



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **The President of the International Court of Justice, addressing the General Assembly, welcomes the growing trust and respect of the international community for the Court**

THE HAGUE, 2 November 2009. Last Thursday, the President of the International Court of Justice (ICJ), Judge Hisashi Owada, addressing the United Nations General Assembly, welcomed the fact that “over the past decade, the trust and respect of the international community for the activities of the Court as the principal judicial organ of the United Nations have been growing”.

Presenting the Report of the Court for the period from 1 August 2008 to 31 July 2009 to the representatives of the United Nations Member States meeting in New York, President Owada first paid tribute, on behalf of the Court, to the five United Nations staff members who had recently been killed in a shocking terrorist attack in Kabul. Joining in the condemnation expressed by the United Nations Secretary-General, he stated that “[a]s the principal judicial organ of the United Nations, the Court reaffirms the need to hold accountable those responsible for such acts”.

President Owada went on to inform those present of “the increase in the number and the widening in subject of the cases brought before the Court by Members of the United Nations”. He drew the attention of his audience to the fact that the cases submitted to the Court had involved States from all continents, thus reflecting “the universal character of the principal judicial organ of the United Nations”. The President added that the subject-matters of these cases had been “truly wide-ranging, extending from such classical issues as territorial and maritime delimitation and diplomatic protection, to issues of increasing relevance to the contemporary international community like human rights, the status of individuals, international humanitarian law and environmental issues”.

Having noted the complexity of the factual issues raised by the cases brought before the Court, President Owada pointed out that those issues “have to be evaluated against diverse social and historical backgrounds, intermingled with the colonial past and in the new light of a legal environment composed of emerging normative challenges faced by the international community”. He observed that, in such an environment, the Court “has to carefully examine these elements of fact and law collectively, as an institution composed of Members who represent diverse historical, social and cultural backgrounds and the major legal systems of the world”.

President Owada then gave an overview of the judicial activities of the Court. During the period in question, the Court had had more than sixteen cases on its General List and had rendered two Judgments on the merits (Maritime Delimitation in the Black Sea (Romania v. Ukraine) and Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)), a Judgment in a request for interpretation (Request for Interpretation of the Judgment of 31 March 2004 in the Case

concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America) and a Judgment on preliminary objections (Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)); it had also made two Orders on requests for the indication of provisional measures (in the cases concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) and Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)).

He noted that several new contentious cases have been filed with the Court since August 2008: Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), Jurisdictional Immunities of the State (Germany v. Italy) and Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal). President Owada informed the General Assembly that on 28 October 2009 the Registry of the Court had received an “Application instituting proceedings by the Republic of Honduras against the Federative Republic of Brazil”. The President added that hearings on the merits had been held from 14 September to 2 October 2009 in the case concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay). Finally, he recalled that the General Assembly had submitted a request to the Court in October 2008 for an advisory opinion on the question of the Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo. The President indicated that thirty States and the authors of the unilateral declaration have expressed their intention to take part in the oral proceedings to take place from 1 to 11 December this year.

President Owada stated that “the increased recourse to the International Court of Justice by States for the judicial settlement of their disputes points to the consciousness among political leaders of the importance of the rule of law in the international community”. “The importance of the rule of law is crucial against the backdrop of the deepening process of globalization. Law does not replace politics or economics, but without it we cannot construct anything that will last in the international community”, he explained. President Owada remarked that at present only 66 States have made declarations recognizing as compulsory the jurisdiction of the Court and then observed that “this basis of jurisdiction can only be utilized in cases where it is accepted by both parties to a given dispute. It is therefore desirable to broaden this particular basis of jurisdiction through wider acceptance by States of the Optional Clause.”

In conclusion, President Owada expressed his great appreciation for “the trust that Member States have continued to place in what the International Court of Justice is doing as the principal judicial organ of the United Nations”. He assured those present that “the Court will do its utmost to achieve our mandate as set out under the Charter” and to assist States seeking the pacific settlement of their disputes. The President also availed himself of the opportunity to request Member States “to strengthen their support and assistance through enhancing the capacity of the Court in carrying out its task of the peaceful resolution of disputes”.

Lastly, President Owada assured the General Assembly that the Court “will continue to dedicate its fullest efforts to the peaceful settlement of disputes as well as to the promotion of the rule of international law with integrity and impartiality in order to meet the expectations of the United Nations and of the international community”.

The full text of the address by the President of the Court to the United Nations General Assembly, as well as the Court's Report for the judicial year 2008-2009, will soon be available on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)).

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