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President: Mr. Eliasson . . . . . (Sweden)

The meeting was called to order at 10.15 a.m.

Agenda item 74

Report of the International Court of Justice

Report of the International Court of Justice (A/60/4)

Report of the Secretary-General (A/60/330)

The President: May I take it that the General Assembly takes note of the report of the International Court of Justice for the period 1 August 2004 to 31 July 2005?

It was so decided.

The President: In connection with this item the Assembly also has before it the report of the Secretary-General (*A/60/330*) on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

It is now my honour to call on Mr. Shi Jiuyong, President of the International Court of Justice, to introduce the Court's important report.

Mr. Shi Jiuyong: It is a privilege and an honour, in my capacity as President of the International Court of Justice, for me to address the General Assembly, for the third time, on the occasion of its examination of the Court's report for the period 1 August 2004 to 31 July 2005.

Year after year, the General Assembly has demonstrated its interest in, and support for, the Court by inviting its President to present to the Assembly a review of the Court's activities and achievements. Members of the Court are very grateful for this opportunity. The Court indeed views the close exchanges between these two principal organs of the United Nations as a guarantee of the successful accomplishment of their respective tasks and of the aims of the Organization.

It is also a particular pleasure to address the Assembly today under the presidency of Mr. Jan Eliasson of Sweden, to whom I offer my warm congratulations on his election as President of the sixtieth session of the General Assembly. He has my most sincere wish for every success in his office. I should like to commend him for his long-standing and active commitment to the goals of the United Nations, and I applaud his determination to carry the process of reform of the Organization through its sixtieth anniversary and to ensure the follow-up and implementation of the principles agreed on in the 2005 World Summit Outcome document.

The Court has transmitted its annual report (*A/60/4*) to the Assembly, along with an introductory summary. As the report is somewhat lengthy, I trust that the following résumé will provide a useful overview of its essential elements.

As I reported last year, 191 States are parties to the Statute of the Court, and 66 of them have accepted

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the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of its Statute. In addition, approximately 300 treaties make reference to the Court in respect of the settlement of disputes arising from their application or interpretation.

Since I addressed the Assembly in November 2004, the Court has rendered final judgment in 10 cases, with the judgments in all of the eight cases concerning the legality of the use of force having been rendered simultaneously. Over the same period, the Court has also held oral hearings in three cases. As a result of the Court's efforts, the total number of 21 cases on the docket of the Court, which I reported to the Assembly a year ago, had dropped to 11 by the end of the period under review. Today there are in fact 12 cases on the General List, following the institution of proceedings by Costa Rica against Nicaragua, on 29 September 2005. I cannot but insist on how much has been accomplished since those not-so-distant times when there was talk of a serious backlog of cases at the Court. Although it still represents a substantial amount of work, 12 cases is indeed a perfectly reasonable number of cases to have on the docket of the International Court of Justice.

The contentious cases pending before the Court originate from all over the world: four between European States, three between African States, three between Latin American States and one between Asian States. In addition, there is one case of an intercontinental nature, namely, between Europe and Africa.

The Court's international character is also reflected in its composition. It currently has the benefit of members from Brazil, China, Egypt, France, Germany, Japan, Jordan, Madagascar, the Netherlands, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The cases included on the docket over the last year illustrate the variety of international disputes that are customarily referred to the Court. The Court is accustomed to handling territorial disputes between neighbouring States that are seeking the determination of their land and maritime boundaries or a decision in respect of sovereignty over particular areas. Currently, there are five such cases in the General List concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Malaysia and Singapore, Romania and Ukraine, and Costa Rica and Nicaragua.

States also regularly submit disputes to the Court concerning the treatment of their nationals by other States. That is the position in the present cases between Guinea and the Democratic Republic of the Congo, and between the Republic of Congo and France. The last case also raises issues relating to the jurisdictional immunity of State officials.

Another category of cases that is frequently referred to the Court concerns the use of force. Such proceedings often relate to events that have been brought before the General Assembly or the Security Council. At the moment, the Court is deliberating on two cases against Uganda and Rwanda in which the Democratic Republic of the Congo contends that it has been the victim of armed attack. The Court is also seized of two cases in which Bosnia and Herzegovina and Croatia have sought the condemnation of Serbia and Montenegro for violations of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

As I mentioned earlier, in the course of the period under review, the Court rendered judgments in 10 cases. I shall now deal with those decisions in chronological order.

On 15 December 2004, the Court handed down its judgments in the eight remaining cases concerning the legality of the use of force, that is, the cases of *Serbia and Montenegro* v. *Belgium*, *Serbia and Montenegro* v. *Canada*, *Serbia and Montenegro* v. *France*, *Serbia and Montenegro* v. *Germany*, *Serbia and Montenegro* v. *Italy*, *Serbia and Montenegro* v. *Netherlands*, *Serbia and Montenegro* v. *Portugal* and *Serbia and Montenegro* v. *United Kingdom*. In each of those cases the Court found unanimously that it had no jurisdiction to entertain the claims made by Serbia and Montenegro.

When bringing those cases — a total of 10 — in 1999, Serbia and Montenegro, which at the time was the Federal Republic of Yugoslavia, alleged that each of the respondent States had committed acts by which it had violated its international obligation banning the use of force against another State, the obligation not to intervene in the internal affairs of another State, the obligation not to violate the sovereignty of another State, the obligation to protect the civilian population and civilian objects in war time, the obligation to

protect the environment, the obligation relating to free navigation on international rivers, the obligation regarding fundamental human rights and freedoms, the obligation not to use prohibited weapons and the obligation not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group.

In all 10 cases it invoked as a basis of the Court's jurisdiction article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the General Assembly on 9 December 1948 and which is known as the Genocide Convention. In the six cases against Belgium, Canada, the Netherlands, Portugal, Spain and the United Kingdom, it also invoked Article 36, paragraph 2, of the Statute of the Court, while in the four cases against France, Germany, Italy and the United States it invoked Article 38, paragraph 5, of the Rules of the Court. Moreover, in the two cases against Belgium and the Netherlands, Serbia and Montenegro submitted a supplement to the application invoking as a further basis for the Court's jurisdiction the provisions of a convention on the settlement of disputes concluded with each of those States in the early 1930s.

By Orders of 2 June 1999 concerning requests for provisional measures submitted by Serbia and Montenegro in the cases against Spain and the United States, the Court decided that those cases were to be removed from the Court's List for manifest lack of jurisdiction. By Orders of the same date in the eight remaining cases, the Court stated that it lacked jurisdiction prima facie. Subsequently, the respondent States in those cases all submitted preliminary objections relating to the Court's jurisdiction to entertain the case and to the admissibility of the Application.

In its Judgments of 15 December 2004, the Court observed that the question of whether the Applicant was or was not a State party to the Statute of the Court at the time of the institution of the proceedings was fundamental; for if it were not such a party, the Court would not be open to it, unless it met the conditions prescribed in Article 35, paragraph 2, of the Statute. The Court therefore had to examine whether the Applicant met the conditions for access to it laid down in Articles 34 and 35 of the Statute before examining the issues relating to the conditions laid down in Articles 36 and 37 of the Statute.

The Court pointed out that there was no doubt that Serbia and Montenegro was a State for the purposes of Article 34, paragraph 1, of the Statute. However, the objection had been raised by certain Respondents that, at the time when the Application was filed, Serbia and Montenegro did not meet the conditions set down in Article 35, paragraph 1, of the Statute, because it was not a Member of the United Nations at the relevant time. After recapitulating the sequence of events relating to the legal position of the applicant State vis-à-vis the United Nations, the Court concluded that the legal situation that obtained within the United Nations during the period 1992-2000 concerning the status of the Federal Republic of Yugoslavia, following the break-up of the Socialist Federal Republic of Yugoslavia, had remained ambiguous and open to different assessments.

That situation had come to an end with a new development in 2000. On 27 October of that year, the Federal Republic of Yugoslavia requested admission to membership in the United Nations, and on 1 November, by General Assembly resolution 55/12, it was so admitted. The Applicant thus had the status of membership in the Organization as from 1 November 2000. However, its admission to the United Nations did not have, and could not have had, the effect of dating back to the time when the Socialist Federal Republic of Yugoslavia broke up and disappeared. The Court therefore concluded that the Applicant thus was not a member of the United Nations, and in that capacity a State party to the Statute of the International Court of Justice, at the time of filing its Application to institute the proceedings in each of the cases before the Court on 29 April 1999. As it had not become a party to the Statute on any other basis, the Court was not open to it at that time under Article 35, paragraph 1, of the Statute.

The Court then considered whether it might have been open to the applicant under Article 35, paragraph 2. It noted that the words "treaties in force" in that paragraph of Article 35 were to be interpreted as referring to treaties that were in force at the time that the Statute itself came into force, and that consequently, even assuming that the Applicant was a party to the Genocide Convention when instituting proceedings, Article 35, paragraph 2, of the Statute did not provide it with a basis for access to the Court under article IX of that Convention, since the Convention

only entered into force on 12 January 1951, after the entry into force of the Statute.

In the cases against Belgium and the Netherlands, the Court finally examined the question of whether Serbia and Montenegro was entitled to invoke the dispute settlement convention it had concluded with each of those States in the early 1930s as a basis of jurisdiction in those cases. The question was whether the conventions dating from the early 1930s, which were concluded prior to the entry into force of the Statute, might rank as a "treaty in force" for purposes of Article 35, paragraph 2, and hence provide a basis of access to the Court.

The Court first recalled that Article 35 of the Statute of the Court concerns access to the present Court and not to its predecessor, the Permanent Court of International Justice (PCIJ). It then observed that the conditions for the transfer of jurisdiction from the PCIJ to the present Court are governed by Article 37 of the Statute. The Court noted that Article 37 applies only as between parties to the Statute under Article 35, paragraph 1. As it had already found that Serbia and Montenegro was not a party to the Statute when instituting proceedings, the Court accordingly found that Article 37 could not give it access to the Court under Article 35, paragraph 2, on the basis of the conventions dating from the early 1930s, irrespective of whether or not those instruments were in force on 29 April 1999, the date of the filing of the Application.

In each of its Judgments, the Court finally recalled that, irrespective of whether it has jurisdiction over a dispute, the parties remained in all cases responsible for acts attributable to them that violate the rights of other States.

