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General Assembly

Official Records

Fifty-fifth session

41st plenary meeting
Thursday, 26 October 2000, 10 a.m.
New York

President: Mr. Holkeri . . . . . (Finland)

The meeting was called to order at 10. a.m.

Agenda item 122 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations

Report of the Fifth Committee (A/55/521)

The President: If there is no proposal under rule 66 of the rules of the procedure, I shall take it that the General Assembly decides not to discuss the report of the Fifth Committee that is before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendation of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind Members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes.

Before we begin to take action on the recommendations contained in the report of the Fifth Committee, I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Fifth Committee.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 7 of its report.

The Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 55/5).

The President: We have thus concluded this stage of our consideration of agenda item 122.

Agenda item 16 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(c) Election of the United Nations High Commissioner for Refugees

Note by the Secretary-General (A/55/519)

The President: By its resolution 52/104 of 12 December 1997, the General Assembly decided to

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continue the Office of the United Nations High Commissioner for Refugees (UNHCR) for a further period of five years, from 1 January 1999 to 31 December 2003.

By its decision 53/305 of 29 September 1998, the General Assembly, on the proposal of the Secretary-General contained in document A/53/389, extended the term of office of Mrs. Sadako Ogata as United Nations High Commissioner for Refugees for a period of two years, beginning on 1 January 1999 and ending on 31 December 2000.

In conformity with the procedure established by paragraph 13 of the statute of the Office of the United Nations High Commissioner for Refugees, the Secretary-General proposes to the General Assembly that it elect Mr. Ruud Lubbers of the Netherlands as United Nations High Commissioner for Refugees for a period of three years, beginning on 1 January 2001 and ending on 31 December 2003.

May I consider that the General Assembly approves the proposal contained in document A/55/519 and declares Mr. Ruud Lubbers of the Netherlands elected United Nations High Commissioner for Refugees for a period of three years, beginning on 1 January 2001 and ending on 31 December 2003?

It was so decided.

The President: I should like, on behalf of the Assembly, to congratulate Mr. Ruud Lubbers of the Netherlands on his election.

Mr. van Walsum (Netherlands): I would like to express my deep appreciation to the Secretary-General for having nominated a national of my country to the office of United Nations High Commissioner for Refugees and to the Member States for having endorsed that nomination. I am sure that Mr. Lubbers will prove himself a worthy successor, not only to Mrs. Ogata but also to all of her predecessors who have together lent the office of the High Commissioner its pre-eminence in the United Nations family.

The Netherlands has always been deeply committed to the Office of the United Nations High Commissioner for Refugees, and it seems only fair that we are asked to supply the person of the High Commissioner with a certain regularity. It is exactly half a century ago, effective as of 1 January 1951, that another national of the Netherlands, Gerrit Jan van Heuven Goedhart, was elected the first-ever United Nations High Commissioner for Refugees. Three years later, in 1954, the Office was awarded the Nobel Peace Prize. Thank you, Mr. President, for having given me the opportunity to recall this.

Mr. Yachi (Japan): On behalf of the Government of Japan, I would like to congratulate Mr. Lubbers on his election as next year's United Nations High Commissioner for Refugees. With his renowned leadership, we are confident that he is going to make an excellent leader of the Office of the United Nations High Commissioner for Refugees (UNHCR).

We would also like to congratulate the Netherlands on the election of its former Prime Minister to be the High Commissioner for Refugees. As we all know, the Netherlands is one of the major donor countries to UNHCR. With all this in mind, we want to congratulate both the Government and the people of the Netherlands on this election.

I am sure that Mr. Lubbers is going to make an able successor to Mrs. Ogata, who through her devotion and excellent leadership has been has doing an excellent job in tackling the refugee issues.

The President: This concludes our consideration of sub- item (c) of agenda item 16.

Agenda item 13

Report of the International Court of Justice

Report of the International Court of Justice (A/55/4)

The President: May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: At the Millennium Summit the heads of State and Government stated:

> "We resolve ... to strengthen respect for the rule of law in international as in national affairs and, in particular, to ensure compliance by Member States with the decisions of the International Court of Justice, in compliance with the Charter of the United Nations, in cases to which they are parties." *(resolution 55/2, Millennium Declaration, para. 9)*

As the President of the General Assembly I have emphasized that it is now for the Member States to take action and implement the outcome of the Summit. The International Court of Justice has a prominent role in strengthening the international legal order and contributing to the peaceful settlement of disputes.

The report before us demonstrates that States are increasingly willing to submit disputes for the Court's consideration and that there is a growing move towards judicial settlement of international disputes. Another positive development worth mentioning is the increased knowledge and recognition of the Court's work and reasoning. This development is largely thanks to the new information technology, including through the Web site of the International Court of Justice.

But much still remains done. States could, for instance, make wider use of the optional clause in the Court's Statute. I hope that more States will place their trust in the Court by unilaterally recognizing its jurisdiction as binding.

Further, the report's account of the financial situation of the Court makes it very clear that the Court needs more resources to enable it to cope with its increased workload. According to the report, the current budget of just over $10 million per year is lower that the 1946 budget, while the Court's activities have increased a great deal since then. Many have expressed valid concerns that the limited resources may impede the Court in performing its functions as the principal judicial organ of the United Nations. It would be consistent if the expansion of the scope of the Court's activities — which has been demanded for so long — were now matched by adequate funding.

The International Court of Justice is not the only international tribunal now at work. Recent years have witnessed the establishment of several new international courts of law. Some, like the International Tribunal for the Law of the Sea, may deal with matters that can also fall within the jurisdiction of this Court. Others, like the ad hoc tribunals for the former Yugoslavia and Rwanda, as well as the future International Criminal Court, may deal with cases that cannot be brought before the International Court of Justice. All these courts contribute to the strengthening of the rule of law.

Recent developments in international political relations have facilitated recognition of the jurisdiction of international courts. The world has turned from mere coexistence to cooperation. One of the ways in which this is reflected is in the willingness on the part of the States to take their disputes to the International Court of Justice. There is a growing consensus that it is in the interest of all parties to have their disputes resolved through a binding third-party settlement.

The International Court of Justice has significantly strengthened the rule of law in international relations and contributed to respect for law and to international peace and security. It is well recognized that the influence of the Court also extends beyond its formal limits, thanks to the prestige and authority that the Court enjoys in the eyes of the world.

The International Court of Justice deserves the full support of all the Members of the United Nations.

I now call on Mr. Gilbert Guillaume, President of the International Court of Justice.

Mr. Guillaume (International Court of Justice) (*spoke in French*): It is an honour for me to address the General Assembly today on the occasion of its examination of the report of the International Court of Justice for the period 1 August 1999 to 31 July 2000.

Allow me at the outset to thank you, Sir, for the precious words of encouragement that you lavished on me during your introduction of this agenda item. I am particularly pleased to take the floor during your presidency. Your political experience, your talents as mediator and your feeling for consensus will be valuable assets for the Assembly.

Over the last decades Finland has displayed great wisdom in circumstances that have been delicate at times. Recently we witnessed further evidence of this in The Hague, when in 1992, in accordance with our expressed desire, Finland came to a friendly settlement of its dispute with Denmark over the construction of a bridge over the Great Belt. It is now the turn of the General Assembly, after the Court, to enjoy the benefit of this wisdom.

My predecessors at this rostrum — particularly the most recent of them, Presidents Bedjaoui and Schwebel — have offered an annual review of the Court's activities and of the progress achieved and problems encountered in international justice. This firmly established tradition is to be commended and I am most honoured to speak to the Assembly in my turn.

I will not impose on the Assembly a further reading of the written report before it. This year, for the first time, the report is preceded by a summary, which I hope the Assembly will find useful. I will point out, however, that the Court worked at a sustained pace over the past year.

First, in a Judgment of 13 December 1999, it ruled in a dispute that had been submitted to it in May 1996 by Botswana and Namibia concerning Kasikili/Sedudu Island. It found that the island belongs to Botswana, but stated that, in the two channels around Kasikili/Sedudu Island, the nationals of, and vessels flying the flags of, the Republic of Botswana and the Republic of Namibia shall enjoy equal national treatment.

Next, in a Judgment of June 21 2000, the Court found that it had no jurisdiction to entertain the Application filed in September 1999 by the Islamic Republic of Pakistan against India as a result of the destruction of a Pakistani aircraft. The Court did, however, remind the parties of their obligation to settle their disputes by peaceful means in accordance with Article 33 of the Charter.

Acting on a request by the Democratic Republic of the Congo for the indication of provisional measures against Uganda, on 1 July 2000 the Court indicated various measures to be taken by the two parties, especially in the area of Kisangani.

The Court also made 10 Orders and heard five weeks of oral arguments in the case between Qatar and Bahrain. It has at last begun its deliberations in that case.

It has also set a date in November this year for hearings in the LaGrand case between Germany and the United States and on a request for the indication of provisional measures made by the Democratic Republic of the Congo against Belgium.

Thus, the Court has been able to consider or begin its consideration of all cases that have been ready for hearing. Unfortunately, the coming months promise to be more difficult. While 10 cases appeared on the Court's List in 1994 and 12 in 1998, we saw an increase to 25 in late 1999, a new record in the annals of international justice. Twenty-four of these remain on the docket today.

These cases cover a very wide range. Four of them concern land or maritime boundary disputes between neighbouring States. They involve Qatar and Bahrain, Cameroon and Nigeria, Indonesia and Malaysia, and Nicaragua and Honduras. This is a classic but complex kind of dispute which calls for detailed consideration of numerous geographical and historical factors and requires a solution to sensitive problems. It is also, however, the kind of dispute in which the Court has played and continues to play an important role and makes an eminent contribution to maintaining international peace and security.

