly by the Court. As such, the African Group reaffirms the importance of the unanimous Court advisory opinion issued on 8 July 1996 concerning the *Legality of the Threat or Use of Nuclear Weapons*. In that decision, the International Court of Justice concluded 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. In that respect, it is interesting to note that the current list of cases before the Court includes cases on obligations concerning negotiations relating to the cessation of the nuclear arms race and to nuclear disarmament.

By an order dated 19 July 2015, the Court fixed the time limit for the filing by the Republic of the Marshall Islands of a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland in the case. The Marshall Islands alleges breaches of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by the United Kingdom. Article VI of the NPT provides that

> "[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

To that end, the Marshall Islands contends that the United Kingdom has breached, and continues to breach, its legal duty to perform its obligations under the NPT and customary international law in good faith.

Once again, by an order dated 9 July 2015, the Court extended from 17 July 2015 to 1 December 2015

the time limit for the filing of the counter-memorial of the Islamic Republic of Pakistan on the questions of the jurisdiction of the Court and the admissibility of its application in the case. We eagerly await those judgments, with the hope that they will build on the already rich wealth of jurisprudence in this area, and in international law in general.

The importance of advisory opinions on legal questions referred to the International Court of Justice cannot be overstated in the pursuit of the peaceful settlement of disputes in accordance with the Charter of the United Nations. It is therefore rather disappointing that during the period under review, no requests for advisory opinions were made.

Ms. Cooper (Australia): On behalf of Canada, Australia and New Zealand (CANZ), I would like to thank the President of the International Court of Justice, Judge Ronny Abraham, for his informative report (A/70/4) on the work of the Court over the past year. I would also like to thank former President Judge Tomka for his important contribution during his term as President.

The International Court of Justice plays a critical role in the peaceful settlement of disputes between States and in providing advisory opinions on emerging or controversial issues in international law. CANZ countries continue to support the International Court of Justice as the principal judicial organ of the United Nations. The Court's demanding caseload, dealing with a variety of subject matters, serves to demonstrate its wide appeal and highlights the important role it plays in the promotion of the rule of law. Looking at the Court's work over the past year, cases before the Court continued to raise issues at the forefront of international law. We understand that the agenda of the Court in the year ahead will remain a busy one.

International law and the rule of law are the foundations of the international system. As States that accept the compulsory jurisdiction of the Court and have been parties to proceedings before it, the CANZ countries are convinced that greater acceptance of the compulsory jurisdiction of the Court contributes to strengthening the rule of law internationally by broadening the options available to States to ensure the peaceful settlement of disputes. It also helps the Court to fulfil its role more effectively by permitting it to focus on the substance of disputes more quickly. We continue to urge Member States that have not done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

Finally, the CANZ group would like to express its appreciation to Judge Sepúlveda Amor for his vital contribution to the development of international law through his work as Judge and Vice-President, and to wish him well in his future endeavours. We would also like to thank and acknowledge Judge Keith of New Zealand for his substantial contribution to the Court's work. Similarly, we also would like to recognize Judge Skotnikov for his work as Judge on the Court. The CANZ group also congratulates Judges Crawford, Gevorgian and Robinson on their elections to the Court, and Judges Bennouna and Donoghue for their re-elections to the Court.

We look forward to continuing to support the Court in its central contribution to the peaceful settlement of disputes.

Mrs. Sule (India): At the outset, I would like to thank Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report (A/70/4) on the judicial activities of the Court for the period from August 2014 to July 2015. I also thank him and Vice-President Judge Abdulqawi Ahmed Yusuf for guiding the work of the Court.

As the principal judicial organ of the United Nations, the Court is poised to celebrate its seventieth anniversary in April next year. The International Court of Justice is entrusted with the task of the peaceful resolution of disputes between States, which is fundamental for fulfilment of one of the purposes of the United Nations, namely, the maintenance of international peace and security. We acknowledge that the Court has fulfilled that task admirably since its establishment and has acquired a well-deserved reputation as an impartial institution, maintaining the highest legal standards in accordance with its mandate under the Charter of the United Nations, of which the Statute of the Court is an integral part.

One of the primary goals of the United Nations, as stated in the Preamble of the United Nations Charter, is to establish conditions under which justice and respect for international obligations can be maintained. The International Court of Justice, as the only Court with general international law jurisdiction, is uniquely placed to help achieve that goal.

The report of the Court illustrates the importance States attach to the Court and the confidence they place in it. The importance of the Court is also evident from the number, nature and variety of cases that the Court deals with and, in doing so, its ability to deal with the complex aspects of public international law.

The judgments delivered by the Court have played an important role in the interpretation and clarification of the rules of international law, as well as in the progressive development and codification of international law. In the performance of its judicial functions, the Court has remained highly sensitive to the political realities and sentiments of States, while acting in accordance with the provisions of the United Nations Charter, its own Statute and other applicable rules of international law.

During the judicial year 2014-2015, the Court delivered a judgment, held public hearings in two cases and handed down nine orders. The number of contentious cases on the Court's docket stands at 12. The universality of the Court is evident from the fact that States from across all the continents submitted cases to the Court for adjudication.

The cases before the Court involve a wide variety of subject matter, such as territorial and maritime disputes, environmental damage and the conservation of living resources, violations of territorial integrity, violations of international humanitarian law and human rights, genocide, the interpretation and application of international conventions and treaties and the interpretation of the Court's own judgments.

The Court's second function is to provide advisory opinions on legal questions referred to it by the organs of the United Nations and specialized agencies. Although no request for its advisory opinion was made during the past judicial year, that function of the Court adds to its important role of clarifying key international legal issues. The report of the Court rightly points out that "everything the Court does is aimed at promoting the rule of law" (*A/70/4, para. 23*), in particular through its judgments and advisory opinions.

It is worth mentioning that the Court ensures the greatest possible global awareness of its decisions through its publications, multimedia offerings and website, which now features the Court's entire jurisprudence, as well as that of its predecessor, the Permanent Court of International Justice. Those sources provide useful information for States wishing to submit a potential dispute to the Court.

We share the concern of the Court concerning problems relating to a health risk due to the presence of asbestos in the Peace Palace, and we support all efforts required to deal with it.

Finally, India wishes to reaffirm its strong support to the Court and to acknowledge the importance that the international community attaches to the work of the Court.

Mr. Xu Hong (China) (*spoke in Chinese*): It gives me great pleasure to speak on this agenda item on the report of the International Court of Justice (A/70/4) at the current session of the General Assembly. At the outset, on behalf of the Chinese delegation, please allow me to thank President Abraham for his statement. My thanks also go to all the judges and staff of the Court for their hard work over the past year.

