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PERMANENT MISSION OF CHILE TO THE UNITED NATIONS

Statement delivered by the Director of Legal Affairs of the Chilean Foreign Ministry

HE Ambassador Claudio Troncoso R.

on the

Report of the International Court of Justice (ICJ)

New York, 30 October, 2014

-Please check against delivery-
Mr. Chairman,

My delegation wishes first to express appreciation for the work done by the International Court of Justice in the period covered by the report just introduced by its President, Peter Tomka. Over that period, the Court has been called upon to decide issues related to such varied subjects as maritime boundaries, whaling in the Antarctic and the interpretation of judgements issued by the Court itself, among many other subjects, in exercise of its competence in contentious cases.

As the principal judicial organ of the United Nations, the Court plays a fundamental and irreplaceable role in the interpretation and application of international law, by settling disputes and creating case law which contributes to the precise determination of applicable international law. We therefore believe that as States we should strongly support the work being done by the Court.

Chile has recognized in various international instruments the competence of this high court and appreciates the fact that compulsory dispute settlement is part of those international instruments, which in their compromissory clauses allow recourse to that mechanism to settle any differences which may arise in their application. The role played by the Pact of Bogotá in establishing the competence of the Court has been highlighted and, in tribute to the Pact, my country once again reiterates the principle that it was negotiated in the belief that it may not be applied to matters already settled by arrangement between the parties or by arbitral award or by decision of an international court, or which are governed by agreements or treaties in force on the date of the conclusion of the Pact.

In addition, respect for international law and particularly for international treaties is a central tenet of my country. In this spirit, we have implemented in good faith the recent judgement of the International Court of Justice affecting us, as well as the rulings of other international tribunals. In this connection, allow me to recall the statement made by my country on 27 January 2014 after studying the judgement delivered by the International Court of Justice in the maritime dispute between Peru and Chile. On that occasion, while reserving its right to express disagreement with certain elements of the decision, Chile undertook to abide by the judgement and highlighted those aspects which would require work by the parties to ensure its full enforcement. Accordingly, Chile and Peru jointly prepared the map showing the exact geographical coordinates of the points on the maritime boundary specified by the Court, in a spirit of good neighbourliness, as requested by the Court in its judgement. In this connection, it should be noted that the two Governments have announced that they will jointly submit to the United Nations the map resulting from that activity. At the same time, regulatory changes are being made to ensure more effective application of the law of the sea, in accordance with the spirit and meaning of the judgement of the International Court of Justice.

My country is currently dealing with the request submitted to the Court by the Plurinational State of Bolivia that Chile should be obliged to negotiate sovereign access to the Pacific Ocean. Chile, in full compliance with international law and in particular
with the provisions contained in the Pact of Bogotá and in the Statute and Rules of the Court, has raised preliminary objections to the competence of the Court in this case, on which the Court itself must rule.

Lastly, we believe that it is important strongly to support the dissemination of the significant work being done by the International Court of Justice. In this connection, we recall the opinion repeatedly expressed in that organ on the need to provide Spanish versions of the judgements delivered by the Court and to increase opportunities for academic meetings in various parts of the world to discuss the main problems and future challenges facing international law, and in particular the judicial settlement of disputes, for which the International Court of Justice is a basic instrument.

Thank you.