Another classic form of dispute involves cases in which a State complains before the Court of the manner in which one of its nationals has been treated by another State. Three cases in this category are now on our List — one between Germany and the United States, another between Guinea and the Democratic Republic of the Congo and a third, filed last week, between the Democratic Republic of the Congo and Belgium.

The case concerning the Gabčikovo-Nagymaros Project between Hungary and Slovakia involves a dispute over a river of a kind that is also familiar to the Court. The Court rendered a Judgment in principle in that case in 1997 and the parties are now working to agree on the modalities for its implementation.

Other cases relate to events that have also been the subject of discussion or decisions of the General Assembly or the Security Council. The Libyan Arab Jamahiriya has brought cases before the Court concerning disputes between it and the United States and the United Kingdom relating to the explosion of an American civil aircraft over Lockerbie, Scotland. The Islamic Republic of Iran has brought proceedings before the Court concerning the destruction of oil platforms by the United States in 1987 and 1988. By two separate Applications, Bosnia and Herzegovina and Croatia have sought rulings against Yugoslavia for violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Yugoslavia itself is proceeding against 10 States members of the North Atlantic Treaty Organization, challenging the legality of their actions in Kosovo. Two of these Applications were dismissed *in limine litis* on the basis of a manifest lack of jurisdiction. Eight remain to be considered. Finally, the Democratic Republic of the Congo has claimed before the Court that it has been the victim of armed aggression by Burundi, Uganda and Rwanda.

As we can see, these disputes come from all corners of the world. Ten of them are between European States, concerning the Balkan situation for the most part. One relates to Latin America and two to Asia. Six are intercontinental in nature and five relate solely to African States. The Court is particularly pleased to note that African States are turning ever more frequently to it.

Much attention has been given to the reasons for the International Court's renewed vitality. Various technical factors have been advanced: the establishment of Chambers of the Court; improved procedures; creation by the United Nations Secretary-General of a fund to provide assistance in the judicial settlement of disputes; the greater confidence of States, inspired by the Court's development of jurisprudence. Each of these factors has played a role, but I believe that the essential reason is to be found elsewhere. History shows that judicial settlement is more easily accepted and is even in greater demand when the international arena is calmer. Conversely, in periods of heightened tension, States are less inclined to have recourse to courts. The Permanent Court of International Justice heard many cases during the 1920s, but its courtroom fell silent in the 1930s. The International Court of Justice also saw limited activity in the 1970s; it is being called upon more often and is more active today than ever before.

Aware of this development and anxious to adapt to it, the Court has for several years been taking those measures within its power to respond to this situation. First, it set up a committee to rationalize the work of the Registry. The committee recommended various measures that have been progressively implemented. The Court has also taken giant steps in modernizing its working and communication methods through the use of new information technologies, including the launching of a highly successful web site, to which you referred, Mr. President, with an average of nearly 2,000 visits a day and sometimes 20,000 on peak days.

The Court has also sought increased cooperation from the parties in the functioning of justice. In particular, it has informed them of its desire to see a decrease in the number of memorials exchanged, in the size of annexes to the memorials and in the length of pleadings. The Court's comments have had the desired effect in some new cases. In the case between Germany and the United States, the Court was glad to see the number of written memorials limited to one document from each party and the oral arguments limited to one week. In other cases, however, the case files remain disturbingly voluminous. The documentation in the *Bosnia and Herzegovina* v. *Yugoslavia* case is several thousand pages long, and one of the parties has sought to call hundreds of witnesses. In addition, the proliferation of preliminary objections, counter-claims and requests for the indication of provisional measures has encumbered many cases.

In 1997 the Court adopted various decisions concerning its own deliberations on which President Schwebel reported to the Assembly at that time. The Court has pursued this course. While the judges normally prepare written notes setting out their opinions before all deliberations, this procedure has been abandoned on an experimental basis, not only for the consideration of urgent requests for provisional measures, but also in cases concerning the Court's jurisdiction or the admissibility of applications. On several occasions the Court has begun the consideration of several cases at the same time. For example, last June, when Bahrain and Qatar were presenting their oral arguments, the Court was deliberating on the case between India and Pakistan and the provisional measures sought by the Democratic Republic of the Congo.

These steps will not, however, be enough to cope with the situation in coming years. The Court's financial and human resources are no longer sufficient for it to carry out its task properly. If it does not receive the necessary resources, it will find itself obliged, beginning in 2001, to delay passing judgement in a number of cases that will be ready for decision. From 2002 those delays may well last several years in some cases. This is not acceptable. Justice delayed is justice denied. Moreover, such long delays will erode not only the Court's function of resolving disputes, but also its very role in preventing and resolving international crises and, to be frank, in maintaining peace and security.

The Court is well aware of the financial difficulties of the United Nations. It has taken them into account in the past in limiting its requests, and it is sincerely grateful to the Assembly for granting it four additional posts in 1999. The current growth in litigation will, however, require much greater increases in staff. Unlike other United Nations organs, the Court cannot adapt its programmes to its resources; the

resources must be adjusted to meet the legitimate expectations of the States that turn to it.

The Advisory Committee on Administrative and Budgetary Questions was aware of this in 1999, for it commended the Court "for action taken to address increasing workload in the context of budgetary stringency" (*A/54/7, para. III.2*) and recommended

> "that the resource implications of [a dramatic increase in the number of cases] be reviewed in order to ensure that the ability of the Court to discharge its mandate is not adversely affected." (*ibid., para. III.3*)

The General Assembly itself noted with concern when the Court's most recent budget was adopted

> "that the resources proposed for the International Court of Justice are not proportionate with the workload envisaged, and requests the Secretary-General to propose adequate resources ... in the context of the proposed programme budget for the biennium 2002-2003, commensurate with its increased workload and the large backlog of volumes of Court documents". (*resolution 54/249, para. 89*)

The Court's annual budget is now slightly over $10 million — less than 1 per cent of the Organization's budget, which is a lower percentage than in 1946. The budget of the International Tribunal for the Former Yugoslavia is nearly $100 million for 2000, or roughly 10 times the Court's budget. The Tribunal's Registry has nearly 800 staff, while the Court's has only 61. Admittedly, the tasks of two judicatures are not wholly comparable. But those figures make it clear that States can support the work of international courts when they have the will to do so.

To meet its needs, the Court will request supplementary credits and a budget increase of the order of $3 million per year for the next biennium, 2002-2003. Its budget would thus increase to slightly more than $26 million for the two years, and its staff would be increased by 38, which would mean a Registry that still did not amount to 100 people.

Having to deal with case files some of which run to 5,000 or 7,000 pages and to conduct the lengthy hearings that are sometimes unavoidable, the judges cannot deliberate on more than two or three cases a year without appropriate assistance. Most national supreme courts provide law clerks to assist the judges by, inter alia, conducting the necessary research on case law and scholarly literature. The same is true in most international courts: the European Court of Justice, where each judge is assisted by three clerks; the European Court of Human Rights, for which the creation of law clerk positions is provided for in Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms; and the International Tribunal for the Former Yugoslavia, where each judge has a clerk. The same solution is needed for the International Court of Justice.

The Registry will be unable to perform its work without a significant increase in its staff. The Language Department has only six posts (including that of the head of department). The Finance Division has only two professional-grade posts, as does the Department of Press and Information Services. Several heads of department do not have secretaries and some judges must share a secretary. Although the President does have a secretary, he does not enjoy any other administrative or legal assistance.

It is therefore a real cry of alarm that I am obliged to place before the Assembly today. In many countries, the judiciary presides in sumptuous historic palaces, but at times lacks the financial resources necessary for it to perform its function. That is the case of the International Court of Justice. It is for the Assembly to decide whether the Court, the principal judicial organ of the United Nations, is to die a slow death or whether the Assembly will give it the wherewithal to live.

I do not however wish to stop here in this examination of international courts of law.

There is a problem that my predecessors have also pointed out and I would like briefly to bring to your attention today: the problem raised for international law and for the international community by the proliferation of international courts.

This phenomenon is in part a response to changes in international relations. It reflects greater confidence in justice and makes it possible for international law to develop in ever more varied spheres.

It does however bring with it problems which I will address in more detail before the Sixth Committee. First, it leads to cases of overlapping jurisdiction, opening the way for applicant States to seek out those

courts that they believe, rightly or wrongly, to be more amenable to their arguments. This forum shopping, as it is usually called, may indeed stimulate the judicial imagination, but it can also generate unwanted confusion. Above all, it can distort the operation of justice, which, in my view, should not be made subject to the law of the marketplace.

Overlapping jurisdiction also exacerbates the risk of conflicting judgements, as a given issue may be submitted to two courts at the same time and they may hand down contradictory judgements. National legal systems have long had to confront these problems. They have resolved them, for the most part, by creating courts of appeal or review. In this regard, the international system is very deficient.

Finally, the proliferation of international courts gives rise to a serious risk of conflicting jurisprudence, as the same rule of law might be given different interpretations in different cases. This is a particularly high risk, as we are dealing with specialized courts, which are inclined to favour their own disciplines. Several examples of this may already be cited. Thus, in ruling on the merits of the Tadic case, the International Tribunal for the former Yugoslavia recently disregarded case-law formulated by the International Court of Justice in the dispute between Nicaragua and the United States. The Court had found that the United States could not be held responsible for acts committed by the contras in Nicaragua unless it had had "effective control" over them. After criticizing the view taken by the Court, the Tribunal adopted a less strict standard for Yugoslavia's actions in Bosnia and Herzegovina and replaced the notion of "effective" control with that of "overall control", thereby broadening the range of circumstances in which a State's responsibility may be engaged on account of its actions on foreign territory.

Regardless of what one might think of this solution, the contradiction thus created gives clear evidence of the risks to the cohesiveness of international law raised by the proliferation of courts.

What can be done to ensure that this situation does not give rise to serious uncertainty as to the content of the law in the minds of players on the international stage and does not ultimately restrict the role of law in inter-State relations?