Barely a couple of months later, on 10 February 2005, the Court rendered its Judgment on the preliminary objections to jurisdiction and admissibility raised by Germany in the case concerning *Certain Property (Liechtenstein v. Germany)*. It found that it had no jurisdiction to entertain the Application filed by Liechtenstein.

When, in 2001, Liechtenstein brought the case before the Court, it based the Court's jurisdiction on article 1 of the European Convention for the Peaceful Settlement of Disputes. Germany raised six preliminary objections to the jurisdiction of the Court and to the admissibility of Liechtenstein's Application.

The historical context of that case was as follows. In 1945 Czechoslovakia confiscated certain properties belonging to Liechtenstein nationals, including to Prince Franz Josef II of Liechtenstein, pursuant to the "Beneš Decrees", which authorized the confiscation of agricultural property — including buildings, installations and movable property — of all persons belonging to the German and Hungarian people, regardless of their nationality. A special regime with regard to German external assets and other property seized in connection with the Second World War was created under the Convention on the Settlement of Matters Arising out of the War and the Occupation (chapter six), which was signed in 1952 at Bonn.

In 1991, a painting by the Dutch master Pieter van Laer was lent by a museum in Brno, Czechoslovakia, to a museum in Cologne, Germany, for inclusion in an exhibition. That painting had been the property of the family of the Reigning Prince of Liechtenstein since the eighteenth century. It was confiscated in 1945 by Czechoslovakia under the Beneš Decrees. Prince Hans-Adam II of Liechtenstein then filed a lawsuit in the German courts in his personal capacity to have the painting returned to him as his property, but that action was dismissed on the basis that, under article 3, chapter six, of the Settlement Convention — an article whose paragraphs 1 and 3 are still in force — no claim or action in connection with measures taken against German external assets in the aftermath of the Second World War was admissible in German courts. A claim brought by Prince Hans-Adam II before the European Court of Human Rights concerning the decisions by the German courts was also dismissed.

The Court, rejecting Germany's first objection, found that there existed a legal dispute between the parties and that it was whether, by applying article 3, chapter six, of the Settlement Convention to Liechtenstein property that had been confiscated by Czechoslovakia in 1945, Germany was in breach of the international obligations it owed to Liechtenstein and, if so, what was Germany's international responsibility.

Germany's second objection required the Court to decide, in the light of the provisions of article 27 (a) of the European Convention for the Peaceful Settlement of Disputes, whether the dispute related to facts or situations that arose before or after 18 February 1980, the date on which that Convention entered into force between Germany and Liechtenstein. The Court noted

in that respect that it was not contested that the dispute was triggered by the decisions of the German courts in the aforementioned case. The critical issue, however, was not the date when the dispute arose, but the date of the facts or situations in relation to which the dispute arose.

In the Court's view, the dispute brought before it could only relate to the events that transpired in the 1990s if, as argued by Liechtenstein, in that period, Germany either departed from a previous common position that the Settlement Convention did not apply to Liechtenstein property, or if German courts, by applying their earlier case law under the Settlement Convention for the first time to Liechtenstein property, applied that Convention to a new situation after the critical date.

Having found that neither was the case, the Court concluded that, although those proceedings were instituted by Liechtenstein as a result of decisions by German courts concerning a painting by Pieter van Laer, those events have their source in specific measures taken by Czechoslovakia in 1945, which led to the confiscation of property owned by some Liechtenstein nationals, including Prince Franz Jozef II of Liechtenstein, as well as in the special regime created by the Settlement Convention; and that the source or real cause of the dispute was accordingly to be found in the Settlement Convention and the Beneš Decrees. In the light of the provisions of article 27 (a) of the European Convention for the Peaceful Settlement of Disputes, the Court therefore upheld Germany's second preliminary objection, finding that it could not rule on Liechtenstein's claims on the merits.

Finally, on 12 July 2005, the Chamber of the Court formed to deal with the case concerning the *Frontier Dispute (Benin/Niger)* rendered its Judgment. By that Judgment, it first determined the course of the boundary between the two parties in the sector of the River Niger, decided which of the islands situated in the River Niger belonged to each of the parties, and fixed the boundary line on two bridges in the River Niger. The Chamber further determined the course of the boundary between the parties in the sector of the River Mekrou.

After outlining the geographical context and historical background to the dispute between those two former colonies, which were part of French West Africa until their accession to independence, in August 1960, the Chamber addressed the law applicable to the dispute. It stated that that law includes the principle of the intangibility of the boundaries inherited from colonization or the principle of *uti possidetis juris*, whose primary aim is to secure respect for the territorial boundaries at the moment when independence is achieved. The Chamber found that on the basis of that principle it had to seek to determine, in that case, the boundary that was inherited from the French administration. It noted that the parties agreed that the dates to be taken into account for that purpose were those of their respective independence, namely, 1 and 3 August 1960.

The Chamber then considered the course of the boundary in the River Niger sector. It first examined the various regulative or administrative acts invoked by the parties in support of their respective claims, and concluded that neither of the parties has succeeded in providing evidence of title on the basis of those acts during the colonial period. In accordance with the principle that, where no legal title exists, the *effectivités* must invariably be taken into consideration, the Chamber further examined the evidence presented by the parties regarding the effective exercise of authority on the ground during the colonial period, in order to determine the course of the boundary in the River Niger sector and to indicate to which of the two States each of the islands in the river belongs, and in particular the island of Lété.

On the basis of that evidence in respect of the period 1914 to 1954, the Chamber concluded that there was a *modus vivendi* between the local authorities of Dahomey and Niger in the region concerned, whereby both parties regarded the main navigable channel of the river as constituting the intercolonial boundary. The Chamber observed that, pursuant to that *modus vivendi*, Niger exercised its administrative authority over the islands located to the left of the main navigable channel, including the island of Lété, and Dahomey over those located to the right of that channel. The Chamber noted that the entitlement of Niger to administer the island of Lété was sporadically called into question for practical reasons, but was neither legally nor factually contested. With respect to the islands located opposite the town of Gaya, Niger, the Chamber noted that, on the basis of the *modus vivendi*, those islands were considered to fall under the jurisdiction of Dahomey. It therefore followed, in the view of the Chamber, that in that sector of the river the

boundary was regarded as passing to the left of those three islands.

The Chamber found that the situation was less clear in the period between 1954 and 1960. However, on the basis of the evidence submitted by the parties, it could not conclude that the administration of the island of Lété, which before 1954 was undoubtedly carried out by Niger, was effectively transferred to or taken over by Dahomey.

The Chamber concluded from the foregoing that the boundary between Benin and Niger in that sector follows the main navigable channel of the River Niger as it existed at the dates of independence, it being understood that in the vicinity of the three islands opposite Gaya the boundary passes to the left of those islands. Consequently, Benin has title to the islands situated between the boundary thus defined and the right bank of the river, and Niger has title to the islands between that boundary and the left bank of the river.

In order to determine the precise location of the boundary line in the main navigable channel, namely, the line of deepest soundings, as it existed at the dates of independence, the Chamber based itself on a report prepared in 1970 at the request of the Governments of Dahomey, Mali, Niger and Nigeria by the Dutch company Netherlands Engineering Consultants. In the Judgment, the Chamber specified the coordinates of 154 points through which the boundary between Benin and Niger passes in that sector, and determined to which party each of the 25 islands of the river belongs, on the basis of the boundary line as described above. It stated, inter alia, that Lété Goungou belongs to Niger.

Finally, the Chamber concluded that the Special Agreement also conferred jurisdiction upon it to determine the line of the boundary on the bridges between Gaya and Malanville. It found that the boundary on those structures follows the course of the boundary in the River Niger.

In the second part of its Judgment, dealing with the western section of the boundary between Benin and Niger, in the sector of the River Mekrou, the Chamber examined the various documents relied on by the parties in support of their respective claims. It concluded that, notwithstanding the existence of a legal title of 1907 relied on by Niger in support of the boundary which it claims, it was clear that, at least from 1927 onwards, the competent administrative authorities regarded the course of the Mekrou as the intercolonial boundary separating Dahomey from Niger, that those authorities reflected that boundary in the successive instruments promulgated by them after 1927 — some of which expressly indicated that boundary while others necessarily implied it — and that that was the state of the law at the dates of independence in August 1960. The Chamber concluded that in the River Mekrou sector the boundary between Benin and Niger is constituted by the median line of that river.

As well as delivering those Judgments, the Court has completed the hearings on the merits in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. In addition, hearings on the preliminary objections of Rwanda have recently taken place in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Rwanda)*. Both cases are currently under deliberation.

The achievements of the Court during the period under review reflect its commitment to dealing with cases as promptly and efficiently as possible while maintaining the quality of its judgments and respecting the consensual nature of its jurisdiction.

A recurrent theme of my interventions before the General Assembly has been the intensity of the work accomplished by the Court. It is not always easy for the public to imagine what is happening behind the walls and gates of the Peace Palace in The Hague. Faced with a continuously growing caseload, the Court has made tremendous efforts in the last decade to increase its judicial efficiency while maintaining its high quality of work. The Court has modernized the organization of its Registry, reviewed and adapted its internal working methods, promulgated Practice Directions for the parties and even modified its Rules where necessary. Far from resting on its laurels, the Court keeps its working methods constantly under review. It is not without satisfaction that I can tell the Assembly that those efforts have already begun to bear fruit.

The level of activity displayed by the Court over the past years is, simply put, unprecedented in its history. That success story would not have been possible without the help of the General Assembly, and the Court is thankful for the support it has given it in the past. The task ahead of the Court is, however, still considerable. It is therefore essential that that support be maintained.

In that regard, it is important to remember that the budget of the Court represents less than one per cent of the total budget of the United Nations. The Court is fully aware of the difficult budgetary conditions in which the Organization finds itself, and recognizes its own responsibility to apply its funds wisely. In its budgetary request for the biennium 2006-2007, which is currently under consideration, the Court has made every effort to restrict itself to proposals that are financially modest, but also of the utmost significance for the implementation of key aspects of its work. The Court hopes that those budgetary proposals will meet with the Assembly's agreement, thereby enabling the principal judicial organ of the United Nations better to serve the international community.

The Court was established by the Charter in pursuance of one of the primary purposes of the United Nations: to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. As we approach the sixtieth anniversary of the International Court of Justice, which will take place next year, the popularity of the Court as a dispute resolution mechanism continues to grow. More and more States are beginning to realize how the International Court of Justice can serve them and are trusting it to resolve their disputes with other nations.