This year marks the seventieth anniversary of the United Nations. The Court's history spans nearly 70 years. The judicial activities of the Court represent an important means in peacefully settling disputes. That practice, dating back nearly 70 years, has proved that the Court, as one of the six major organs and the principal judicial organ of the United Nations, plays an indispensable role in fulfilling the fundamental purpose of the United Nations, namely, maintaining international peace and security. China appreciates the work of and contribution by the Court in that regard.

During its nearly 70-year history, the Court has delivered 120 verdicts and issued 27 advisory opinions on a wide range of important issues, such as the non-use of force, non-interference in internal affairs, diplomatic and consular relations and decolonization. In those judicial activities, the Court has applied, interpreted, clarified or confirmed the relevant principles of international law and the fundamental norms of international relations, thereby contributing to the further clarification of norms governing State-to-State relations. Like the rest of the international community, China has always closely followed the judicial activities of the Court and attaches great importance to the significant role of the Court in promoting the development of international law.

The Chinese delegation has also noted in the reports submitted to the General Assembly in recent years that the Court has repeatedly referred to the difficulties it

faces in terms of human and financial resources. My delegation believes it critical that the Court should have resources that are commensurate with its status and role within the United Nations framework, which is essential to ensuring its effective operation and high-quality judicial activities.

As an active advocate for the peaceful settlement of disputes, China supports dispute settlement through such appropriate means as negotiations, dialogue and consultations. The selection and application of the means of dispute settlement should be made in strict accordance with the principle of sovereign equality and in full respect of the wishes of the States concerned. China is consistently committed to settling disputes through friendly consultations and, as always, will support the Court in fulfilling its mandate. In recent years, the workload of the Court has been on the rise — a fact that reflects both the important role played by the Court in the peaceful settlement of international disputes and the trust in and expectation of impartiality from the Court on the part of the international community, especially the parties to a dispute. China hopes that the Court will continue to faithfully perform its judicial function in accordance with the Charter of the United Nations and the Statute of the Court, seek peaceful settlement of international disputes and make further contributions to the maintenance of the international order and system, with the United Nations as the anchor and the defence of the authority of the Charter and fundamental norms of international law.

Mr. Argüello González (Nicaragua) (*spoke in Spanish*): At the outset, I would like to thank the President of the International Court of Justice for his report (A/70/4) and introductory statement.

Nicaragua associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

As is clear from the report before us, the number of cases before the International Court of Justice is increasing every year, thereby reflecting the confidence that Member States place in the Court, the principal judicial organ of the United Nations. That trust has been a constant factor notwithstanding the growing number of international tribunals established over the past decades, and reaffirms the flagship role played by the Court in the peaceful settlement of disputes. It is for those reasons that Nicaragua is pleased that, since the last reporting period, two additional States have joined in recognizing the compulsory jurisdiction of the Court, in accordance with the Statute of the Court. However, it also notes that 72 such declarations represent a relatively small number as compared with the 193 States Members of the Organization.

In its own particular case, Nicaragua, a small developing country that depends on respect for international law to protect its national interests, has turned to the Court on several occasions. It has also accepted the jurisdiction of the Court whenever it has been a respondent and, while it does have a reservation, has never invoked that reservation and is currently in the process of withdrawing it.

During 2015, Nicaragua has taken part in oral hearings in four separate cases. The Court has begun its deliberation on the merits of two joined cases involving disputes with the Republic of Costa Rica — *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)* — and in two other cases in deliberation in which preliminary objections have been raised by Colombia concerning the jurisdiction of the Court — *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)* and *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*.

Nicaragua takes this opportunity to reiterate that it has faithfully fulfilled its international obligations in every case to which it has been party, and that it expects reciprocity in the fulfilment of the obligation to abide by the judgments of the International Court of Justice in cases to which it is party, while stressing that the existence of a dispute does not justify the use of force or threat of force by any of the States parties to the dispute. It is also important to note that, in contentious proceedings registered in the Central Registry of the Court, five States in the Americas — all Latin American countries — are parties to these proceedings, which is the highest number of participants from the same continent.

In terms of resources, the first thing to note is that the Court has the smallest budget of all the principal organs of the United Nations system, and yet has been the most effective in preventing wars. It is also the most cost-effective body of the international judicial system.

Its costs have remained low despite its increased workload, as reflected in both the number of pending cases — 12 cases at the moment —and the increasing substantive complexity of the cases before the Court, which require highly specialized technical advice.

Similarly, Nicaragua notes with satisfaction the new technical facilities available to parties for oral hearings and the constant support provided by the Secretariat for that purpose. Nicaragua, as a State party in several cases, knows at first hand the financial challenges that sometimes require the Court to charge the parties for the costs of certain procedures, such as translations, which is onerous for less affluent countries. Accordingly, Nicaragua urges Member States to consider those aspects in their discussions in the Fifth Committee and to provide this main organ with the financial and technical support it needs to resolve the complex disputes that are submitted to it.

Likewise, Member States are urged to contribute to the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. The development and strengthening of friendly relations among States are enhanced when disputes are permanently resolved by the means provided by international law, of which the Court, the Organization's principal judiciary organ, is one of the most respected institutions.

Finally, it is worth noting, as the President of the Court has said in other forums, that the Assembly can make better use of its powers to request advisory opinions of the Court, and thereby support the development of international law and strengthen respect for the rule of law internationally.

We again welcome the submission of the report of the Court and look forward to actively participating in the celebrations of the seventieth anniversary of the Court, scheduled for April 2016. Those celebrations will provide a unique opportunity for States that have not yet done so to accept the compulsory jurisdiction of the Court under the Statute or withdraw their reservations. The celebrations will be even more meaningful if a record number of countries accept the Court's compulsory jurisdiction.

Mr. Galea (Romania) (*spoke in French*): I wish to express my most sincere congratulations to President Ronny Abraham on his election as President of the International Court of Justice, as well as to express my country's deep appreciation for the report (A/70/4) of the Court. As is the case every year, it is thorough, comprehensive and substantive.

In the period covered by the report, we witnessed an expansion in the Court's substantive jurisdiction and an increase in the complexity of the matters before it. On 3 February 2015, the Court delivered its judgment in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*. The judgment gave the Court an opportunity to provide a clarification of the concept of genocide, citing the preparatory work of the Convention to emphasize the distinction between "physical" genocide and "cultural" genocide. The decision also provides an interesting view of the application of logic as well as the presumption of non-retroactivity, as set forth in article 28 of the Vienna Convention on the Law of Treaties. While that presumption applies to substantive obligations, including the obligation to prevent genocide, this logical obstacle does not exist in relation to the treaty obligation to punish acts perpetrated before the treaty entered into force.

