**SPEECH BY HE JUDGE NAWAF SALAM, PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE, ON THE OCCASION OF THE SEVENTY-NINTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

**24 October 2024, 10 a.m.**

Mr President,
Excellencies,
Distinguished Delegates,

The last time I addressed this august Assembly was in 2017 at the end of my ten years of service as the Permanent Representative of my country, Lebanon. Today, I am honoured to stand at this podium as the President of the International Court of Justice, on the occasion of the General Assembly's consideration of the annual report of the Court. The interest shown in the work of the Court by your eminent Assembly is much welcomed.

Before I begin my review of the Court's busy judicial activities over the last year, I wish to take this opportunity to congratulate His Excellency Mr Philémon Yang on his election as President of the seventy-ninth session of the United Nations General Assembly. I wish him every success in this distinguished office.

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Mr President,

Since 1 August 2023 — the starting date of the period covered by the Court's annual report — the Court's docket has remained full, reflecting the trust of the international community in the principal judicial organ of the United Nations. There are currently 23 active cases on the General List, 21 contentious proceedings and two advisory proceedings, one of which relating to questions put to the Court by your distinguished Assembly. The 23 cases on the docket include five new cases: one request for an advisory opinion and four contentious cases, which were brought in the course of the reporting year.

On 13 November 2023, a request for an advisory opinion was transmitted to the Court by the Director-General of the International Labour Organization (ILO) on the question whether the right to strike of workers and their organizations is protected under the Freedom of Association and Protection of the Right to Organise Convention of 1948 (also referred to as "Convention No. 87"). On 29 December 2023, South Africa instituted proceedings against Israel with reference to a dispute concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip. On 1 March 2024, Nicaragua instituted proceedings against Germany concerning alleged breaches of certain international obligations in respect of the Occupied Palestinian Territory. On 11 April 2024, Mexico instituted proceedings against Ecuador with regard to a dispute relating to "legal questions concerning the settlement of international disputes by peaceful means and diplomatic relations, and the inviolability of a diplomatic mission". In all three of these contentious cases, each Applicant filed, together with its respective Application, a request for the indication of provisional measures. The most recent contentious case was instituted by

Ecuador against Mexico on 29 April 2024 regarding the latter's conduct in relation to the former Vice-President of Ecuador, Mr Glas Espinel.

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Mr President,

Since 1 August 2023, the Court has held twelve sets of hearings in ten cases and has delivered two Judgments and one Advisory Opinion, as well as eight Orders on requests for the indication or modification of provisional measures and one Order on the admissibility of declarations of intervention. The Court has also issued a number of Orders on time-limits in a range of cases.

As is customary, I shall now give a brief account of the Judgments and Advisory Opinions delivered and the substantive Orders made during the period under review.

On 31 January 2024, the Court issued its Judgment on the merits in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*. The proceedings in this case were instituted by Ukraine following events which occurred from early 2014 in eastern Ukraine and in the Crimean peninsula. It should be noted at the outset that the Court rejected the Russian Federation's invocation of the "clean hands" doctrine as a defence on the merits, stating that it considered that this doctrine could not be applied in an inter-State dispute where the Court's jurisdiction is established, and the application is admissible.

With regard to the claims of Ukraine under the International Convention for the Suppression of the Financing of Terrorism, to which I shall refer as the "ICSFT", the Court clarified that only monetary or financial resources provided or collected for use in carrying out acts of terrorism may provide the basis for the offence of terrorism financing. As for the alleged non-compliance by the Russian Federation with its obligations under specific Articles of the ICSFT to freeze certain funds, to prosecute or extradite alleged offenders of terrorism financing offences, to assist other States parties in their investigations into terrorism financing and to take practicable measures to prevent the movement of "funds" into Ukraine for purposes of terrorism financing, the Court considered that it had not been established by the Applicant that the Russian Federation had violated its obligations under the Convention. However, the Court did find that the Russian Federation had violated its obligations under Article 9 of the ICSFT to investigate allegations of the commission of terrorism financing offences by alleged offenders present in its territory.

With regard to the claims of Ukraine under the International Convention on the Elimination of All Forms of Racial Discrimination, to which I shall refer as "CERD", the Court indicated that it was not called upon to determine whether violations of obligations under CERD had occurred in individual instances but, rather, whether a "pattern of conduct" could be established.