An initial comment on this point would appear necessary. Before creating a new court, an international legislative body should, I think, ask itself whether the functions it intends to entrust to the judge could not properly be fulfilled by an existing court.

Judges themselves must realize the danger of fragmentation in the law, and even conflicts of case-law, born of the proliferation of courts. A dialogue among judicial bodies is crucial. The International Court of Justice, the principal judicial organ of the United Nations, stands ready to apply itself to this end if it receives the necessary resources.

Relying exclusively on the wisdom of judges might not be enough however. The relationships between international courts should, in my view, be better structured.

With this in mind, it has at times been suggested that the Court should serve as a court of appeal or review for judgements rendered by all other courts. This would undoubtedly be an ideal solution but it would require a strong political will on the part of States and I am not certain that such a will exists.

Another mechanism was referred to last year by my predecessor, in this very Assembly, and I think it is appropriate to come back to it today. In order to reduce the risk of differing interpretations of international law, would it not be appropriate to encourage the various courts to seek advisory opinions in some cases from the International Court of Justice by way of the Security Council or the General Assembly?

This procedure could be adopted even for those international courts that are not organs of the United Nations, such as the International Tribunal for the Law of the Sea and the future International Criminal Court. The Council of the League of Nations made requests for advisory opinions on behalf of other international organizations and it is difficult to see why the General Assembly could not do the same. Perhaps it could, by means of an appropriate resolution, urge not only the courts it has established but also those outside the United Nations system, to turn to the Court through the General Assembly.

The international community needs judges. It needs judges who have at their disposal the resources necessary to perform their functions. It needs judges acting in the service of the law.

I assure the Assembly that the International Court of Justice will continue in this spirit to perform those duties which are currently assigned to it and it stands ready to fulfil such others as may be entrusted to it. It

is counting on the Assembly's assistance to achieve those ends.

Mr. Yachi (Japan): It is a great pleasure and honour for me to address the Assembly, on behalf of the Government of Japan, under your presidency, Sir.

My delegation would like to take this opportunity to congratulate Judge Gilbert Guillaume on his election as President of the International Court of Justice in February this year. We are confident that under his excellent leadership the Court will effectively tackle the difficult cases brought before it. My delegation would also like to express its appreciation to Judge Stephen Schwebel, former President of the Court, for his valuable contributions.

We have just heard President Guillaume's excellent, detailed report on the current situation of the International Court of Justice. As President Schwebel said in his report last year, the Court has firmly established its status as the world's most senior judicial body. It is the principal judicial organ of the United Nations, having a long history, the broadest material jurisdiction and the most refined jurisdictional jurisprudence. It is noteworthy that Their Majesties the Emperor and Empress of Japan, as a demonstration of the high esteem in which they hold the Court, visited it on the occasion of their official visit to the Netherlands in May this year. We are grateful for the warm welcome the Court extended to Their Majesties and the kind acknowledgement of their visit in its report.

The importance of the rule of law in international society cannot be overstated. Indeed, as we witness the regrettable increase in the number of regional conflicts that have broken out since the end of the cold war, Japan believes the rule of law will become even more important in the twenty-first century. The goal of establishing and maintaining the primacy of an integrated body of international law is essential. Under the current situation, in which world realities are changing at an increasing speed, the role of the International Court of Justice as a credible mechanism for promoting international peace and security is becoming ever more important. It is incumbent upon Member States to make the utmost efforts to cooperate in contributing towards the effective functioning of the Court.

Talk without appropriate action is meaningless. Governments should act according to their avowed principles. The importance of strengthening the role of the International Court of Justice has been stressed for many years. Back in 1974, the General Assembly adopted a resolution concerning a review of the Court's role, recognizing the desirability of States studying the possibility of accepting the compulsory jurisdiction of the International Court of Justice. The resolution draws the attention of States to the advantage of inserting in treaties clauses providing for the submission of disputes to the International Court of Justice and to the possibility of making use of the chambers. It also recommends the utilization of the advisory opinion by United Nations organs.

In 1989, on the initiative of then Secretary-General Javier Pérez de Cuéllar, the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice was created. In 1992 then Secretary-General Boutros Boutros-Ghali pointed out in his "Agenda for Peace" the increased importance of the role of the Court as a means of settling international disputes. He encouraged Member States to accept the general jurisdiction of the Court, without reservation, before the end of the United Nations Decade of International Law in the year 2000 to utilize the chambers jurisdiction, and to support and promote utilization of the Trust Fund. Since 1993 enhancement of the role of the International Court of Justice has been mentioned in the resolution on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Last year the General Assembly adopted a resolution specifically on the issue of strengthening the International Court of Justice. But how much have we actually achieved?

My delegation believes that fostering peace through the adjudicated settlement of international disputes and the development of the body of international law has become an irrefutable universal value. That Japan is dedicated to the principle of the peaceful settlement of disputes is reflected in the fact that it is among the States which accepted the Court's compulsory jurisdiction by the deposit of a declaration to that effect, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice.

As a country resolutely devoted to peace and firmly dedicated to respect for international law, Japan has been supportive of the various appeals made by the Court or other bodies that promote the dissemination of international law. For instance, since as early as 1970 Japan has continuously made financial contributions to

the Hague Academy of International Law for its traditional programme of summer courses and general activities. Also Japanese scholars have lectured at the Academy.

In the belief that disputes should be resolved through litigation rather than by fighting, Japan has been making annual contributions since 1991 to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. Its total contribution to date amounts to $228,000. Incidentally, my delegation would like to take this opportunity to make its legitimate request to the Secretariat of the United Nations to provide annual reports on the activities of the Fund to the General Assembly. My delegation has no doubt that the countries that have received assistance through the Fund are grateful for it and that the Fund is being used effectively. The Government of Japan wishes to continue making annual contributions to the Fund as a way of promoting the peaceful settlement of disputes. At the same time, however, it must remain accountable to the Japanese taxpayers. That is why my delegation is requesting the Secretariat to provide the General Assembly with annual reports on the activities of the Fund and its financial status, as stipulated in paragraph 15 of the Terms of Reference, Guidelines and Rules of the Fund. Only if transparency is maintained in the Fund's operations will the Government be able to continue to support its worthy activities.

Moreover, in response to an appeal of the International Court of Justice, last year Japan contributed $40,000 to the establishment of a Court museum. My delegation sincerely hopes that the museum will help to enhance the Court's illustrious history in serving the peaceful settlement of disputes since the first Peace Conference of 1899, as well as the work and achievements of its predecessor, the Permanent Court of International Justice.

Japan's commitment to the Court is also reflected in the highly qualified personnel it provides to the Court. As noted by President Guillaume in his welcoming speech at the time of Their Majesties' visit, Japan's long history of contribution to world jurisprudence through its lawyers and legal scholars dates back to the creation of the Permanent Court of International Justice. During the Permanent Court period, three eminent Japanese lawyers served as judges.

After the International Court of Justice was created, Judge Tanaka was the first Japanese to serve on it. Currently, Judge Oda is serving on the Court; his third term will end in February 2003.

On behalf of the Government of Japan, I should like to take this opportunity to announce that it has decided to present a new candidate for election to the Court in the year 2002. It is doing so with the sincere desire to continue to contribute to the International Court of Justice, whose noble mission will be all the more important in the new millennium. In concluding my remarks, I wish to reaffirm, on behalf of my delegation and of the Government of Japan, the great importance we attach to the invaluable work of the International Court of Justice as the principal judicial organ of the United Nations.

Mr. Niehaus (Costa Rica) *(spoke in Spanish)*: Allow me at the outset to thank the International Court of Justice for the report before us as well as the introductory statement made by the President of the Court, Judge Gilbert Guillaume. I should like also to congratulate, through you, Mr. President, Judge Thomas Buergenthal on his recent election to this high Court.

My country knows of and appreciates Judge Buergenthal's depth of technical knowledge, experience and ability. We have had the honour of receiving him on numerous occasions in Costa Rica in his capacity as a member and President of the Inter-American Court of Human Rights, which has its headquarters in San José.

The judicial resolution of disputes has become a key element in the promotion of peaceful relations between States. We all know of cases in which differing interpretations of the law or of facts have, when politicized, become threats to international peace and security. Territorial disputes in particular can lead to military escalation. For this reason, the International Court of Justice plays a fundamental role in reducing military tensions and in resolving once and for all the differences between States.

In this context, my delegation welcomes the contribution that the International Court of Justice makes to global stability. The Court, as the principal judicial organ of the United Nations, also plays a central role in the progressive development of contemporary international law. Its jurisprudence, both in disputes and in advisory opinions, provides not only

a legal determination for the parties in conflict but also clarification to other States with regard to obscure or controversial areas of the law.

We recall and welcome the numerous cases in which the Court has adopted progressive positions which have promoted and consolidated the development of the international legal order. We believe in this respect that the Court must continue resolutely to play its role as the authorized interpreter of the provisions of the Charter of the United Nations.

My delegation is also aware of the practical difficulties experienced by the Court in recent years, due to the increase in the number of cases and requests for advisory opinions. As we have indicated on other occasions, we believe that the increase in the number of cases is a positive sign of the will of States to abide by the principles of law in the conduct of their international relations. For this reason, we believe that greater recourse to the Court should be encouraged.

It is vital that the Court be provided with sufficient resources and staff to deal with the fresh obligations associated with the increase in the number of cases. My delegation favours an increase in the staffing levels of the Court, including more library, computer and secretarial staff, in additional to a professional technical legal assistance team to the judges and to the presidency.

Nevertheless, we firmly believe that, in parallel to the increase in its budget, the Court must continue its efforts to improve its practices and working methods. In this respect, we appreciate the decisions taken and recommendations adopted, but we would also encourage its members to continue to consider ways of improving its methods of work.

