

STATEMENT BY MR. A. KRISHNASWAMY, MEMBER OF PARLIAMENT AND MEMBER OF
THE INDIAN DELEGATION, ON AGENDA ITEM 73: REPORT OF THE INTERNATIONAL
COURT OF JUSTICE AT THE 62ND SESSION OF THE UNITED NATIONS GENERAL
ASSEMBLY ON NOVEMBER 01, 2007

Thank You, Mr. President,

We welcome the opportunity to address the General Assembly on the Report of the International Court of Justice and thank the President of the Court, Judge Rosalyn Higgins, for her introduction of the Report contained in document A/62/4.

We commend Judge Higgins for her dedicated stewardship of the Court and for the Court's impressive achievements over the period under review. This will no doubt further enhance the international community's confidence in this unique organ of international law that has made a distinctive contribution to the maintenance of international peace and security.

Mr. President,

India continues to believe that no other judicial organ in the world can have the same capacity for dealing with international legal problems as the ICJ, which is the principal judicial organ of the United Nations entrusted with settling legal disputes between sovereign states and promotion of the rule of law in international relations.

Over the years, the ICJ has been engaged in finding just and equitable solutions to legal disputes between States and there has been a noticeable increase in the number of cases being referred to it. Another significant development is that unlike in the past when the jurisdiction phases of cases occupied most of the Court's time, the Court is now

being frequently called upon to deal directly with a diversity of complex substantive issues of international law from all regions of the world.

During the period under review the Court rendered three very important decisions involving cases from Latin America, Africa and Europe. The subject matter of these cases covered issues ranging from diplomatic protection of shareholders, environmental protection to genocide. This affirms once again the important role that ICJ and international law play in the search for solutions to the problems of an interdependent world in which economic, social and humanitarian issues have assumed paramount importance.

Mr. President,

The recent period has witnessed the creation of a number of specialised regional and international courts. Along with it have come concerns about the fragmentation of international law. There is apprehension that similar legal issues or disputes may well be subjected to final and binding interpretations by two different bodies, projecting differing views. There is considerable apprehension that the expansion of the field in this regard could create problems of coherence between different specializations, institutions and norm-systems.

The challenge therefore is to find a balance, on the one hand, between the need for diversity and specialized regimes and solutions and, on the other hand, the importance of maintaining an overall framework or 'system' of international law that offers a sufficient degree of security and coherence. It has been pointed out that "the tool-box of international law – especially general international law and the Vienna Convention on the Law of Treaties – is not perfect but flexible enough to assist negotiators, lawyers and judges in finding this balance".

We welcome the initiative taken by the ICJ President for a regular dialogue between the international courts and Tribunals and exchanges of information with a view to improving the unity of international law and addressing the problem of "overlapping of jurisdictions" or "fragmentation of international law".

Mr. President, in order for the Court to respond effectively to the increasing demands on resources made on it and to carry out its mandate efficiently it is necessary that it must be provided with adequate resources. It is a matter of concern that the 15 judges have to share and rely on five legal professionals to carry out research on complicated questions of international law and to prepare studies and notes for the judges and the Registrar. We therefore, reiterate that the Court's request for individualized legal assistance for all its members is reasonable and may be implemented to enable it to efficiently carry out its designated functions as the principal judicial organ of the United Nations.

We also urge re-examination of Resolution 61/262 that has created a discriminatory salary regime among the 15 Judges of the International Court of Justice and hope that this unintended anomaly will be removed.

Thank You, Mr. President

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