SPEECH BY H.E. MR. ABDULQAWI A. YUSUF, PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE, ON THE OCCASION OF THE SEVENTY-FOURTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

30 October 2019

Mr. President,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

It is an honour for me to address the General Assembly for the second time in my tenure as President of the Court as it considers the annual report of the International Court of Justice. The Court greatly appreciates the interest shown in and support given to its work by this august Assembly.

At the outset, I would like to take this opportunity to congratulate H.E. Mr. Tijjani Muhammad-Bande on his election as President of the Seventy-fourth Session of this eminent Assembly and wish him every success in carrying out this distinguished role.

*

Since 1 August 2018 — the starting-date of the period covered by the Court's annual report — the Court's docket has remained full, with [16] contentious cases currently pending before the Court despite the fact that a number of other cases have been disposed of during the past year. As my presentation today will show, the cases before the Court involve States from all regions of the world and touch on a wide range of issues, including questions of consular protection, the formation of customary rules of international law in the area of decolonization, and maritime and territorial disputes.

Over the course of the year, the Court has held hearings in five contentious cases and one advisory procedure. It began with hearings in two pending cases involving claims by the Islamic Republic of Iran against the United States of America concerning alleged breaches by the Respondent of a 1955 bilateral Treaty of Amity. The first set of oral proceedings was on a request for the indication of provisional measures submitted by Iran and the second was on preliminary objections raised by the United States. The Court then held hearings on the merits in a case brought by the Republic of India against the Islamic Republic of Pakistan, concerning alleged violations of the consular rights of an Indian national. This was followed by hearings on the request for the indication of provisional measures submitted by the United Arab Emirates in a case brought against it by Qatar concerning allegations of racial discrimination. More recently, oral proceedings were held on preliminary objections raised by the Russian Federation in a case brought against it by Ukraine concerning allegations of terrorism financing and racial discrimination. In addition, the Court heard the oral statements of participants in the advisory procedure concerning the status of the Chagos Archipelago, which was held as a result of a request made by this Assembly.

In the period under review, the Court delivered three Judgments, one Advisory Opinion and two orders on provisional measures. On 1 October 2018, it rendered its Judgment on the merits in the case concerning the *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*. On

13 February 2019, it delivered its Judgment on the preliminary objections in the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*. On 25 February 2019, the Court gave its Advisory Opinion on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*. Finally, on 15 July 2019, it delivered its Judgment on the merits in the *Jadhav* case *(India* v. *Pakistan)*.

In addition to numerous procedural orders, the Court issued two Orders on requests for the indication of provisional measures: the first one on 3 October 2018 related to the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights* between the Islamic Republic of Iran and the United States of America. The second was rendered on 14 June 2019 in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination* between Qatar and the United Arab Emirates.

*

As is customary, I will now give a brief account of the substance of the decisions and the opinion delivered by the Court in the period under review. I used the opportunity of last year's allocution to give an overview of the Court's Judgment in the case between Bolivia and Chile mentioned in my introduction, since the Court rendered that decision in the autumn of 2018. I will thus focus today on the other decisions rendered by the Court in the period under review, beginning with the Judgment of 13 February 2019 on the preliminary objections raised by the United States in the case concerning *Certain Iranian Assets*.

*

This case was initiated by Iran on 14 June 2016 on the basis of a compromissory clause in the 1955 bilateral Treaty of Amity, Economic Relations and Consular Rights between the two countries. The case relates to the legislative and executive acts adopted by the United States that had the practical effect of subjecting the assets and interests of Iran and Iranian entities to enforcement proceedings in the United States. Iran claimed in its Application, *inter alia*, that this was contrary to the immunities enjoyed by Iran and Iranian entities as a matter of international law and as required by the Treaty of 1955.

The United States raised five preliminary objections. In its Judgment, the Court rejected three of those objections, upheld one and found that one did not possess an exclusively preliminary character, meaning that the Court would consider it when dealing with the merits of the case. Therefore, the case will proceed to the merits stage, although it will not include claims relating to sovereign immunity, the subject of the preliminary objection which the Court upheld. Moreover, the jurisdiction of the Court to consider claims relating to the Central Bank of Iran, known as Bank Markazi, will be addressed along with the merits.