Allow me to thank the Court for the excellent manner in which it disseminates its work through the Internet. This service is invaluable for developing countries, which sometimes have difficulty obtaining access to the most recent case law.

Finally, I should like to reiterate the full confidence and steadfast support of Costa Rica for the excellent work of the International Court of Justice.

Ms. Lee (Singapore): My delegation and I would like to express our appreciation to His Honour Judge Gilbert Guillaume for his detailed and lucid report on the work of the International Court of Justice for the period 1 August 1999 to 31 July 2000. We would also like to congratulate him on his election as President of this eminent body. We are confident that under the enlightened leadership of Judge Guillaume, the Court and the distinguished jurists who constitute its Bench will continue to carry out its mandate under the Charter of the United Nations in a just and efficient manner.

As the Court is the principal judicial organ of the United Nations, the critical role which it plays in our present world order cannot be understated. It is the brief of the Court to settle disputes between States in accordance with international law and to give advisory opinions on questions referred to it by duly authorized international organs and agencies. The Court is therefore the primary organ for the development and application of international law. The judgements and decisions of the Court are authoritative interpretations of the rights and obligations of parties to an international dispute. These enable parties to resolve such disputes without the need for armed confrontation. In this sense, the International Court of Justice is also a primary forum for the preservation of world peace.

Singapore fully supports the work of the International Court of Justice as the interpreter and enforcer of international law. As a small country, we attach tremendous importance to the work of the Court. This is because international law ensures that all actions of States are governed by the same legal rules. Under the law, all States are equal, entitled to the same rights and subject to the same obligations, regardless of size, economic wealth or military power. International law also ensures that States are held to high standards of conduct in their relationships with other States. Therefore, for small countries like Singapore, international law is the main avenue for the maintenance of our sovereignty.

The International Court of Justice's clientele now includes 189 States. Not surprisingly, in recent times, we have seen a steady increase in the workload of the Court. As of the beginning of this year, there were 24 cases pending before the Court. This number may seem small when compared to the docket of domestic courts. However, it must be noted that every one of these is a dispute between States. These disputes cover almost the entire breadth of international law. They include disputes over maritime and land boundaries, the legality of the use of force, the arrest and detention of a foreign citizen and even the execution of a person with dual nationality. Disputes between States are

essentially different from disputes between persons. The extent of the resources of the contending States that are mobilized for such disputes is much greater. The consequences of a decision are also much more profound for the disputing States and, often, for the international community, too.

The increase in the workload of the Court is therefore a reflection of the increasing confidence that the international community as a whole has in the Court. This can only mean that States are increasingly mindful of the rules of international law. They prefer to resolve their differences in accordance with the law, rather than through the use of coercive power. This development can only be a welcome one.

The increasing workload of the Court, however, has not been matched by a corresponding increase in the resources of the Court. The budget of the International Court of Justice is relatively modest when compared with the budget of United Nations agencies. The International Tribunal for the Former Yugoslavia, for example, has a budget almost 10 times that of the International Court of Justice. Yet its workload, as evidenced by the number of cases filed, is a fraction of that of the International Court of Justice. This is not to say that the International Tribunal for the Former Yugoslavia is over-funded. Instead, what is clear is that the International Court of Justice is under-funded.

Despite its modest funding and, therefore, its limited resources, the Court has been able to schedule hearings and issue orders in a very efficient manner. We should all commend the International Court of Justice for the expeditious manner in which it has been able to address the matters before it. Its current record shows that there is now no basis for criticizing the Court for delays in dealing with cases.

This state of affairs will not be able to continue, however, if, as appears to be the case, more States turn to the Court for assistance on a wider range of matters. If the International Court of Justice is to satisfy the expectations which States have placed upon it, the level of funding to the International Court of Justice must be substantially increased. It is therefore crucial that we take the necessary steps to ensure that the Court is adequately provided for.

Paragraph 345 of the report (A/55/4) before us today quoted from the statement of the then President of the Court, Judge Stephen Schwebel, to this Assembly last year. He stated:

> “The financial resources of the Court cannot be divorced from those of the Organization that provides them. The financial fabric of the United Nations must be repaired, most fundamentally by renewed performance of the treaty obligations of Members of the United Nations to pay their assessments, as determined by this General Assembly in the exercise of the authority deliberately and expressly entrusted to it by the terms of the Charter. The binding character of those assessments was affirmed by the Court in 1962, when it held that the exercise of the power of apportionment creates the obligation, specifically stated in Article 17, paragraph 2 of the Charter, of each Member to bear that part of the expenses which is apportioned to it by the General Assembly. Failure to meet that obligation not only has the gravest effects on the life of the Organization, but transgresses the principles of free consent, good faith and *pacta sunt servanda*, which are at the heart of international law and relations.” (*A/54/PV.39, pp. 4-5*)

It is therefore hard to explain the situation when the richest Member of the Organization is unable to pay its dues, in full, on time and without conditions. We have pointed out before that the heart of the problem is political, not financial. In his book entitled *Judging The World Court*, Thomas Franck wrote:

> “The World Court is not the perfect instrument for an imperfect world, but it is in the national interest of the United States to encourage, rather than destroy, the only court with global reach”.

In today’s world, where there are so many challenges to world peace, the importance of compliance with international law becomes that much more significant. Without international law, there will be anarchy in the relationships between States. Might, not right, will prevail. We, the members of the United Nations, therefore have a special responsibility to ensure the continued respect and observance of the rules of international law. One clear way in which we can do this is by showing, in concrete terms, our support for the main organ for the development and enforcement of international law, the International Court of Justice.

Mr. Vaiko (India): I thank the President of the International Court of Justice, Judge Gilbert Guillaume, for his detailed and comprehensive

introduction of the report of the Court as contained in document A/55/4. We would like to extend to him our heartfelt congratulations and felicitations on his election as President, and wish him every success during his time in office.

The United Nations was established to save succeeding generations from the scourge of war. The founding fathers of the United Nations sought to achieve this objective through the twin approach of prohibiting the use of force, in accordance with Article 2, paragraph 4, of the Charter, and by promoting the peaceful settlement of international disputes under Article 33 of the Charter. As a central element to the promotion of international peaceful settlement, and in a departure from the model of the League of Nations, the United Nations Charter, through its Article 92, established the International Court of Justice as its principal judicial organ. Furthermore, in the case of disputes under consideration by the United Nations Security Council, Article 36, paragraph 3 directs the Security Council to recommend the parties to refer all legal disputes to the International Court of Justice. Finally, Article 92 of the Charter makes the Statute of the International Court of Justice an integral part of the Charter.

The above clearly indicates the respect and the central role assigned to the International Court of Justice within the United Nations Charter system. This is a status unique to the ICJ and not enjoyed by any other tribunal established since 1945.

The recent period has seen the creation of a number of specialized regional and international courts. The political process connected with the establishment of special international judicial bodies has been, on occasion, perceived as diminishing the role of the ICJ in the field of the international peaceful settlement of disputes. Moreover, it may be noted that legitimate questions have been raised about the legal basis of the establishment by the Security Council of the aforementioned ad hoc international criminal tribunals instituted with reference to the former Yugoslavia and Rwanda.

However, even after all these developments, the International Court of Justice still remains the only judicial body with legitimacy derived directly under the Charter, enjoying general jurisdiction, and available to all States of the international community in matters relating to all aspects of international law. All other international judicial institutions, established as they are with competence over specified fields, are confined to their limited areas of jurisdiction and lack general jurisdiction of a universal nature.

We could not agree more with the statement of the then President of the ICJ, Judge Schwebel, in his address to the fifty-third General Assembly, that the World Court is the father of the family of international judicial bodies created in the past decade. Over the last 50 years, the Court has dealt with a variety of legal issues. Its judgements have covered disputes concerning sovereignty over islands, navigational rights of States, nationality, asylum, expropriation, law of the sea, land and maritime boundaries, enunciation of the principle of good faith, equity and legitimacy of use of force. The issues presently before it are equally wide-ranging, and its judgements have played an important role in the progressive development and codification of international law.

Notwithstanding the caution it has exhibited and the sensibility it has shown to the political realities and sentiments of States, the Court has asserted its judicial functions and has consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. The Court has thereby clearly emphasized the role of international law in regulating inter-State relations, which are necessarily political.

The phenomenal explosion of the Court's docket during the 1990s stands as testimony to the Court's high standing and authority, not only in the United Nations system but also in the international community. It also indicates the increased relevance of and respect for due process of law exhibited by States and is an affirmation of faith in the Court. Whereas in the early 1970s it was called "the court without a case", it is now faced with the problem of plenty and finds itself in a position of being unable, within its existing resources, to respond effectively and in time to the demands made on it by its increasing workload.

As emphasized in its report, even after taking various measures to rationalize the work of its Registry, making greater use of information technology, improving its working methods and securing greater collaboration from the Parties to reduce the time taken for individual cases, the Court will be unable to cope with the increase in its workload

without a significant increase in its budget. Accordingly, the decision of the Heads of State and Government taken at the Millennium Summit to strengthen the International Court of Justice in order to ensure justice and the rule of law in international affairs must be implemented urgently by providing the Court with adequate resources to enable it to carry out its designated functions as the principal judicial organ of the United Nations.

Mr. Lavalle-Valdés (Guatemala) *(spoke in Spanish)*: We feel that, on the one hand, the existence of a judicial system, even in rudimentary form, capable of dealing with the relations between its members, is a necessary condition that allows a group of human beings or bodies to consider themselves a community; on the other hand, a legal system hardly deserves the name if it does not have a permanent mechanism for solving controversies between the members of the community. For these reasons, we feel that, although it is hard to believe that the man in the street could be aware of this, it is difficult to exaggerate the importance of the creation in 1922 of the Permanent Court of International Justice, a judicial body which preceded the International Court of Justice. In fact, the ICJ is actually a continuation, rather than a successor, of the former Court.