The Court examined in detail the alleged violations by the Russian Federation of various provisions of CERD with regard to incidents of physical violence against Crimean Tatars and ethnic Ukrainians in Crimea and measures taken against the Mejlis, a body that has historically played an important role in representing the interests of the Crimean Tatar community in Crimea. Further, the Court examined measures relating to citizenship, measures taken with respect to culturally significant gatherings, measures relating to media outlets and measures concerning cultural heritage and cultural institutions of Crimean Tatar and ethnic Ukrainians in Crimea. The Court found that it had not been established that the Russian Federation had violated its obligations under CERD.

The Court next examined whether the conduct of the Russian Federation with regard to school education in Crimea qualified as racial discrimination under CERD. After examining the legislative and other practices of the Russian Federation regarding school education in the Ukrainian language in Crimea, the Court concluded that the Russian Federation had violated its obligations under CERD by the way in which it had implemented its educational system in Crimea after 2014 with regard to school education in the Ukrainian language.

The Court then considered the submission of Ukraine that the Russian Federation had breached the Court's Order of 19 April 2017 indicating provisional measures. The Court found that, by maintaining the ban on the Mejlis, the Respondent had violated that Order, while observing that this finding was made independently from the Court's finding on the merits that the ban on the Mejlis did not violate the Russian Federation's obligations under CERD. As to the availability of education in the Ukrainian language, the Court found that, while Ukraine had shown that a sharp decline in teaching in the Ukrainian language took place after 2014, it had not been established that the Russian Federation had acted in breach of the Order on provisional measures. In particular, the Court took note of a United Nations report that confirmed that instruction in the Ukrainian language was available in Crimea after the adoption of the Order.

Finally, the Court considered that the Russian Federation, by recognizing the so-called "Donetsk People's Republic" and "Luhansk People's Republic" as independent States and by launching what it called a "special military operation" against Ukraine, had severely undermined the basis for mutual trust and co-operation and thus made the dispute more difficult to resolve, in violation of the Court's Order of 19 April 2017.

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On 2 February 2024, the Court issued its Judgment on the preliminary objections raised by the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine* v. *Russian Federation: 32 States intervening)*. You may recall that, on 26 February 2022, Ukraine filed an Application against the Russian Federation concerning a dispute under the Genocide Convention. On 3 October 2022, the Russian Federation raised preliminary objections to jurisdiction and admissibility. In its Judgment, the Court explained that the dispute between the Parties comprised two aspects. The first one concerned Ukraine's request for a declaration that no genocide attributable to it was committed in the Donbas; the second one concerned the compatibility of the actions of the Russian Federation, including its use of force in and against Ukraine, with its obligations under the Genocide Convention.

The Court concluded that it had jurisdiction under the Genocide Convention to entertain the first aspect of the dispute, and that Ukraine's request for a declaration that it was not responsible for a breach of its obligations under the Genocide Convention was admissible. Of particular note in this regard is the Court's finding that Article IX of the Genocide Convention does not preclude the possibility for a State to seek a declaration that it is not responsible for committing genocide. In assessing the admissibility of Ukraine's request in the present case, the Court took account of the fact that the request was made in the context of an armed conflict between the Parties and that the Russian Federation had taken the measures complained of by Ukraine with the stated purpose of preventing and punishing genocide allegedly committed by Ukraine in the Donbas region. In such a special context, the Court recognized the legal interest of Ukraine in obtaining a declaration that it had not breached its obligations under the Genocide Convention, and its request was found admissible.

However, the Court found that it did not have jurisdiction to decide the second aspect of the dispute between the Parties, i.e. Ukraine's claims that the Russian Federation's use of force in and

against Ukraine beginning on 24 February 2022 and its recognition of the so-called "Donetsk People's Republic" and "Luhansk People's Republic" on 21 February 2022 violated obligations arising under Articles I and IV of the Genocide Convention. The Court found that, even if the acts of the Russian Federation complained of by Ukraine were fully established, they would not constitute a violation of obligations under the Genocide Convention, and therefore fell outside the scope of the Court's jurisdiction under that Convention. The Court explained that Ukraine was not claiming that the Russian Federation had refrained from taking measures to prevent or punish a genocide, and that, in these circumstances, it was difficult to see how the conduct complained of could constitute a violation of obligations to prevent genocide and punish perpetrators of genocide. The Court was also not convinced that the alleged invocation in bad faith of the Genocide Convention by the Russian Federation could constitute a violation of obligations under Articles I and IV. Nor could the alleged violation by the Russian Federation of other international rules, such as the rules on the use of force, constitute a violation of the Genocide Convention, since that Convention did not incorporate such rules of international law.