The Court had to face several interesting questions of international law in ruling on the preliminary objections raised by the United States, two of which I would like to highlight today. First of all, in ruling on one of the United States' objections, the Court had to deal with the question of whether its jurisdiction extended to potential violations of customary international law — in particular the law of sovereign immunities — when the case had been brought on the basis of a compromissory clause in a treaty. The Court answered this question in the negative, concluding

that the dispute could not be considered to relate to the "interpretation or application" of the Treaty of Amity, as required by the compromissory clause, since none of the Treaty provisions invoked by Iran referred to immunities or could actually be considered to incorporate them by reference. Therefore, the Court lacked jurisdiction to consider questions of immunities.

Secondly, in ruling on another of the United States' objections, which asked the Court to dismiss all claims of purported violations of the Treaty that were based on treatment accorded to Bank Markazi, the Court determined that it would need to examine whether or not, as a matter of treaty interpretation, a central bank was a "company" within the meaning of the 1955 treaty. This was because the Treaty only accorded rights and protections to "companies" of a contracting party. The Court considered that this was largely a question of fact, since it is the nature of the activity actually carried out which determines the characterization of the entity that engaged in it. Therefore, the Court found that, in order to answer the question, it would need to examine Bank Markazi's activities within the territory of the United States at the time of the contested measures. Given that Iran principally argued that the nature of the activities engaged in was of no relevance to the characterization of an entity as a "company" of a contracting party within the meaning of the Treaty, it had made little attempt to elaborate on the commercial activities of Bank Markazi. Consequently, the Court considered that it did not have all the facts before it to answer the question of whether or not Bank Markazi could be considered a "company" within the meaning of the 1955 Treaty. It therefore decided that the question did not possess an exclusively preliminary character and should thus be considered at the merits stage.

*

Mr. President

I will now turn to an overview of the Advisory Opinion on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*. This advisory opinion was given by the Court on 25 February 2019. It was in response to a request made by the General Assembly, as set out in resolution 71/292 adopted on 22 June 2017. These proceedings were closely followed by many United Nations Member States. A total of 31 States participated in the written proceedings and 22 States presented oral statements. The African Union also took part in both phases of the proceedings.

I would recall that the General Assembly put two questions to the Court. In order to give its opinion on the first question, namely, whether the process of decolonization of Mauritius was lawfully completed having regard to international law, the Court had to first determine the content of the law applicable to the process of decolonization.

In this regard, the Court recalled the UN Charter's consecration of respect for the principle of equal rights and self-determination of peoples as one of the purposes of the United Nations and the fact that the Charter included provisions that would enable non-self-governing territories ultimately to govern themselves. This was therefore the context in which the Court had to determine, among other issues, when the right of self-determination had become a rule of customary international law binding on all States.

In this regard, the Court stated that resolution 1514 (XV) entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples", adopted in 1960 by the General Assembly, had a declaratory character with regard to the right to self-determination as a customary norm, in view of its content and the conditions of its adoption. The Court also noted that the nature and scope of the right to self-determination of peoples was reiterated in the "Declaration on

Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations" (resolution 2625 (XXV) of 24 October 1970). By recognizing the right to self-determination as one of the "basic principles of international law", that Declaration confirmed its normative character under customary international law.

The Court thus arrived at the conclusion that, in terms of the applicable law, the right to self-determination was a customary rule of international law already in the mid-1960s.

The Court, after recalling that the right to self-determination of the peoples concerned was defined in resolutions 1514 (XV) and 2625 (XXV) by reference to the entirety of a non-self-governing territory, noted that both State practice and *opinio juris* at the relevant time confirmed the customary law character of the right to territorial integrity of a non-self-governing territory as a corollary of the right to self-determination. As a result, the peoples of non-self-governing territories were entitled to exercise their right to self-determination in relation to their territory as a whole, and the integrity of that territory must be respected by the administering Power. It follows that any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, would be considered contrary to the right to self-determination.

In light of this, the Court found that, as a result of the Chagos Archipelago's unlawful detachment and its incorporation into a new colony, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968.

The Court then addressed the second question put to it by the General Assembly regarding the consequences under international law arising from the continued administration of the Chagos Archipelago by the United Kingdom. The Court stated that, in light of its earlier finding on the non-completion of the decolonization process, the continued administration of the Chagos Archipelago constituted an internationally wrongful act. Thus, the Court concluded that the United Kingdom had an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible. The Court added that, since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right; in the same vein, all Member States must co-operate with the United Nations to put into effect the modalities required to ensure the completion of the decolonization process.