The case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia)* was removed from the Court's list, following the applicant's withdrawal when the parties reached an amicable settlement. The case had offered the Court a new area to explore in the evolution of contemporary international relations. Meanwhile, in its judgment of 24 September 2015 on the preliminary objections in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*, the Court recalled the reference points in relation to the concept of the object of a dispute, whose definition is given by the Court itself. The broad spectrum of matters on the Court's docket at present, including maritime delimitations and nuclear disarmament, demonstrates the increased interest of States in the settlement of disputes through the Court.

Romania strongly supports the International Court of Justice. Our country is convinced that the Court has an essential role to play in international relations for the promotion of the rule of law internationally and to ensure the supremacy of international law. For Romania, international law represents something of value for the international community, and it is a pillar of our foreign policy.

The year 2015 has marked a milestone for my country in its relationship with the International Court

of Justice. After actively participating in the life of the Court, including in the contentious case concerning *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, Romania deposited with the Secretary-General, on 23 June 2015, its declaration accepting the compulsory jurisdiction of the International Court of Justice, thus becoming the seventy-second State to accept that obligation.That decision was the end point of a complex process that started in 2012. The Ministry for Foreign Affairs led a complex public and academic debate, while a detailed analysis of the consequences of such a declaration was undertaken. The public debate showed broad support for the initiative among the political forces, authorities, experts in international public law and the general public.

Following the public and inter-institutional debate, some reservations or limitations were proposed.

In order to confer greater domestic legitimacy on that decision, a law was adopted by Parliament and signed by the President of Romania. The acceptance of compulsory jurisdiction confirms Romania's full trust in the International Court of Justice and its efforts to strengthen the rule of law at the international level. The declaration is proof that my country is committed to conducting its foreign relations in accordance with international law and that it is prepared to settle any disputes in a peaceful manner in accordance with the law.

Allow me to conclude by expressing my belief that the Court will continue to develop its activity and to represent the highest standard of professionalism and impartiality.

Ms. Butts (United States of America): The United States would like to congratulate President Abraham on his election to the presidency of the International Court of Justice earlier this year. We also congratulate Judges Joan Donoghue and Mohamed Bennouna on their re-elections, and Judges James Crawford, Kirill Gevorgian and Patrick Robinson on their elections as new members of the Court. We would like to thank President Abraham for his leadership of the Court over much of the past year and for his recent report (A/70/4) regarding the activities of the Court between August 2014 and July 2015.

In reviewing the report, we are again struck by how productive the Court has continued to be over the course of a year. The Court issued one judgment and nine orders and held public hearings in two cases. In addition, the Court remained seized of a number of other matters, with a total of 12 cases on its list. We commend the Court's increasing ability to respond promptly and efficiently to the requests put before it, particularly in the light of its growing caseload as well as the growing factual and legal complexity of its cases, and we appreciate that the Court has set a particularly demanding schedule of hearings and deliberations for itself. We believe those efforts will continue to bolster confidence in the Court and often provide States with an opportunity to resolve disputes before they escalate. This year, as in years past, the Court has taken up a considerable range of topics, including genocide, boundary disputes, the use of force and the interpretation of international agreements. It is as a result of such efforts that we continue to see States turn to the Court to resolve their disputes peacefully.

We also wish to remark on the Court's continued public outreach to educate key sectors of society, including law professors, students, judicial and Government officials and the general public, to increase understanding of the Court and its work. We appreciate the efforts that the Court has made to increase accessibility and transparency, including by making its recordings available to watch live on demand on United Nations Web TV. All those efforts complement United Nations efforts to promote the rule of law globally and to promote better public understanding of international law.

As we approach the seventieth anniversary of the Court's inaugural session at the Peace Palace, we have a unique opportunity to reflect on the Court's important role and on the impressive jurisprudence it has developed. The International Court of Justice was established under Article 92 of the Charter of the United Nations as the principal judicial organ of the Organization and, in its nearly seven decades of work since then, it has contributed immeasurably to the peaceful settlement of disputes and to the development and understanding of international law. The Preamble to the Charter underscores the determination of its drafters to establish the conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. That essential goal lies at the core of the Charter system, and in particular of the Court.

The United States is pleased to join others today in celebrating and applauding nearly 70 years of the Court's work.

Mr. Alday González (Mexico) (*spoke in Spanish*): The delegation of Mexico would like to express its deep appreciation to the International Court of Justice for its arduous work over the past year, which was just described by its President, Judge Ronny Abraham. At the same time, Mexico welcomes the Court's renewal during the reporting period, which reaffirms its universal character and ensures that its decisions will be adopted with respect for the principal judicial systems and the multiplicity of regional perspectives and realities. All of that will help to ensure that the highest international judicial organ will continue the excellent work that has characterized it during its first 70 years.

Mexico would like to recognize the judges, who performed their task in the most exemplary manner, thereby creating an enduring legacy for the Court and for international justice. We would like to acknowledge in particular the work of Judges Leonid Skotnikov, Kenneth Keith and Bernardo Sepúlveda Amor. The dedication and knowledge that Judge Sepúlveda Amor brought to his service with the Court are a source of great pride for Mexico.

The Court's intense activity during recent years bears out the trust that the international community has placed in it as the ideal mechanism for the peaceful settlement of disputes. The consolidation of the Court is evident from its universal mission, with States employing the full range of procedural measures provided for in its Statute, and from the breadth of the substantive issues represented in the disputes that have been brought before it. There can be no doubt that the International Court of Justice plays a crucial role in the promotion and applicability of the rule of law at the international level. The existence of efficient judicial mechanisms for the peaceful resolution of any disputes that may arise in the application or interpretation of international law is essential to the very concept of the rule of law. That leads to two fundamental points: the need for more States to accept the compulsory jurisdiction of the International Court of Justice, as provided for by Article 36, paragraph 2, of its Statute, and the need for full compliance with the judgments issued by the Court.

Mexico would like to highlight the great legal value of the Court's judgments, both for the parties to a case and for the international community as a whole, since jurisprudence is an auxiliary source of key importance in determining the validity and content of norms. The Court has an essential role to play in the development of international law, especially as the leading voice in dialogue with other legal organs, a role that enriches international law and helps prevent its fragmentation.

From the point of view of procedural law, the work of the Court has become more complicated because States now increasingly use all the alternatives and procedures provided for in the Statute, such as the request for provisional measures and the interpretation of judgments whose determination by the Court are of primary importance to avoid the escalation of disputes or the emergence of new ones. In addition, from the perspective of substantive law, the International Court of Justice acts to settle disputes that arise on very diverse issues and reflect its genuinely broad-based character. In addition to territorial conflicts and those pertaining to maritime boundaries, the Court hears questions related to the treatment of nationals by other States, charges of massive violations of human rights or of State responsibility for international crimes, and issues relating to the environment and the management of shared natural resources, among others.