I should add that a particularity of this case is the fact that 33 States filed Declarations of intervention under Article 63 of the Statute. I will explain, a little further on, the procedure by which the Court decided on the admissibility of these Declarations. Suffice to say that in its Judgment, the Court rejected the Russian Federation's preliminary objection to the admissibility of Ukraine's submission based on abuse of process. By this objection, the Respondent had argued, *inter alia*, that Ukraine had sought to rally States to arrange an abusive mass intervention in the case, in an attempt to put pressure on the Court.

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I will now give an overview of the Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, which was given by the Court on 19 July 2024, in response to the request by your august Assembly, as set out in resolution 77/247 adopted on 30 December 2022. These proceedings were closely followed by the international community. A total of 54 States participated in the written proceedings and 50 States presented oral statements. The League of Arab States, the Organisation of Islamic Cooperation and the African Union also took part in both phases of the proceedings.

I would recall that the General Assembly put two questions to the Court. First, it asked the Court to consider:

> "What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?"

Secondly, it asked the following: "How do the policies and practices of Israel referred to . . . above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?"

With regard to the question of the prolonged occupation of the Occupied Palestinian Territory, the Court observed that the fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law. In order to be permissible, an occupying Power's exercise of effective control must at all times be consistent with the rules concerning the prohibition of the threat or use of force, including the prohibition of territorial acquisition resulting from the

threat or use of force, as well as with the right to self-determination. As regards Israel's settlement policy, the Court reaffirmed what it stated in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained in violation of international law. As regards the question of the annexation of the Occupied Palestinian Territory, the Court expressed the view that to seek to acquire sovereignty over an occupied territory is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force.

The Court then examined the question of the legal consequences arising from Israel's adoption of related discriminatory legislation and measures. The Court noted that the differentiation of treatment of the Palestinians in the Occupied Territory could not be justified with reference to reasonable and objective criteria nor to a legitimate public aim. Having established the adoption by Israel of related discriminatory legislation and measures, the Court found that this régime of comprehensive restrictions imposed on Palestinians in the Occupied Palestinian Territory constitutes systemic discrimination based on, *inter alia*, race, religion or ethnic origin, in violation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. The Court further observed that Israel's legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considered that Israel's legislation and measures constitute a breach of Article 3 of CERD which prohibits racial segregation and apartheid.

The Court then addressed the effects of Israel's policies and practices on the exercise of the Palestinian people's right to self-determination. Having considered the negative consequences of these policies and practices, resulting in the Palestinian people being deprived of its right to self-determination over a long period, the Court found that Israel's unlawful policies and practices are in breach of Israel's obligation to respect the right of the Palestinian people to self-determination.

Turning to the second question put to it, the Court's approach was to consider the manner in which Israel's policies and practices affect the legal status of the occupation, and thereby the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. In this context, the Court expressed the view that Israel's assertion of sovereignty and its annexation of certain parts of the territory constitute a violation of the prohibition of the acquisition of territory by force. Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation. The Court further observed that the effects of Israel's policies and practices, and its exercise of sovereignty over certain parts of the Occupied Palestinian Territory, constitute an obstruction to the exercise by the Palestinian people of its right to self-determination.

According to the Court, the breach of the Palestinian people's fundamental right to self-determination has a direct impact on the legality of Israel's presence, as an occupying Power, in the Occupied Palestinian Territory. That occupation cannot be used in such a manner as to leave indefinitely the occupied population in a state of suspension and uncertainty, denying them their right to self-determination while integrating parts of their territory into the occupying Power's own territory. The Court observed that the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful.

In the concluding part of its advisory opinion, the Court addressed the legal consequences arising from Israel's policies and practices and the illegality of Israel's continued presence in the Occupied Palestinian Territory. With regard to the legal consequences for Israel, the Court stated that Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian

Territory as rapidly as possible; that it must cease immediately all new settlement activities, and evacuate all settlers from the Occupied Palestinian Territory; and that it has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory. With regard to the legal consequences for other States, the Court indicated that all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining that situation. Finally, turning to the legal consequences for international organizations, the Court stated that such organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory; and that the United Nations, and especially the General Assembly, which requested the opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.

