



INTERNATIONAL COURT OF JUSTICE

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Visit by H.E. Mr. Danilo Türk, President of the Republic of Slovenia, to the International Court of Justice

THE HAGUE, 29 November 2011. The President of the Republic of Slovenia, H.E. Mr. Danilo Türk, today paid a visit to the seat of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, at the Peace Palace in The Hague.

H.E. Mr. Türk and his delegation were welcomed on their arrival by the President of the Court, Judge Hisashi Owada, and the Registrar, Mr. Philippe Couvreur.

The President of the Republic of Slovenia and the members of his official delegation were received for a brief discussion in the suite of the President of the Court. They then met the Members of the Court.

The Slovenian President signed the Court's Visitors' Book and exchanged gifts with President Owada.

This was followed by a solemn sitting in the Great Hall of Justice, which was attended by members of the Diplomatic Corps and representatives of the Dutch authorities and international institutions based in The Hague. At that sitting, speeches were made by both President Owada and President Türk.

The President of the Court observed that "the Republic of Slovenia [was] one of the youngest members of the international community, celebrating its 20th anniversary of independence this year". However, he pointed out, "its experience of Statehood c[ould] be traced more than a thousand years back, to the Duchy of Carantania (from the 7th to the 11th century), which was the oldest known independent Slavonic union in this area and ha[d] sometimes been regarded by historians as one of the most democratic communities of its time".

He went on to say that "[t]he Republic of Slovenia ha[d] . . . contributed substantially to United Nations peace-keeping efforts", pointing out that "over 5,000 Slovenian soldiers and police officers [had] been deployed in various international peace operations all over the world".

President Owada commented that "[a]s a modern democratic country, Slovenia ha[d] always strived to maintain a high level of respect for human rights in its society and ha[d] been a devoted advocate of human rights on the international level", and he observed that Slovenia was a party to a great many of the principal international instruments in the fields of human rights, international humanitarian law and refugee law.

The President of the Court also stated that “the great importance that Slovenia attache[d] to the peaceful settlement of disputes and the rule of law [was] to be noted . . . in particular”, adding that “Slovenia actively support[ed] the work of international courts and tribunals”.

He concluded by observing that Slovenia “ha[d] shown, in the first two decades of its existence, a profound dedication to international law and an impressive record in international institutions”.

In response, President Türk first observed that “[t]he International Court of Justice ha[d] been, since its inception, not only the world’s highest court of law, but also a symbol of the highest human aspirations”. He said that it “epitomize[d] the historical human longing towards an international order based on human reason and rule of law” and that “[i]t [was] associated with the highest standards of international jurisprudence. Many of the decisions taken in this distinguished building ha[d] become milestones in the evolution of the organized international community.”

During his speech Mr. Türk referred in particular to the principle of sovereign equality of States. He pointed out that while “addressing a wide range of issues of international law relevant to [the question of State succession in] former Yugoslavia, [the Court had] provided wise guidance on and carefully safeguarded the principle of sovereign equality of successor States”. Mr. Türk observed that “[i]n the reasoning of its judgments and the separate opinions of its judges, the Court helped to clarify some of the questions under negotiation and indirectly helped the successor States in their search for the right solutions”.

The President of the Republic of Slovenia also stressed the importance of fairness in the development and sound application of international law over the past 20 years, and in the years to come.

“It is already generally accepted that international law is the common language of the international community. However, international law is much more than that. It is the main carrier of the notions of fairness and justice and hence of the further improvement of the human condition in the globalized world”, said Mr. Türk. “As President of a sovereign State and as a lifelong student, teacher and practitioner of international law, I feel confident that sustained and fair functioning of international law will gradually improve and, indeed, transform the world”, he added.

The President of the Republic of Slovenia concluded by saying that “[i]n this historical march of change, the International Court of Justice w[ould] continue to play an essential role and its decisions w[ould] continue to inspire beyond the limits of its immediate jurisdiction”.

Following the solemn sitting, a reception was held in the entrance hall of the Peace Palace, to which all those who had attended the sitting were invited.

The texts of the speeches delivered by the President of the Court and President Danilo Türk are attached to this press release. French translations are attached to the French version of the press release, which can be found on the Court’s website (www.icj-cij.org), under the “Press Room” heading.

Photographs of the visit are available on the Court’s website (www.icj-cij.org) under the “Multimedia” heading.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

The ICJ, a civil court open only to States for contentious proceedings and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial institution composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA), an institution founded in 1899, which is independent of the United Nations.

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Speech by H.E. Judge Hisashi Owada, President of the International Court of Justice, on the occasion of the visit by the President of the Republic of Slovenia, H.E. Dr. Danilo Türk

President Danilo Türk of the Republic of Slovenia,
Your Excellencies,
Ladies and Gentlemen,

On behalf of the International Court of Justice, I wish to extend to you, Mr. President, a most sincere welcome and convey to you our great sense of honour and privilege on the occasion of your visit.

