

STATEMENT BY MR. SYED SHAHNAWAZ HUSSAIN, MEMBER OF PARLIAMENT AND
MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 72 – REPORT OF THE
INTERNATIONAL COURT OF JUSTICE AT THE 64TH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY ON OCTOBER 29, 2009



Mr. President,

Thank you for giving me the opportunity to address the General Assembly on the report of one of the principal organs of the United Nations, the International Court of Justice.

At the outset, I would like to thank the President of the International Court of Justice for his detailed presentation of the Report of the Court.

Mr. President,

The International Court of Justice is the principal judicial organ of the United Nations. It was established, along with the other organs of the United Nations, to save future generations from the devastating effects of war and to find means of settling inter-State disputes through application of international law.

The Court still remains the only judicial body with legitimacy derived from the Charter, enjoying general jurisdiction. All other international judicial institutions have specific competence and lack general jurisdiction of a universal nature.

Vide article 92 of the UN Charter the Statute of the ICJ has been made an integral part of the Charter. This is a status which is unique to the ICJ and not enjoyed by any other International Court or Tribunal established till date.

All States are free to approach the Court for the resolution of their disputes with other States. Under article 36 of the Charter, the Security Council may also recommend to the parties to refer their legal disputes to the International Court of Justice while the General Assembly and the Security Council may seek advisory opinions from the Court.

These provisions clearly indicate the central role given to the ICJ within the UN system.

Mr. President,

The judgments of the Court have played an important role in the progressive development and codification of international law. Though cautious in respecting political realities, sentiments of States and its own Statute, the Court has asserted its judicial functions.

The Court has clearly emphasized the role of international law in regulating inter-state relations even though inter-state relations are necessarily political in nature.

Mr. President,

India continues to believe that no other judicial organ in the world can have the same capacity for dealing with international problems as the ICJ. The Court has contributed significantly towards settling legal disputes between Sovereign States, thus promoting the rule of law in international relations.

Mr. President,

Since its inception the Court has dealt with a variety of legal issues. It has pronounced judgments in areas including sovereignty over islands; navigational rights of States; nationality; asylum; expropriation; law of the sea; land and maritime boundaries; the principle of good faith and equity and legitimacy of the use of force. These judgments have played an important role in the progressive development and codification of international law.

Presently, there are five cases before the Court between European States, four others between Latin American States and two between African States. The subject matter of these cases include territorial and maritime delimitation, environmental concerns, jurisdictional immunities of the State, violation of territorial integrity, racial discrimination and human right violations. This reflects the increased relevance of and respect for due process of law that States are showing and is an affirmation of faith in the Court.

Mr. President,

The growing acceptance of Court's jurisdiction by States further highlights the importance of the Court and confidence of the States in the Court's ability to resolve their disputes. This has increased the work load of the Court manifold. As on 31 July 2009, 13 contentious cases and one advisory procedure were pending before the Court.

In order for the Court to respond effectively to the increasing demands on its resources and to carry out its mandate efficiently, it is necessary that the Court is provided with adequate resources. The ability of the Court to effectively discharge its functions is also critical for the credibility of the UN system as a whole.

Thank You Mr. President.

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