If we disregard the profound differences between the two international situations, perhaps the fundamental difference between these two institutions is rather extrinsic than intrinsic. This difference lies in the fact that the relationship between the current Court and the world organization in charge of maintaining peace and international security — in other words, the United Nations — is a much narrower relationship than the one that linked the venerable Permanent Court with the corresponding body of the time — in other words, the League of Nations.

The former Permanent Court, although it had close links to the League of Nations, constitutionally speaking, was a separate body. However, the current Court is an integral part of the United Nations. In effect, the two institutions were created by the same instrument — in other words, the Charter of the United Nations — which expressly includes the Court among the Organization's main bodies.

While feeling that the relationships between the Court and the United Nations are praiseworthy on all counts, we also feel that the closer the links are between our Organization and the Court, the better will be the efficiency and the authority of the Court. More States will then be encouraged to come before it. This is why we are pleased to see that in 1968 — the year, by the way, that the Minister for Foreign Affairs of Guatemala presided over the General Assembly — the Court, on the basis of paragraph 2 of Article 15 of the Charter, reinforced its links with the United Nations by initiating the practice of presenting a report on its activities annually to this Assembly.

We, likewise, are happy to see that, for some years now, the information in the reports, which had seemed a bit dry — owing to its formal and technical nature — has been augmented by a stimulating subjective element that helps us to take a deeper look at the Court. I am referring to the oral statement that the President of the Court made as part of the consideration of the report on that institution, a statement in which he discussed his ideas and his vision about some of the most general aspects of the Court, the principles underlying its work, the way in which States can derive the maximum benefit from the functions that the Court is able to carry out and the many ways that the Court can contribute to the achievement of the goals of the United Nations. He also discussed, the problems that the Court unfortunately faces.

Thus, I would like to thank President Guillaume wholeheartedly for having followed the practice — or rather, the tradition — established by his predecessors of putting aside the pressing tasks of his primary functions to come to this Assembly to share with us his ideas about those aspects of the Court and its work that in his opinion are most deserving of attention. In this way, the report of the institution is brought to life, and the President's presence increases interest in the work of the Court.

In order to get a clear idea of what is in the report one need only look at the table of contents. From it alone can be seen the great variety and importance of the issues and subjects dealt with by the Court — both with regard to the maintenance of international peace and security and to promoting friendly cooperation between States and the development of international law. At present these issues and subjects include many delicate issues pertaining to the law of the sea and the environment, the fight against international terrorism, the responsibility of States, sovereignty over territories, diplomatic protection, consular law, the use of force by

States, the application of laws relating to genocide, the scope of the criminal jurisdiction of States and diplomatic immunity and privileges.

As regards the litigants and actual cases of the Court, it is notable that the litigants come from almost all the continents and geographical areas of the world. This includes the countries of our subregion, Central America, whose legal issues the Court has resolved successfully on several occasions. It is also noteworthy that the litigants before the Court include and have almost always included just as many developed countries as States from the third world.

Given the great importance of the functions and activities of the Court to the successful achievement of the main goals of the United Nations, my country is greatly concerned that the Court for some years has been facing financial difficulties that could be considered alarming. We feel that this is absolutely unacceptable, and we have no doubt that any cost-benefit analysis of the activities of the Court would show that it is very difficult, if not impossible, to use the funds available for international purposes in any better way than by paying for the work of the Court. In other words, we believe that a comparison of what it costs to fund absolutely adequately and sufficiently the work of the Court with the great importance of what the Court does, the scales would tip heavily to the positive side.

Finally, we would like to thank the Court for the additions that it has made this year to its report, which provides us with general information distinct from the information on its specific, legal activities, is much broader than the previous reports, and is of great interest to us.

Mr. Mbanefo (Nigeria): The Nigerian delegation wishes to congratulate Judge Gilbert Guillaume on his election on 7 February 2000 by the International Court of Justice to be the President of the Court. We also congratulate Judge Shi Jiuyong and Mr. Philippe Couvreur on their elections as Vice-President and Registrar respectively of the eminent World Court at The Hague.

We commend the President of the Court for his lucid introduction of the report of the Court, which is contained in document A/55/4.

The Nigerian delegation attaches great importance to the International Court of Justice, given its pivotal role in the settlement of international disputes. As the principal judicial organ of the United Nations, the International Court of Justice is the only international court of a universal character with general jurisdiction. States, in exercise of their sovereignty, willingly and voluntarily submit disputes to the Court. It is encouraging to note that 62 out of 189 States parties to the Statute of the Court have subscribed to its compulsory jurisdiction, under Article 36 of the Statute.

Nigeria, as one of the countries that has made declarations recognizing the compulsory jurisdiction of the Court, as contemplated under Article 36, paragraphs 2 and 5, of the Statute, urges Member States of the United Nations that have not done so to recognize the compulsory jurisdiction of the Court. It is our belief that recognition of the Court's compulsory jurisdiction by all Members of the United Nations that are *ipso facto* parties to the Statute of the Court will not only reduce tension, but will also encourage States to settle their differences by peaceful means.

The International Court of Justice has contributed immensely to the maintenance of international peace and security through the settlement of international disputes. There has been a substantial increase in the number of cases before the Court. More and more States now have recourse to the Court for the settlement of their disputes. Over the past year, the number of cases submitted to the Court has continued to rise.

Such an increased workload arises primarily from the confidence that Member States repose in the Court. Such confidence in turn is anchored in the Court's authority, integrity, impartiality, effectiveness and independence.

It is our view that for the Court to cope with the increasing workload, and at the same time to sustain the sterling qualities for which it is known, more resources must be allocated to it.

Paragraph 20 of the report for the year 1999-2000 amplifies the inextricable link between performance and increased resources. The paragraph

> "welcomes the increased confidence which States have shown in the Court's ability to resolve their disputes. However, it will be unable to respond to that confidence without a minimum of the

> resources which it currently lacks, and which it will seek in the coming year."

The Nigerian delegation therefore supports the allocation of more resources to the Court to enable it to discharge its statutory function creditably.

The Nigerian delegation welcomes the progress already made in streamlining the working methods of the Court's Registry. However, one area, in our view, that requires urgent consideration is the review of the official languages of the Court. The Court's official languages are English and French. As has already been observed by Judge Schwebel, the immediate past President of the Court, the International Court of Justice today is universal in its clientele. States submitting cases to the Court are drawn from Europe, America, Africa, Asia, the Middle East and Australia. The Court itself is universal in its composition, being made up of 15 Judges, each from a different region of the world, reflecting the principal legal systems in practice globally. It is therefore unhelpful, for purposes of universalism, to restrict the official languages of the Court to only English and French.

It is the view of my delegation that the official languages of the Court, the principal judicial organ of the United Nations, should reflect the official languages of our Organization. Though this may require additional financial resources, we believe that it is a course worth pursuing, as it will enable the Court to spread its gospel of peaceful settlement of disputes in many more languages. We therefore urge the President of the Court to take this into consideration when submitting its requests for increased financial resources to the General Assembly.

The International Court of Justice enjoys immense prestige and trust. Such prestige and trust are further confirmed by the official visits to the Court during the period under review by some notable world leaders, including President Jacques Chirac of France, the Emperor and Empress of Japan and the President of Mongolia, Mr. Bagabandi. More visits by other world leaders, we believe, would be a source of encouragement to the Court.

In conclusion, the Court has proved to be a useful tool for the development of international law. It has more than justified the perception that a world court can fundamentally foster peace through the adjudicated settlement of international disputes and the development of the body of international law. Nigeria, as a peace-loving nation, will continue to support the ideals inherent in the establishment of the Court 54 years ago.

Mr. Shami (Pakistan): I would like to begin by congratulating Judge Gilbert Guillaume on his election as President of the International Court of Justice early this year. I would also like to thank him for presenting to the General Assembly the annual report of the Court.

Pakistan attaches great importance to the work of the International Court of Justice, which is the principal judicial organ of the United Nations. The Court, which was established 54 years ago to uphold the principles of justice and international law, has played an indispensable role in helping Member States in the peaceful settlement of their disputes. Over the years, the Court has emerged as the institution par excellence in the field of international law and has gained due respect for its role not only in the peaceful settlement of international disputes, but also for the valuable contribution it has made to the development of international law through its Judgments and Advisory Opinions.

This is clearly evident from the increased number of cases that are before the Court today. While, in the 1970s, the Court had only one or two cases, the number of cases before it this year stands at more than 20. This testifies to the prestige of the Court and to the contribution that it can make to the promotion of international peace and security.

This year, the Court dealt with cases of diverse natures, ranging from territorial disputes to state obligations under bilateral and international agreements. The Court delivered two Judgments during the period under review. One was in the Kasikili/Sedudu Island case between Botswana and Namibia; the second was on the aerial incident of 10 August 1999 between India and Pakistan. In the latter case, the Court ruled that it had no jurisdiction to entertain an Application submitted by my country in September 1999 regarding the shooting-down of an unarmed Pakistani naval aircraft by India inside our airspace.

The International Court of Justice's decision was not based on the substance of Pakistan's complaint, but on India's reservation, which excludes from the Court's jurisdiction disputes with the Government of any State that is or has been a member of the Commonwealth of Nations. The Judgment of the Court notes specifically

that there is a fundamental distinction between the acceptance of the Court's jurisdiction and the compatibility of particular acts with international law and that States remain in all cases responsible for acts attributable to them that violate the rights of other States, whether or not they accept the jurisdiction of the Court. Most importantly, the Judgment also emphasizes that the Court's lack of jurisdiction does not relieve States of their obligations to settle their disputes by peaceful means. In this context, the Judgment refers to Article 33 of the United Nations Charter. This fact has also been reflected in the annual report of the Court, which is before the Assembly, and was reiterated by the President of the Court, Judge Guillaume, in his introduction of the report this morning.