I am particularly pleased to welcome you to the International Court of Justice today since you are yourself a highly regarded international lawyer. I note that you enjoyed an illustrious career as an academic at the Faculty of Law in Ljubljana, where you headed the University's Institute of International Law and International Relations. Before your election as President of Slovenia in 2007, you also had a long and impressive career in the United Nations. In 1992 you assumed the position of Permanent Representative of the Republic of Slovenia at the United Nations, where I had the pleasure of sharing common experiences with you, Mr. President. You were also President of the Security Council in August 1998 and November 1999, and you went on to serve for five years as a senior member of the United Nations Secretariat.

Mr. President, the Republic of Slovenia is one of the youngest members of the international community, celebrating its 20th anniversary of independence this year. However, its experience of statehood can be traced more than a thousand years back, to the Duchy of Carantania (from the 7th to the 11th century), which was the oldest known independent Slavonic union in this area and has sometimes been regarded by historians as one of the most democratic communities of its time.

While no judge of Slovenian nationality has yet served on the bench of this Court, Slovenia as a State has made substantial contributions to international law. Already prior to its independence, Slovenia took part as a constituent part of the Kingdom of Serbs, Croats and Slovenes in the creation of the world's first principal institution, namely, the League of Nations. In 1945, Slovenia participated as one of the constituent republics of the former Yugoslavia in the San Francisco Conference which adopted the Charter of the United Nations.

With its declaration of independence on 25 June 1991, Slovenia committed itself to the principles of the Charter of the United Nations, and succeeded to all treaties to which the former Socialist Federal Republic of Yugoslavia had been a party. Since its creation, Slovenia has been fully devoted to the principles of international law, including the principle of the peaceful resolution of disputes and the protection of human rights, as reflected in the founding documents of the Slovenian State, such as the Slovenian Declaration of Independence, the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and the Constitution of Slovenia. The Slovenian national anthem praises all nations who aspire to peaceful coexistence.

On 22 May 1992, Slovenia became the 176th Member of the United Nations and on that occasion, the then-President of Slovenia, Mr. Milan Kučan, made clear that "Slovenia did not declare independence in order to become an island in the middle of the world but to ensure an appropriate role and just treatment in the processes of integration which it joins" (United Nations document A/46.PV.86 of 29 May 1992). Indeed, two decades later, Slovenia has firmly established its role as a committed member of numerous international organizations, including the

Organization for Security and Cooperation in Europe, which it joined in 1992; the Council of Europe, which it joined in 1993; the European Union, which it joined in 2004; the North Atlantic Treaty Organization, which it joined in 2004; and the Organization for Economic Co-operation and Development, which it joined in 2010.

With a strong determination to foster international peace and security, Slovenia was elected as a non-permanent Member of the United Nations Security Council in 1997, only a few years after gaining independence, and held the presidency of the Council twice in the course of its two-year term.

The Republic of Slovenia has also contributed substantially to United Nations peacekeeping efforts: over 5000 Slovenian soldiers and police officers have been deployed in various international peace operations all over the world, and have played a particularly significant role in peacekeeping activities in the Balkans, where Slovenia has continuously shown the willingness and ability to assist in the stabilization of the conflict situation in that part of Europe.

As a modern democratic country, Slovenia has always strived to maintain a high level of respect for human rights in its society and has been a devoted advocate of human rights on the international level. It is a party to a great many of the main international instruments in the fields of human rights, international humanitarian law and refugee law, including in the area of human rights law, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention Against Torture, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities; in the area of international humanitarian law, the 1949 Geneva Conventions and their Additional Protocols; and in the area of refugee law, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Slovenia also actively participates in the work of international human rights bodies. Between 2007 and 2010, Slovenia was a member of the United Nations Human Rights Council, focusing in particular on the promotion of the rights of the child and other vulnerable groups, and the promotion of human rights education. Slovenia places the rights of the child at the top of its foreign policy agenda and has contributed significantly to international efforts in this area. Indeed, during its Presidency of the European Union in 2008, Slovenia drew attention to the situation of children in armed conflicts and commissioned a study on “Enhancing the EU Response to Children Affected by Armed Conflict with Particular Reference to Development Policy”. This year, the Slovenian Permanent Representative to the United Nations, Ambassador Sanja Štiglic, is the chair of the Executive Board of UNICEF, which is seeking to achieve universal ratification of both Optional Protocols to the Convention on the Rights of the Child.

Slovenia has also been increasingly active in the field of international development co-operation, focusing especially on the Western Balkan countries, as well as in the field of international humanitarian assistance, concentrating its operations primarily on assistance to children in post-conflict situations. In this context, I note that it hosts the International Trust Fund for Demining and Mine Victims Assistance, a donation-funded international humanitarian organization helping to eliminate the dangers of mines and rehabilitate victims in post-conflict periods.