The issues that States have asked the Court to resolve are likewise many and varied. In the past three years alone, the Court has decided cases relating to matters as diverse as land, fluvial and maritime boundaries, the ownership of property seized during the Second World War, human rights violations, the access of foreign nationals to consular assistance, freedom of commerce and the use of force, to name but a few. It has thus become clear to the international community that the International Court of Justice, as the principal judicial organ of the United Nations, has a crucial and primary role to play in the peaceful settlement of international disputes and in the promotion and application of international law.

I would like to stress the point that, as was emphasized in the Manila Declaration on the Peaceful Settlement of International Disputes of 1982, recourse to the judicial settlement of legal disputes — particularly referral to the International Court of Justice — should not be considered an unfriendly act between States. To the contrary, experience has shown that recourse to the Court is a pacifying measure.

It is important, in that regard, to remember that the Court is the only international judicial body to possess general jurisdiction, which enables it to deal with any issue relating to international law and to take into account developments in international law across the entire spectrum of international relations. The Court is thus ideally equipped to settle quickly and durably, at a minimum cost, any type of legal dispute, whatever its nature and the type of solution pursued, and regardless of the status of the relationship between the litigant parties.

The role that the Court plays was highlighted by the Secretary-General in his recent report "In larger freedom" (*A/59/2005*), in which he described the International Court of Justice as lying at the centre of the international system for adjudicating disputes among States. The heads of State and Government gathered for the 2005 world summit echoed that statement when they recognized the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States, and the value of its work.

The Court welcomes those kind words of appreciation. It also wholeheartedly welcomes the suggestion of the Secretary-General that in order to reinforce the Court and to make it more efficient, States that have not yet done so need to consider recognizing the compulsory jurisdiction of the Court and that the recourse to the advisory powers of the Court by the duly authorized United Nations organs and specialized agencies should be increased. With the support of the General Assembly, the International Court of Justice will pursue its efforts to prove worthy of the hopes that have been placed in it and to continue to accomplish the mission that was attributed to it 60 years ago by the drafters of the Charter.

It remains for me to thank members for their attention and for their interest in the International Court of Justice.

The President: I thank the President of the International Court of Justice for his strong words in support and encouragement of my tasks to promote reform of the Organization and to ensure the implementation of the principles agreed in the outcome document (*resolution 60/1*) of the 2005 world summit.

Before I give the floor to the next speaker, I would like to echo and reaffirm the President's view that it has become clear to the international community that the International Court of Justice, as the principal judicial organ of the United Nations, has a crucial and primary role to play in the peaceful settlement of international disputes and in the promotion and application of international law, and furthermore that experience has shown that recourse to the Court is a pacifying measure.

Here, I would like to recall paragraph 73 of the summit outcome document, which emphasizes the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter, including, when appropriate, by the use of the International Court of Justice. I also want to recall paragraph 134 (f) of the same document, in which our leaders at the summit recognized

> "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, call upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute and consider means of strengthening the Court's work, including by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice on a voluntary basis."

This morning's statement by the President of the International Court of Justice is an important and timely reminder of the principles laid down and the positions taken in the 2005 World Summit Outcome document.

I now give the floor to the representative of New Zealand, who will speak on behalf of the CANZ Group of countries.

Mr. McIvor (New Zealand): Let me first express, on behalf of Canada, Australia and my own country, New Zealand, thanks to the President of the International Court of Justice, Judge Shi Jiuyong, for his insightful and comprehensive report on the work of the Court over the past year. His presentation this morning highlights the valuable role that the Court plays in contributing to the peaceful resolution of disputes between States and to the development of international law.

Universal adherence to the international rule of law is crucial for a peaceful world. As countries that firmly believe in the rule of law, we were pleased to see that principle resoundingly endorsed by the world's leaders at their summit last month. The International Court of Justice is central to ensuring that the rule of law is maintained and strengthened at the international level, and for that reason the Court deserves our unwavering support.

Canada, Australia and New Zealand have always been, and will continue to be, strong supporters of the principal judicial organ of the United Nations: the International Court of Justice. Our confidence in the Court and in its continuing ability to render considered judgments on complex international legal issues is reflected in our acceptance of the Court's compulsory jurisdiction, in accordance with article 36, paragraph 2, of the Statute of the Court.

We would encourage other Members of the United Nations that have not yet done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

CANZ welcomes the Court's official handling of the cases before it and the steps it continues to take to improve its working methods in that regard. We are pleased to see that, over the 2004-2005 period, the Court disposed of 10 cases and that the caseload now sits at 11.

Gone are the days when the Court's docket was virtually empty. The increased willingness of States to turn to judicial settlement of their disputes must be welcomed and is testimony of the ever-growing faith in the decisions of the Court and in the rule of law by the international community.

In recent times, other courts have been created to handle specific issues, such as the International Tribunal for the Law of the Sea, the International Criminal Court and the ad hoc international criminal Tribunals for the former Yugoslavia and for Rwanda. CANZ supports the work of those courts, which contribute to the application and strengthening of the rule of law.

The International Court of Justice, however, retains its place as the only international Court of universal character and general jurisdiction. All States are equal before the Court, regardless of their size. It is

important for smaller States to have access to such impartial means to resolve their disputes.

CANZ looks forward to the International Court of Justice's continuing to play its vital role in the peaceful settlement of international disputes and in strengthening the international legal order, as mandated by the United Nations Charter.

Mr. Sardenberg, Vice-President (Brazil), took the Chair.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): It gives the Chinese delegation great pleasure to speak on the agenda item under discussion.

At the outset, allow me, on behalf of the Chinese delegation, to thank Judge Shi Jiuyong, President of the International Court of Justice, for his report on the work of the Court.

In the view of the Chinese delegation, the settlement of international disputes by peaceful means, including resort to the International Court of Justice, constitutes an important avenue towards the realization of the purposes of the United Nations, namely the maintenance of international peace and security.

The International Court of Justice, one of the six principal organs of the United Nations, is indispensable for the maintenance of international peace and security. At the same time, the Court, as the judicial organ of the United Nations, by exercising its jurisdiction and issuing advisory opinions, plays a vital role in the clarification, affirmation, application and development of the norms and principles of international law.

The Chinese delegation is pleased to see that, over the past 60 years, the International Court of Justice has disposed of more than 90 cases and handed down close to 100 decisions and judgments in cases covering the delimitation of land and maritime boundaries, territorial sovereignty, the obligation not to use force, the obligation not to interfere in the internal affairs of other States, diplomatic relations, anti-kidnapping, asylum, nationality, the right of passage, and economic rights.

In addition, the Court has issued 25 advisory opinions ranging from applications for membership in the United Nations, certain operational costs of the United Nations, application of United Nations headquarters agreements, the legality of the use of the threat of the use of nuclear weapons, to the legal consequences of the construction of a separation wall in the occupied Palestinian territories. Through these judicial activities, the Court has facilitated the development of international law.

We have also noted that the workload of the Court has significantly increased as it gains broader recognition by, and the confidence of, the international community. Consequently, the difficulties faced by the Court in terms of its personnel and financial resources are becoming more pronounced. We appeal to all Members of the United Nations to devote greater attention to that question and to do their best to ensure that the Court can function normally, so that it can play its role fully.

The Chinese delegation believes that the Court, like other organs of the United Nations system, can benefit from United Nations reform. A dynamic Court will surely be able to contribute significantly to a more peaceful world.

The Chinese Government is of the view that, although peace and development are the dominant themes of our times, international relations and the development of the international community as a whole are susceptible to the effects of sources of instability and uncertainty that still remain and to the new challenges and threats that emerge from time to time.

Harmony among peoples, harmony between humankind and nature, and the peaceful coexistence of States all should be governed and safeguarded by the rule of law. We are confident that the International Court of Justice will continue to play an important role in the peaceful settlement of international disputes, the promotion of the rule of law at the international level and in the building of a harmonious community of nations.

China will continue to support the work of the Court. It is our hope that the Court will make an even greater contribution to the maintenance of international peace and security, the promotion of friendly exchanges among countries, and the development of international law.

Mr. Ketwah (Malaysia): My delegation wishes to thank Judge Shi Jiuyong, President of the International Court of Justice, for his lucid presentation of the report of the Court (A/60/4). That comprehensive report contains useful information on the work of the

International Court of Justice and provides a better understanding of the complex issues before it.

We appreciate the important contribution made by the International Court of Justice to the peaceful settlement of disputes between States and the development of international law. Indeed, the peaceful settlement of disputes is one of the fundamental pillars of the United Nations. We acknowledge the fact that the International Court of Justice has tremendous influence in the promotion of peace and harmony between the States and peoples of the world through the rule of law. The International Court of Justice plays an important role in resolving disputes submitted by States and in handing down advisory opinions on legal questions referred to it in accordance with international law. That role should not be underestimated in the common endeavour of promoting peace among nations. The Court provides a prudent and civilized alternative to violence and the use of force. Judicial decisions as such are not a source of law, but the Court's dicta are unanimously considered the best formulation of the content of international law in force.

We are pleased to note the marked progression in the caseload of the Court since its inception. During the period from 1 August 2004 to 31 July 2005, there were 21 important cases before the Court. Those contentious cases come from all over the world, and their subject matter varies from cases concerning territorial disputes between neighbouring States seeking a determination of their land and maritime boundaries, or a decision as to which of them has sovereignty over particular areas, to applications regarding the crime of genocide. That is testimony to the growing confidence of States in the work of the Court and to the willingness of the international community to be governed by the principles of international law in the conduct of international relations.

The Court has handed down judgments and opinions of excellent quality. The acceptance of those judgments and opinions by the parties concerned is clear evidence of the preference of States to avail themselves of the wisdom of the Court in order to resolve disputes peacefully. Such increasing recourse by States to the judicial settlement of their disputes has made the Court central to the administration of international justice. Confidence in the role, functions and accomplishments of the Court has strengthened Malaysia's belief that the Court is the most appropriate forum for the peaceful and final resolution of disputes when all diplomatic efforts have been exhausted.

Malaysia was a recent client of the International Court of Justice. On 2 November 1998, Malaysia and Indonesia submitted to the Court their territorial dispute over the islands of Ligitan and Sipadan. The Court issued its judgement on 17 December 2002, and both parties accepted it as final and binding. Both countries were satisfied that the entire legal process to resolve the dispute through the International Court of Justice had taken place in a fair, transparent, responsible and dignified manner. That is indeed testimony to the confidence that both countries place in the Court's ability to resolve international disputes in conformity with the principles of justice and international law.