While fully agreeing with the Court that its lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means, Pakistan remains committed to the peaceful settlement of all outstanding disputes with all its neighbours, including recourse to the International Court of Justice.

We have noted with satisfaction the efforts being made by the Court to improve its smooth functioning. However, the problems being faced by the Court because of the increased number of cases need to be addressed urgently and with the seriousness that they deserve. The increase in the workload of the Court requires a proportionate increase in its annual budget. For some unknown reason, the percentage of the annual budget of the Court vis-à-vis the overall budget of the United Nations has remained static, despite a substantial increase in its workload. In fact, the current annual budget of the Court, which is about $10 million, represents, in terms of the overall United Nations budget, a percentage which is lower than that of 1946. Compared with the annual budget of the International Tribunal for the Former Yugoslavia for the year 2000, which is about $100 million, the amount of $10 million does not seem appropriate, given the importance and stature of that principal judicial organ of the United Nations.

My delegation therefore fully supports the Court's request for an increase in the allocation of adequate financial resources and calls upon the competent bodies of the United Nations to consider the question of increasing resources of the Court on a priority basis.

Mr. Valdez Carrillo (Peru) (*spoke in Spanish*): May I first congratulate Judge Gilbert Guillaume on his election as President of the Court in February of this year. I would also like, on behalf of my delegation, to congratulate Judge Shi Jiuyong as Vice-President and the other members of the Court elected for this period.

For the delegation of Peru, the annual report of the International Court of Justice is particularly important and arouses great expectations, because the progressive development of international law would simply be limited to the academic field and the objectives of harmony and peace would remain merely theoretical if the Court's norms could not be practically applied to the solution of real situations that could pose dangers to international peace and security.

The creation of the International Court of Justice began to be promoted through early efforts to create a community of nations. The fall of the League of Nations and the corresponding Permanent Court of International Justice, far from creating disillusionment in the viability of the undertaking, led to the more energetic promotion of the project for an international court whose statute would have the same hierarchical status as the Charter of the United Nations. Thus, as stated in Article 92 of the Charter, the International Court of Justice is the principal judicial organ of the United Nations.

Since its creation, with its wealth of jurisprudence, the International Court of Justice has made an invaluable contribution, both by settling disputes and by issuing advisory opinions, not only in preserving peace but also in the enunciation of law and in the modelling of desirable and acceptable standards of international conduct for the international community.

Likewise, in the past few years the Court has been an important tool of consultation for students, lawyers, judges and the general public through the creation of a Web page on the Internet, which has closed the gap that may have existed between public users and the institutions for the administration of international justice. This tool, linked to the inauguration in May 1999 of the Museum of the Court, represents an important advance in the dissemination of information on international law beyond its traditional audience to the public at large. I am sure this makes a positive contribution to the creation of a universal awareness of the importance of this discipline and to

reinforcing the idea that this is a significant element of relationships between States.

Despite these achievements, the Court is facing two main difficulties, one theoretical and the other practical. The first is that the Court cannot apply more law than it has. The well-known Article 38 of its Statute mentions legal sources that are still developing, and whose concepts and consequences have not yet been defined in all cases. On the other hand, the process of globalization and the technological advances that are being made, in the absence of more resolute political will, bring about challenging new international situations that are not yet clearly regulated.

For this reason, we cannot separate the efforts aimed at the strengthening and horizontal enlargement of the Court's jurisdiction from the efforts aimed at the progressive development and implementation of international law. We will have an International Court of Justice that is stronger and more universal to the extent that we also have international law that is more institutionalized and more solid.

The second difficulty that the Court faces is a practical and logistical one. Even though we are happy to see an increase in the number of cases coming before the Court, we are aware of the budgetary difficulties that this situation brings with it, particularly since during the upcoming period there will probably be an increased need for resources, since in certain cases the bulk of the proceedings is to begin soon. Thus, it is important for the Organization to pay particular attention to the provision of adequate financial resources.

It is relevant to point out that the International Tribunal for the Former Yugoslavia, even with a much more limited jurisdiction, has a budget approximately 10 times as large as that of the International Court of Justice, which has a universal mission. The delegation of Peru considers that in keeping with the statutory importance of the Court, and given its legal and political importance in the maintenance of friendly relations between countries, we cannot skimp on the budget that we apportion to the Court for the proper accomplishment of its important tasks.

Throughout its history, Peru has demonstrated a close attachment to international law and to the search for peaceful solutions in its international relations. It went before the Court on one occasion and in October 1998 signed a comprehensive agreement on its erstwhile border dispute with Ecuador.

Peru will continue its efforts to ensure that the International Court of Justice continues to achieve its goals of peace and rule of law, and encourages all States that have differences to go before the Court in order to find peaceful solutions within the framework of international law.

Mr. Mangoaela (Lesotho): My delegation welcomes the opportunity to address the General Assembly on the report of the International Court of Justice. Permit me at the outset to express our thanks and appreciation to the President of the Court, Judge Gilbert Guillaume, for his introduction of the report and for his pertinent comments. We commend him for his dedicated stewardship of the Court and for the Court's impressive achievements over the period under review. This will no doubt further enhance the international community's confidence in that unique organ of international law.

Lesotho remains convinced that no other judicial organ in the world can have the same capacity for dealing with international legal problems as the International Court of Justice. As a component not only of the machinery of peaceful settlement of disputes created by the Charter but also of the general system for the maintenance of international peace and security, the Court continues to offer States a wide range of opportunities for promoting the rule of law in international relations by, among other things, deciding "in accordance with international law such disputes as are submitted to it".

Because of its achievements in finding just and equitable solutions to legal conflicts between States, the Court continues to enjoy universal support and respect; hence, a noticeable increase in the number of cases being referred to it. This has no doubt also contributed to much of the progress in the political, social and economic arena we have witnessed in recent years.

The promotion of and commitment to the peaceful settlement of disputes in accordance with the United Nations Charter remains one of the cornerstones of Lesotho's foreign policy goals. Like many other small and vulnerable States, Lesotho is dependent more on the law than on power in settling disputes, in defending its sovereignty, independence and territorial integrity and in protecting its policies in the

international field. We remain keenly aware of the role that international law plays in the search for solutions to the problems of an interdependent world in which economic, social and humanitarian issues have assumed paramount importance. We recognize the important role of the Court as a tool for the peaceful settlement of disputes and are committed to strengthening the Court in order to ensure justice and the rule of law in international affairs, as called for in the Millennium Declaration.

The challenge for the international community at the dawn of the new century is how to strengthen the international legal order and promote effective respect for the legal norms that govern the international community. In this regard, universal acceptance of the Court's compulsory jurisdiction remains the best indicator of progress towards meeting these challenges. We note that to date less than 50 per cent of the Members of the United Nations have made declarations recognizing the compulsory jurisdiction of the Court, as envisaged under Article 36 of its Statute.

It is thus a pleasure for me today to announce that on the occasion of the Millennium Summit, on 6 September 2000, the Prime Minister of Lesotho deposited with the Secretary-General an unconditional declaration by which the Government of the Kingdom of Lesotho recognizes the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute of the Court. It is Lesotho's hope that its unconditional acceptance of the Court's jurisdiction, which is yet another sign of the increasing confidence in the Court, will further enhance the Court's pre-eminent role not only as an interpreter of the legal obligations of States and in the settlement of disputes, but also in the maintenance of international peace and security. It is our hope, too, that many more States will soon join the increasing number of countries that have recognized the compulsory jurisdiction of the Court.

Last year's annual review of the Court showed that as of July 1999 it was seized of 18 cases, which was then far more than it had ever had within any given 12-month period. As rightly predicted, this year we have seen yet another increase, bringing the total number of cases before the Court to 23 as of July. It is our understanding that one more case has since been added to the Court's docket: that between the Democratic Republic of the Congo and Belgium. The current trend is thus towards an increase, rather than a decrease, in the Court's caseload, and this trend can only be expected to continue.

Another significant development with regard to the Court's activities is that, unlike in the past, when the jurisdiction phases of cases occupied most of its time, the Court is now being frequently called upon to deal directly with a diversity of complex substantive issues of international law from all regions of the world. Given the complexity of most cases and the resource constraints faced by the Court, it is gratifying to note that during the period under review the Court finalized the Botswana and Namibia case concerning the Kasikili/Sedudu Island, as well as issuing various orders concerning a number of other cases.

There can, however, be no doubt that, in spite of the Court's best efforts, it will not be possible for it to handle the ever-increasing workload and to be an effective and efficient judicial means for the peaceful settlement of disputes unless it is given adequate resources. It should indeed be a source of great concern for this Assembly that the 15 judges of the highest Court in the world have to share and rely on six legal professionals to carry out research on complicated questions of international law and to prepare studies and notes for the judges and the Registrar. It is equally disturbing that all the translation and interpretation of the Court is handled by only six professionals. These two examples, which are only the tip of the iceberg of the Court's difficulties, are a clear indication of the practical difficulties faced by the Court in carrying out its functions. This lamentable state of affairs for the Court should not be allowed to continue. Lesotho therefore reiterates the call for an increase in the Court's resources to enable it to fully and effectively respond to the ever-increasing demands of the international community. Strengthening the Court is the only way in which we can realize the dream of the domination of law in relations among people.

In conclusion, we commend the Court for its outreach programmes. Lack of awareness about the Court and its activities is no doubt part of the problem that needs to be addressed. Ensuring that there is better public education and understanding of the Court, particularly among policy makers and decision makers in government, remains important. We can only encourage the Court to continue its endeavours in this regard. We hope that the Court's schedule will allow it to visit Lesotho in the near future and look forward to

welcoming the President and other members of the Court.