In the period covered by the report, the Court resolved an issue that was of great legal complexity and political sensitivity. We hope that it will help to strengthen peace in the region involved. The case is important because of the precedent that it sets for jurisdictional limitations, in accordance with the scope of the optional clause based on which a dispute is submitted, the interpretation of the validity of treaties, in particular the presumption against the retroactive application of treaties, the juridical scope in the case of States' succession and, of course, the interpretation of the substantive provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

Mexico wishes to thank the General Assembly for its willingness to authorize new deadlines and other budgetary requests for the Court and calls for it to continue providing the tools necessary to ensure that the Court functions at optimal capacity as the principal judicial organ of the Organization. In addition to the administrative improvements at the Court itself, there is no doubt that addressing the prolonged delays that existed before has led to the commitment by States to providing increased human resources. In that regard, we wish to call for assurances that the Court has sufficient resources for the celebration of its seventieth anniversary, in 2016. Mexico also wishes to express its sincere congratulations to the Registrar of

the Court, Philippe Couvreur, on his recent election, which is undoubtedly because of his outstanding performance in all three areas — legal, diplomatic and administrative — of his work.

I would like to conclude my statement by acknowledging the efforts of the International Court of Justice to provide as much transparency as possible in its work, particularly the considerable effort it made to improve its website. Through the site, it is possible to consult not only judgments and advisory opinions but all the documents of the parties. That initiative is most valuable to all States and all those studying international law.

Mr. Plasai (Thailand): My delegation would like to express its appreciation to Judge Ronny Abraham for his able leadership as President of the International Court of Justice and for his comprehensive report (A/70/4) on the activities of the Court over the past year.

The Court has continued to be very active. For the present reporting period, the Court rendered one judgment, handed down nine orders, held several public hearings and was seized of new contentious cases. The 12 cases that remain on the Court's docket cover a wide range of issues and involve States from every continent. We appreciate the remarkable efforts made by the Court in efficiently managing these cases, which involve, in procedural terms, many phases and, in substantive terms, growing factual and legal complexity.

The latest judgment of the Court, in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, rendered on 3 February, is a true milestone in the development of international human rights law and international humanitarian law. Among other things, it provides useful clarification of the terms of article 2 of the Convention, in particular regarding *actus reus* and *dolus specialis* of the crime of genocide. We also commend the Court's rigorous process in reaching decisions, which contributes to increasing confidence in the Court and in the international dispute settlement system in general. As such, the Court has played a key role in the peaceful settlement of inter-State disputes and in strengthening respect for the rule of law at the international level, which are important to the maintenance of international peace and security.

(*spoke in French*)

As the principal judicial organ of the United Nations, the Court plays a unique role in the progressive development of international law. Over the years, its impressive case law has brought greater clarity in different areas of international law. Thailand has followed with great interest the Court's case law in the areas of border delimitation, maritime boundaries and the interpretation of treaties and judgements, just to name a few. This year, we noted that a new case involving economic rights was presented to the Court, which will further diversify the issues before it and underscore its role as a court of general jurisdiction. We look forward to commemorating the seventieth anniversary of the International Court of Justice, in April 2016. It will be an excellent opportunity to celebrate and reflect on the work done by the Court to date.

In conclusion, we welcome efforts to promote transparency in the conduct of the work of the Court. For years the Court has successfully used technology to facilitate access to information regarding its procedures, rulings and judgments through recordings that are broadcast live or on demand and online data on case documentation. That has helped to significantly increase understanding of international law and the work of the Court.

Let me conclude by expressing our gratitude to all the Judges, the Registrar and the Registry staff for their dedication to the work of the Court and the maintenance of peace, justice and the rule of law within the international community.

Mr. Saeed (Sudan) (*spoke in Arabic*): The Sudan associates itself with the statements made by the representative of Iran, on behalf of the Non-Aligned Movement, and the representative of South Africa, on behalf of the African Group.

My delegation takes note of the report of the Secretary-General (A/70/327) and the report of the International Court of Justice (A/70/4). We would also like to thank the President of the Court, Mr. Ronny Abraham, for presenting the report on the activities of the Court during the most recent reporting period. Considering that the International Court of Justice is the principal judicial organ of the United Nations, my delegation also wishes to thank the Court for the role it plays, as stipulated by the Charter of the United Nations, in enhancing the rule of law at the international level through its judgments and advisory opinions and its

contribution to reinforcing the peaceful settlement of disputes.

The role of the International Court of Justice is of crucial importance, and it has a very heavy workload. That requires Member States to provide further political support and additional financial resources so that it can fulfil its mandate. The annual report is an opportunity for the General Assembly to reiterate the importance of the role of the Court and to support its activities. The growing number of cases submitted to the Court reflects the trust we have in the Court and its ability to resolve disputes with integrity and impartiality and in a way that is acceptable to all the parties concerned. The Sudan encourages the Court to adopt the necessary measures to render it more capable of shouldering its responsibilities and settling disputes in a timely manner.

My delegation also calls on the General Assembly to invite countries that have not recognized the compulsory jurisdiction of the Court to do so, thereby contributing to reinforcing the rule of law at the international level. It would also enable the Court to fulfil its mandate as defined by the Charter of the United Nations.

The Sudan also invites the Security Council, which has not sought an advisory opinion from the Court since 1970, to take advantage of the Court as the principal judicial organ of the United Nations and a source of advisory opinions that shed light on the principles of international law. We also call upon the General Assembly and the United Nations specialized agencies to seek advisory opinions from the International Court of Justice with regard to the interpretation of international legal principles that pertain to their respective mandates.

In conclusion, the Sudan reiterates the importance of the role played by the International Court of Justice, and we express our support to the Court in the fulfilment of its mandate.

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): At the outset, allow me to welcome the President of the International Court of Justice and the members of the Court who are present here today at this meeting. The Plurinational State of Bolivia thanks the International Court of Justice for its report (A/70/4) covering the period from 1 August 2014 to 31 July 2015. We also thank the President of the International Court of Justice, Judge Ronny Abraham, for presenting the report to the Assembly.

Bolivia, as a peaceful State, abides by the Charter of the United Nations and the principles on which the International Court of Justice is established. Its jurisdiction is a permanent call to dialogue between nations that are neighbours and sisters. The Court, its principles and its purposes open up new opportunities for resolving our differences. The Plurinational State of Bolivia is convinced that the International Court of Justice is one of the best means for the peaceful settlement of disputes between States. Bolivia urges all States to honour in good faith the jurisdiction and judgments of the Court, in conformity with the provisions of Charter of the United Nations. Bolivia also requests that we uphold what is established in resolution 67/1, by which the States Members of the United Nations reaffirmed their obligation to resolve disputes through peaceful means, including through judicial settlement. In that same spirit, we wish to recall the Manila Declaration on the Peaceful Settlement of International Disputes, which provides that recourse to judicial settlement does not imply an act of enmity between States.