With regard to the territorial dispute with Singapore concerning sovereignty over Pulau Batu Puteh, Middle Rocks and South Ledge, currently on the Court's docket, we wish to assure the Assembly that, consistent with its abiding respect for international law, Malaysia will fully respect the Court's decision on the case. Such respect for the Court's decision will help to enhance the Court's stature and prestige among Member States and will in turn inculcate a culture of respect for international law in relations among States.

My delegation takes note of the report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (*A/60/330*). We note the Secretary-General's appeal to all States and other relevant entities to give serious consideration to making contributions to the Fund, which has had a decreasing level of resources since its inception. We also note the revision of the Fund's terms of reference.

Malaysia commends the Court for its efforts to increase public awareness and understanding of its work in the judicial settlement of international disputes and its advisory functions, case law and working methods, as well as its role within the United Nations through its publications and through lectures by the President and members of the Court, the Registrar and members of the Registry staff. We welcome the Court's distribution of press releases, of background notes and of its handbook to keep the public informed about its work, functions and jurisdiction. We agree that the Court's website has been extremely useful and well utilized by diplomats, lawyers, academics, students and

interested members of the public as an important source of access to the Court's judgments, which constitute the most recent developments in international case law. We hope that the Court will be provided with adequate resources so that it can continue to fulfil its mandate and meet the demands of an increasing workload.

Mr. Hatch (Sri Lanka): I wish to express the sincere appreciation of my delegation to Judge Shi Jiuyong, President of the International Court of Justice, for his excellent presentation of the comprehensive report of the Court covering the period 1 August 2004 to 31 July 2005 (*A/60/4*).

The International Court of Justice is the principal judicial organ of the United Nations, dispensing justice within the jurisdiction assigned to it. The Court is empowered under the Charter and the Court's Statute to decide disputes freely submitted by States in the exercise of their sovereignty and to render advisory opinions. The International Court of Justice is unique, because it has the capacity to deal with disputes of the international community, thereby not only developing the rule of law, but also securing the pacific settlement of international disputes.

The dramatic increase in the number of disputes now being referred to the Court, when compared with the 1970s, is a clear manifestation of the confidence of the international community in the Court's discharge of its functions. We note with great satisfaction, in that regard, that during the period under review, the Court has disposed of 10 cases, while 11 are still pending. We also note with satisfaction that the Court is continually adopting measures to improve its judicial efficiency, notwithstanding the increased volume and complexity of its workload.

Cases have been referred to the Court from all regions, and it is noted that the subject matter of those cases is extremely rich and varied. They currently cover complex issues, such as the legality of the use of force, the determination of land and maritime boundaries between neighbouring States, the application of the Genocide Convention, the treatment of aliens in foreign jurisdictions and other issues. The Court has also ably dealt with extremely intricate issues concerning the admissibility of cases in the context of its own jurisdiction. The Court's determinations will undoubtedly make an important contribution to the development of international legal principles in those critical areas and will also contribute to the enrichment of the law.

The confidence placed in the Court by States is undoubtedly interlinked with the continuously evolving nature of international law. That evolution has taken on a new dimension in recent decades. The Court has been aware of the importance of that aspect and of the adaptation of international law to present-day needs, which enhances friendly relations among States.

The case law of the International Court of Justice is an important aspect in the attainment of the objectives of the United Nations. Its judgments and advisory opinions not only have an impact on the international legal system, but also have a significant impact on the judicial decisions of States and on the development of their municipal law.

For example, the concurring opinion of the then-Vice President of the Court, Judge C.G. Weeramantry, to the judgment of the Court in the Danube dam case of 25 September 1997 was subsequently cited with approval by the Supreme Court of Sri Lanka — which is the apex court — in its June 2000 decision in the case of *Bulankulama and six others v. Ministry of Industrial Development and seven others*. That case dealt with important issues of environmental law in the context of an application under the chapter on fundamental rights of the Sri Lanka Constitution.

Indeed, that opinion of the International Court of Justice drew in turn on the rich heritage of wisdom and principles enunciated in ancient texts of numerous civilizations on the need to preserve the environment in seeking to strike a balance between the competing needs of development and preservation of the environment, thus manifesting harmonious interplay between and the mutual enrichment of municipal and international law.

In that connection, it is relevant to recall the invaluable contribution made by the then Vice President of the Court, Judge C.G. Weeramantry of Sri Lanka, to the jurisprudence of the Court, particularly in relation to international environmental law.

It is also noteworthy that the ICJ is also called upon to determine disputes under various bilateral and multilateral treaties, thereby strengthening this instrument as an important vehicle in promoting the wider objectives of the United Nations.

The Court has also, over the last 50 years, made an important contribution to the progressive development of international law in other fields of importance to States. These include issues having economic implications such as those relating to foreign investment. In the process, the Court has also contributed to the development of principles governing State responsibility.

My delegation wishes to express its appreciation to the Court for its role in the pacific settlement of disputes and for its contribution to the development of international law. In turn, full implementation of the decisions of the Court will enhance the role and credibility of the Court.

We also welcome the steady progress made by the Court in the dissemination of information on its work through various forms. The distribution of information by electronic means, in particular through the Internet, is a major achievement. The Court's web site is a valuable tool for the wider dissemination of its work, which will not only further enhance the development of the law but also the objectives of the United Nations. In view of the importance of the use of information technology in the work of the Court, my delegation urges Member States to consider providing greater means to improve and expand those facilities. That is of particular importance to academics, practitioners and law students from developing countries.

For more than half a century, the Court has played an important role in settling disputes between States as well as rendering advisory opinions on legal questions referred to it. My delegation has full confidence in the Court's continued ability to discharge its functions under the Charter and Statute. During this sixtieth anniversary session of the United Nations, Sri Lanka reaffirms its cooperation in meeting Court's objectives.

Mr. Park Hee-Kwon (Republic of Korea): At the outset, on behalf of my delegation, allow me to thank Judge Shi Jiuyong, President of the International Court of Justice (ICJ), for his lucid introduction to the Court's report. The report convinces us that the Court has diligently accomplished its duty as the principal judicial organ of the United Nations. The increasing number of cases brought before the Court of late attests to the level of trust given the Court by States. In that regard, my delegation commends the Judges and all of the Court's staff for having converted many sceptics to belief in the rule of law.

My delegation would also like to take this opportunity to express our sincere gratitude to the following outgoing Judges: Judge Vereshchetin of the Russian Federation, Judge Kooijmans of the Netherlands, Judge Rezek of Brazil and Judge Elaraby of Egypt. During their tenure, they set an example through their dedication and their insights into the often-elusive issues of international law. We are confident that their legacy will be carried on by their successors once the latter are elected.

As the President of the International Court of Justice has just pointed out, the work of the Court reached an unprecedented level of intensity during the period under review. Notably, the Court significantly reduced the number of cases on its docket by rendering 10 final judgments — eight in cases concerning the legality of the use of force, one on the issue of certain property, and one concerning a frontier dispute. In all those cases, the Court has met our high expectations for authoritative language on matters of international law.

I would like to briefly touch upon one recent judgment: the 2004 *Legality of Use of Force* case between Serbia and Montenegro and the eight NATO States. It has not escaped our notice that the ICJ's judgment in this case is seemingly inconsistent with its earlier decision in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide.* The six years between the filing dates of the two cases may partly explain the difference, as might the uncertain, and perhaps sui generis, status of Serbia and Montenegro from 1992 to 2000. Still, I would like to emphasize that consistency in jurisprudence is of paramount importance, not only for maintaining States' trust in the Court, but also for ensuring the Court's reputation for impartiality. I hope, therefore, that the judgment in the pending *Genocide* case will clarify any lingering doubts about the consistency of the Court's case law.

The active role taken by the Court during the period under review is in line with its activities in recent years. Last year, the advisory opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* garnered an unusual amount of media attention. In that case, the Court not only helped the General Assembly to clarify issues in

one of the most longstanding and difficult disputes facing the international community, but also demonstrated its will and capability to revitalize its underused advisory function. It is worth recalling that similar procedures were more common under the Permanent Court of International Justice, and proposals to expand the advisory role of the ICJ, as the principal legal organ of the United Nations system, merit further consideration.

The Court has not always enjoyed this level of trust from the international community. Indeed, its caseload remained fairly low until the 1970s, when the Court successfully overcame the suspicion that prevailed among many developing countries that it was biased. Since then, the Court's client base has expanded dramatically. Changing perceptions of the Court's work can be attributed to many factors, including the end of the cold war, but most important has been the Court's successful responses to the challenges of a changing world. The report before us shows that this continues to be the case, as the Court has met the challenge of handling an increased workload with limited resources.

Indeed, there is a kind of virtuous circle at work: the more successful the Court is in fulfilling its responsibilities, the more cases will be brought to it. Moreover, taking into account the increasing number of States parties to the Court, acceptance of the Court's compulsory jurisdiction, and the number of treaties with provisions referring disputes to the Court, it would not surprise us to see a continued rise or even acceleration in the number of cases brought before the ICJ.

High hopes for the Court and proposals for it to play a more active role are also bound to increase its workload. Thus, the challenge of an increasing number of cases is an ongoing one, but one that we must tackle if we are to achieve the ideal of resolving disputes peacefully by judicial means.

It has been said that one of the necessary conditions for a more effective law is to strengthen and improve the institutions and processes for the law's administration. It is in this regard that we support the Court's initiatives to improve its efficiency by streamlining procedures, adopting advanced technologies and asking for more resources. One such effort has been the Court's review and amendment of its procedural rules, including the Rules of the Court and Practice Directions. We welcome these amendments as an indication of the Court's continuous efforts to speed up its work and enhance the transparency of its procedures. The report also informs us that a request for an expansion of the Court's Computerized Division has been submitted for approval in its 2006-2007 budget. We believe that adequate resources should be allocated to support the Court's efforts to meet its growing workload, and we therefore hope this request will be considered favourably by the relevant bodies.

In the same vein, we emphasize that the challenge of an increased caseload requires cooperation on the part of Member States. In many of the recent contentious cases, too many of the Court's limited resources were consumed during the preliminary stages rather than during the consideration of the merits of the cases. While we should respect the rights of States to full access to the procedures of the Court and to be exempt from the Court's jurisdiction, unless they have given their due consent, overburdening the Court with unnecessary requests for provisional measures, preliminary objections or applications of cases as a pure litigation strategy should be avoided for the common good. Such prudence on the part of States will greatly assist the Court in completing its important work.