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Mr President,

I shall now move to the various substantive Orders issued by the Court during the period under review.

In this regard, I note, as an aside, that there has been a noticeable increase in the number of incidental proceedings being submitted to the Court, in particular requests for the indication of provisional measures, which are then given priority over other cases. While the Court understands the importance and value of this expedited procedure, which aims to offer urgent interim relief to Parties when there is a risk of irreparable harm to their rights pending a decision on the merits, it also wishes to stress that it is a procedure that should not be used as a litigation tactic to advance arguments on the merits.

Turning back to the substantive Orders issued during the period under review, I will start by referring to the Court's Order of 16 November 2023 in the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and Netherlands* v. *Syrian Arab Republic)*. The joint Applicants instituted these proceedings on 8 June 2023, alleging that the Syrian Government has been responsible, at least since 2011, for systematic violations of its obligations under the Convention against Torture. The Application was accompanied by a Request for the indication of provisional measures. In particular, Canada and the Netherlands stated that urgent measures were needed in order to protect the lives and physical and mental integrity of individuals within Syria who were being subjected to torture and other cruel, inhuman or degrading treatment or punishment, or were at imminent risk of being subjected to such treatment.

In its Order of 16 November 2023, the Court ordered the Syrian Arab Republic, in accordance with its obligations under the Convention against Torture, to take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials, as well as any organizations or persons which may be subject to its control, direction or influence, did not commit any acts of torture or other acts of cruel, inhuman or degrading treatment or punishment. The Court further ordered that the Respondent take effective measures to prevent the

destruction and ensure the preservation of any evidence related to allegations of acts within the scope of the Convention against Torture.

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I now turn to the Order on provisional measures delivered by the Court on 17 November 2023 in which it indicated further provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia* v. *Azerbaijan)*. In this regard, I recall that on 29 September 2023, Armenia submitted a new Request for the indication of provisional measures in which it alleged that Azerbaijan had launched a military assault on the ethnic Armenian population of Nagorno-Karabakh on 19 September 2023, resulting in the forcible displacement of tens of thousands of ethnic Armenians. Armenia thus requested urgent interim measures of protection for that population. In its Order of 17 November 2023, the Court indicated three provisional measures. First, Azerbaijan was directed to ensure, in accordance with its obligations under CERD, that persons who had left Nagorno-Karabakh after 19 September 2023 and who wished to return home were able to do so in a safe, unimpeded and expeditious manner; that persons who had remained in Nagorno-Karabakh after that date and who wished to depart were able to do so in the same safe manner; and that persons wishing to stay in Nagorno-Karabakh were free from the use of force or intimidation that may cause them to flee. Secondly, Azerbaijan was directed to protect and preserve registration, identity and private property documents and records that concerned the persons affected by the events of September 2023. Thirdly, Azerbaijan was instructed to submit a report to the Court on the steps taken to give effect to the provisional measures indicated.

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Shortly after the delivery of this Order, on 1 December 2023, the Court issued another Order on provisional measures in the case concerning *Arbitral Award of 3 October 1899 (Guyana* v. *Venezuela)*. By way of background, let me recall that this case was instituted in 2018 and that it is currently at the merits phase, the Court having already pronounced itself on questions relating to jurisdiction and admissibility. On 30 October 2023, Guyana filed a Request for the indication of provisional measures due to its concern over the Government of Venezuela's stated intention to hold a so-called "Consultative Referendum" on 3 December 2023 regarding the purported creation, on a unilateral basis, of the State of "Guayana Esequiba" within Venezuela, comprising the territory at issue in the current proceedings.

In its Order of 1 December 2023, the Court stated that, in light of the strong tension that characterized the relations between the Parties, it considered that the conduct of Venezuela — in organizing such a referendum and the assertions made that it would take concrete action on the basis of the results of that referendum — presented a serious risk of Venezuela acquiring and exercising control and administration of the territory in dispute, which is currently administered by Guyana in its totality. The Court therefore directed Venezuela to refrain from taking any action, pending a final decision in the case, which would modify the situation that currently prevails in the territory in dispute. The Court further instructed both Parties to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

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I now turn to three Orders delivered by the Court in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa* v. *Israel* — the first rendered on 26 January 2024 related to the Request for the indication of provisional measures filed by the Applicant together with its Application instituting proceedings; the second Order rendered on 28 March 2024 related to the Applicant's Request for the modification of the Court's Order of 26 January 2024 indicating provisional measures; and the third rendered on 24 May 2024 related to the Applicant's Request for the modification of the Order of 28 March 2024.