In addition, Slovenia fully supports the international community’s efforts to fight terrorism and all forms of organized crime, as well as its efforts to prevent the proliferation of weapons of mass destruction. It is a party to the major conventions on non-proliferation of nuclear weapons and prohibition of other types of weapons of mass destruction.

In the context of the work of this Court, and on international tribunals, the great importance that Slovenia attaches to the peaceful settlement of disputes and the rule of law is to be noted in

particular. Thus Slovenia participated actively in the procedure of this Court through the submission of a Written Statement during the advisory proceedings on the Accordance with international law of the unilateral declaration of independence in respect of Kosovo. In addition, Slovenia actively supports the work of other international courts and tribunals. It was a founding member of the International Criminal Court, and a member of its Bureau of the Assembly of States Parties between 2008 and 2011. In this capacity, the Slovenian delegation participated in the 2010 review conference in Kampala, contributing to the efforts to define the crime of aggression under the Rome Statute.

I am also pleased to note, that the Slovenian jurist, Professor Dr. Ernest Petrič, President of the Constitutional Court of Slovenia, has since 2006 been a member of the International Law Commission, and was this month re-elected for another five-year term. Among other Slovenian international jurists of renown, may I mention Professor Jernej Sekolec, former Secretary of UNCITRAL and Director of the International Trade Law Division of the United Nations Office of Legal Affairs, and currently a Slovenian member of the Permanent Court of Arbitration and the Vice-President of the London Court of International Arbitration.

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In conclusion, Mr. President, your country has shown, in the first two decades of its existence, a profound dedication to international law and an impressive record in international institutions. Your presence among us today reflects both your country's commitment to justice, freedom and mutual understanding among nations and your personal commitment to the cause of international law.

A visit such as this one encourages us in the accomplishment of our mission. For this we offer you, Mr. President, our heartfelt thanks. Thank you.

Now I call upon President Danilo Türk, to give his speech.

**Speech by the President of the Republic of Slovenia Dr. Danilo Türk
at the International Court of Justice**

Mr. President,
Members of the Court,
Ladies and gentlemen,

Thank you for your kind and friendly welcome. It is with deep awareness of the honour granted to me that I address you on this special occasion in the splendid and highly symbolic environment of the Peace Palace in The Hague.

The International Court of Justice has been, since its inception, not only the world's highest court of law, but also a symbol of the highest human aspirations. The Court epitomizes the historical human longing towards an international order based on human reason and rule of law. It is associated with the highest standards of international jurisprudence. Many of the decisions taken in this distinguished building have become milestones in the evolution of the organized international community.

Jurists, diplomats and political leaders draw inspiration from the judgments and advisory opinions of the International Court of Justice, from the message of justice and fairness expressed in the Court's decisions, as well as in the separate opinions of its judges. In particular, this message resonates in those States which established their place in the international system in the course of the twentieth century.

One such State is the Republic of Slovenia, an independent, sovereign State for twenty years. Slovenia's experience, as a member of the international community, has been closely associated with international law. This experience can be summarized in a variety of ways.

However, the following three key conclusions drawn from international law have been significant in my country's history:

First, the principle of sovereign equality of States continues to have full validity in the contemporary world.

Second, the principle of free choice of means of peaceful settlement of disputes between States is often essential for decision making by States in their efforts to settle their disputes peacefully.

Third, international law and, in particular, the idea of fairness inherent in it, hold a significant and creative potential.

Allow me to make a few additional remarks concerning these three conclusions drawn from our specific experience.

First, the Republic of Slovenia emerged as a sovereign State and became a member of the United Nations in the wake of the dissolution of its predecessor State, the Socialist Federal Republic of Yugoslavia, which had ceased to exist. From the first days of independence twenty years ago, the principle of equality of all successor States of former Yugoslavia was essential to Slovenia. The legal and political effort to promote acceptance of this principle took almost a decade of discussions. These discussions were not easy due to both political and historical complexity. Finally, the logic of law and justice prevailed. In October 2000, the last among the

immediate successor States of former Yugoslavia applied for membership in the UN as a new Member State.

A few months later the five successor States concluded their agreement on State succession in matters of State property, financial assets and liabilities and archives. The principle of sovereign equality was thus accepted and applied. Today we can look back to the legal resolution of that situation with satisfaction.

It is only proper to recognize the role of the International Court of Justice in this context. Of course, the Court did not deal with the question of State succession in former Yugoslavia *per se*. However, in the course of the Court addressing a wide range of issues of international law relevant to former Yugoslavia, it provided wise guidance on and carefully safeguarded the principle of sovereign equality of successor States. In the reasoning of its judgments and the separate opinions of its judges, the Court helped to clarify some of the questions under negotiation and indirectly helped the successor States in their search for the right solutions.