The most recent challenge to the Court, however, comes from outside. In this era of proliferating international courts and tribunals, we cannot overstate the importance of the Court's leadership role as the only universal international court with general jurisdiction. The Court is now obligated not only to give the last word as an adjudicator of international disputes, but also to distribute and disseminate its work widely. Judge Higgins, in a recently published article, emphasized the need to keep the legal minds of the international judicial bodies informed of one another's achievements. We take this as down-to-earth but essential advice on how to deal with the challenge of multiple international courts.

Let me conclude by reaffirming, on behalf of my delegation and the Republic of Korea, our steadfast and unwavering support for the untiring efforts of the International Court of Justice to achieve the ideal of peace under law.

Ms. Zanelli (Peru) (*spoke in Spanish*): I would like to thank the President of the International Court of

Justice, Judge Shi Jiuyong, for his detailed introduction to the annual report on the work of the Court (*A/60/4*).

The contribution of the International Court of Justice since its establishment to the peaceful settlement of disputes, the development of international law and the prevalence of the rule of law at the international level has been, and remains, crucial. Since the presentation of the last report to this General Assembly, the Court has continued to receive new cases for its consideration. This shows the growing will of States to resolve their disputes peacefully, turning to international law, and it testifies to the confidence that the international community has in the impartiality, independence and professionalism of this jurisdictional body.

Bearing in mind the far-reaching role of the International Court of Justice in the maintenance of international peace and security and its contribution to the attainment of the fundamental purposes of the United Nations through the peaceful settlement of disputes among States, Peru considers it of utmost importance that the Court's jurisdiction be universally accepted. Therefore, we call upon all of those States that have not yet done so to consider acceptance of the Court's compulsory jurisdiction, without conditions. It is precisely with a view to helping the parties to a dispute to resolve it through legal means, through the Court, that in 1989 the Secretary-General's Trust Fund was created to assist States in the settlement of disputes. Its mandate was wisely amended last year, thus considerably broadening the number of potential beneficiaries.

Peru expresses its appreciation to the States that have made contributions to the Fund, and we join in the repeated appeal of the Secretary-General that States, intergovernmental organizations, national institutions and non-governmental organizations that are in a position to make voluntary financial contributions to the Fund do so.

Peru recognizes the importance of justice being administered not only efficiently but also in a timely manner. Therefore, we want to underscore the measures the Court has adopted to rationalize the work of the secretariat to make better use of information technology and to improve its working methods and its rules. Peru urges the Court to persevere in this ongoing effort. Likewise, in connection with management efficiency, we want to underscore the Court's announcement of the beginning of a process to establish a system to assess the professionalism of its staff.

My country also wants to underscore the Court's work in publicizing its activities and its rulings. The distribution of information by electronic means and, in particular, through the Court's web page are important tools for the Court's valuable activities to be widely known, not only by governmental officials and by academics, but also by citizens the world over. Peru commends the Court for this effort, and we encourage the Court to continue to consider options to disseminate more information about its legal work and its rulings, including broader dissemination in the other official languages of the United Nations.

Peru, as a country that has historically shown its strict compliance with international law, will continue to support the International Court of Justice in the fulfilment of the lofty responsibilities entrusted to it by the international community.

Mr. Hernández (Mexico) (*spoke in Spanish*): I am pleased to express, on behalf of my delegation, deep appreciation to the President of the International Court of Justice, Judge Shi Jiuyong, for the detailed report that he presented to the General Assembly. In particular, Mexico wishes to highlight the relevant work of the main United Nations legal organ because of its ongoing contribution to the development of international law and to the promotion of justice among States.

My country takes this opportunity to reaffirm its commitment to the objectives that the United Nations sought to attain by establishing within its own structure a jurisdictional body competent to resolve any dispute submitted to it voluntarily by States or to provide any legal consultation needed by the Organization or by one of the bodies of the United Nations system.

Strengthening the international legal regime undoubtedly has a positive impact on the realization of each of the Organization's fundamental principles. It is clear that the exercise we conduct year after year to have an exchange of views between the General Assembly and the International Court of Justice enables us, through frank and direct dialogue, to strengthen the links of cooperation between those two main United Nations organs. We must not forget that both organs have a clear mandate to play an active role in the peaceful settlement of disputes — one from a

political perspective, and the other from a legal perspective.

Studying the report of the International Court of Justice before us today enables us to better understand the important disputes in the international community in various regions and on various subjects. Knowledge of those disputes encourages the General Assembly to follow up on them, mindful of the importance of keeping them in legal channels. The Assembly must always encourage the parties to a dispute to fully respect the Court's decisions.

The significant increase in the number of cases submitted to the Court is an unequivocal and tangible sign of the international community's confidence in and political support for its judicial practice, impartiality and independence. However, that increase has obliged the Court to conduct an ongoing and strict review of its procedural Rules and working methods. My delegation welcomes the fact that the Court has viewed this task of renewal as ongoing and that it has therefore adopted a new and simplified procedure for promulgating amendments to its Rules. Undoubtedly, the Court's commitment to adapting to circumstances will enable it to carry out its work more effectively and will help it to resolve cases in a more orderly and expeditious manner.

Mexico also welcomes the recent amendment to Article 52 of the Rules of Court, which establishes clearer norms for the presentation of Court documentation. The amendment not only clarifies the obligations of the parties to a dispute, but also provides for greater efficiency in the work of the secretariat. Another fundamental aspect of reviewing the Court's report is that it enables us to better understand the legal issues on which the Court rules year after year. A detailed reading of those rulings undoubtedly yields well-founded interpretation of various international legal norms in various fields.

We note that during the period covered in the report, the International Court of Justice resolved 10 contentious cases. In those cases, the Court clarified when it should be considered as having jurisdiction over a dispute, as in the case concerning *Certain Property (Liechtenstein v. Germany)*, and what principles are applicable to the determination of international borders, particularly the validity of the *uti possidetis juris* principle, in the case concerning the *Frontier Dispute (Benin/Niger)*. The Court interpreted the scope of Article 35, paragraph 2, of its Statute as a basis for its jurisdiction, in the case concerning the *Legality of Use of Force (Serbia and Montenegro v. Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom).*

Another aspect to be emphasized is that in the case concerning the *Frontier Dispute (Benin/Niger)*, the parties decided to submit it to a Chamber of the Court rather than to the plenary Court. That power, envisaged in Articles 26 through 29 of the Statute, doubtless made it possible to resolve the case swiftly and efficiently. The procedure has seldom been used in the past, but its potential to increase the Court's activity should be examined closely both by the Court itself and by the States that decide to submit their disputes to this jurisdictional organ.

An aspect that Mexico considers noteworthy is the insufficient number of States that have accepted the Court's compulsory jurisdiction in accordance with the provisions of Article 36, paragraph (2), of its Statute. My delegation wishes to point out that only one third of the Organization's membership has made declarations in that regard. That undoubtedly constitutes a fundamental limitation to the principle of the peaceful settlement of disputes. In that connection, and in accordance with what was agreed by consensus at the world summit, we urge those States that have not yet done so to consider the possibility of recognizing the Court's jurisdiction in accordance with the provisions of its Statute.

It was agreed at the summit to consider means of strengthening the Court's work, as provided for in paragraph 134 (f) of the outcome document (*resolution 60/1*) adopted by the heads of State and Government. Mexico believes that some of those measures are closely related to strengthening the Secretary-General's mediation efforts and good offices, to which the outcome document also refers in its paragraph 76. In fact, once the Court has ruled on the substance of a matter, the Secretary-General, through his good offices and at the request of the parties involved, should play a more active role in facilitating and ensuring due compliance with the ruling. Such recourse has already been taken, as in the case between Mali and Burkina Faso and, more recently, in the case between Nigeria and Cameroon.

Non-compliance with certain rulings and orders — both of which are binding on the parties, with

no right of appeal — on provisional measures issued by the Court has unfortunately occurred in the past and could occur in the future. Before a case of non-compliance is referred to the Security Council in accordance with the provisions of Article 94, paragraph (2), of the Charter, it would be useful to consider a more active role for the Secretary-General, through the use of his good offices or through other means, to promote and facilitate full compliance with the Court's rulings.

Furthermore, we believe that interaction with other principal organs should not be limited to the Secretary-General, but that the Security Council should also make more frequent use of its powers under Articles 36 and 37 of the Charter to recommend that as a general rule, all disputes of a legal nature be submitted to the International Court of Justice.

The Court's jurisdiction covers all disputes submitted by States for resolution in accordance with international law. The Court also has the authority to issue advisory opinions on legal matters submitted by the General Assembly or the Security Council, or by other United Nations organs and specialized agencies duly authorized by the Assembly or legal issues arising within their respective areas of competence.

Nonetheless, the advisory jurisdiction of the Court has seldom been used. This is why we should bear in mind what President Shi Jiuyong stated in his address to the Sixth Committee on 5 November 2004. It is indeed surprising that in 59 years the Court has only been asked to provide advisory opinions on 24 occasions, a figure that is comparatively lower than the number of opinions expressed by the Permanent Court of International Justice in its 17 years.

President Shi Jiuyong made a few suggestions on the way in which better use might be made of the advisory jurisdiction of the Court. In this regard, he indicated, first, that the possibility of broadening the sphere of application of the advisory jurisdiction *ratione personae* could be considered — in other words, a larger number of international organizations could be authorized to request such opinions. President Shi Jiuyong even suggested that one way of simplifying that possibility would be to request the General Assembly or the Security Council, in view of their broad competence, to act as intermediaries for the international organizations.

Secondly, the President suggested that the Secretary-General be empowered to request advisory opinions at his own initiative. We believe that it would not be necessary to amend the Charter for that purpose. It would suffice for the General Assembly to give a standing authorization to the Secretary-General to that end.

Consideration of the report of the International Court of Justice is also an opportunity to indicate what the Court needs for the adequate fulfilment of its functions. There is no doubt about the importance of the Court's decisions and its influence on the development and implementation of the norms of international law. We are convinced that to facilitate the work of our principal legal organ it is necessary for States to accompany their expressions of support with the adoption of concrete measures that strengthen the Court.

