



STATEMENT BY MS. SANGEETA KUMARI SINGH DEO, MEMBER OF PARLIAMENT  
AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 66 'REPORT OF  
THE INTERNATIONAL COURT OF JUSTICE' AT THE 63<sup>RD</sup> SESSION OF THE  
UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 30, 2008



Thank You, Mr. President,

We thank the President of the Court, Judge Rosalyn Higgins, for her introduction of the Report contained in document A/63/4 and welcome the opportunity to address the General Assembly on the Report of the International Court of Justice

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.

Over the last sixty years, the Court has dealt with a variety of legal issues. Its judgments have covered disputes concerning sovereignty over islands, navigational rights of States, nationality, asylum, expropriation, law of the sea, land and maritime boundaries, enunciation of the principle of good faith, equity and legitimacy of use of force. The issues presently before it are equally wide ranging, and its judgments have played an important role in the progressive development and codification of international law. Despite the caution it exhibited and the sensitivity it showed to the political realities and sentiments of States, the Court has asserted its judicial functions and consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. Thereby the Court clearly emphasized the role of international law in regulating inter-state relations, which are necessarily political.

The advisory function of the Court contributes to clarifying law and removing ambiguities, thus assisting the United Nations and its organs in carrying out the objectives of the organization.

In recent years the docket of the ICJ has grown significantly and it continues to enjoy universal support and respect. Another significant development that needs to be welcomed 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.

The year under review has been the most productive year in the court's history. It has handed down four substantive judgments and two orders on requests for the indication of provisional measures. Further, the Court has held hearings in four cases and has three judgments under deliberation. This has been possible due to streamlining the procedures and internal working methods, which has led to scheduling of cases without significant delay. We appreciate the efforts of the Court to eliminate the backlog.

We also note that the Court's request for nine law clerk posts was not fully agreed to. We hope that the General Assembly would be able to approve this request as such assistance is critical, given the increasing number of "fact-intensive" cases. Judges of all other Tribunals enjoy this facility. The Court's request for individualized legal assistance for all its members is reasonable and would enable it to more efficiently carry out its designated functions as the principal judicial organ of the United Nations.

Mr. President,

The recent period has witnessed the creation of a number of specialised regional and international courts and bodies. Along with it have come concerns about the fragmentation of international law. There is apprehension that the similar legal issues or disputes may well be subjected to final and binding interpretations by two different bodies, with potentially differing views. There is also considerable apprehension that the expansion of the field has created problems not only of coherence but also of priority between different dispute settlement procedures.

The challenge is to find a balance between, on the one hand, 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. We welcome the initiative taken by the ICJ President for a regular dialogue between the international courts and tribunals and exchange 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".

The phenomenal docket explosion of the Court stands testimony to the Court's high standing not only in the UN system, but in the international community itself. It is also an affirmation of faith in the Court.

Mr. President ,

President Higgins will soon be completing her term in the Court. We thank her for her immense contribution to the work of the Court and wish her all the best in her future endeavours.

Thank you, Mr President

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