Republic of Nicaragua

Permanent Mission of the Republic of Nicaragua to the United Nations

Statement by

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Report of the International Court of Justice (item 70)

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(Check against delivery)
President, H.E. Sam Kutesa
President of the International Court of Justice, H.E. Peter Tomka
Excellencies,
Mr. President,

I would first like to thank the President of the International Court of Justice for his report (A/69/4).

Nicaragua associates itself with the statement made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement as well as the statement made by Costa Rica on behalf of the Community of Latin American and Caribbean States (CELAC).

Mr. President,

Within the proliferation of international tribunals, seen in recent decades, the International Court of Justice continues to play a unique role for states in regard to the peaceful settlement of disputes between them.

Nicaragua in particular, is a strong believer in International Law and recognizes the exceptional contribution that the principal judicial organ of this organization has made in strengthening international law. Of the 13 cases registered in the General Registry of the Court, Nicaragua is a party, as an actor and/or as a defendant in 5 of them, two of which are pending oral hearings which have already been scheduled for 2015. In all cases in which my country has been part of, it has always faithfully fulfilled its international obligations, and we expect reciprocity in the fulfillment of the obligation to abide by the rulings of the International Court of Justice in cases in which it is party, while we recall that “...the existence of a dispute... shall [not] permit the use of force or threat of force by any of the States parties to the dispute.”

Regarding the recognition of the jurisdiction of the Court, it is notable that in 2014 a record number of complaints (7) have been registered in which the competence of the court is founded in the future consent of the defendant. The situation created by these types of requests stresses the importance of complying with states' commitments to promote the Rule of Law at an international level and the peaceful settlement of disputes, the latter an obligation contracted in the Charter and former a commitment of member states reaffirmed every year and particularly during the 2012 High Level Meeting on the Rule of Law at the National and International Level.

In this regard, it is worth recalling that this General Assembly has noted on more than one occasion that “recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered an unfriendly act between States” therefore Nicaragua considers it worthwhile to reflect on the opportunity presented by this exceptional situation on demands based on future consent. Situation which emphasizes precisely, the importance of promoting the acceptance of the obligatory jurisdiction of the Court, by all States.

Mr. President,

In this regard, Nicaragua welcomes, each year, the joining of a state in the recognition of the obligatory jurisdiction of the Court through the declaration provided in the Statute,
however we regret that even still the number of these statements, 70, is little in comparison to the 193 Member States of this organization.

The celebrations of the seventieth anniversary of the Court, scheduled for April 18, 2016, will provide a unique opportunity for, prior to the aforementioned acts, more states to make their statements in accordance to the Statute or withdraw their reservations and thus, states can contribute so that the celebration may be even more meaningful with a record number of recognitions of jurisdiction.

In terms of budget, it is clear that increasing the workload of the court, reflected not only in the number of new cases enrolled in this period – 7, to bear in mind- but also in the progressive complexity of the object of the current cases - which require complex technical counsel -, imply the necessity to adjust the financial and human resources of this institution to this reality. A reality our delegations must keep in mind at the discussions in the Fifth Committee in order to provide adequate support for these tasks.

It is worth noting that the lack of adequate resources often requires the Court to charge the costs of certain procedures, such as translations, to Parties, which can be detrimental to countries less affluent. Furthermore, it is to be assumed that the Court avoids, where possible, the hiring of experts which can sometimes also lead to a disadvantage for the less affluent state.

Similarly, in relation to budgetary matters, within these discussions we should consider, the importance of the publication of judgments and allegations, insofar as they contribute to the work of diffusion and have an important role in the academic sphere.

Lastly, it is appropriate to recall the need to contribute to the Trust Fund of the Secretary General to assist States in the settlement of disputes through the International Court of Justice.

Today, threats to international peace and security are diverse, sophisticated, and never cease to remind us of the importance of “developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development”. The development and strengthening of those friendly relations between states is possible as long as any dispute is permanently solved by the means provided by international law, on which the Court is one of the most respected institutions and the principal judiciary organ of this organization.

Mr. President,

We thank you again for the presentation of this report and note that although much remains to be done for the respect of justice and international law, we have before us invaluable opportunities which we must seize in order to achieve peace, fundamental purpose of the United Nations and permanent longing of mankind.

Thank you.