South Africa initiated proceedings in this case on 29 December 2023, alleging that Israel, in conducting military operations in and against Gaza in the wake of the attack by Hamas and other armed groups on 7 October 2023, has breached and continues to breach its obligations under the Genocide Convention. According to South Africa, provisional measures were necessary in order to protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention and to ensure Israel's compliance with its obligations under that Convention. In its Order of 26 January 2024, the Court noted with deep concern that the population in Gaza was extremely vulnerable, pointing out that the military operation conducted by Israel after 7 October 2023 had resulted, *inter alia*, in tens of thousands of deaths and injuries and the destruction of homes, schools, medical facilities and other vital infrastructure, as well as displacement on a massive scale. The Court expressed its alarm at the fact that many Palestinians in the Gaza Strip had no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating.

In the operative clause of its Order, the Court directed Israel to take all measures within its power to prevent the commission of all acts within the scope of Article II of the Genocide Convention in relation to Palestinians in Gaza; to ensure with immediate effect that its military did not commit any such acts; to take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip; to take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip; to take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of the Genocide Convention against members of the Palestinian group in the Gaza Strip; and to submit a report to the Court on all measures taken to give effect to this Order within one month as from the date thereof.

By a letter dated 12 February 2024, South Africa submitted to the Court what it referred to as an "Urgent Request for additional measures under Article 75, paragraph 1, of the Rules of Court". In particular, the Applicant argued that the developing circumstances in Rafah required the Court to exercise its power under that provision. Israel provided its observations on South Africa's communication on 15 February 2024. By a letter from the Registrar dated 16 February 2024, the Parties were informed of the Court's decision as follows. The Court stated that the "perilous situation" arising from recent developments in the Gaza Strip, and in Rafah in particular, demanded immediate and effective implementation of the provisional measures indicated by the Court in its Order of 26 January 2024, which were applicable throughout the Gaza Strip, including in Rafah, and did not demand the indication of additional provisional measures. The Court also emphasized that Israel remained bound to fully comply with its obligations under the Genocide Convention and with the said Order, including by ensuring the safety and security of the Palestinians in the Gaza Strip.

On 6 March 2024, South Africa filed a further Request for the indication of additional provisional measures and/or the modification of measures previously indicated by the Court in its Order 26 January 2024, based on the alleged change in the situation in Gaza since the indication of the first set of provisional measures. In its Order of 28 March 2024, the Court found that exceptionally grave recent developments — including the unprecedented levels of food insecurity in the Gaza Strip and the fact that famine was setting in — constituted a change in the situation within the meaning of Article 76 of the Rules. The Court concluded that the provisional measures indicated in the Order of 26 January 2024 did not fully address the consequences arising from this change in the situation, thus justifying the modification of those measures. In the operative clause, the Court

reaffirmed the provisional measures indicated in its Order of 26 January 2024 and indicated additional measures. The Court directed Israel, in conformity with its obligations under the Genocide Convention, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation, to take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary. It also directed Israel to ensure with immediate effect that its military did not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Genocide Convention, including by preventing, through any action, the delivery of urgently needed humanitarian assistance. In addition, Israel was ordered to submit a report to the Court on all measures taken to give effect to the Order within one month as from the date thereof.

On 10 May 2024, South Africa submitted to the Court what it referred to as an "urgent Request for the modification and indication of provisional measures" aimed at halting Israel's "military offensive in the Rafah Governorate" and ensuring "the unimpeded access to Gaza of United Nations and other officials engaged in the provision of humanitarian aid and assistance". In its Order of 24 May 2024, the Court observed at the outset that it considered South Africa's new request as a request for the modification of the Order of 28 March 2024 and thus the Court first needed to ascertain whether the situation that had warranted the decision set out in that earlier Order had changed since that time. Taking into account the recent developments in Rafah, in particular the military ground offensive which Israel started on 7 May 2024, and the resulting repeated large-scale displacement of the already extremely vulnerable Palestinian population in the Gaza Strip, the Court found that there had been a change in the situation within the meaning of Article 76 of the Rules. The Court concluded that the provisional measures indicated in the Order of 28 March 2024 did not fully address the consequences arising from this change in the situation, thus justifying the modification of those measures. In the operative clause, the Court reaffirmed the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, and indicated additional measures. In particular, it directed Israel, in conformity with its obligations under the Genocide Convention, and in view of the worsening conditions of life faced by civilians in the Rafah Governorate, to immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part. Israel was also directed to maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance and to take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide. Finally, Israel was ordered to submit a report to the Court on all measures taken to give effect to the Order, within one month as from the date thereof.