The fact that the Court's list includes contentious cases from across all continents, as the report states, is a clear demonstration of its universal jurisdiction and the recognition that it enjoys. The professionalism, independence and integrity with which the judges of the Court deliver their decisions, thereby justifying the trust placed in the Court by the States members of the United Nations system, has enabled it to strengthen its most important undertaking, which is to establish a universal court of justice for States.

It is also important for me to stress that the Bolivian delegation supports the need to allocate adequate budgetary resources for the functioning of the Court and to do so in a timely manner. We would like to underscore the effort made by the Court to disseminate its achievements, especially as it prepares activities to celebrate its seventieth anniversary, in April 2016.

Bolivia endorses the appeal made by the General Assembly, through resolution 69/123, which calls on "States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute" (*resolution 69/123, seventh preambular paragraph*). Moreover, Bolivia also respectfully urges States that currently recognize the jurisdiction of the Court not to abandon the Court. They are sending signals that indicate a peaceful vocation and respect for international law, security and justice.

In the case brought by the Plurinational State of Bolivia against the Republic of Chile, which was recently accepted by the Court, as was stated already by President Evo Morales, we repeat that Bolivia envisages only one way of resolving outstanding issues, namely, through negotiation and the peaceful means established by international law.

Finally, Bolivia reaffirms and reiterates its commitment to peace in the resolution of conflicts and reiterates its faithful attachment to the principles of international law and the provisions of the Charter of the United Nations. It is not might that makes right; it is reasonable laws that right injustices.

Mr. Yoshikawa (Japan): I would like to start by thanking President Ronny Abraham of the International Court of Justice for his leadership and the comprehensive report (A/70/4) on the work of the Court. I am also grateful to the Netherlands for hosting a side event on the Court with the presence of His Majesty King Willem-Alexander on 29 September.

The Court was born in 1945, on the very same day as the United Nations, and began its work the following year. The fact that the Statute of the International Court of Justice is an integral part of the Charter of the United Nations and that the Court is the principal judicial organ of the United Nations is a strong reminder of why the United Nations was established 70 years ago. The United Nations was created to save succeeding generations from the scourge of war and to maintain international peace and stability through the peaceful settlement of disputes.

The Court is the only international court which has universal jurisdiction in terms of the number of States parties to the Statute of the Court and the diversity of the subject matters it deals with. All questions of an international legal nature can be submitted to it. All States Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice. From 1947 until today, 161 cases have been entered in the General List of the Court and 149 cases have been resolved. Those achievements demonstrate that the Court has played a constructive role in the field of the peaceful settlement of international disputes for seven decades. It is not an overstatement to assert that the path the Court has taken to date constitutes the core history of the promotion of the rule of law by the United Nations in international relations. In that context, I wish to repeat the plea of my Government that more States should recognize the compulsory jurisdiction of the Court.

On the other hand, today the international community enjoys the benefits of the remarkable development of various peaceful means of dispute settlement other than the Court, such as the International Tribunal for the Law of the Sea, arbitral tribunals, international investment tribunals and the World Trade Organization dispute-settlement system. Japan welcomes the current trend of States utilizing such peaceful means of dispute settlement, depending on specific situations. We hope that the effectiveness of international law will be further strengthened in a coherent manner.

The rule of law and peaceful settlement of international disputes are fundamental principles of Japan's foreign policy. In its bilateral relations with other Member States, Japan explores the possibilities of peacefully settling disputes through the International Court of Justice. Japan not only abides by the Court's decisions in cases in which Japan was a party, but also respects the jurisprudence of the Court in other cases. That is because we adhere to the principle of the rule of law.

Mr. Remaoun (Algeria) (*spoke in French*): Allow me to express our appreciation to the President of the International Court of Justice, Judge Ronny Abraham, for his introduction of the exhaustive report on the activities of the Court during the period from 1 August 2014 to 31 July 2015 (A/70/4).

(*spoke in English*)

My delegation aligns itself with the statements made by the Permanent Representative of South Africa on behalf of the Group of African States and by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement.

The growing responsibility of the International Court of Justice in promoting international peace and security is undeniable, particularly through the fulfilment of its mandate and its role in the peaceful settlement of disputes, in conformity 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 was established by the Charter of the United Nations as the principal judicial organ of the Organization.

The Court's work has grown significantly in factual and legal complexity throughout the years. The Court has been entrusted with resolving many contentious cases from all over the world, involving a wide range of subjects, such as territorial and maritime disputes, environmental damage, violations of territorial integrity, the right to self-determination of peoples under foreign occupation, violations of international humanitarian law and human rights, and many other matters. Moreover, despite the increasing complexity of the cases and the considerable growth of the workload of the Registry over the past 20 years, we commend the Court for its efficient response to those new challenges. We encourage the Court to pursue its efforts to further strengthen measures already taken.

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 respect, 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 on legal questions, when needed, from the International Court of Justice. 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. As such, there is an urgent need for the international community to insist on full compliance with the Court's advisory opinions. In that context, we strongly encourage respect for all advisory opinions and legal provisions delivered by the Court. Respect for international law will reinforce the rule of law and thereby contribute to strengthening global peace and security.

We take this opportunity to recognize the key role played by the Court in maintaining and promoting the rule of law throughout the world. In fact, by fulfilling its two main functions, as mandated by the Charter of the United Nations, the International Court of Justice has contributed over the past seven 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, my delegation commends all the efforts made to date in that regard, 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. Koch (Germany): As the principal judicial organ of the United Nations, the International Court of Justice makes a crucial contribution to the maintenance of international peace and security by ensuring that international disputes are settled by peaceful means and in accordance with international law. Germany reaffirms its strong support for the Court. In our view, two aspects are of special importance if we are to preserve the role of the Court and to enhance its contribution to the peaceful solution of international disputes even further.

First, with regard to compliance, as States Members of the United Nations it is in our common interest to preserve the premise underlying the very idea of the peaceful settlement of international disputes by judicial means, namely, the obligations of the parties to a dispute to implement the judgements delivered by a competent judicial organ, in particular by the International Court of Justice.

Unfortunately, compliance is still far from universal. We must all be very clear in that regard. Compliance with the decisions of international courts and tribunals is not a question of courtesy; it is a legal obligation incumbent on the parties. In the case of the International Court of Justice, that obligation is unequivocally stipulated in paragraph 1 of Article 94 of the Charter of the United Nations itself. It is a long-established principle of public international law that domestic law must be adapted to a State's obligations deriving from international law and cannot provide any justification for violating the latter.

