

**SPEECH OF JUDGE JOAN E. DONOGHUE, PRESIDENT OF THE INTERNATIONAL
COURT OF JUSTICE, ON THE OCCASION OF THE SEVENTY-FIFTH
ANNIVERSARY OF THE COURT (VIDEO MESSAGE)**

I am Judge Joan Donoghue and it is my privilege today to offer some remarks in observance of the 75th anniversary of the inaugural sitting of the International Court of Justice, where I currently serve as President.

I speak to you from the iconic Great Hall of Justice of the Peace Palace in The Hague, where, 75 years ago today, the Court held its inaugural session. On that same day, the Assembly of the League of Nations adopted a resolution dissolving the Court's predecessor, the Permanent Court of International Justice. So, 18 April 1946 marks the "passing of the torch" of international adjudication to the new Court, the principal judicial organ of the newly-created United Nations.

The quest for a standing World Court was pursued with great vigor in two peace conferences held in The Hague in 1899 and 1907. Such a court, it was hoped, would lead States to settle disputes in a courtroom rather than through force. This was an ambitious idea then, as it was 75 years ago, and as it remains today. Sovereign States do not easily place their disputes in the hands of international adjudicators who can render a binding decision. It is incumbent on all of us in the profession of international law, whether we are judges, government advisors, scholars or practitioners, to strengthen and promote the various means for settling disputes peacefully. As Judges of the International Court of Justice, we are always mindful of this responsibility.

During the first 75 years of the Court's existence, States have submitted over 140 disputes to it. Over 25 requests for advisory opinions have been referred to the Court by United Nations organs and specialized agencies.

Although the Statute of the Court is ambitious in certain respects, it is also circumspect. The Court's jurisdiction depends on the consent of States. And the Statute does not dictate the content of international law. Instead, it establishes a standing and permanent forum for the settlement of inter-State disputes. The substantive law to be applied by the Court is left to be developed elsewhere, for example, in treaties.

I liken the Statute of the ICJ to a field of earth that the drafters plowed into furrows. They created an institution and set out its procedural framework. However, they did not dictate which crops would be planted in the field. The Court is ready for all sorts of cases, but it is up to States and UN organs and agencies to decide which matters to place before the Court.

The Court has demonstrated that it is equipped to tackle cases relating to new areas of international law that have emerged and developed since its first sitting. In recent years, for example, the Court has gotten high marks for the way it has handled scientific and technical aspects of environmental disputes. The docket has also included cases arising under a number of important human rights treaties.

At present, outer space law is one field that is burgeoning. There are lively discussions about the legal framework applicable to many aspects of the cyber world. The drafters of the Court's Statute could not have envisioned these areas of law, just as I cannot predict the fields of international law that will be blossoming 75 years from now. However, I feel confident that the institution and procedures established in the Statute of the Court and in its Rules will continue to provide fertile ground for the peaceful settlement of inter-State disputes.

The International Court of Justice is known to respect traditions, but we have not closed the door to improvement. The distinguished group of people who assembled for the Court's inaugural session could not have imagined that this Great Hall of Justice, 75 years later, would host hybrid hearings in which parties, counsel and some judges participate from locations around the world via video link. They may not have anticipated our current pandemic, but we can be sure that they expected the Court and the Registry to rise to new challenges, whatever they might be.

The Court and its Registrar had hoped to commemorate this anniversary with a solemn sitting befitting the occasion. Regrettably, due to the pandemic, the Court has found itself obliged to postpone the solemn sitting until such time as it can be held in a safe and fitting manner. Allow me therefore to conclude these brief remarks by noting that I look forward to that event, where I hope we will be able to welcome guests in person to the Great Hall of Justice to reflect on this important milestone and to celebrate the Court's promising future.
