



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2010/35

29 October 2010

The International Court of Justice has a central role to play in the promotion of the rule of law, the President of the Court affirms before the United Nations General Assembly

THE HAGUE, 29 October 2010. Yesterday, the President of the International Court of Justice (ICJ), H.E. Judge Hisashi Owada, stated in an address to the United Nations General Assembly that “[w]hile every part of the Organization has a role to play in the promotion of the rule of law, the Court, as the principal judicial organ of the United Nations, is expected to play a central role in this area”.

The President added that “[b]y working to strengthen the rule of law, the Organization can strengthen its moral fibres that are so essential to uniting an increasingly interconnected world”.

Judge Owada 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 2009 to 31 July 2010. The principal judicial organ of the United Nations is a “collegial body of judges who are dedicated to the cause of promoting justice in the contemporary world”, he reminded his audience.

During his address to the General Assembly, as is traditional, President Owada gave an overview of the judicial activities of the Court, which, during the period under review, had some 16 cases on its List. “These cases have involved States from all regions of the world, and the subject-matter has been wide-ranging, extending from classical issues such as diplomatic protection and sovereign immunity to issues of contemporary relevance such as international environmental law”, he explained. “[A]ll these different cases raise a great variety of divergent issues of public international law [and] I can say that the work of the Court truly reflects the broad substantive scope that international law now covers”, Judge Owada observed.

During the 12 months under review, the Court rendered a judgment on the merits in the case concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) and gave an advisory opinion on the question of the Accordance with international law of the unilateral declaration of independence in respect of Kosovo. Those latter proceedings, President Owada remarked, “received active and lively attention from the United Nations and its Members” and “[t]he Court is grateful for the co-operation it received from the Secretariat of the United Nations and the Member States who participated in the proceedings at the written stage and the oral stage”.

The Court also handed down an Order on the admissibility of a counter-claim in Jurisdictional Immunities of the State (Germany v. Italy) and an Order discontinuing proceedings in Certain questions concerning diplomatic relations (Honduras v. Brazil).

Moreover, it held hearings and deliberations in the following cases: Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation) and Territorial and Maritime Dispute (Nicaragua v. Colombia).

President Owada went on to inform those present that, since August 2009, three new contentious cases and one new request for an advisory opinion had been submitted to the Court. He gave a synopsis of those four cases in the order of their entry in the Court's General List.

First, in December 2009, the Kingdom of Belgium initiated proceedings against the Swiss Confederation in the case concerning Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Belgium v. Switzerland). That case relates primarily to the interpretation and application of the Lugano Convention of 16 September 1988 and, in particular, involves a dispute between the main shareholders in Sabena, the former Belgian airline.

Second, in April 2010, the Court received a request for an advisory opinion from the International Fund for Agricultural Development (IFAD) on questions concerning Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization upon a complaint filed against the International Fund for Agricultural Development. That judgment ordered IFAD to pay to a staff member the equivalent of two years' salary, plus moral damages and costs for the abolishment of that staff member's post. The request for an advisory opinion, President Owada observed, falls within the framework of a special procedure, that for the review of judgments of administrative tribunals, which has given rise to four advisory opinions since 1946.

Third, at the end of May 2010, Australia initiated proceedings against Japan regarding

"Japan's continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic ('JARPA II'), in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling ('ICRW'), as well as its other international obligations for the preservation of marine mammals and the marine environment".

That case has been entered in the Court's General List under the title: Whaling in the Antarctic (Australia v. Japan).

Finally, in July 2010, Burkina Faso and Niger jointly submitted to the Court a territorial dispute relating to the boundary between them. The President recalled to his audience that in particular the Court is requested to determine the course of the boundary between the two countries from the astronomic marker of Tong-Tong to the beginning of the Botou bend. That case has been entered in the Court's General List under the title: Frontier Dispute (Burkina Faso/Niger).

President Owada pointed out that "[t]he Court's docket of pending cases has been consistently increasing in number in recent years". He observed that it now stood at "16 cases, involving approximately 30 different States" which are Members of the United Nations.

Moreover, the President remarked that "the coverage of the cases that the Court is entrusted to deal with is also broader in its scope than ever, with each case presenting distinct legal and factual elements".

"The increased recourse by States to the International Court of Justice for the judicial settlement of their disputes testifies to the growing consciousness among political leaders of these States of the importance of the rule of law in the international community", he affirmed. "Indeed, it must be emphasized that the importance of the rule of law in the contemporary international community is growing rapidly, against the backdrop of the deepening process of globalization."

The speaker observed that “the rule of law now permeates every aspect of the activities of the United Nations, from the maintenance of peace and security to the protection of human rights, from the fight against poverty to the protection of the global environment, including the case of climate change”. “In this situation,” he added, “the Court greatly appreciates the trust that Member States have continued to place in its work.”

Judge Owada assured the General Assembly that “the Court will continue to do its utmost to achieve its mandate as set out under the Charter and the Statute, in assisting the Member States in the pacific settlement of their disputes”.

The President of the Court concluded:

“It is my hope that Member States will continue to place their trust in the Court, not only with the submission of new disputes, but also through the acceptance of the Court’s jurisdiction, be it through a declaration under Article 36, paragraph 2, of the Statute, or through the signature of the many multilateral treaties which now contain compromissory clauses that refer disputes as to the interpretation or application of those treaties to the Court.”

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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 2009-2010, is available on the Court’s website (www.icj-cij.org), under the heading “The Court” (click on “Presidency” and/or “Annual Reports”).

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