Secondly, on the compulsory jurisdiction of the Court, in our view one of the best ways for any State to foster the peaceful settlement of international disputes by judicial means is by recognizing the jurisdiction of the International Court of Justice as compulsory by making a declaration to that effect under paragraph 2 of article 36 of the Court's Statute. Germany made such a declaration in 2008. Unfortunately, as of today,

only 72 declarations are in force. Many States Members of the United Nations thus still do not recognize the jurisdiction of the International Court of Justice as compulsory.

I call on those States to do their part to help the International Court of Justice perform its important functions in the peaceful settlement of international disputes yet more effectively.

Mr. Alabrune (France) (*spoke in French*): The delegation of France wishes to thank President Abraham for his very informative, complete and clear introduction of the annual report (A/70/4) on the activities of the International Court of Justice for the judicial year that just ended.

As highlighted in the list of cases on the docket of the Court, its litigation activity has increased remarkably over the past 20 years, demonstrating both the confidence of States in the institution of the Court and its role as the principal judicial organ of the United Nations in the search for the peaceful settlement of disputes and strengthening the rule of law. At least 12 legal proceedings pending before the Court attest to that, as does the fact that over the past year, the Court has delivered two judgments — one on the merits and the other on preliminary objections — and eight rulings.

While the judgments and orders delivered by the Court are binding on the parties by dint of the authority on the subject under review, States' respect for and due enforcement also reflect the high quality of the Court's decisions. The judgments and rulings of the Court may thus contribute to easing political tensions and help States to find a solution that other peaceful means for the settlement of disputes do not provide.

The past year was marked by the re-election of one third of the Judges of the Court. In that regard, we offer our very warm congratulations to its new members. The French delegation also wishes to welcome the election of Judge Ronny Abraham to the position of President of the Court. The French delegation recalls that, as emphasized by President Abraham, the use of two languages, English and French, in the work of the Court helps to improve the quality and precision of the jurisprudence of the Court. It should be stressed that it is languages that actually ensure balance among the different juridical systems participating in the formation of international law.

I take this opportunity, on behalf of France, to again offer the members of the Court, the Registrar and all its staff our profound gratitude for the work carried this year, the seventieth anniversary year of the Court, which this year again bears testimony to its sustained and effective activity, executed, as we know, with limited means.

Mr. Pírez Pérez (Cuba) (*spoke in Spanish*): Cuba associates itself with the statement made by the representative of the Islamic Republic of Iran on behalf of the countries of the Non-Aligned Movement.

The Republic of Cuba thanks President Ronny Abraham for introducing the report on the International Court of Justice (A/70/4). We also wish at this rostrum to express our commitment to the strict application of international law and the peaceful settlement of international disputes.

My delegation has recognized the work of the Court since its inception. Its decisions and advisory opinions have been of particular importance not only to the cases submitted for its consideration but also to the development of international law. The volume of cases under the consideration of that forum, many of which relate to Latin America and the Caribbean, demonstrate the importance that the international community attaches to the peaceful settlement of disputes.

The Republic of Cuba favours the peaceful settlement of disputes, in accordance with paragraph 1 of Article 33 of the Charter, and has declared its prior consent to the jurisdiction of the International Court of Justice. Cuba regrets the failure of some Court decisions to be executed, in clear violation of Article 94 of the Charter of the United Nations, which establishes that every Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

In that regard, the Republic of Cuba notes with concern that the effectiveness and enforceability of the Court's decisions can be subject to reasonable criticism when certain countries do not recognize judgments unfavourable to themselves. Unfortunately, the refusal of these States to comply with the decisions handed down and their obstruction of the United Nations mechanisms to enforce the judgments, such as resort to the privilege of the veto in the Security Council, demonstrate the flaws in the mechanisms of the Court to execute its decisions. This demonstrates that the necessity of reforming the United Nations system, in

order to give developing countries greater assurances vis-à-vis more powerful nations, also applies to the seat of the International Court of Justice. My delegation believes that it would be helpful for the Court to conduct a critical evaluation of its relationship to the organs of the United Nations generally and the Security Council in particular.

The International Court of Justice has handled many significant cases, and Cuba considers the unanimous advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons to be extremely important. In its opinion, the Court concluded that an obligation exists to pursue in good faith and bring to a conclusion negotiations aimed at achieving nuclear disarmament in all its aspects through strict and effective international controls. In that context, and as others have done before us, Cuba urges full acknowledgement of the Court's advisory opinion of 9 July 2004 on the legal consequences of the construction of a wall in the occupied Palestinian territory, and calls on all States to respect and ensure respect for the Court's provisions on that important matter.

Cuba considers it very important that the International Court of Justice be allocated sufficient budgetary resources to enable it to properly carry out its work of settling the disputes under its jurisdiction by peaceful means, and we have urged that we work to ensure that the Court receives appropriate resources in a timely fashion. The Republic of Cuba is grateful to the Court for the publications it makes available to Governments and for its online resources, which are valuable for studying and disseminating international public law, particularly for developing countries, which are often denied information related to advances in international law owing to obsolete and ridiculous embargo policies that have been overwhelmingly rejected by the international community.

Cuba is a peaceful country that respects international law, and it has always faithfully met its international obligations arising from treaties to which it is party. We wish to take this opportunity to reiterate our commitment to peace. Th events of recent years have been irrefutable evidence of the importance of the International Court of Justice as an international body for settling disputes of major significance to the international community peacefully, in good faith and in accordance with international law.

Mr. Troncoso Repetto (Chile) (*spoke in Spanish*): At the outset, my delegation would like to express its appreciation for the report (A/70/4) of the President of the International Court of Justice, Judge Ronny Abraham, on the work of the Court during the past year. It shows that during the reporting period the Court accomplished a great deal on issues raised by a number of States, particularly concerning incidental proceedings and new applications. We also carefully studied the judgment handed down in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*.

In keeping with the provisions of its Statute, the Court exercises jurisdiction over cases referred to it under terms recognized by the States and in accordance with the principle of voluntary jurisdiction. In exercising that jurisdiction, the Court applies international law as indicated in article 38 of the Statute, which sees international conventions as the heart of States' expression of their will and as a fundamental pillar of international relations, a pillar also recognized in the Charter of the United Nations itself.

Among the core principles guiding Chile's foreign policy, articulated in multiple forums and instruments, is the principle of the peaceful settlement of international disputes. Another of our basic foreign-policy principles is the essential role of respect for international treaties as the foundation that peaceful, stable and cooperative relations among States are built on. The importance that my country attaches to treaties is particularly applicable to those that establish borders between States. Ensuring that they are strictly observed and remain stable over time is a prerequisite for peaceful relations between nations. They cannot be revised through unilateral actions, nor can their revision be imposed on a State.

We have recently been apprised of the Court's judgment on Chile's preliminary objection raised in the case before the Court concerning the *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*. In the judgment, the Court ruled that, even assuming that the existence of an obligation to negotiate were to be established, a matter that would be the subject of proceedings on the merits, it would not be for the Court to predetermine the outcome of any negotiation that would take place in consequence of that obligation. Furthermore, the freedom of the parties to initiate negotiations cannot be limited by alleged obligations that are devoid of any legal substance.