The Chagos advisory opinion highlighted the usefulness of advisory opinions for the organs and agencies of the United Nations. Advisory proceedings provide legal clarity by enabling the Court to determine the current status of specific principles and rules of international law. Indeed, following the Court's advisory opinion, the Assembly affirmed, in accordance with that opinion, that the decolonization of Mauritius had not been lawfully completed, and proceeded to set out the modalities and time frame for the withdrawal by the United Kingdom of its colonial administration.

*

I now turn to the Judgment rendered on 17 July 2019 by the Court on the merits in the *Jadhav* case, a case brought by India and involving the Islamic Republic of Pakistan. This case was instituted by India following the arrest and detention of an Indian national, Mr. Kulbhushan Sudhir Jadhav, who was accused by Pakistan of acts of espionage. In April 2017, Mr. Jadhav was sentenced to death by a military court in Pakistan. India argued that consular access was being denied to its national in violation of the 1963 Vienna Convention on Consular Relations (which I will refer to simply as the "Vienna Convention").

In its Judgment, the Court found that Pakistan had violated its obligations under Article 36 of the Vienna Convention and that appropriate remedies were due in this case.

The Court had to address several issues regarding the interpretation and application of the Vienna Convention in the specific circumstances of the case.

One of the issues that the Court had to examine was the question of whether the rights relating to consular access, set out in Article 36 of the Vienna Convention, were in any manner to be excluded in a situation where the individual concerned was suspected of carrying out acts of espionage. The Court noted in that regard that there is no provision in the Vienna Convention containing a reference to cases of espionage; nor does the Article concerning consular access, Article 36, exclude from its scope certain categories of persons, such as those suspected of espionage. Therefore, the Court concluded that Article 36 of the Vienna Convention was applicable in full to the case at hand.

Another interesting legal question that the Court had to address was whether a bilateral agreement on consular access concluded between the two Parties in 2008 could be read as excluding the applicability of the Vienna Convention. The Court considered that this was not the case. More precisely, the Court noted that under the Vienna Convention, Parties were able to conclude only bilateral agreements that confirm, supplement, extend or amplify the provisions of that instrument. Having examined the 2008 Agreement, the Court came to the conclusion that it could not be read as denying consular access in the case of an arrest, detention or sentence made on political or security grounds, and that it did not displace obligations under Article 36 of the Vienna Convention.

The Court was also called upon to interpret the meaning of the expression "without delay" in the notification requirements of Article 36 of the Vienna Convention. The Court noted that in its case law, the question of how to determine what was meant by the term "without delay" depended on the given circumstances of a case. Taking into account the particular circumstances of the *Jadhav* case, the Court noted that Pakistan's making of the notification some three weeks after Mr. Jadhav's arrest constituted a breach of its obligation to inform India's consular post "without delay", as required by the provisions of the Vienna Convention.

I now come to the crux of the Court's ruling, where the Court considered the reparation and remedies to be granted, after it had found that the rights to consular access had been violated. In line with its earlier jurisprudence in other cases dealing with breaches of the Vienna Convention, the Court found that the appropriate remedy was effective review and reconsideration of the conviction and sentence of Mr. Jadhav. The Court moreover clarified what it considered to be the requirements of effective review and reconsideration. It stressed that Pakistan must ensure that full weight is given to the effect of the violation of the rights set forth in the Vienna Convention and guarantee that the violation and the possible prejudice caused by the violation are fully examined. While the Court left the choice of means to provide effective review and reconsideration to Pakistan, it noted that effective review and reconsideration presupposes the existence of a procedure that is suitable for this purpose and observed that it is normally the judicial process that is suited to this task.

The Court is pleased to note that, following its ruling, it received a communication dated 1 August 2019 from Pakistan confirming its commitment to implementing the Judgment of 17 July 2019 in full. In particular, Pakistan stated that Mr. Jadhav had been immediately informed of his rights under the Vienna Convention and that the consular post of the High Commission of India in Islamabad had been invited to visit him on 2 August 2019.

* *

Monsieur le président, avec votre permission, je continue maintenant mon allocution en français.