Mexico will support the granting of more resources to the Court and will continue to ensure that it has the tools it needs to fulfil its mandate in the same effective and professional manner as it has to date.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): Allow me, Sir, to thank the President of the International Court of Justice for his detailed briefing and introduction to the report of the Court for this year. It reflects the great importance of the role it plays in promoting international law in international relations.

Egypt wishes to welcome the contributions made by the Court during the reporting period, in particular its main role in attaining the primary goals of the United Nations. The Court plays a pivotal role in developing international law, promoting compliance with its rules, fostering international peace and security and peaceful coexistence among peoples through respect for the rule of law, assisting States in the peaceful resolution of disputes through legal means, and handing down advisory opinions on legal matters submitted to the Court.

There is no doubt that the significant increase in cases and the number of matters before the Court attest to the increasing confidence of the international community in the role of the Court. This corroborates the impartiality, independence and credibility of the Court's rulings that are based on principles of law and are free from any political trend. This role should be reinforced by acceptance of the Court by a growing

number of countries due to the compulsory opinions regarding disputes that it has handed down.

The United Nations is going through an important phase in its development. It is modernizing, and we hope that the Court will play a more effective role in international relations aimed at strengthening the principles of law and justice.

We had believed that the sixtieth session summit document would reflect a definite and clear idea of developing the Court's role — in harmony with new international developments — which has changed since it was created, so that it could live up to the current initiatives, developing the United Nations framework and its working methods and striking the proper balance among the principal organs of the Organization.

However, the negotiations leading to the adoption of the outcome document show that some were hesitant about accepting such ideas concerning the development of the Court's role or about recognizing the true value of its judgments and advisory opinions. Egypt wishes to express its concern about this growing tendency to marginalize the Court, particularly since the value of its judgments and of its advisory opinions is not confined to deciding on certain facts or rules; it is rather a question of enriching and developing international law. There are moral and legal values that should be respected by the international community.

Accordingly, we wish to stress the centrality and importance of the Court's advisory opinions, as requested by the Security Council or the General Assembly. The Security Council, by trying to have political considerations prevail over law, has ignored the Court's role and has not asked for any advisory opinion since the question of Namibia. The question of Namibia was the only one the Council requested. There is now, however, an urgent need for the Council to use the experience of this principal legal organ of the United Nations to strengthen the legal value of its resolutions, which seek to establish international peace and security.

The aforementioned also applies to the General Assembly. We believe that the Assembly should use the Court's advisory opinions to strengthen its capacity to perform its duty in the most perfect manner possible by referring contentious issues to the Court and requesting advisory opinions from it, so that such opinions can be applied, despite the fact that we know that these opinions are advisory in nature and are open to interpretation of binding legal principles that are upheld by international law. They should be taken seriously, particularly the advisory opinion handed down by the Court at the request of the General Assembly on the legal impact of building the separation wall in occupied Palestinian territories. This opinion was a clear, unequivocal interpretation of a major legal principle that we all recognize, which is that it is prohibited to occupy another's territory by force. This advisory opinion has binding legal value, and the Assembly should pursue its implementation within the competence entrusted to it by the Charter.

Likewise, we believe that the General Assembly should consider the submission in due course of a request for an advisory opinion from the Court concerning the degree of legality exercised by the Security Council on certain competences that were originally possessed by the General Assembly, apart, that is, from the Council's pre-eminence in matters of international peace and security. I would mention in particular questions of terrorism, respect for human rights, disarmament and other questions.

We are convinced that this call to strengthen the principles of democracy and the rule of law should in no way be limited to requesting States to comply with them at the national level alone. These principles must be reinforced and complied with by the international community and in international relations. Therefore, the Court is the principal legal organ of the United Nations and is abundantly qualified to play a decisive role in strengthening those principals and to promote and reaffirm law and justice.

However, in order to enable the Court to play that role we, as Member States — whether as part of the General Assembly or the Security Council — must request the opinion of the Court in all contentious legal issues. We need to implement the Court's opinions when they relate to the interpretation of international law pursuant to the United Nations Charter.

Accordingly, we welcome the Court's efforts, as it seeks to improve its working methods, to respond to the growing number and growing complexity of questions, particularly concerning procedural aspects. We think the United Nations reform plan that we are vigorously striving to implement should include strengthening the rules of international law and the authority of the International Court of Justice so that it

can truly accomplish its mission in a world that is undergoing changes, and where some are trying to circumvent the rules of international law or reduce them to serving narrow national interests through efforts that are not in keeping with the higher interests of the Organization or of the world at large.

During the negotiations on the reform of the Organization and the implementation of the decisions of the recent summit, Egypt will be putting forward specific proposals to strengthen the authority of the International Court of Justice, within the context of establishing the necessary balance between the five principal organs of the Organization, in order to make certain that the Organization and the Court remain effective.

Mr. Kitaoka (Japan): My delegation would like to thank President Shi Jiuyong for his in-depth report on the current work of the International Court of Justice (A/60/4). We also express our gratitude and support for the considerable achievements of the work of the Court in the past year.

In the present international community, where we continue to witness armed conflicts and acts of terrorism, the reinforcement of law and order is truly indispensable. Indeed, there has been an increasing awareness among nations that international society must embrace the value and the goal of establishing and maintaining the primacy of international law. In that regard, the role of the International Court of Justice, the world's most authoritative international court, cannot be overstated.

As a State resolutely devoted to peace and firmly dedicated to respect for international law, Japan appreciates the strenuous efforts and work of the Court. We believe that the Court is required to display not only a profound knowledge of international law but also an insightful view of the international community, given the fact that the world is going through rapid changes and that international disputes of all kinds are constantly arising. Japan appreciates the Court's capacity to meet those requirements and continues to fully support its work.

We must take note of this year's remarkable accomplishments by the Court, which has reduced the number of cases in the docket from 21 to 12. Considering the serious and much-discussed backlog of cases in the past, the recent level of achievement in processing the cases at hand is worthy of admiration. We expect that the Court will continue to maintain the current pace of its work, without compromising the quality of its deliberations, and contribute to the further strengthening of the rule of law in today's international community.

In conclusion, I would like to reaffirm the great importance that we attach to the lofty cause and work of the International Court of Justice as the principal judicial organ of the United Nations. Japan will maintain its firm support for the invaluable work of the Court.

Ms. Bahemuka (Kenya): My delegation would like to thank His Excellency, the Honourable Shi Jiuyong, President of the International Court of Justice, for the cogent and comprehensive report contained in document A/60/4, which outlines in detail the work accomplished by the Court over the past year. The report provides a solid basis for our discussion on the agenda item.

The International Court of Justice remains at the centre of the international legal system for adjudicating disputes among Member States of the Organization. Its role, in the pacific settlement of disputes, has contributed greatly, not only to ensuring justice and equity among the community of nations, but also to the maintenance of international peace, order and stability.

My delegation is pleased to note that the Court has continued to discharge its onerous mandate as the principal judicial organ of the United Nations with veracity and diligence. As a result, it has earned for itself the trust and confidence of Member States, as demonstrated by the continued increase in the number and diversity of cases referred to it. We hope that the Court will continue to zealously uphold justice with integrity and fairness in accordance with the United Nations Charter and the Statute of the Court.

My delegation is also pleased to note that the various measures instituted by the Court in 1997 to improve its working methods are beginning to bear fruit. Indeed, the reduction of pending cases — from 20 or more in previous years to the current number of 11 — is a remarkable achievement. The Court must, however, make efforts to sustain that momentum in order to further minimize delays and eventually eliminate the present backlog. In that respect, we call upon the Court to subject its working methods and procedures to regular review in order to facilitate the

necessary improvements and readjustments. We urge Member States to support the Court in that endeavour.

In his report entitled "In larger freedom" (*A/59/2005*), the Secretary-General challenges Member States to consider ways to strengthen the work of the Court. Kenya has a lot of confidence in the Court's ability to resolve disputes, and I believe that view is shared among many Member States. We thus urge increased support for the Court through, inter alia, sufficient budgetary allocations that will enable it to fulfil its statutory obligations. In that regard, we support requests made by the Court for the biennium 2006-2007 and urge Member States to respond favourably to them. We also support the Court's request for the establishment of an additional professional post in its Computerization Division.

The Government of Kenya is grateful for the publications it continues to receive from the International Court of Justice. They provide a useful resource base for research in the area of international law and practice. We look forward to the continued, timely publication of the next series of International Court of Justice reports.

My delegation very much appreciates the efforts to distribute the Court's publications to the major law libraries throughout the world. However, we are concerned that law students in developing countries, particularly in Africa, may be disadvantaged because there are only a few such major libraries in those countries. We therefore call upon the Court to ensure a wider and more equitable distribution of its publications, giving due regard to the needs of developing countries, in particular the needs of law schools in those countries.

We commend the President and members of the Court for their continued interaction with delegations from States parties through various activities, including visits to the Court by presidents and other members of Government, diplomats, parliamentary delegations, members of judicial bodies, scholars and academics, and legal professionals, as well as through the speeches delivered by members of the Court to various forums. Those activities play a significant role in promoting a better understanding of the Court and its role within the United Nations. We urge the Court to widen the scope of such activities.

In closing, I wish to reaffirm that my delegation attaches great importance to the work of the International Court of Justice. Kenya has already declared its acceptance of the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute of the Court. However, we are concerned that, of the 191 States parties to the Statute of the Court, only 65 have deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction. We therefore encourage States that have not yet done so to deposit their declaration in order to further consolidate the Court's universality. In addition, we urge Member States to make greater use of the Court's advisory functions and, most important, to increase compliance with the decisions of the Court.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): Allow me, at the outset, to thank the International Court of Justice for its report, contained in document A/60/4, and thank the Court's President, Judge Shi Jiuyong, for his excellent introduction of the report.

Costa Rica fully supports the work of the International Court of Justice as the best mechanism for the peaceful settlement of disputes. Our confidence in that high judicial organ is tangibly demonstrated by our recent referral of a contentious case to the Court. Our recourse to the Court seeks to resolve, in a friendly and peaceful manner, the legal dispute concerning Costa Rica's rights with respect to navigation on the San Juan River. My country is convinced that the Court's decision in that case will resolve in a definitive manner any source of discord and will ensure enduring fraternity and friendship between Costa Rica and Nicaragua.

