



INTERNATIONAL COURT OF JUSTICE

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The contributions of the Court are to be measured in terms of “the great progress made by it in the advancement of international justice and the peaceful settlement of disputes between States”, the President of the Court tells the United Nations General Assembly

THE HAGUE, 31 October 2013. Today, the President of the International Court of Justice (ICJ), H.E. Judge Peter Tomka, informed the United Nations General Assembly that over the last 12 months the Court had “continued to fulfil its role as the forum of choice of the international community of States for the peaceful settlement of every kind of international dispute over which it has jurisdiction”.

President Tomka was addressing representatives of the United Nations Member States meeting in New York on the occasion of the presentation of the Court’s Report for the period from 1 August 2012 to 31 July 2013.

He added that “as illustrated in the Report . . . the Court has made every effort to meet the expectations of the parties appearing before it in a timely manner” and emphasized once again in this regard that, “since the Court has been able to clear its backlog of cases, States thinking of submitting cases to the principal judicial organ of the United Nations can be confident that, as soon as they have finished their written exchanges, the Court will move to the hearings stage without delay”.

In his speech, President Tomka presented a brief overview of the judicial activities of the Court. During the period under review, as many as 11 contentious cases had been pending before it, and the Court had held public hearings in turn in the following three cases: the Maritime Dispute (Peru v. Chile), the Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand) and the case concerning Whaling in the Antarctic (Australia v. Japan: New Zealand intervening). He stated that the Court was deliberating in two of these cases and that, on 11 November 2013, it would deliver its Judgment in the case concerning the Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand).

Judge Tomka also informed the General Assembly that, during the period under review, the Court had delivered two Judgments — the first in the Territorial and Maritime Dispute (Nicaragua v. Colombia) and the second in the Frontier Dispute (Burkina Faso/Niger) — and six Orders. He reported briefly on the main findings reached by the Court in these Judgments and Orders.

The President then noted that, since August 2012, two new cases had been submitted to the Court.

The first of these had been brought before it on 24 April 2013 by the Plurinational State of Bolivia, which had instituted proceedings against the Republic of Chile concerning a dispute in relation to “[the latter]’s obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean”.

The second case had been brought on 16 September 2013 by the Republic of Nicaragua, which had seised the Court of a dispute with the Republic of Colombia concerning “the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia”.

The President stated that there were currently ten cases on the Court’s General List.

In addition, he recalled that the Court had held public hearings in mid-October on a new request for the indication of provisional measures submitted by the Republic of Costa Rica in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua). He noted that, as this was an urgent procedure, the Court would make its Order on this request as soon as possible. The Court had also decided to hold hearings the following week on a request for the indication of provisional measures submitted by Nicaragua in the case concerning the Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica).

The President then observed that, since 15 April 2013, the Court had been sitting in the renovated and modernized Great Hall of Justice, where it enjoyed improved technical facilities offering a wider range of possibilities. “Therefore,” he stated, “the Court will be able to hear the cases submitted to it faithfully and impartially — as it always does by virtue of its noble judicial mission — but it will do so in a modern setting”.

President Tomka noted that this Great Hall of Justice had provided a venue for many distinguished guests on the occasion of a conference organized by the Court to celebrate the centenary of the Peace Palace on 23 September. He expressed his satisfaction at the very high quality of the speakers; the conference programme had engaged with the past and present of international justice, while also addressing the future prospects and challenges for the work of the Court.

Lastly, the President recalled that the Court performed its tasks using modest resources, since the Member States awarded it less than 1 per cent of the Organization’s regular budget. “Nevertheless, I hope that I have shown that the recent contributions of the Court are not to be measured in terms of the financial resources that sustain it, but against the great progress made by it in the advancement of international justice and the peaceful settlement of disputes between States”, he concluded.

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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 2012-2013, are available on the Court’s website (www.icj-cij.org), under the heading “The Court” (click on “Presidency” or “Annual Reports”, respectively).

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. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a 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 body 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 independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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