Mr. Al-Nasser (Qatar) (*spoke in Arabic)*: It is my pleasure once again to extend our thanks and appreciation to you, Mr. President, for presiding over this meeting to consider agenda item 13, entitled "Report of the International Court of Justice". It is also our pleasure to extend our congratulations to Mr. Gilbert Guillaume, President of the International Court of Justice, for his comprehensive report containing ample explanation and demonstration of the judicial work undertaken by the Court recently.

Over the last 54 years, particularly the last decade, the International Court of Justice has been able to gain the confidence of the international community, thanks to the vast experience and impartiality of its judges. Their knowledge and experience have effectively contributed to the gradual development of international law and to addressing several legal questions in a way that will certainly be very valuable in maintaining world peace and security. The international community has also noted the qualitative and quantitative developments of the Court in addressing disputes brought to its attention, disputes that are no longer confined to certain types of differences that normally arise between States but that have become very varied.

All this emphasizes the privileged status enjoyed by the International Court of Justice in the eyes of the Member States as the main judicial organ of the United Nations and the ideal channel for settling international disputes. The Court reaches its decisions in a manner consistent with the interests of justice and according to the rules established by statutes providing for full participation of all members in its deliberations on an equal footing. The Court reaches its decisions in its plenary, demonstrating the care with which it deals with its responsibilities.

There is no doubt that the only obstacle threatening the future of the International Court of Justice is non-compliance by States with its final decisions and rulings. Consequently, it is the international community's duty to provide for the future of the Court not only by enhancing its human and financial resources, in order to keep up with the steady increase in the number of cases brought before it, but also by emphasizing the commitment of States to respect its decisions.

This new millennium provides us with a convenient opportunity to emphasize once again the United Nations purposes and principles, particularly the principles of justice and the rule of law in the field of international relations.

To resort to the International Court of Justice is a legitimate course whenever a situation may endanger international peace and security and, in keeping with Article 33 of the Charter, it also constitutes civilized behaviour that encourages respect for the Charter, enhancing the role of the Organization in settling disputes in a just and peaceful manner.

The settlement of international disputes is not completed by simply resorting to international adjudication or to the International Court of Justice. There is also the stage following the Court's decisions — which are binding between the parties, final and without appeal, under Articles 59 and 60 of the Statute of the Court — where the obligations provided for in Article 94 of the United Nations Charter, which clearly affirm and stress that each Member State of the United Nations shall comply with the decision of the Court in any case to which they are a party, apply.

Non-compliance with the decisions of the Court, per se, constitutes a threat to international peace and security. It is also a clear violation of the United Nations Charter, as well as the rules and norms of international law.

Mr. Soares (Brazil): Brazil welcomes the Report of the International Court of Justice. It offers a comprehensive picture of the Court's achievements, as well as the full dimensions of the challenges ahead.

Last year we completed the United Nations Decade of International Law and we celebrated the centennial of the First International Peace Conference. The underlying goal of those events was to promote the rule of law by fostering recourse to the peaceful settlement of disputes between States.

There can be no better expression of our success in this task than the growing number of cases on the Court's docket. This confirms the universal nature and scope of the Court. Not only are there far more cases, but they come from all regions of the world and cover both traditional boundary disputes and the interpretation of international agreements. There are

different reasons for this increased recourse to the Court.

On the one hand, efforts to improve its working procedures are now bearing fruit. Proceedings are more expeditious and therefore decisions are handed down in a shorter time. It is especially praiseworthy that these rationalizing and streamlining measures adopted by the Court have allowed it to operate and increase its workload with maximum efficiency. Brazil therefore concurs that we must ensure that the Court is adequately funded.

On the other hand, a growing number of multilateral conventions now include reference clauses to the Court for the adjudication of disputes. Equally important, the Court's advisory role has become more widely recognized. In fact, it is available to offer advisory opinions to all other organs of the United Nations and to specialized agencies. Its jurisdiction has in practice been enlarged and its decisions enjoy broader application.

This is even more significant, given the recent proliferation of specialized tribunals and courts that are responsible for enforcing the profusion of international agreements. Factors such as the increase in international regulations and the growing regional and global interdependence, have brought different international legislation into consideration and conflict.

One answer to concerns over the consequences of this multiplication of jurisdictions must involve investing the Court with a clearer advisory role. It might be the case that even bodies that are not part of the United Nations system — such as the International Tribunal for the Law of the Sea or the future International Criminal Court could request such advice. Thus, by retaining its central role as a universal jurisdiction, the Court may help preserve the fundamental unity and coherence of international law.

These are some indications of an increased role for the Court in international affairs as we enter the next century. As a reflection of this newly discovered confidence, the Court finds itself at the centre of discussions about how to improve the ability of the international system to foster stability. The Court, as the principal judicial organ of the United Nations, must increasingly play a crucial role in ensuring that the United Nations continues to be a unique and indispensable universal instrument. By bringing together diverse legal traditions, the Court's decisions enhance our common commitment to a culture of peace and tolerance, cooperation and devotion to justice.

Brazil has always been a firm believer in the rule of law and of judicial recourse for the settlement of disputes. My country will continue to offer our full cooperation to the Court. We are convinced of its central role in developing a body of international law and practice.

May I conclude by expressing our appreciation to Judge Gilbert Guillaume for his excellent presentation of the report of the Court. We support all his endeavours to strengthen the Court as the principal judicial organ of the United Nations. May I express Brazil's appreciation for the contribution of Professor Jose Francisco Rezek to the work of the Court.

Mr. Tello (Mexico) *(spoke in Spanish):* We would like, once again, to express our thanks to Judge Gilbert Guillaume, President of the International Court of Justice, for having presented his report on the recent work of the highest judicial body of our Organization. We are happy to echo views asserting the usefulness of this discussion aimed at tightening the links of cooperation between two of the main bodies of the United Nations.

The report on the activities of the International Court of Justice shows that the volume of cases submitted to the Court for its consideration has increased significantly over recent years. Although this is a positive fact, because it illustrates the confidence that States have in the Court and that they are accessing judicial means for the settlement of disputes, it has nevertheless led to a situation in which it is impossible to process cases effectively unless there is a substantial increase in the funding given to its work.

But this is not a new problem. The Court has for some time been drawing States' attention to the difficulties it is experiencing owing to a lack of resources. This has been noted by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as well as by the Sixth Committee. Resolution 54/108, adopted last year at the initiative of Mexico, demonstrates that we, the Members of the United Nations, are receptive to our Court's requests.

Bearing in mind that this year we will be adopting the budget of the Organization for the 2001-2002 biennium, we believe that the time has come to

move from simply recognizing the problem to adopting specific measures to resolve it. As it has been doing in recent years, Mexico will continue, in the relevant bodies, strongly to support and push for an increase in the funds allocated to the Court, and to ensure that the budget we adopt corresponds to its actual needs. We hope that other countries will do the same.

Finally, in connection with the efficient use of resources, we encourage the Court to continue its ongoing review of its procedures and to adopt, as it has been doing, all possible measures to expedite the hearing of cases. For their part, the States having recourse to the Court should cooperate in this task.

The Acting President: We have heard the last speaker in the debate on this item. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 31 *(continued)*

Elimination of coercive economic measures as a means of political and economic compulsion

Draft resolution (A/55/L.9/Rev.1)

The Acting President: Members will recall that, at its 37th plenary meeting on 19 October 2000, the General Assembly held a debate on this item. In connection with this item, the General Assembly has before it a draft resolution issued as document A/55/L.9/Rev.1.

I give the floor to the representative of the Libyan Arab Jamahiriya to introduce draft resolution A/55/L.9/Rev.1.

Mr. Dorda (Libyan Arab Jamahiriya) *(spoke in Arabic):* I will be brief. I wish to express our gratitude to the Assembly for agreeing last week to postpone the vote on the draft resolution until today. This additional time has enabled us to consult with various members and take their concerns into account.

We have engaged in a dialogue with these members, and my delegation was very flexible with each and every one. All of their preoccupations and concerns were taken on board, and we have accommodated their views as well as their reasonable and objective amendments and proposals. Because of this flexibility, the language of the draft reflects the views of the entire international community, not just those of part of it, however large that part may be.

This is directed against no one. I can assure the Assembly that the draft before it serves the interests of the Government of the United States of America before everyone else's. How can we say this? Indeed, the Government of the United States of America can, as soon as this draft resolution is adopted, submit this document and other similar documents to its legislative authority and explain to it that it has inflicted economic and political damage on the United States and thereby put the United States Government in an embarrassing political, legal and ideological situation.

As concerns the political aspect, the United States Government can say that its legislative authority has embarrassed it before its own allies and friends, because this type of legislation has targeted their interests, their companies and their corporations, which, as we all know, manage the economy in allied and other countries. They are the ones who work in the mines and produce raw materials, operate the machinery and factories, thus creating employment opportunities and eradicating unemployment. They export those commodities. They operate means of transport. They run the whole economic system. The United States legislative authority has harmed American allies and friends, putting the Governments of friendly countries in difficult situations vis-à-vis their parliaments, their political parties, their trade unions, their chambers of commerce, and their industrial and agricultural sectors.

In addition, if the United States maintains this attitude by adopting this type of legislation, no one will trust it or cooperate with it or even continue their economic alliances with it. If it imposes an embargo on one, boycotts another and blockades a third, then bans cooperation between others, then, as the saying goes, he who bites you reminds you that you have teeth too. Indeed, if one has teeth, one can bite back. If the United States imposes embargoes and sanctions on others, they will start doing the same to it and will close their markets to American commodities and goods. Secondly, they will ban American companies from operating in their territories. Thirdly, they will ban the import of American commodities, even strategic ones. That would be the natural response to such an action. They will start adopting such measures at the individual level, then bilaterally, and eventually

on a collective basis. Will that serve the interests of the American economy?

