

**UNGA**  
**71<sup>st</sup> Session**  
**Agenda Item 70**  
**Report of the International Court of Justice**

27 October 2016

**INDIA STATEMENT**  
Dr. Vishnu Dutt Sharma,  
Joint Secretary and Legal Adviser

**Mr. President,**

At the outset, I would like to thank Judge Ronny Abraham, President of the International Court of Justice (ICJ / Court), for his comprehensive report on the judicial activities of the Court for the period between August 2015 and July 2016. I also thank him and the Vice-President, Judge Abdulqawi Ahmed Yusuf for guiding the work of the Court.

**Mr. President,**

The Court, as the principal judicial organ of the United Nations, celebrated its 70<sup>th</sup> anniversary on 20<sup>th</sup> April 2016 at The Hague. As we all know and most of us witnessed that on last Monday, 24<sup>th</sup> October, the Secretary-General of the United Nations and the President of the Court inaugurated the exhibition in the UN building on the ICJ "70 years in the Service of the Peace and Justice".

**Mr. President,**

The Court is entrusted with the task of peaceful resolution of disputes between the States, which is fundamental for fulfilment of one of the purposes of the United Nations, namely the maintenance of international peace and security. Since its first sitting in April 1946, the Court seized of more than 160 cases; it delivered over 120 judgements and 27 advisory opinions. We acknowledge that the Court has fulfilled that task of settling the disputes between the States peacefully so admirably and it has acquired a well-deserved reputation as an institution that maintains the highest legal standards in accordance with its mandate under the Charter of the United Nations and its own Statute, which is an integral part of the Charter.

**Mr. President,**

One of the primary goals of the United Nations, as stated in the Preamble of the UN Charter, is to establish conditions under which justice and respect for international obligations

can be maintained. The ICJ, as the only Court with general international law jurisdiction, is uniquely placed to help achieve that goal.

**Mr. President,**

The Report of the Court, contained in document A/71/4, illustrates the importance that the States attach to and the confidence that they repose in the Court. The importance of the Court is evident from the number, nature and variety of cases that the Court deals with and its ability in so dealing with the complex aspects of public international law. Further, the universality of the Court is evident from the fact that States from across all the continents submitted their cases to the Court for adjudication.

**Mr. President,**

The judgments delivered by the ICJ have played an important role in the interpretation and clarification of the rules of international law, as well as, in the progressive development and codification of international law. In the performance of its judicial functions, the Court has remained highly sensitive to political realities and sentiments of States, while acting in accordance with the provisions of the UN Charter, its Statute and other applicable rules of international law.

During the judicial year 2015-2016, the Court delivered a judgment in two cases between Nicaragua and Costa Rica on 16 December 2015; this is a rare occasion, where the Court joined the two disputes submitted by the neighbouring States against each other. These are cases involving complex factual and legal issues concerning rights of navigation, territorial sovereignty, environment impact assessment, etc.

The number of contentious cases on the Court's docket stands at 14, three of which have since been disposed of by the Court on 5<sup>th</sup> of this month. The Court during the past judicial year handed down eleven orders and held public hearings in five cases, which include a case brought against my own country.

**Mr. President,**

The cases before the Court involve a wide variety of subject matters, such as territorial and maritime disputes, unlawful use of force, interference in the domestic affairs of States, violation of territorial integrity, international humanitarian law and human rights, genocide, environmental damage and conservation of living resources, immunities of States and their representatives, interpretation and application of international conventions and treaties. Further, the cases entrusted to the Court are growing in factual and legal complexity.

**Mr. President,**

The Court's second function is to provide advisory opinion on legal questions referred to it by the organs of the United Nations and specialized agencies. Though no request for its advisory opinion was made during the past judicial year, this function of the Court adds to its important role of clarifying key international legal issues. The report of the Court rightly points out that "everything the Court does is aimed at promoting and reinforcing the rule of law", in particular through its judgments and the advisory opinions.

**Mr. President,**

Before concluding my statement, I would like to make a few remarks on the three cases disposed of the Court on 5<sup>th</sup> October. These were a sort of PIL (public interest litigation) cases. We appreciate the Court for finding that there was no legal dispute existed between the parties at the time of submission of the application by the litigant State. However, despite some apprehensions on possibility of re-litigation, India feels that the cases were dismissed on substance and not merely on procedural lacunae. Apart from the awareness test, the Court made an objective determination on an examination of facts of the case and demonstrated that there were no opposing views, hence no dispute between the parties. Further, we note that it was one of the rare contentious cases that the President of the Court exercised his casting vote.

As to the publications and availability of information about the Court and its activities, we appreciate the Court's efforts to ensure the greatest possible global awareness of its decisions through its publications, multimedia offerings and the website, which now features the Court's entire jurisprudence, as well as, that of its predecessor - the Permanent Court of International Justice. These sources provide useful information for States wishing to submit a potential dispute to the Court.

**Mr. President,**

13. We are happy to note that the issue of the presence of asbestos in the Peace Palace has been by and large resolved. However, we share the concern of the President of the ICJ regarding budget cuts and that the communication and concerns raised by the Court remain un-responded so far. We hope that these concerns will be addressed.

14. Finally, Mr. President, India wishes to reaffirm its strong support to the Court and acknowledges the importance that the international community attaches to the work of the Court.

**I thank you Mr. President.**