Pour ce qui est des principales ordonnances que la Cour a rendues au cours de la période considérée, j'ai déjà eu l'occasion de traiter, lors de mon discours de l'année dernière, l'ordonnance du 3 octobre 2018 rendue en l'affaire relative à des *Violations alléguées du traité d'amitié, de commerce et de droits consulaires de 1955 (République islamique d'Iran c. Etats-Unis d'Amérique)*. Je me limiterai donc à l'ordonnance du 14 juin 2019 par laquelle la Cour a rejeté la demande en indication de mesures conservatoires présentée par les Emirats arabes unis en l'affaire relative à l'*Application de la convention internationale sur l'élimination de toutes les formes de discrimination raciale (Qatar c. Emirats arabes unis)*.

Dans cette seconde instance, introduite le 11 juin 2018, le Qatar allègue que les Emirats arabes unis ont adopté et appliqué un ensemble de mesures discriminatoires ciblant les Qatariens au motif exprès de leur origine nationale, lesquelles se sont soldées par des violations des droits de l'homme. Je rappelle que le Qatar avait, en même temps que sa requête, déposé une demande en indication de mesures conservatoires et que, par une ordonnance en date du 23 juillet 2018, la Cour a indiqué certaines mesures conservatoires à l'adresse des Emirats arabes unis, enjoignant en outre aux deux Parties de s'abstenir de tout acte qui risquerait d'aggraver ou d'étendre le différend dont elle était saisie ou d'en rendre le règlement plus difficile. Le 22 mars 2019, les Emirats arabes unis ont, à leur tour, demandé à la Cour d'indiquer certaines mesures conservatoires, notamment des mesures visant à sauvegarder leurs droits procéduraux en l'affaire.

Les Emirats arabes unis priaient en particulier la Cour d'ordonner que le Qatar retire immédiatement la communication qu'il avait soumise au Comité pour l'élimination de la discrimination raciale, et que le Qatar prenne immédiatement des dispositions pour veiller à ne pas entraver les efforts déployés par les Emirats arabes unis pour venir en aide aux Qatariens, notamment en débloquant sur son territoire l'accès au site Internet leur permettant d'introduire une demande tendant à retourner aux Emirats arabes unis. La Cour a toutefois estimé que les mesures sollicitées par les Emirats arabes unis ne se rapportaient pas à des droits plausibles des Emirats arabes unis au regard de la convention internationale sur l'élimination de toutes les formes de discrimination raciale.

Les Emirats arabes unis priaient également la Cour d'indiquer des mesures ayant trait à la non-aggravation du différend. Or, conformément à la jurisprudence de celle-ci, pareilles mesures ne peuvent être indiquées qu'en complément de mesures spécifiques visant à protéger les droits des Parties. Ayant conclu que les conditions requises aux fins de l'indication de mesures conservatoires spécifiques n'étaient pas réunies en l'espèce, la Cour ne pouvait donc indiquer des mesures concernant uniquement la non-aggravation du différend. En outre, de telles mesures avaient déjà été prescrites dans l'ordonnance que la Cour avait rendue le 23 juillet 2018, et demeuraient contraignantes pour les Parties.

* *

Monsieur le président,
Excellences,
Mesdames et Messieurs les délégués,
Mesdames et Messieurs,

Depuis mon allocution de l'année passée devant votre auguste Assemblée, une toute nouvelle instance, qui a trait à un différend entre le Guatemala et le Belize concernant la revendication territoriale, insulaire et maritime du Guatemala, a été introduite devant la Cour le

7 juin 2019 par voie de compromis. Le caractère inédit de cette affaire tient à la démarche démocratique et participative adoptée par les deux Etats dans le cadre de leur décision de saisir la Cour. Conformément au compromis, ceux-ci ont en effet, préalablement à la saisine de la Cour, organisé chacun un référendum afin de s'assurer que leurs populations respectives approuvaient l'idée de confier à la Cour internationale de Justice le règlement définitif du différend. Les deux référendums ayant abouti à un résultat favorable, la Cour a été saisie de l'affaire par l'effet de notifications officielles adressées par les deux Etats. Celle-ci se félicite de ce que possibilité lui soit donnée, une fois encore, d'aider deux Etats voisins à régler un différend relatif à des questions sensibles sur leur territoires respectifs.