In all three Orders, the Court expressed its grave concern over the fate of the hostages abducted during the attack in Israel on 7 October 2023 and held since then by Hamas and other armed groups, and called for their immediate and unconditional release.

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I turn now to the Court's Order of 30 April 2024 on the Request for the indication of provisional measures submitted by Nicaragua on 1 March 2024, together with its Application instituting proceedings against Germany, in the case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory.* The Applicant in this case states that every Contracting Party to the Genocide Convention has a duty under that Convention

to do everything possible to prevent the commission of genocide and alleges that Germany, by providing political, financial and military support to Israel and by defunding the United Nations Relief and Works Agency for Palestine Refugees in the Near East (or "UNRWA"), is facilitating the commission of genocide and has failed in its obligation to do everything possible to prevent the commission of genocide. In its Request for the indication of provisional measures, Nicaragua argued that interim measures of protection were urgently needed to ensure that Germany suspended its military assistance to Israel in so far as this aid was used or could be used to commit or to facilitate serious violations of the Genocide Convention occurring in the Gaza Strip and that it resumed its support of UNRWA. In reaching its decision on Nicaragua's Request, the Court, in its Order, took into account a range of factors, including Germany's assertions regarding its national legal framework governing the manufacturing, marketing and export of weapons and other military equipment, as well as the apparent decrease since November 2023 in the value of material for which licences to export arms to Israel had been granted by the German Government. With regard to Germany's decision to suspend its support of UNRWA in respect of its operations in Gaza, the Court observed, first, that contributions to UNRWA were voluntary in nature. Secondly, it noted that, according to the information provided to it by Germany, no new payment was due from the latter in the weeks following the announcement of its decision to suspend its financial contributions on 27 January 2024. Finally, the Court noted that Germany had stated that it had supported initiatives aimed at funding the agency's work, as well as providing financial and material support to other organizations operating in the Gaza Strip.

In conclusion, based on the factual information and legal arguments presented by the Parties, the Court found that, at present, the circumstances were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

Before doing so, however, the Court recalled that, in its Order on provisional measures of 26 January 2024 in the *South Africa* v. *Israel* case, it had noted that the military operation conducted by Israel following the attack of 7 October 2023 had resulted in "a large number of deaths and injuries, as well as the massive destruction of homes, the forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure". The Court further stated, in its Order in the *Nicaragua* v. *Germany* case, that it remained deeply concerned about the catastrophic living conditions of the Palestinians in the Gaza Strip. It recalled that, pursuant to common Article 1 of the Geneva Conventions, all States parties were under an obligation "to respect and to ensure respect" for the Conventions "in all circumstances". It followed from that provision that every State party to these Conventions, "whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the instruments in question are complied with". Moreover, the Court considered it particularly important to remind all States of their international obligations relating to the transfer of arms to parties to an armed conflict, in order to avoid the risk that such arms might be used to violate the above-mentioned Conventions. All these obligations were incumbent upon Germany as a State party to the said Conventions in its supply of arms to Israel.

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Finally, let me say a few words about the Court's Order of 23 May 2024 on the Request for the indication of provisional measures filed by Mexico, together with its Application of 11 April 2024, in the case concerning the *Embassy of Mexico in Quito (Mexico* v. *Ecuador)*. This case relates to events that occurred on and around 5 April 2024, when armed members of the Ecuadorian security forces entered the Mexican Embassy without the authorization of the Head of Mission, restrained the Deputy Chief of Mission and forcibly removed from the premises Mr Glas Espinel, former Vice-President of Ecuador, who had been granted political asylum by Mexico. In its Request, Mexico asked the Court, *inter alia*, to order Ecuador to refrain from acting against the inviolability of the premises of the Mission and the private residences of Mexico's diplomatic agents, and to take