Similarly, the American Government will take this and similar documents to its legislative authority and say: You have embarrassed us legally and ideologically. The legal embarrassment arises from the fact that a legislative authority, acting on behalf of its people and within its own political boundaries, has enacted legislation that is applied extraterritorially. Such legislation does not have legitimacy nor does it conform to the principles of international law, the Charter of the United Nations and other international instruments. Such legislation lacks legitimacy.

The ideological embarrassment lies in the fact that Americans tell the world that America is the leader of the free world, that communism and socialism have failed and that the capitalist system is the only successful system. The capitalist system is based on the principle of laissez-faire and on allowing people to work. By enacting such legislation, the American Government is not letting people work and is not following the principles of laissez-faire. How can they convince the world to move towards what they call the market economy? Are these the rules of the market economy? Is this capitalism? Is it laissez-faire? It is, indeed, ideological embarrassment.

We do not want to speak the language of biting and biting back. God has honoured human beings by giving them brains and language, and they should be able to find solutions to their problems by using those two divine qualities that differentiate them from all other creatures. Let us use language and our mental capacities to engage in dialogue and to talk to each other so that we can find the right solutions to our problems.

Through dialogue, persuasion, discussion and give and take, rather than taking the side of one party at the expense of the other, we can become truly united nations — united not in oppression and injustice, but in right and in justice, promoting good and rejecting evil. Only then will we become a truly human, international community.

The draft resolution before the Assembly is in the interests of each of us. It does not target any individual State, and we do not believe that any delegation is justified in abstaining or objecting to it. We have taken into account the concerns of all delegations, and have consulted widely. It is our hope that this draft resolution will be supported by all Member States, because it is their draft resolution and it is in their interest. It was not introduced in the interests of Libya.

The Acting President: We shall now proceed to consider draft resolution A/55/L.9/Rev.1. Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Hong Je Ryong (Democratic People's Republic of Korea): My delegation is taking the floor to explain its position before the vote on draft resolution A/55/L.9/Rev.1, submitted under agenda item 31, entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

The Government of the Democratic People's Republic of Korea has consistently opposed the imposition of unilateral sanctions on a sovereign State. Imposing sanctions on other countries in pursuit of economic interests or for political purposes constitutes a violation of the principles of respect for sovereign equality and the right to self-determination embodied in the United Nations Charter and relevant United Nations resolutions. It also runs counter to the promotion of friendly relations and the strengthening of international cooperation among Member States. Article 32 of the Charter of Economic Rights and Duties of States, adopted by the General Assembly at is twenty-ninth session, states that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights." *(resolution 3281 (XXIX))*

Resolution 53/10 also recognizes the right of every State to choose its own political, economic and social system, suitable for its specific conditions. In this context, we consider that the present draft resolution reflects the demands of the international community for the elimination of all sanctions and therefore we will vote in favour.

Mr. Lenain (France) (*spoke in French*): I have the honour to take the floor on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania,

Poland, Romania, Slovakia and Slovenia — and the associated countries, Cyprus, Malta and Norway, align themselves with this statement.

The European Union would like to take this opportunity to emphasize its categorical rejection of all attempts to apply national laws on an extraterritorial basis against the nationals or businesses of third States, which is contrary to international law. The European Union has always rejected such attempts aimed at compelling other countries to abide by economic measures adopted on a unilateral basis.

In this context, we should mention legislation adopted by States that provides for the application of legal sanctions against companies and individuals that do not fall within their national jurisdiction, some provisions of which are designed to prevent the companies of third States from dealing with certain countries or investing in them.

Measures of that kind violate the general principles of international law and of the sovereignty of independent States. The European Union is firmly opposed, both on legal grounds and in principle, to the enforcement of secondary boycotts and unilateral laws with extraterritorial effects against the nationals or enterprises of third States. We stress that we reserve our right to react as we deem fit to such measures, which are contrary to international law, and we shall continue to do so.

The European Union makes a clear and indisputable distinction between unilateral measures with extraterritorial effects on the one hand and other kinds of economic coercive measures that are legal under international law, whether these are adopted by the Security Council under Article 41 of the Charter or by States or groups of States, on the other. The European Union is pleased that this year's draft resolution clearly reflects that distinction, and will thus vote in its favour.

Mr. Powles (New Zealand): This is a draft resolution which, in its latest form (A/55/L.9/Rev.1), my Government might very likely have wished to support. But we have only seen this latest version of the draft resolution this morning. Apparently, it has been the subject of negotiations between its sponsor and the European Union, but none of the participants have seen fit to keep other delegations informed. My delegation will therefore abstain in protest at the procedure followed — which, sadly, is becoming something of a trend in this House — and at the blatant failure to consult or even inform other delegations about what was going on.

Mr. Smith (Australia): When this item was considered in the General Assembly two years ago, Australia abstained in the vote on the draft resolution because of concern that it did not adequately differentiate between unilateral extraterritorial measures, about which we have long-standing concerns, and sanctions promulgated and implemented with the full authority of the Security Council. We note that the revised draft resolution (A/55/L.9/Rev.1) that is being presented for action this morning includes a number of important changes that address those concerns. The draft resolution is, overall, a significant improvement over the text adopted at the fifty-third session.

Regrettably, however, my delegation, like a number of others, saw this revised draft resolution for the first time this morning. We were not consulted during the course of revising the draft text; nor were we informed in a timely fashion of the outcome of the consultations that took place. Australia is not a member of a large political bloc and arrives at its position on draft resolutions independently, after careful assessment of the texts under discussion. Regrettably, we have been denied that opportunity this morning as a result of procedural failures and, in particular, the late circulation of the revised text.

In those circumstances, my delegation has no option but to abstain in the vote that is about to take place.

Mr. Hynes (Canada): The delegation of Canada would like to associate itself with the concerns that have been expressed by the representatives of New Zealand and of Australia regarding the process that has proceeded the Assembly's action on draft resolution A/55/L.9/Rev.1 today. The representative of Libya referred to dialogue and consultations undertaken on this matter in recent days with a number of other delegations. Canada was not among the delegations with which such discussions were held, and only this morning did we see for the first time the substantially altered text on which we are now being called upon to take action.

In the circumstances, we have no alternative but to abstain in the vote on this draft resolution. I would add only, quite aside from considerations of substance,

that in the circumstances it can scarcely be said — indeed, it cannot seriously be said — as the representative of Libya has suggested, that the text before us reflects the views of the entire international community. We hope that, if and when it is ever proposed that the Assembly consider this important subject again in the future, a more serious effort will be made to achieve that goal.

Mr. Al-Humaimidi (Iraq) (*spoke in Arabic*): In conformity with Article 19 of the Charter, my delegation is being denied the right to vote. This is because my country has been unable to pay its assessed contributions to the United Nations owing to the economic sanctions imposed on it. My delegation has done everything possible to find a way to pay its dues — either through the oil for food programme or with the financial assets that are now frozen. We have knocked on many doors, including the Secretary-General's. We have communicated with the Security Council on this matter. But regrettably, all our serious attempts, which were motivated by great goodwill, have been rejected by the United States of America.

Having said that, let me add that, were my delegation in a position to participate in the vote, it would vote in favour of draft resolution A/55/L.9/Rev.1.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/55/L.9/Rev.1, entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Albania, Australia, Canada, Dominican Republic, Kyrgyzstan, Nauru, New Zealand, Republic of Korea, Tonga, Uruguay.

Draft resolution A/55/L.9/Rev.1 was adopted by 136 votes to 2, with 10 abstentions (resolution 55/6).

[Subsequently, the delegations of Lithuania and Suriname informed the Secretariat that they had intended to vote in favour.]

The Acting President: I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Akopian (Armenia): My delegation has just voted in favour of the resolution under the agenda item entitled "Elimination of coercive economic measures as a means of political and economic compulsion". Armenia condemns the continued practice of unilateral coercive economic measures, particularly in the South

Caucasus. Such measures are absolutely incompatible with the principles of international law, including the principles of the multilateral trading system.

The difficulties of developing and transitional countries are heavily exacerbated by the imposition of such embargoes, as in the case of landlocked Armenia, which has remained under blockade since the first day of the restoration of our independence. Yet we believe that an overall condemnation of unilateral economic compulsion will also have a positive impact on the complicated situation in our region.

Mr. Kitagawa (Japan): Unlike last year's resolution, which my Government had difficulty accepting because it contained an element of eliminating multilateral economic measures, the resolution adopted today concerns solely the application of unilateral extraterritorial coercive economic measures, which are contrary to recognized principles of international law. My Government has been opposed to the implementation of unilateral extraterritorial coercive economic measures that are not permitted under international law and shares the view expressed in the draft resolution. Thus, having considered the matter with the utmost care, my delegation decided to vote in favour of the draft resolution.

I take this opportunity to pay tribute to those delegations, particularly the Libyan and the European Union delegations, for their efforts to prepare a resolution that Japan could support.

Mr. Valdez Carrillo (Peru) *(spoke in Spanish)*: My delegation voted in favour of the draft resolution on the understanding that it is in keeping with the powers established in the Charter with regard to the multilateral application of economic measures, as in Article 41. It is Peru's understanding that this resolution does not refer in any way to measures authorized by the competent bodies of the Organization that are applied in accordance with the principles of the Charter.

Mr. Alemán (Ecuador) *(spoke in Spanish)*: My delegation voted in favour of the draft resolution because of the purely legal reasons and considerations expressed in the report of the Secretary-General contained in document A/55/300.

Mr. Paolillo (Uruguay) *(spoke in Spanish)*: Uruguay abstained in the vote on this draft resolution. Unfortunately, between the time that we had received the revised text and the vote, there was not enough time for us to study the consequences of the revisions that had been introduced or to consult with our capital.

The Uruguay delegation hopes that this practice of presenting revisions to draft resolutions in this hasty and unforeseen way will not be repeated in the future.

The Acting President: We have heard the last speaker in explanation of vote after the vote.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 31?

It was so decided.

The meeting rose at 1 p.m.