* *

Ainsi s'achève ma brève présentation de l'activité judiciaire qui a été celle de la Cour durant l'année écoulée. J'aimerais à présent saisir l'occasion de ma présence devant vous pour aborder un certain nombre de questions d'un autre ordre.

Je souhaite tout d'abord m'arrêter sur les efforts continus par lesquels la Cour s'assure de l'adéquation de son Règlement et de ses méthodes de travail à ses besoins évolutifs. Durant l'année écoulée, elle a ainsi décidé de réviser plusieurs articles de son Règlement. Ces amendements ont fait l'objet d'un examen approfondi par le comité du Règlement de la Cour, puis par la Cour plénière. J'ai le plaisir d'annoncer, Monsieur le président que ce processus a, pour l'heure, conduit à la modification d'une première série de dispositions, à savoir les articles 22, 23, 29, 76 et 79 du Règlement de la Cour. Ces amendements ont été promulgués le 21 octobre 2019 et ont pris effet à compter de cette date. La Cour examine actuellement les modifications à apporter à d'autres dispositions, mais j'aimerais prendre un instant pour vous présenter brièvement celles qui ont d'ores et déjà été adoptées.

La Cour s'est tout d'abord penchée sur les articles 22, 23 et 29 de son Règlement. Les deux premiers concernent l'élection du greffier et du greffier adjoint, respectivement, l'article 29 traitant de la procédure par laquelle ces derniers peuvent être relevés de leurs fonctions. Dans le cadre des efforts constants de modernisation de la Cour, l'article 22 a été amendé de telle sorte que soit supprimée l'exigence qu'un candidat au poste de greffier soit proposé par un membre de la Cour. Cette procédure de nomination a été remplacée par la publication d'un avis de vacance de poste invitant les personnes intéressées à faire acte de candidature, afin de garantir des conditions de concurrence ouverte et transparente permettant à un plus grand nombre de candidats hautement qualifiés de postuler. Le délai de publication de l'avis de vacance a été porté de trois à six mois avant l'expiration du mandat du greffier, afin de donner à la Cour suffisamment de temps pour recruter des candidats de haut niveau issus de tous les Etats Membres des Nations Unies. S'agissant des conditions dans lesquelles le greffier ou le greffier adjoint peuvent être relevés de leurs fonctions en application de l'article 29 du Règlement de la Cour, cette disposition a été modifiée afin de préciser les modalités procédurales à appliquer. Ces trois articles ont en outre été rendus neutres du point de vue du genre.

La Cour a par ailleurs amendé l'article 76 de son Règlement, qui concerne les circonstances dans lesquelles elle peut rapporter ou modifier ses décisions concernant des mesures conservatoires. Les Etats Membres ne sont pas sans savoir que son pouvoir d'indiquer des mesures conservatoires obligatoires à l'adresse de l'une ou des deux parties à une instance en cours offre aux Etats une garantie importante lorsqu'il existe un risque imminent qu'un préjudice irréparable soit causé à leurs droits avant que la Cour ne rende son arrêt au fond. L'amendement apporté à l'article 76 vise à préciser que la Cour peut rapporter ou modifier ses ordonnances en indication de

mesures conservatoires tant à la demande d'une partie que de sa propre initiative. Cela s'applique évidemment sous réserve des autres dispositions de son Règlement.

Enfin, la Cour a modifié l'article 79 de son Règlement, relatif aux exceptions préliminaires. Cet article prévoit en réalité deux procédures distinctes : la première concerne le cas où des exceptions préliminaires sont présentées par une partie, et la seconde, celui où des questions préliminaires de compétence ou de recevabilité sont soulevées par la Cour elle-même. Afin de mieux distinguer ces deux situations, celle-ci a décidé de réorganiser les paragraphes de l'article 79 en redécoupant celui-ci en trois articles distincts. Selon ce redécoupage, l'article 79 concerne exclusivement les questions préliminaires soulevées par la Cour, l'article 79*bis* traitant des exceptions préliminaires présentées par les parties et l'article 79*ter*, de questions de procédure générales applicables dans les deux cas de figure.