appropriate measures to protect and respect them, as well as the property and archives therein. In its examination of the Request, the Court took into account certain assurances provided by Ecuador to Mexico in writing and also during the hearing held on 1 May 2024 that it would, *inter alia*, in accordance with the Vienna Convention on Diplomatic Relations and other relevant rules of international law, provide full protection and security to the premises, property and archives of the diplomatic mission of Mexico in Quito, and would allow Mexico to clear the premises of that mission and the private residences of its diplomatic agents. The Court considered that the assurances given by Ecuador encompassed the concerns expressed by Mexico in its Request. With regard to those assurances, the Court reiterated that unilateral declarations can give rise to legal obligations and that interested States may place confidence in them, and are entitled to require that the obligation thus created be respected. The Court further reiterated that once a State has made such a commitment concerning its conduct, its good faith in complying with that commitment is to be presumed.

In light of the above, the Court considered that there was at that point in time no urgency, in the sense that there was no real and imminent risk of irreparable prejudice to the rights claimed by the Applicant.

The Court observed that the conditions for the indication of provisional measures identified in its jurisprudence were cumulative. Therefore, having found that one such condition had not been met, the Court was not required to examine whether the other conditions were satisfied.

The Court concluded that the circumstances, as they presented themselves to it at that point in time, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

The Court nonetheless emphasized the fundamental importance of the principles enshrined in the Vienna Convention on Diplomatic Relations. It recalled in particular that there is no more fundamental prerequisite for the conduct of relations between States than the inviolability of diplomatic envoys and embassies.

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Mr President,

The Court is currently deliberating on the merits of the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*, following public hearings which were held in September and October 2024. In addition, it is deliberating on the preliminary objections raised by the respective respondent States in the two cases concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination*, the first brought by Armenia against Azerbaijan, and the second by Azerbaijan against Armenia.

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Mr President,
Excellencies,
Distinguished Delegates,

Before concluding my report, I would like to update the Assembly on a few matters of note.

Let me first provide a brief overview of the amendments made to the Rules of Court in the reporting period. In particular, the Court promulgated certain amendments to the provisions of its Rules relating to intervention — amendments which entered into force on 1 June 2024. One of the purposes of these amendments is to ensure greater procedural clarity in terms of the time-limits in place for interventions. I recall that the time-limits for the filing of an application for permission to intervene under Article 62 of the Statute and a declaration of intervention under Article 63 of the Statute are set out in Articles 81 and 82 of the Rules of Court. Following the revision of these two Articles, States seeking to intervene must do so in a timely manner, and not later than the date fixed for the filing of the last written pleading or, if the intervention concerns preliminary objections, not later than the date fixed for the filing of the written statement of observations and submissions on the preliminary objections. Further, the Rules as amended allow the Court to decide whether States intervening under Article 63 of the Statute should be entitled to present their observations during the oral proceedings under Article 86, paragraph 2, of the Rules of Court, or whether it would be sufficient that these States submit their observations in written form.

In recent years, the Court has seen an increase in interest by States regarding the possibility of intervening in contentious cases. It is therefore all the more important to ensure that the procedural rules governing intervention provide the utmost clarity to States seeking to intervene and allow for the Court to organize the conduct of such cases in a streamlined and efficient manner.

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Allow me to now turn to the Trust Fund for the Court's Judicial Fellowship Programme, which, as you know, was established in 2021 by the Secretary-General, at the request of the General Assembly, with a view to enhancing the geographical diversity of the Programme through the provision of funding for selected candidates from developing countries nominated by universities in developing countries. I recall that the Judicial Fellowship Programme enables interested universities to nominate recent law graduates to pursue their training in a professional context at the Court for a period of around ten months. The Court normally accepts up to fifteen participants each year from various universities across the world. In the few years since the Trust Fund was established, thanks to the generous contributions received, the initiative has been a resounding success, with ten Judicial Fellows to date having made use of the Fund. Last year and the year before, three out of the fifteen Judicial Fellows were beneficiaries of the Fund and I am happy to note that within the 2024-2025 cohort, we have welcomed four Judicial Fellows who are recipients of a stipend through the Fund. It is a privilege for the Court to be able to nurture talented young lawyers through a Judicial Fellowship Programme that is now designed to function in an inclusive and representative manner. So far, nationals of Brazil, the Republic of the Congo, Eritrea, India, the Islamic Republic of Iran, Kenya, the Philippines, South Africa, Tunisia and Türkiye have been awarded Judicial Fellowship grants through the Fund. It goes without saying that the continued success of the Trust Fund initiative wholly relies on the continued generosity of donors, be they States, international financial institutions, donor agencies, intergovernmental and non-governmental organizations, or natural and juridical persons.

