



Permanent Mission of
Malaysia
to the United Nations

(Please check against delivery)

**STATEMENT BY HON EDMUND CHONG KET WAH
REPRESENTATIVE OF MALAYSIA
ON AGENDA ITEM 13: REPORT OF THE INTERNATIONAL COURT OF JUSTICE
AT THE PLENARY OF THE 60TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY, NEW YORK
THURSDAY, 27 OCTOBER 2005**

Mr. President,

My delegation wishes to thank the Honourable Judge Shi Jiuyong, President of the International Court of Justice for his lucid presentation of the Report of the Court as contained in document A/60/4. The comprehensive report contains useful information on the work of the International Court of Justice and provides a better understanding of the complex issues before it.

2. We appreciate the important contribution of the International Court of Justice to the peaceful settlement of disputes between States and the development of international law. Indeed, the peaceful settlement of disputes is one of the fundamental pillars of the United Nations. We acknowledge that the International Court of Justice has tremendous influence in the promotion of peace and harmony between nations and peoples of the world through the rule of law. The International Court of Justice plays an important role in resolving disputes submitted by States and giving advisory opinions on legal questions referred to it in accordance with international law. This role should not be underestimated in the common endeavour to promote peace among nations. The Court provides a more prudent and civilized alternative to violence and use of force. Judicial decisions as such are not a source of law, but the dicta by the Court are unanimously considered as the best formulation of the content of international law in force.

3. We are pleased to note the marked progression in the caseload of the Court since its inception. During the period from 1 August 2004 to 31 July 2005 there are 21 important cases before the court. These contentious cases come from all over the world and their subject matters vary from cases concerning territorial disputes between neighbouring States seeking a determination of their land and maritime boundaries, or a decision as to which of them has sovereignty over particular areas, to applications regarding the crime of genocide. This is testimony to the growing confidence of States in the work of the Court and the willingness of the international community to be governed by the principles of international law in the conduct of international relations.

Mr. President,

4. The Court has handed down judgements and opinions of excellent quality. The acceptance of these judgements and opinions by the parties concerned bears great relevance to the preference of States to avail them of the wisdom of the Court to resolve disputes peacefully. This increasing recourse by the States to judicial settlement of their disputes has granted the Court centrality in the administration of international justice. Confidence in the role, function and the accomplishments of the Court has strengthened Malaysia's belief that the Court is the most appropriate forum for a peaceful and final resolution of disputes when all efforts in diplomacy have been exhausted.

5. Malaysia has been a recent client of the Court. On 2 November 1998 Malaysia and Indonesia submitted their territorial dispute over the islands of Ligitan and Sipadan to the ICJ. The Court delivered its judgment on 17 December 2002. Both Parties have accepted the Court's judgment as final and binding. Both countries were satisfied that the entire legal process to resolve the dispute through the ICJ has taken place in a fair, transparent, responsible and dignified manner. This is indeed testimony to the confidence both countries repose in the Court's ability to resolve international disputes in conformity with the principles of justice and international law. With regard to the territorial dispute with Singapore concerning sovereignty over Pulau Batu Puteh, Middle Rocks and South Ledge, currently in the Court's docket, we wish to assure that consistent with its abiding respect for international law, Malaysia will fully respect the Court's decision on the case. This respect for the Court's decision would contribute to enhancing the court's stature and prestige among member States and in turn inculcate a culture of respect for international law in relations among States.

Mr. President,

6. My delegation takes note of the Report of the Secretary General on the Secretary General's Trust Fund as contained in document A/60/330. 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.

7. 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.