Speech by H.E. Judge Ronny Abraham, President of the International Court of Justice, to the Heads of State and Government, ministers and diplomats gathered at the headquarters of the United Nations in New York on 29 September 2015, in the margins of the session of the General Assembly, at a side event entitled "The International Court of Justice: a Contemporary Court"

Your Majesty,

Excellencies,

Ladies and Gentlemen,

May I first of all express my deep regret that I cannot be present in New York today, having been obliged to remain in The Hague by the Court's schedule of work. Indeed, this week and next, the Court is holding public hearings on the preliminary objections raised by the respondent in two cases that are pending before it. The new judicial year is therefore starting at the same intense pace that has characterized the Court's activities in recent years. Over the last twelve months, the Court has held public hearings in three cases, and delivered an Order and two Judgments in three cases involving six States.

The increased level of activity experienced by the Court for several years now is an indication of the growing desire of States to settle their international disputes by peaceful means, in accordance with the principle set forth in Article 2, paragraph 3, of the Charter of the United Nations. Amongst those means, judicial settlement occupies a prime position. The Court, the principal judicial organ of the United Nations, welcomes the renewed confidence which a large number of States are placing in it to settle their disputes.

On the occasion of the 70th anniversary of the United Nations, the Secretary-General, Ban Ki-Moon, rightly remarked that we find ourselves at a time when humanity is experiencing a major transition. In 1945, the Organization had 51 founding member States, and now it has 193. In the same period, the global population has tripled.

The changes affecting the world have repercussions on the relations between States and, therefore, on the work of the Court. That explains why the Court has been confronted with increasingly diverse legal problems in recent years. By way of example, several cases involving questions of State responsibility in relation to transboundary pollution have been dealt with by the Court over the last few years, or are currently being examined.

In addition, the Court continues to be the forum of choice of States for the judicial settlement of their disputes regarding the interpretation or implementation of international conventions, their boundary disputes, both land and maritime, and their disputes relating to diplomatic protection, or indeed to the use of force.

Each judgment delivered by the International Court of Justice, and each advisory opinion given by it in response to requests from bodies authorized to make them, notably the General Assembly, contributes to promoting and clarifying international law. In so doing, the Court plays a crucial role in defending the rule of law at international level. Its activity is therefore fully in keeping with the principles set forth in the Charter, and with the work of the other principal organs of the United Nations. I would recall that in resolution 67/97, devoted to "The rule of law at the national and international levels" and adopted on 14 December 2012, the General Assembly reaffirmed "the need for universal adherence to and implementation of the rule of law at both the national and international levels". It proclaimed "its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful co-existence and co-operation among States". In fulfilling its function "to

decide in accordance with international law such disputes as are submitted to it", as laid down in Article 38, paragraph 1, of its Statute, the Court echoes that commitment.

These last few decades have seen a proliferation of courts and tribunals specialized in different areas, such as human rights, the law of the sea, and international criminal law. We have also witnessed a gradual increase in contentious cases relating to international investments, with States and investors opposing each other at arbitration tribunals, on the basis of bilateral investment protection treaties. A reading of the decisions handed down by these courts highlights the key role played by the jurisprudence of the International Court of Justice when questions of general international law come to be considered, since the Court's decisions are frequently cited as being authoritative on such matters. Moreover, the International Court of Justice, being aware of its special place within the international legal order, itself refers to the case law of these specialized courts when it considers it relevant to do so, in order to contribute to the consistency and unity of the rules of international law.

The Court has accepted each new challenge presented by the growing complexity of the legal relations between States, and will continue to accept those challenges, in order to play its full part as the principal judicial organ of the United Nations. And it is worth recalling that it does so at a minimum cost to States.

In a few months, the Court will celebrate the 70th anniversary of its inaugural session, which it held on 18 April 1946 at the Peace Palace. That celebration will be an opportunity to reassess the work of the Court and to reflect on the challenges that lie ahead. Several cases involving complex legal questions are currently entered in the Court's List. These will give rise to decisions that will stabilize the legal relations between the States parties to the cases concerned, and will further enrich the Court's already substantial jurisprudence.

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I should like to thank our host State, the Netherlands, for its continued support of the Court's work. That support could not be better expressed today than by the distinguished presence of His Majesty the King. The confidence that the Netherlands places in the Court is highlighted in particular by the declaration accepting the compulsory jurisdiction of the Court, which was made by that State almost 60 years ago pursuant to Article 36, paragraph 2, of the Statute. I would recall that, under the terms of that article, States may "at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning: the interpretation of a treaty; any question of international law; the existence of any fact which, if established, would constitute a breach of an international obligation; [or] the nature or extent of the reparation to be made for the breach of an international obligation". To date, 72 States are bound by such declarations, which they have deposited with the Secretary-General. This year, two new declarations have been deposited, namely on 14 January by Greece and on 23 June by Romania. The Court can only express its satisfaction that an increasing number of member States have made such declarations. It regards this as a sign of confidence in the Court. It also hopes that its advisory function, which is so rich in potential for promoting the rule of law, will in future be utilized to the full.

Thank you very much for your attention.

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