

**Report of the International Court of Justice Statement by Mr. Aizaz Ahmad Chaudhry
Deputy Permanent Representative of Pakistan in the GA Plenary 27 October 2005**

Mr. President,

I wish to thank President Shi Jiuyong for presenting the Report of the International Court of Justice on its work during the past year contained in document A/60/4. I also thank him for his briefing on the role and functioning of the Court.

Mr. President,

2. Justice and rule of law is the key to an orderly international society. The need for international legal order and justice was never as acutely felt as today. Justice and fairness have become an integral requirement of modern day existence. It is critical to the realization of all human rights. This is the essential prerequisite for the realization of the noble aspirations of peace, equality and justice.

3. The Charter of the United Nations, under Chapter VI, offers vast possibilities for the United Nations and its organs to play an important role in the pacific settlement of disputes and conflict prevention. Yet these possibilities remain grossly under-utilized. There has been a marked increase in excessive and immediate resort to Chapter VII, including on issues that do not necessarily pose a threat to international peace and security. At the same time, the Charter provisions for pacific settlement have not been fully exhausted.

4. The International Court of justice occupies a special place in the UN system as its principal judicial organ. As the report of the ICJ notes, it is 'the only international court of a universal character with general jurisdiction'. Article 36, paragraph 3 of the Charter clearly sets out the role of the Court in the settlement of disputes.

5. Since its inception, the Court has performed its tasks with great skill. However, the potential of the Court, as the main forum for the settlement of disputes and advisory opinions, through its contentious and advisory jurisdiction remains largely unutilized. More than 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. However, only 65 countries, including Pakistan, have accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2 of the Statute of ICJ. Recourse to the Advisory jurisdiction of the Court has also been quite rare.

6. We will need to consider ways and means to ensure greater utilization of the services the Court can provide. On this occasion, I would like to make a few specific comments on the work of the Court:

- i. We have noted the increase in the work load of the Court since 1990 and particularly since 1997. We have also noted the difficulties the Court is facing in holding hearings in all pending cases directly after the closure of the written proceedings due to the increase in the number and complexity of cases before it.
- ii. We appreciate the continued efforts of the Court to cope with its work load through rationalization of the work of the Registry, greater use of information technology, improvement of its working methods and through securing greater collaboration from the parties in relation to its procedures. We have noted the efforts of the Court to shorten and simplify proceedings, including through the revision of its Rules and by improving its internal functioning.

- iii. Consideration should also be given to some important recommendations contained in the 'Agenda for Peace' about the ICJ, such as
 - a. All States should make more frequent use of the jurisdiction of the International Court of Justice, consistent with Article 36 of its Statute;
 - b. When submission of a dispute to the full Court is not practical, the Chambers could be used; and
 - c. Consideration should be given as to whether the Secretary General should be duly authorized by the General Assembly to request advisory opinions in matters pertaining to his functions under the Charter.
- iv. In case of non-compliance with the judgments of the Court, Article 94(2) of the Charter sets out a procedure to address such situations. The Secretary General through his good offices and upon request of the Party or the Parties concerned should play an ever more active role in facilitating and securing the due implementation of the judgment.
- v. The Security Council should use much more frequently its powers under Articles 36 and 37 of the Charter to recommend that legal disputes should as a general rule be referred to the ICJ.
- vi. We believe that the Court should have at its disposal all the resources necessary to perform the tasks assigned to it. The General Assembly should provide the Court with the resources needed to perform its work effectively and efficiently. We hope that the General Assembly would give positive consideration to the Court's request in its 2006-07 budget submission for a new senior professional post for the Head of its Computerization Division.

Mr. President,

7. Allow me to make a few general remarks on this occasion:

- i. All UN member States should advance the concept of the non use of force and peaceful settlement of disputes as a means of achieving collective security in accordance with the purposes and principles of UN Charter. They should always act in accordance with the principles enshrined in Article 2 paragraphs 3 and 4 of the Charter.
- ii. The parties to any dispute must assume their responsibilities to settle their disputes peacefully as required under the Charter and make the most effective use of the mechanisms, procedures and methods for pacific settlement as contained in the Charter. They must show the necessary political will to ensure the success of pacific settlement of disputes.
- iii. The idea of promotion of dialogue among civilizations and culture of peace could greatly contribute in the maintenance of international peace and security. I would also like to mention in this context the strategy of Enlightened Moderation proposed by President Musharraf of Pakistan to deal with issues such as extremism and terrorism through a broad range of measures at different levels.
- iv. Member states should promote the realization by the peoples under colonial and other forms of alien or foreign occupation, of their inalienable right to self-determination, freedom and independence, in accordance with the Charter of the United Nations.

Mr. President,

8. The quest to define and, subsequently, to implement justice and the rule of law has been central to the march of civilization. The rule of law can be strengthened if the principles laid down in the UN Charter for the pacific settlement of disputes are adhered to, international human rights norms are applied consistently and Security Council resolutions are implemented faithfully.

9. The commitment we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. We stand ready to fully contribute to the work of the Court in the realization of such a commitment.

I thank you, Mr. President.