Considering the Court's role as the principal judicial organ of the United Nations and its wide-ranging mission both in contentious cases and in the framework of advisory opinions, my delegation would like to once again express its support for the importance of having at its disposal a complete version of the Court's judgments and advisory opinions in Spanish, which will enhance awareness of its rulings and ultimately contribute to the dissemination of international law in the broadest sense and adding to efforts that have already been made in that regard.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): Peru is grateful for the introduction by Judge Ronny Abraham, President of the International Court of Justice, of the Court's annual report for the period from 1 August 2014 to 31 July 2015 (A/70/4).

I would like to begin my statement by emphasizing the fundamental role played in the peaceful settlement of disputes by the International Court of Justice, as the principal judicial body of the United Nations and as established in the Charter of the United Nations. Its work is an essential contribution to the promotion of the rule of law at the international level. We also note that besides that valuable function, in accordance with Article 96 of the Charter, the Court's advisory opinion may be requested by the General Assembly, the Security Council and other organs and specialized agencies of the United Nations. Those are the two areas covered by the International Court of Justice. Through its judgments and opinions, it helps to promote and clarify international law as a true pathway to peace. For all those reasons, Peru would like to point out that the General Assembly has once again urged States that have not yet done so to consider the possibility of recognizing the Court's jurisdiction, in accordance with paragraph 2 of article 36 of its Statute.

Having said this, Peru would like to recognize the work carried out by the eminent judges of the Court, in particular the President and Vice-President, as well as the ad hoc judges. By the same token, we would like to put on record our gratitude for the considerable work carried out by the Registry of the Court, in particular by the Registrar and Deputy Registrar.

The sustained level of work of the International Court of Justice is an expression of the prestige enjoyed by that principal judicial organ of the United Nations. Indeed, thanks to the Court's efforts, Peru has been able to peacefully resolve its last outstanding border issue. The Court's high level of work can be explained, inter alia, by the significant number of measures adopted in recent years to increase its effectiveness and allow it to absorb the ongoing increase in workload, including through a speedier processing of the increasing judicial proceedings.

Peru welcomes the Court's decision to celebrate its seventieth anniversary through various events, especially in April 2016, which my delegation and especially our Embassy in The Hague fully support. We would also like to commend the host country of the Court, the Netherlands, for its constant commitment and support to the work of the Court and to strengthening its cooperation with the principal organs in New York. In that connection, my delegation followed with interest the visit to the Court, in August 2014, by the representatives of States members of the Security Council. We believe that such visits can be important for ensuring a good relationship between the Court and the Security Council.

In reaffirming our recognition of the Court for the contribution it has made and continues to make to the peaceful settlement of disputes among States, I should like to take advantage of this historic seventieth session to pay tribute to José Luis Bustamante y Rivero, Peruvian jurist and diplomat, former President of Peru and former President of the International Court of Justice, who also directly contributed to the achievement of its noble goals.

Ms. Hioureas (Cyprus): It is with particular honour and pleasure that the Republic of Cyprus addresses the General Assembly today with regard to the report (A/70/4) of the International Court of Justice. The Republic of Cyprus attaches great importance to the role and work of the International Court of Justice and to the settlement of disputes by peaceful means in conformity with justice and international law, as provided for in the Charter of the United Nations.

This occasion offers us the opportunity to commend the Court on its significant work and to pay tribute and convey our respect to President Judge Ronny Abraham and its members, who serve the Court with dedication and distinction. We are, once again, grateful to the President for his introduction of the report and for his insightful remarks on the work and functioning of the Court.

In the role of the principal judicial organ of the United Nations, the work of the International Court of

Justice bears utmost importance for the promotion of the rule of law, for friendly relations among States and for international peace and security. This role can be best achieved through the universal acceptance of the compulsory jurisdiction of the Court, as recommended by resolution 69/123.

The Court's jurisdiction over disputes has influenced and shaped international law through the peaceful resolution of disputes. With trust in the Court's capacity to deliver justice, in 2002 the Republic of Cyprus made a declaration for the recognition of compulsory jurisdiction. To date, we are one of 72 countries in the world that have done so. We call upon States to recognize the jurisdiction of the Court in accordance with the article 36 of the Statute, thereby promoting and facilitating the International Court of Justice's ability to maintain and promote the rule of law throughout the world.

It is now widely recognized that the peaceful settlement of disputes within the framework of the Charter requires an integrated and coordinated approach, combining more than one category of strategies of dispute resolution. A welcome development in that regard is the continued and increased recourse to the International Court of Justice, in parallel with other methods of dispute resolution, thereby emphasizing the role of the Court in the United Nations system for the maintenance of peace and security. In particular, the decisions of the International Court of Justice have contributed significantly to the development of the law of the sea, which is of particular importance to the Republic of Cyprus.

Our delegation underscores the steps taken by the Court to enhance its efficiency in handling cases. Effective management is pivotal, considering the Court's increased caseload. We are pleased to note that the 12 cases currently entered in the Court's list reflect the geographic diversity. The cases come from various regions of the world and cover diverse international law subjects. We would like to briefly address key cases of the Court during the past year. Of particular importance are the current contentious proceedings relating to issues of sovereignty over disputed territories, international law obligations to negotiate in good faith and maritime delimitation disputes.

The ruling in the case of *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* is of importance as the issue before the Court is to adjudge upon the sovereignty of the disputed territory and territorial integrity. The pronouncements of the International Court of Justice relating to issues of occupation and territorial integrity are central to international peace and security. Moreover, the developments in cases centred on an obligation to negotiate are also important.

I would like to conclude by reiterating the support of Cyprus for the work of the International Court of Justice and expressing gratitude for its role in promoting the rule of law and its active role in shaping international law.

Ms. Yparraguirre (Philippines): The Philippines would like to thank President Ronny Abraham and the entire team at The Hague for their comprehensive report on the work of the International Court of Justice in the past year (A/70/4).

We subscribe to the statement of the Non-Aligned Movement delivered by the representative of the Islamic Republic of Iran.

The world Court peacefully resolves sovereign disputes that cannot otherwise be resolved by or through the political organs of the United Nations. As we commemorate this year the seventieth anniversary of the United Nations, its principal judicial organ continues to play a vital role in supporting peace and security, human rights and development, not through armies, but through the rule of law.

Three years ago, we affirmed the Court's essential contribution to the rule of law in paragraph 31 of our landmark consensus declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (resolution 67/1). The Philippines today reaffirms both its support for that declaration and its duty to comply with the decisions of the Court in contentious cases. We renew our call on Member States that have not yet done so to accept the compulsory jurisdiction of the Court.