As the Court's President has just affirmed, recourse to the legal settlement of disputes should never be viewed as an unfriendly act among States. The peaceful settlement of disputes is one of the fundamental pillars of peace and fraternity. In effect, the existence of legitimate mechanisms and procedures to resolve legal differences is essential for the harmonious conduct of international relations. Legal disputes can give rise to threats to international peace and security. Territorial disputes, in particular, can lead to a military escalation. In that context, the International Court of Justice provides a peaceful alternative to the use of force and plays a fundamental role in the society of nations.

In addition, the existence of legal disputes creates an atmosphere unfavourable to international

cooperation. The lack of clear norms and the existence of doubts about rights and obligations create an environment that is not conducive to coordinated development and mutual assistance. The Court's legal activity produces legal certainty, clarifies the basic norms of international law and ensures the rule of law in international relations. In that context, we note the Court's work in the progressive development of contemporary international law. Its jurisprudence, in both contentious cases and advisory opinions, not only determines the law for the parties to a conflict but also enlightens other States with respect to obscure or controversial areas of law.

Regrettably, the Court's constructive work is hindered by the growing number of States that impose reservations or conditions on their declaration of acceptance of the Court's compulsory jurisdiction. It is regrettable that only a dozen countries have accepted the Court's jurisdiction without reservations or conditions. We are also concerned that only 65 States have accepted the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute. Acceptance of the Court's jurisdiction in contentious cases without limitations or restrictions is essential for the proper functioning of the international legal order. For that reason, we urge countries that have not yet done so to accept the Court's unrestricted jurisdiction in contentious cases, and we invite those States that have placed reservations on their acceptance of the Court's jurisdiction to remove them.

My delegation welcomes the fact that a great number of cases have been submitted to the Court. That positive situation reflects the international community's growing confidence in the Court's work, as well as the willingness of States to submit to the principles of law in the conduct of their international relations. We believe that frequent recourse to the Court, as an effective mechanism for the peaceful settlement of disputes, should be encouraged.

However, the growing number of legal cases has increased the institution's workload. We welcome the Court's efforts to rationalize its operations and working methods, including the recent amendments to the Rule of the Court in order to prevent delays in the consideration of cases. We consider it essential that the General Assembly provide the Court with sufficient resources and personnel to allow it to fulfil the new obligations resulting from the increased caseload. For that reason, we view with great interest the request for two additional posts — one in the Computerization Division and the other in the office of the President — contained in the corresponding section of the draft budget for the upcoming biennium.

In addition, I would like to underline the Court's excellent work in disseminating information through Internet. That service is invaluable for developing States, which sometimes have difficulty gaining access to the most recent jurisprudence. We trust that the Court will soon publish the complete texts of all its jurisprudence on its website.

Finally, I wish to reaffirm Costa Rica's full confidence in and firm support for the excellent work of the International Court of Justice.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): Although it is an annual item on the Assembly's agenda, the present debate on the report of the International Court of Justice (*A/60/4*) has special importance for my country this year. This debate comes at a time when we are celebrating the sixtieth anniversary of the Charter of the United Nations and of the Statute of the International Court of Justice. In that context, my delegation is pleased to take part in a debate that allows the international community to take a look back at the road travelled by the Court, reflect on the Court's future and, above all, pay tribute to its immense contribution to the maintenance of international peace and security.

Allow me at the outset to express to the President of the International Court of Justice, Mr. Shi Jiuyong, our deep appreciation for his introduction to our discussion of the activities of the Court. The Court can be proud of the fact that it has made judicial settlement the jewel in its crown. It can be proud also of the fact, as President Bedjaoui has said, that it continues to ensure that international justice prevails in this new century.

Testimony of this is its participation — at the request of States, of course — in addressing the major concerns facing today's world: security, human rights, the environment and development.

President Shi and his associates take decisions on major issues relating to the sovereignty of States. Their profession is unique. They carry out their work not only with pride but also with great humility. How could it be otherwise, since they know that justice rendered by people for other people is a complex matter,

because deep philosophical issues are involved. Justice handed down by people for States is just as difficult and complicated a matter, given the considerable interests that are increasingly at stake. But, fortunately, President Shi and his associates are profoundly and acutely conscious of that fact.

The report of the International Court of Justice (*A/60/4*) is clear evidence of the importance of the work done by this principal judicial organ of the United Nations, particularly as concerns its evolution over time. For some years now we have been witnessing an exponential increase in the number of cases entrusted to the Court and, correspondingly, an unprecedented increase in its activities. As is stated in the report, 21 contentious cases were pending in the Court last year, whereas in the 1970s it had only a few cases on its docket. Some resolute optimists might see this as evidence of a certain trend towards the triumph of legality over force in international relations. We, for our part, wish to welcome the increasing confidence of the international community in the International Court of Justice as well as the increased recognition by States of the overriding role of the Court in the peaceful settlement of disputes and in the realization of the ideals enshrined in the Charter of the United Nations.

We encourage this trend and express the hope that it will likewise be reflected in an increase in the number of countries that have deposited with the Secretary-General a declaration of acceptance of the compulsory jurisdiction of the Court. Indeed, as stated in the report, as at 31 July 2005, 191 States were parties to the Statute of the Court, but only 66 of them had deposited a declaration with the Secretary-General. The low number of countries having depositing such a declaration is certainly offset by the large number of bilateral or multilateral conventions that contain compromise clauses providing for the competence of the Court in settling differences resulting from their application or interpretation. States may likewise submit a dispute to the Court on the basis of a compromise decision.

The many challenges facing the international community in the early part of the twenty-first century reaffirm more clearly each day the importance of the role of the United Nations and of its principal judicial organ, the International Court of Justice, in the maintenance of international peace and security.

The international community needs the United Nations more than ever before, and it is increasingly seeing the pivotal importance of the ICJ.

While it is necessary, so that the Court can fully play its role, to encourage States to have more frequent recourse to it, we also deem it appropriate to urge States to implement, in good faith and in a timely manner, the decisions of the International Court of Justice. All peace- and justice-loving countries and all countries wishing for harmonious relations in the international community must make the necessary effort to act in that manner and to encourage others to do the same. Notwithstanding all of the pledges and statements of intent made, the Court cannot live up to the hopes of the international community unless its decisions are implemented fully and speedily.

Cameroon believes that the voluntary and speedy implementation of the rulings of the Court is an act of faith in international jurisdiction that renders deeply meaningful and highly significant States' recourse to the Court. What would be the point of agreeing to the compulsory jurisdiction of the Court, of having recourse to the ICJ and of appearing before it if, in the end, its rulings were not implemented?

While recourse to the ICJ very often makes it possible to resolve peacefully differences among States and to dispel tensions and stave off the spectre of war, failure to implement its judgments can have serious consequences for international peace and security.

Concerning the rule of law, Cameroon attaches great importance to the settlement of disputes by judicial means, that is to say, through recourse to the ICJ — once, of course, other methods of settlement have been shown to be ineffective. That position is consistently recalled by our head of State, President Paul Biya.

That is why our country has consistently sought to work to bring about the rule of law, not only within its borders but beyond. That is also why Cameroon has thus far spared no effort in implementing the decision of the Court in its maritime and land border dispute with Nigeria.

At a time when our Organization is involved in thoroughgoing reforms, we must be sure that our efforts take duly into account the crucial role played by the International Court of Justice.

As recently stated by His Excellency Mr. Paul Biya, the President of the Republic of Cameroon, from this very rostrum, the International Court of Justice should play a central role in the institutional machinery of our Organization. It is in all of our best interests.

My delegation welcomes the reforms undertaken by the Court to rationalize and improve its work. We also welcome the enormous amount of work done by the members of the Court during the reporting period, and we congratulate them on their great competence, their diligence and their determination.

We deem it appropriate in order to facilitate the work of the Court to accede to the requests contained in paragraph 255 of the report. We also deem it appropriate to appeal for more significant contributions to the Secretary-General's Trust Fund, which seeks to help States to refer their disputes to the International Court of Justice.

Mr. Chaudhry (Pakistan): I wish to thank President Shi Jiuyong for presenting the report of the International Court of Justice (*A/60/4*) on its work during the past year. I also thank him for his briefing on the role and functioning of the Court.

Justice and rule of law are key to an orderly international society. The need for international legal order and justice has never been felt as acutely as today. Justice and fairness have become an integral requirement of modern-day existence.

The Charter of the United Nations, under Chapter VI, offers vast possibilities for the United Nations and its organs to play an important role in the pacific settlement of disputes and conflict prevention. Yet, these possibilities remain grossly under-utilized. There has been a marked increase in excessive and immediate resort to Chapter VII, including on issues that do not necessarily pose a threat to international peace and security.

The International Court of justice occupies a special place in the United Nations system as its principal judicial organ. As the report of the Court notes, it is the only international court of a universal character with general jurisdiction. Article 36, paragraph 3, of the Charter clearly sets out the role of the Court in the settlement of disputes.

Since its inception, the Court has performed its tasks with great skill. However, the potential of the Court as the main forum for the settlement of disputes and for advisory opinions, through its contentious and advisory jurisdiction, remains largely un-utilized. More than 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. However, only 66 countries, including Pakistan, have accepted the compulsory jurisdiction of the Court, in accordance with Article 36, paragraph 2, of the Statute of the Court. Recourse to the advisory jurisdiction of the Court has also been quite rare. We will need to consider ways and means to ensure greater utilization of the services that the Court can provide.

On this occasion, I would like to make a few specific comments on the work of the Court. First, we have noted the increase in the Court's workload since 1990, and particularly since 1997. We have also noted the difficulties that the Court is facing in holding hearings in all pending cases directly after the closure of the written proceedings, owing to the increase in the number and complexity of cases before it.

Secondly, we appreciate the continued efforts of the Court to cope with its workload through rationalization of the work of the Registry, greater use of information technology, improvement of its working methods and through securing greater collaboration from the parties in relation to its procedures.

Thirdly, consideration should also be given to some important recommendations regarding the Court contained in "An Agenda for Peace" (*A/47/277*), such as that all States should make more frequent use of the jurisdiction of the Court, consistent with Article 36 of its Statute. When submission of a dispute to the full Court is not practical, the Chambers could be used. Furthermore, consideration should be given to whether the Secretary-General should be duly authorized by the General Assembly to request advisory opinions in matters pertaining to his functions under the Charter.

Fourthly, in the event of non-compliance with the judgments of the Court, Article 94, paragraph 2, of the Charter sets out a procedure for addressing such situations. The Secretary General, through his good offices and upon request of the Party or the Parties concerned, should play an increasingly active role in facilitating and securing due implementation of the judgment.