I should add in closing that interest in the Judicial Fellowship Programme as a whole remains extremely high — indeed, for the current year, a total of 83 institutions put forward 131 eligible candidates for the Programme.

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I would now like to share with you the latest developments concerning the asbestos-related situation in the Peace Palace, the seat of the Court. I recall that concerns regarding this potential health hazard were first raised in 2016, when the iconic "Vredespaleis" building was found to be contaminated with asbestos. Over the years, the Government of the Netherlands has put forward various different proposals aimed at addressing these concerns. The current state of play is that, rather than embarking on wholesale asbestos removal and renovation works, the Dutch authorities will now adopt a more limited approach. In December 2022, a project co-ordinator was appointed by the Dutch authorities for the implementation of the first phase of the new plan. Consultations between the Court and the host country are ongoing with a view to determining, through an agreement, the applicable governance framework and the modalities for implementing this plan while ensuring the safety of judges and staff members and continuity in the activities of the Court. The key concern expressed to the host country by the Court during these consultations is that judges and staff members should be able to work in a safe environment and that its judicial activities are not unduly hindered at a time when it has an extremely busy workload. Moreover, the fact that the Peace Palace is more than one hundred years old means that, independently of the asbestos problem, maintenance and renovation are required so that the Court can be confident in the knowledge that it can discharge its judicial function in a space that has the requisite modern facilities. With these observations in mind, the Court hopes that further discussions with the host country will lead to positive results.

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Mr President,

Before bringing my speech to a close, I would like to briefly touch on the budgetary situation of the Court. As my predecessor pointed out in her address to you last year, the international community's reliance on the Court has never been greater, as reflected in the elevated number of cases on the docket. While the Court of course welcomes the continued trust placed upon it, the sustained increase in workload has placed a strain on the institution's budgetary resources. The Court and its Registry have done their very best, over the last few years, to tackle this surging volume of work, by revising and streamlining internal working methods and putting in place resource-efficient processes wherever possible. However, the simple fact is that the situation is no longer sustainable, which is why the Court is seeking a modest but vital increase in the resources made available to it for 2025. The Court is asking for an additional US$1.1 million, corresponding to a 3.4 per cent increase compared to the approved appropriations for 2024. While the Advisory Committee on Administrative and Budgetary Questions recommended that the Assembly grant only part of this budgetary request, I trust that the Court has been able to substantiate, in its engagement with Member States over the past several months, that the additional positions being sought are essential to the continued fulfilment of its mission. The possible withholding of the post resources sought would affect the functioning of the Registry and the Court as a whole. It is not difficult to anticipate that the consequences of that decision will ultimately fall on you all — States — as the primary "users" of the Court, causing delays and backlog, and negatively impacting the level of services and support that you have been accustomed to expect from the Court.

I therefore call upon Member States to give their backing to this budgetary request, mindful of the crucial role played by the International Court of Justice in the peaceful settlement of disputes.

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This rallying call indeed dovetails with the exhortation to support the mission of the Court as expressed in the groundbreaking and transformational Pact for the Future adopted by this Assembly last month, outlining important reforms to the United Nations to strengthen its ability to address challenges and conflicts in a rapidly changing world. In particular, let me recall that under Action 17 of the Pact, Member States of the United Nations pledge to fulfil their obligation to comply with the decisions of the Court and recognize the positive contribution of this institution in adjudicating inter-State disputes. Member States further decided to take appropriate steps to ensure that the Court can fully and effectively discharge its mandate and to promote awareness of its role in the peaceful settlement of disputes. This unwavering commitment to the work of the principal judicial organ of the United Nations is greatly valued by the Court, as it too, in keeping with the Secretary-General's forward-looking vision, seeks to adapt to the twenty-first century needs of the international community.

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Mr President,
Excellencies,
Distinguished Delegates,

That concludes my remarks. I thank you for giving me this opportunity to address you today, and I wish this seventy-ninth session of the General Assembly every success.

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