The principle of sovereign equality of States reaches far beyond the issues of State succession. It is basic to the entire United Nations system. It is also essential in the process of treaty making, in the field of diplomatic relations and in all other fields of international life of a State. Even in the European Union, a highly integrated regional arrangement, of which the Republic of Slovenia is a member, sovereign equality has not been superseded by any other principle. Time and again the discussions within the European Union reaffirm the basic fact that the European Union, like any other international organization, remains the product of the sovereign will of its member States. Moreover, an analysis of the European Union law reminds us of the fundamental importance of the democratic legitimacy that only sovereign States can possess. The decision-making bodies of the European Union must seek genuine acceptance by the sovereign member States and their democratically elected bodies for all decisions that might affect the legal architecture of the Union.

In brief, sovereign equality of States remains a vital foundation of the organized international community. This realization has a profound bearing on all aspects of international life, including the ways in which States choose and utilize the means for peaceful settlement of their disputes.

In this context, too, the experience of the successor States of former Yugoslavia is interesting, given the number and variety of disputes which have arisen as a result of dissolution of that complex, multiethnic and federal State. Some among those disputes have filled the docket of the International Court of Justice. Others have been solved or are being solved by negotiation, mediation or by other peaceful means. One of them, the dispute between Slovenia and Croatia regarding the maritime and land boundary, will be resolved by arbitration, in accordance with the bilateral Arbitration Agreement that was concluded recently.

Efforts of the two countries to find a mutually agreeable method of dispute settlement had been pursued continuously for nearly two decades. They included proposals for direct negotiations, good offices and mediation, an exchange of ideas regarding conciliation and adjudication and, finally, the agreement on arbitration. The process of searching for an approach to the actual dispute settlement was long and included careful pondering of difficult choices. At times, success appeared to be close only to discover that full agreement was not yet possible. In the final phase, the European Commission played a welcome and effective role by mediating the process and assisting — with suggested drafts during the negotiation of the Arbitration Agreement.

The lesson learned in this case — as in many cases before — has been that the process of choosing the means of dispute settlement is a learning opportunity and a creative process which allows the parties to adapt to the factual and legal particularities of the dispute at hand and to find the way forward, towards a solution.

Let me now, Mr. President, proceed to my final and a more general point.

The processes of application of international law are, in general, creative processes. Jurists involved in these processes in their different roles have to use their knowledge and skills to ponder claims of varying degrees of legal merit, to manage a variety of conflicting interest and to understand international law in its relative indeterminacy. The latter is important because norms of international law mainly belong to the category of ius dispositivum. They are most effectively applied when their application takes into account all the relevant factual circumstances and when they are applied with due regard to equity and fairness.

The search for fairness begins with the search for an agreement. As the recent history demonstrated, fairness holds a significant and creative potential which can be translated into a wide variety of agreements. The past two decades have witnessed many new expressions of this phenomenon. International criminal law and its institutions have been brought to entirely new levels. The international law of human rights has gained in precision and legal texture, as well as in the sophistication of its implementation procedures. Even the United Nations Security Council improved its methods of work and made the substance of some of its decisions relating to certain targeted sanctions more susceptible to the idea of fairness. Slovenia has had the opportunity to play an active role in the processes of international legislation and decision making in all these vital areas of application of international law.

This gave my country an excellent opportunity to exercise its sovereignty actively, with a serious appreciation of the importance of fairness and with a keen understanding of the key role of the search for an agreement.

However, when it comes to substantive fairness there are still vast areas of international law which leave much to be desired. Global trade negotiations have yet to deliver on their promise of fair trading arrangements for developing countries. Environmental protection systems still require new and fair arrangements in many areas. Major international institutions such as the International Monetary Fund and the United Nations Security Council need to be reformed — in part to better reflect the distribution of power in the world — but more importantly to also ensure greater fairness of their decisions for the benefit of humankind as a whole.

International law and its inherent concept of fairness can become key instruments of the necessary change. It is already generally accepted that international law is the common language of the international community. However, international law is much more than that. It is the main carrier of the notions of fairness and justice and hence of the further improvement of the human condition in the globalized world. As President of a sovereign State and as a lifelong student, teacher and practitioner of international law, I feel confident that sustained and fair functioning of international law will gradually improve and, indeed, transform the world.

In this historical march of change, the International Court of Justice will continue to play an essential role and its decisions will continue to inspire beyond the limits of its immediate jurisdiction.

Mr. President,
Distinguished Members of the Court,

I feel honoured to have been given the opportunity to address you today. Before concluding, I wish to congratulate you, Mr. President, and other Members of the Court who have been recently re-elected to this high office, on your re-election. I wish you every success in your work and I thank you all, distinguished Members of the Court, ladies and gentlemen, for your attention.
