



Malaysia

Permanent Mission to the United Nations

STATEMENT BY

H.E. RASTAM MOHD ISA
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS

ON

AGENDA ITEM 13: REPORT OF THE INTERNATIONAL
COURT OF JUSTICE

AT

THE PLENARY OF THE 59TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

NEW YORK
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(Please check against delivery)

Mr. President,

My delegation wishes to thank the Honourable Judge Shi Jiuyong, President of the International Court of Justice for his eloquent presentation of the Report of the Court as contained in document A/59/4. The comprehensive report is extremely useful in enabling Member States to understand and appreciate the complexity of the work of the Court and the complex issues which the Court deals with.

Mr. President,

2. Malaysia would like to compliment the Court for its contribution to the peaceful settlement of international disputes between states and to the development of international law. It is self evident that if the international community wishes to resolve and prevent conflicts in a peaceful manner, it needs an impartial third party that is competent to deal with the relevant legal questions. The Court has undoubtedly played an important and influential role in the promotion of peace and harmony between nations and peoples of the world through observance of the rule of law and by helping to resolve disputes between states through legal means as well as by giving advisory opinions on legal questions referred to it in accordance with international law. Malaysia recognises this role and has full confidence in the Court's competence and ability to discharge itself as the principal judicial organ of the United Nations as stipulated in the Charter of the United Nations and Statute of the ICJ.

3. The Court has been accessible to all states for the peaceful settlement of disputes. Acceptance of the Court's compulsory jurisdiction signifies that a nation is willing to acknowledge the adjudication powers of the Court in all legal disputes regarding the interpretation of a treaty, any question of international law and interpretation of other international obligations. Malaysia is pleased to note that since 1946 the Court has delivered 79 judgements and given 25 advisory opinions. The increased usage of the Court is strong evidence that the level of confidence in the Court is extremely high, for the reason that it can be trusted to be impartial and effective. We are pleased that the Court has handed down very high quality judgements and advisory opinions.

4. Malaysia's belief that the Court is the most appropriate avenue for the peaceful and final resolution of disputes when all efforts in diplomacy have been exhausted has been further strengthened by the confidence that we and the international community have in the role, function and accomplishments of the Court. Malaysia herself has submitted to the Court cases of territorial disputes, in mutual agreement with the other parties concerned, for adjudication by the Court. Malaysia will fully respect the Court's decision in such cases consistent with her abiding adherence to international law. We strongly believe that respect for the Court's decisions would strongly contribute to enhancing the Court's stature and prestige and in turn inculcate a culture of respect for the rule of law at the international level.

Mr. President,

5. My delegation believes that the significant increase of cases in the docket of the Court as of 31 July 2004 augurs well for the progressive development of international law and the role of the Court as a dispute settlement mechanism. We note the acceptance by 65 States of the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute and that some 300 bilateral or multilateral treaties contain provisions for the Court to have jurisdiction in the resolution of disputes arising out of the application or interpretation of those respective treaties. These welcomed developments clearly demonstrate the increasing confidence in the decisions of the Court and reliance on the settlement of disputes through adjudication rather than by the use of force. This manifestation of the confidence in the rule of law is particularly important when the world is facing many daunting threats and challenges.

6. In view of the increased workload of the Court, there is an urgent need to strengthen the Court's capacity to efficiently dispose of the cases before it as well as to undertake the additional administrative responsibilities arising thereof. At the same time we are pleased to note that the Court has reviewed its procedures and working methods to further increase its productivity. As emphasised in the Report, even after taking the various measures, the Court would require additional funds for the 2004-2005 budget due to the extraordinary and unforeseen cost, associated inter alia, with the security requirements and media demands, incurred for the issuance of the Advisory Opinion on the Legal Consequences of a Wall in the Occupied Palestine Territories.

7. The Advisory Opinion on Legal Consequences of a Wall in the Occupied Palestine Territories which inter-alia ruled that the construction of the Wall by Israel, the Occupying Power, is contrary to international law and that Israel is under obligation to terminate its breaches of international law is indeed a significant milestone in the long-running effort to bring to an end the sufferings and dire humanitarian consequences faced by the people in the Occupied Palestinian Territory and to ensure a just and lasting solution to the question of Palestine. Malaysia is pleased to have participated through both written and oral submissions in the Open Hearings at the Court in February 2004. We see the whole process of seeking and rendering of the Advisory Opinion as a clear manifestation of the healthy relationship between the General Assembly and the Court as envisages under the Charter. We are however most disappointed that the Advisory Opinion has not been heeded by Israel.

Mr. President,

8. My delegation takes note of the Report of the Secretary General on the Secretary General's Trust Fund as contained in document A/59/372. We note the Secretary General's appeal for all States and other relevant entities to give serious consideration to making contributions to the Fund which has had a decreasing level of

resources since its inception. We also note the revision in the terms of reference of the Fund.

9. Malaysia commends the efforts undertaken by the Court to increase public awareness and understanding of its work in the judicial settlement of international disputes, its advisory functions, case law, and working methods, as well as its role within the United Nations through its publications and lectures by the President, members of the Court, the Registrar and members of the Registry staff. We welcome the Court's distribution of press releases, background notes and its handbook to keep the public informed about its work, functions and jurisdiction. We concur that the Court's website has been extremely useful and well utilised by diplomats, lawyers, academicians, students and interested members of the public as an important source of access to the Court's judgements which constitute the most recent developments in international case law. We hope that the Court would be granted adequate resources to allow it to continue to fulfil its mandate and meet the demands of an increasing workload.

Thank you.