In the period under review, the Court was seized of 12 cases. The gamut of subjects covered the big issues of our time, attesting to the Court's stature as the only international court of a universal character with general jurisdiction. Those include territorial and maritime disputes; unlawful use of force; interference in the domestic affairs of States; the violation of territorial integrity and sovereignty; economic rights; international humanitarian and human rights law; genocide and

environmental damage to and conservation of living resources. The sovereign parties in these cases come from all over the world. Almost half of the cases are from the Americas and a third are from Africa. Their example contributes to the progressive development of international law and encourages the rest of us to put our trust in international adjudication, including by the Court.

Article 1, paragraph 1 of the Charter of the United Nations reminds us of our primary duty

> "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

That is the rationale for the 1982 Manila Declaration on the Peaceful Settlement of International Disputes (resolution 37/10, annex). To this day, many delegations recognize the Declaration as a major achievement of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The Manila Declaration was negotiated and adopted by the General Assembly during the Cold War, when many non-aligned countries were consolidating their political and economic independence. It supported their aspirations by articulating the norms of the peaceful settlement of disputes, as outlined in Chapter VI of the Charter.

To illustrate our point, between 1947, when the Court began considering its first contentious case, the *Corfu Channel* case, and the adoption in 1982 of the Manila Declaration — a span of 35 years — it dealt with fewer than 50 contentious cases. Since then, in a shorter period of time, its caseload has increased and it has taken on more than 80 contentious cases. The growing confidence of Member States, especially developing countries, in the Court's capabilities, credibility and impartiality in the settlement of disputes by peaceful means is not unrelated to the norms, values and aspirations articulated in the Manila Declaration, of which the most fundamental is the non-use or threat of use of force. The Manila Declaration reflects the international community's increasing reliance on the rule of law as a cornerstone not only of the peaceful settlement of disputes, but also for the maintenance of international peace and security.

The Philippines would like to reiterate that only through the rule of law in international relations can we guarantee the respect, order and stability that we, the peoples of the United Nations, seek. We believe that contemporary international legal architecture has strengthened the Court as the only forum for resolving justiciable disputes between States related to the vast field of general international law. If there is anything that the Charter of the United Nations and the Statute, jurisprudence and experience of the Court can all teach us, it is that small nations should have no fear of the big Powers if their cause is just, and that through the work of the Court and other international courts and tribunals, including arbitral tribunals, the rule of law in international relations has a chance to prevail.

In closing, we reiterate our call on the Security Council to consider Article 96 of the Charter more seriously and to make greater use of the Court as a source of advisory opinions and of interpretation of the relevant norms of international law, particularly on the most current and controversial issues affecting international peace and security.

Mr. Sarki (Nigeria): I would like to thank the President for convening this important meeting to consider the report of the International Court of Justice (A/70/4). Nigeria is grateful to Judge Ronny Abraham, the President of the Court, for his comprehensive briefing and remarks. We also congratulate him on his election in February to the presidency of the Court.

Nigeria aligns itself with the statements delivered earlier today by the Permanent Representative of South Africa, on behalf of the Group of African States, and by the representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement.

Nigeria maintains a special relationship with the International Court of Justice. Three of our eminent jurists and statesmen have served as members of the Court in previous years. We have also had occasion to defer to the Court's ruling on matters related to our border differences with a neighbouring State. We therefore believe that the Court has a central place in the administration of international justice and in promoting the rule of law, and respect for the rule of law, at the international level. We also believe that its rulings enhance the sovereignty of States.

We have studied the Court's report covering the period from 1 August 2014 to 31 July 2015 and have taken note of the Court's activities during the reporting period. We believe it provides insights into the essential working methods of the Court. We commend the Court

for the measures it has taken in recent years to enhance its efficiency, facilitating effective management of its steadily increasing workload. The number of cases adjudicated by the Court, their diversity in terms of subject matter and the fact that they emanate from every region of the world attest to the Court's increasing relevance, both as an organ and an instrument for the peaceful settlement of disputes.

We note that in recent years the Court has moved to publish its decisions using modern information and communications technology. We also welcome its new engagement with the public. Such efforts help to promote greater transparency in the Court's activities. We look forward to participating in the events the Court is planning to mark its seventieth anniversary, in April next year. However, we noticed in the report that no request was made for advisory opinions during the period under review. We therefore urge that more use be made of the Court for advisory opinions on sundry issues. Indeed, the importance of advisory opinions on legal questions referred to the Court in the pursuit of peaceful settlement of disputes cannot be overemphasized.

According to paragraphs 2 and 5 of Article 36 of the Statute of the Court, States are expected to make declarations recognizing the Court's compulsory jurisdiction. However, Nigeria notes that of the 193 States Members of the United Nations, only 72 — less than half the membership — have so far made declarations recognizing that jurisdiction. Nigeria would like to see more countries accept it, in consonance with resolution 69/123. In that regard, we encourage Member States that have yet to subscribe to the compulsory jurisdiction of the Court to endeavour to do so. That, we believe, would further strengthen the Court's role and ability to promote international justice and the peaceful settlement of disputes.

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

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We greatly appreciate the work of the International Court of Justice as the principal international judicial body of the United Nations system. We congratulate Judge Ronny Abraham on his election as President of the Court and thank him for his detailed report (A/70/4).

It is clear that States continue to actively present their disputes for adjudication by the International Court of Justice, demonstrating their high level of trust in it. In many cases the Court's judicial standards and expert opinions have become reference points for States' political and legal decisions. Thanks to its dedicated efforts, the International Court of Justice has maintained a high level of momentum in its work for many years, and has achieved that while dealing with the greatly expanded scope of its cases, cited in the report for their increased complexity and numbers.

The Court continues to consider disputes concerning the delimitation of land and maritime areas, a theme that has always been present in current affairs. However, today the dossier of the Court also includes cases related to economic rights, environmental damage, disarmament, international humanitarian law and other issues. We note the fact that during the reporting period the Court has rendered judgments on a large number of decisions on various issues, including a decision on the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, which the Court has been considering since 1999. We welcome the efforts the International Court of Justice has been making to improve the effectiveness of its work, under increasingly pressured conditions, as well as to maintain the pace of its proceedings.

As the report rightly notes, the Court plays a key role in the maintenance and promotion of the rule of law all over the world. The widespread dissemination of knowledge about the work of the Court plays an important part in this, achieved by ensuring the broadest possible distribution of the Court's decisions, the development of multimedia platforms and the Court's work with educational institutions.

In 2016, the International Court of Justice will be 70 years old. We believe that the events dedicated to the anniversary will be an excellent opportunity to once again draw attention to the meaning and role of this key institution in the system for the peaceful settlement of disputes.

The meeting rose at 1.05 p.m.