Monsieur le président,

La Cour estime que, pour être en mesure d'accomplir ses travaux judiciaires dans de bonnes conditions et de manière efficace, elle doit pouvoir se fonder sur des règles et des méthodes de travail qui soient claires et puissent, chaque fois que nécessaire, faire l'objet des modifications requises pour lui fournir le cadre qui doit être celui d'une institution judiciaire moderne. En dépit du nombre élevé d'affaires inscrites à son rôle, elle demeure donc soucieuse de poursuivre le réexamen des dispositions régissant son fonctionnement ainsi que de ses méthodes de travail, notamment pour parvenir à s'acquitter avec efficacité de cette importante charge de travail.

Cet effort de modernisation inclut également un processus d'amélioration de l'environnement de travail du Greffe de la Cour et de mise à jour des dispositions du statut du personnel de celui-ci.

*

Dans ce contexte, j'ai le plaisir de vous informer que, par l'effet d'un échange de lettres parachevé le 16 janvier 2019 entre le président de la Cour et le Secrétaire général de l'Organisation des Nations Unies, la Cour s'est désormais pleinement associée au système de justice interne de l'ONU. Compte tenu de sa spécificité et de l'autonomie administrative de son Greffe vis-à-vis du Secrétariat de l'Organisation, il a fallu un certain temps pour établir les modalités précises du nouveau système et prendre toutes les dispositions pratiques nécessaires à cet égard. La Cour se félicite de ce que les fonctionnaires du Greffe aient désormais accès à l'ensemble des services proposés dans le cadre du système de justice interne de l'ONU. Ils pourront en particulier bénéficier de l'appui du bureau des services d'ombudsman et de médiation des Nations Unies pour tenter de parvenir à un règlement amiable des différends, et solliciter les conseils du bureau d'aide juridique au personnel. En cas d'échec de la voie amiable, ils pourront s'en remettre à un règlement formel en recourant à la procédure du contrôle hiérarchique, ainsi qu'au tribunal du contentieux administratif et au tribunal d'appel des Nations Unies. La décision de s'associer pleinement au système de justice interne des Nations Unies a été prise à l'issue d'une large consultation du personnel du Greffe et s'inscrit dans un ensemble de mesures — parmi lesquelles le recrutement d'un fonctionnaire chargé du bien-être du personnel — destinées à favoriser l'établissement d'un environnement de travail plus positif au Palais de la Paix à La Haye.

*

Mr. President,

I now turn to the matter of the Court's budget, which, compared to the institution's considerable responsibilities under its mandate and its growing case load, remains extremely modest, representing less than 1 per cent of the regular budget of the United Nations. The Court is cognizant of the fact that the United Nations as a whole is currently facing financial constraints, which has led to a cash flow crisis. In these difficult circumstances, the Court understands the efforts made by the Organization's other organs and programmes in seeking to reduce budgetary expenses. However, it is important to strike the right balance between budgetary austerity and the absolute need to ensure the integrity of the Court's judicial functions and its ability to carry out its statutory mission. The Court must be given the means to carry out its work in the service of sovereign States and the international community, in accordance with the relevant provisions of the Charter and the Court's Statute. These statutory obligations mean that the Court has no control over the volume of its work. It cannot foresee the number of contentious cases and advisory proceedings that will make up its docket in a given year or the number of urgent incidental proceedings, such as requests for provisional measures of protection, that it will be called upon to deal with. Unlike other organs of the United Nations, it does not have programmes which may be cut or expanded. It cannot turn away Governments that have submitted disputes to it or put such disputes on hold for years due to budgetary cuts. There is therefore a real sense of disquiet that the budgetary restrictions in place may undermine the Court's ability to meet the challenges of its substantial workload at a time when the case load of the Court keeps increasing. It is, of course, in the interests of the entire Organization that the Court is able to fully achieve its guiding purposes of justice and the rule of law, in a manner which moreover constitutes without a doubt an extremely cost-effective means of settling disputes peacefully.

I wish to stress this point at a time when the number of cases on the Court's docket remains very high.

*

Mr. President,

Allow me to address one further matter, namely the Court's Judicial Fellowship Programme, which is an arrangement that allows interested universities to nominate their recent law graduates to pursue their training in a professional context at the Court for a nine-month period each year. The participating universities are responsible for providing the necessary financial resources to their candidates during their fellowship at the Court. The Court has already made a number of efforts to involve the widest possible range of universities in its Judicial Fellowship Programme. Over the years, the programme has been expanded, broadening the geographical distribution of the sponsoring institutions. Those institutions have in turn been encouraged to present candidates from a range of nationalities and backgrounds. Nevertheless, the same financial conditions continue to apply, meaning that only those universities with sufficient resources, which are most frequently from developed countries, are able to participate in the programme and to nominate fellows.