Fifthly, the Security Council should much more frequently use its powers under Articles 36 and 37 of

the Charter to recommend that legal disputes should, as a general rule, be referred to the Court.

Sixthly, and lastly, we believe that the Court should have at its disposal all the resources necessary to perform the tasks assigned to it. The General Assembly should provide the Court with the resources needed to perform its work effectively and efficiently.

We hope that the General Assembly will give positive consideration to the Court's request in its 2006-2007 budget submission for a new senior Professional post for the head of its Computerization Division.

Allow me to make a few general remarks on this occasion. First, all United Nations Member States should promote the concept of the non-use of force and the peaceful settlement of disputes as the means of achieving collective security, in accordance with the purposes and principles of the United Nations Charter. They should always act in accordance with the principles enshrined in Article 2, paragraphs 3 and 4, of the Charter.

Secondly, the parties to any dispute must assume their responsibilities to settle their disputes peacefully, as required under the Charter, and make the most effective use of mechanisms, procedures and methods for pacific settlement, as described in the Charter. They must show the necessary political will to ensure the success of pacific settlement of disputes.

Thirdly, the idea of the promotion of dialogue among civilizations and a culture of peace could greatly contribute to the maintenance of international peace and security. I would also like to mention in this context the strategy of Enlightened Moderation proposed by President Musharraf of Pakistan to deal with issues such as extremism and terrorism through a broad range of measures at different levels.

Fourthly, Member States should promote the realization by the peoples under colonial and other forms of alien or foreign occupation of their inalienable right to self-determination, freedom and independence, in accordance with the Charter of the United Nations.

The quest to define and, subsequently, to implement justice and the rule of law has been central to the march of civilization. The rule of law can be strengthened if the principles laid down in the United Nations Charter for the pacific settlement of disputes are adhered to, if international human rights norms are applied consistently and if Security Council resolutions are implemented faithfully.

The commitment we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. We stand ready to fully contribute to the work of the Court in the realization of such a commitment.

Mr. Lobach (Russian Federation) (*spoke in Russian*): Allow me to echo the words of thanks and gratitude to the President of the International Court of Justice, Judge Shi Jiuyong, for his interesting and comprehensive briefing on the work of the Court. We also agree with the commendation of the Court's work during the period under review.

We emphasize that the Russian Federation has always attached great importance to the work of the Court and to its judgments. We are pleased to note the growing role over the years of that unique body, which is the most effective legitimate mechanism of international justice and which has made an invaluable and steadily growing contribution to the peaceful settlement of disputes between States.

A growing number of States have entrusted complex legal disputes to the Court, increasing the range of issues and geographical scope of matters under consideration. That favourable trend attests to the recognition of the Court's authority, the high level of professionalism of its judges and the legitimacy of its rulings. One of the most urgent priorities at the moment is the comprehensive and unconditional compliance by States with the obligations flowing from the Court's judgments.

In the framework of efforts to strengthen the Court's authority and, in general, the instruments of international law for resolving interstate disputes, the further expansion of the practice of accepting the compulsory jurisdiction of the Court is particularly significant. In response to the 2005 summit outcome, the Russian Federation intends to start actively working on the question of lifting its prior reservations to several international treaties, including in the area of combating terrorism, that recognize the Court's jurisdiction in adjudicating disputes concerning the application and the interpretation of those treaties.

One important aspect of the Court's work is its advisory opinions on various legal questions, issued

upon request by United Nations bodies and specialized agencies. The Russian delegation believes that strengthening the institution of advisory opinions can only be welcomed. We believe that in questions of advisory jurisdiction, the Court should act with circumspection, considering all aspects, including the existence of a bilateral dispute linked to an issue on which an advisory opinion has been requested, particularly in situations where one of the parties to the dispute has not accepted the Court's compulsory jurisdiction. We believe that advisory opinions must not impede the search for a political solution.

We commend the Court administration's consistent policy of enhancing the effectiveness of its methods of work and improving its procedures. We welcome measures taken in recent years to rationalize the work of the Registry, including the greater use of information technology.

In conclusion, I would like to express general satisfaction that questions relating to the funding of the Court's work and to improving its technological capacities are, on the whole, being resolved in a positive fashion. Issues still outstanding in that area include the request of the Court's administration for additional funding for the needed expansion of the use of advanced technology. In the opinion of the Russian delegation, that issue should be resolved quickly so that the Court can perform the job entrusted to it more effectively.

Mr. Bugaje (Nigeria): The Nigerian delegation would like to congratulate Judge Shi Jiuyong, President of the International Court of Justice, for the comprehensive annual report of the Court, contained in document A/60/4. We commend the Court for the broad range of activities covered in the report and for its commitment to upholding the values of international law. We also express our thanks for the report of the Secretary-General in document A/60/330.

Nigeria was one of the first States to accept the compulsory jurisdiction of the Court. We note that only 65 States have accepted the Court's compulsory jurisdiction. That is not encouraging, given the fact that United Nations membership now stands at 191 States. Consequently, we call on Member States to accept the Court's compulsory jurisdiction. Indeed, Nigeria's acceptance of the Court's October 2002 decision on the land and maritime boundaries dispute with Cameroon is based on its respect for, and recognition of, the Court.

Nigeria commends the Court's important role in propagating the rule of law within the United Nations system and the international community. One cannot overemphasize the Court's invaluable contribution to international peace and security through its impartial and authoritative decisions as well as its sound advisory opinions.

Nigeria welcomes the increasing confidence of States in the Court's ability to resolve their disputes. Evidence of that is the 300 bilateral and multilateral treaties that accept the Court's jurisdiction in resolving disputes arising from the application or interpretation of those treaties. It is gratifying to note that the Court has disposed of 10 cases during the period under review. It is encouraging that an increasing number of States have recently submitted specific disputes to the Court by special agreement.

Nigeria commends the adoption of the amended Practice Direction V and the promulgation of new Practice Directions X, XI, and XII. We believe that this will enhance the effectiveness and the efficiency of the Court.

We share the concern of the President with respect to the Court's budget. We recall that for the biennium 2004-2005, the Court had specifically requested a modest expansion of its Computerization Division, with the employment of an additional professional officer. Accordingly, we reaffirm our support for adequate funding to enable the Court to meet its needs. In particular, that will help the Court keep pace with advances in modern technology as required for the discharge of its functions.

Finally, I would like to reiterate Nigeria's commitment to the Statute of the Court. We acknowledge the Court's immense contribution to the pacific settlement of disputes between and among States and to the progressive development of international law and the rule of law.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation would like to express its sincere thanks to Judge Shi Jiuyong, President of the International Court of Justice, for all his efforts to strengthen the rule of international law. I would also like to express my appreciation for his presentation of the comprehensive report of the

International Court of Justice on its work in the past year (A/60/41). The Court is a principal organ of the United Nations for effectively ensuring the rule of law in international relations and the peaceful settlement of disputes in an increasingly complex world.

Syria wishes once again to thank the principal judicial organ of the United Nations for its ongoing contribution to the development of international law and the promotion of justice among States.

Syria underlines the agreement of world leaders at the September summit concerning the importance of the primacy of law within States and in international relations. Syria has long given attention and support to the work of the Court. That is not at all unusual, as our region, and my country Syria, saw the first manifestations of a legal system thousands of years ago.

We affirm that the United Nations Charter governs the conduct of current international relations, and the Court's Statute gives the Court full authority to fulfil that task. That is attested to by the intense judicial work accomplished by the Court in the period covered by the report, which reflects the fact that the Court has become a very dynamic institution. We hope that the Court's activities will be further expanded in the future. The Court's heavy workload is due to the fact that the Court embodies the principle of the equality of States before international law and that the Court is an impartial third party that functions as the guardian of international law, working to maintain a coherent international legal system.

The report of the International Court of Justice, presented by Judge Shi Jiuyong, the Court's President, describes the various cases recently taken up by the Court, the outcomes of those cases and the respect shown by Member States for the Court's decisions.

We thank the Court for its advisory opinions, which represent the truth. Compliance with the Court's advisory opinions means compliance with the law, because justice is not an abstract concept. Implementation of legal principles is what matters.

In that regard, I would like to recall the Court's advisory opinion on Israel's construction of the separation wall in the occupied Palestinian territory. The Court decided that the wall's construction violated international law and that Israel had an obligation to put an end to those violations of international law and compensate Palestinians for the damages incurred by the wall's construction. The advisory opinion also stressed that all Member States are bound not to recognize the legality of the construction of the wall, and that it was incumbent on Israel to abide by international humanitarian law as recognized under the Fourth Geneva Convention. In spite of the Court's advisory opinion that stresses the need that the United Nations, including the Security Council, should take measures to end the illegal status resulting from the construction of the wall, it is unfortunate that the Security Council did not exercise its role owing to the practice of selectivity on the part of some of its members and their protection of violations of international law when it serves their own politics and interests.

Today, the United Nations is undergoing an extremely important reform. It would be wise to extend that reform to the entire Organization, including the strengthening of the Court's role and authority. The High-level Plenary Meeting of the General Assembly in September emphasized the importance of working to that end. It is our hope that Member States will make that objective their top priority so that the necessary balance in the methods of work of the various bodies of the United Nations system can be undertaken.

The International Court of Justice must fulfil its mandate vis-à-vis the work of other organs of the United Nations, including the Security Council, whose agenda has multiplied immensely and has, in some cases, exceeded its area of competence. The fact that some countries discuss the extent of the legitimacy of Security Council resolutions is a clear warning of the urgent need to strengthen the role of the International Court of Justice.

We expect the Court to take up many further cases in the near future, as the Court must do if it is to be an effective judicial instrument at the service of the international community. In turn, we must provide the Court with the necessary financial and human resources to carry out its functions. The proposal to allocate 1 per cent of the Organization's budget to cover the Court's expenses is unacceptable if we are truly serious about upholding the rule of law in international relations. Thus, Syria will support any proposals aimed at improving the financial situation of the Court, including the conditions of the judges' terms. In this context, Syria encourages all States to make voluntary contributions to the Trust Fund.

Syria greatly values the Court and the role it plays and functions it undertakes. Syria commits itself to make all necessary efforts and to cooperate with Member States that believe in the primacy of the law in order to strengthen the Court's role in all its areas of competence.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 74?

It was so decided.

The meeting rose at 1.10 p.m.