It is therefore felt that improvements in the way in which the candidates are funded are warranted to ensure as broad a range as possible of participating fellows from all parts of the world. To give further impetus to the possibility of having a diverse group of participants in the programme, the Court is of the view that it is necessary to establish a Trust Fund for the Court's Judicial Fellowship Programme. The Court would like to seek the approval of the General Assembly for the creation of such a trust fund, the terms of reference of which are being elaborated in collaboration with the UN Secretariat, as are the practical aspects of its administration. A

proposal to this effect will be formally presented early next year to the Assembly, and we hope it will meet with your approval.

Before I come to my closing remarks, I would like to provide a brief update on the asbestos-related situation at the Peace Palace, a matter of concern which I raised during my address to you last year. To recall the background, in 2016, following inspections of the premises, the Peace Palace was found to be contaminated with asbestos. As a result, the Dutch authorities decided that major works should be undertaken to completely decontaminate and, at the same time, renovate the building. In order to do this, it is understood that the Peace Palace will have to close and that the Registry of the Court, including the Court's Library and Archives, will have to be temporarily relocated to other premises for a few years. As the Peace Palace houses the Court's principal court room — the Great Hall of Justice — any new premises would also have to include a suitable space for the purpose of holding hearings, as well as additional dedicated areas for use by the judges, the parties and the press. In my speech last year, I drew the attention of the Assembly to the fact that we had not yet received sufficient information from the Dutch authorities about their plans for the renovation of the Peace Palace. I am pleased to inform you today that, on 14 October 2019, I received a reassuring letter from the Minister for Foreign Affairs of the Netherlands, H.E. Mr. Stef Blok, in which he emphasized the importance that the Government of the Netherlands attaches to the presence of the ICJ at the Peace Palace in The Hague. He informed me that discussions between the Dutch Government and the Carnegie Foundation, the owner of the Peace Palace, are currently ongoing and until an agreement is reached between them, preparations for the renovation of the Peace Palace will be put on hold. Consequently, the Minister suggested that this intervening period may be used for discussions between the Court and his office with regard to appropriate arrangements to ensure a smooth off-site relocation of the Registry and other Court services. These discussions will hopefully start on my return to The Hague.

* *

Mr. President,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

Almost a century ago, the Statute of the Permanent Court of International Justice, the Court's predecessor, was approved by the Assembly of the League of Nations. Any doubts about the establishment of a permanent court of international justice have since been dispelled and the fears of those worried about the dangers of a *"gouvernement des juges"* have failed to materialize. Quite the contrary, those voices have been silenced. States regard the Court as a guardian of the rule of law at the international level. States have, on many occasions — including in this very hall — expressed their great appreciation for the work of the Court. It is most encouraging to see that an ever-increasing number of States are placing their trust in the Court to find a lasting judicial settlement to their disputes, on occasion amidst geopolitical realities characterized by tension.

Even with the most seemingly intractable disputes, a ruling of the Court can signal the starting-point for a new era in bilateral relations between disputing parties, and mark an end to long-standing differences. It is equally encouraging to see the continued relevance of the Court's advisory procedure, which enables the Court to provide authoritative pronouncements on complex

legal issues arising in the context of the work of the main organs and institutions of the United Nations system.

Finally, Mr. President,

As an example of the growing trust placed in the work of the Court, I am delighted to report to the Assembly that on 30 September 2019, the Registry of the Court received a depositary notification concerning the declaration of the Republic of Latvia accepting the jurisdiction of the Court as compulsory. At present, therefore, there are 74 States from all continents have recognized as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice. Much remains to be done before the Court is empowered to settle all disputes between all States, and to anchor even further the rule of law at the international level. The pace might be slow; but the trend towards a wider acceptance of the compulsory jurisdiction of the Court in the international community is quite clear.

Mr. President,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

I thank you for giving me the opportunity to address you today, and I wish this seventy-fourth session of the General Assembly every success.

_____