

**Gobierno de Reconciliación y Unidad Nacional
Unida Nicaragua Triunfa**



STATEMENT BY NICARAGUA ON THE REPORT OF THE INTERNATIONAL COURT OF JUSTICE

General Assembly

United Nations, New York

Tuesday, November 7th, 2023

Mr. President of the Assembly;

**Madam President of the International Court
of Justice**

Mr. President,

- 1. We associate ourselves with the statement made by Azerbaijan on behalf of the Non-Aligned Movement.**
- 2. Nicaragua thanks the President of the International Court of Justice for her**

detailed report A/78/4, which shows the importance of the work carried out by the main judicial organ of this organization.

- 3. It is noteworthy that the Court has maintained the high workload of the past period, having issued 4 judgments and 20 orders, and conducting 6 public hearings.**
- 4. Of the 4 judgments, three of them corresponded to disputes between Latin American and Caribbean Countries, reflecting the importance that our region gives to the main Judicial Organ of this Organization.**
- 5. On the issue of the delimitation of the continental shelf between Nicaragua and Colombia beyond 200 nautical miles from the coast of Nicaragua (Nicaragua v. Colombia), the Court ruled on July 13 on**

two questions formulated in such a way that it was not considered necessary to discuss the merits of the case. In this judgment, the Court determined that a state is entitled to all of its 200 miles of continental shelf -as Nicaragua had been recognized- but that a continental shelf beyond 200 miles could not cut off the 200 miles of another state, arriving at this conclusion according to the practice of some states which it considered established a new rule of customary law. For Nicaragua, clearly the practical importance of this decision extends far beyond the bilateral dispute, and will be the subject of much reflection for the legal community.

- 6. Nicaragua also recalls that in April 2022 the Court had already issued a judgment in the case initiated against the Republic of Colombia for violations of Nicaraguan sovereign**

rights and maritime spaces in the Caribbean Sea, ordering Colombia to cease its conduct and reform its legislation. Similarly, the High Court has confirmed that Nicaragua has not violated any historical fishing rights of the raizal population of the Archipelago of San Andrés and Providencia. At the same time, the Court recognized as positive the gesture of the Government of Nicaragua expressing interest in addressing by way of a bilateral agreement the situation of the indigenous population of the Archipelago.

- 7. Nicaragua once again takes this opportunity to reiterate the firm commitment of our Government of Reconciliation and National Unity to the rule of law at the international level and the peaceful resolution of disputes between states. This commitment has been evident since 1984 when Nicaragua, in its**

most difficult moments, resorted to the Court, a process that ended in a historic ruling ordering the United States to compensate the Nicaraguan people for all the atrocities committed against them that have had profound social and economic consequences to this day. Nicaragua still demands that this debt be paid.

- 8. Nicaragua recalls that in all the cases in which it has been a party, it has always faithfully fulfilled its international obligations, and that it expects reciprocity from its counterparts.**

Mr. President,

- 9. Continuing with the observations of the work carried out by the Court this year, we continue to notice an increasing trend in**

requests for provisional measures, going from 3 in the last period to 5 out of the 20 orders issued this year, and 2 out of the 6 public hearings. The creation of a Special Committee of three Judges to supervise the application of the Provisional Measures ordered by the Court in 2021 shows the scale of the importance of the issue being likewise of obligatory compliance for the States parties as well. For this reason we consider the annual reports of the Court to be an opportunity to inform States about the work of this committee.

- 10. The report also suggests that States parties are making greater use of the power to request advisory opinions from the Court, and this allows for greater coherence in the individual actions of States and United Nations bodies. In particular, Nicaragua notes that**

two requests made during this period relate to issues of vital importance for humanity and the organization, namely the Palestinian question and that of Climate Change. Nicaragua hopes that this will allow us to start a new chapter whereby assumed responsibilities and respect for commitments will lead to peace and sustainable development for the nations of the world.

Mr. President,

11. The range of issues that States bring before the Court continues to be diverse, but it also reflects the practical needs of the States themselves and current political realities. In this regard, Nicaragua points out that an important number of cases relate to territorial and maritime demarcations, whose jurisprudence has been developed by the

Court itself with a high degree of effectiveness. However, Nicaragua also notes with concern attempts by some States to use judicial recourse to obscure the real legal work of the principal organ of the United Nations.

12. For Nicaragua, as a small developing State, it is essential that there is absolute confidence that political considerations have no place in the International Court of Justice. Such situations bear messages that could undermine the confidence of States in resolving their conflicts peacefully before this body. In that regard, the Court's practical contribution to peacekeeping has been invaluable and has been increasing for at least three decades. These are efforts in which we cannot afford setbacks, especially considering that the military budgets of the

great powers are increasing, while the budgets to promote peace and the peaceful resolution of disputes tend to decrease for reasons of petty interest.

Mr. President,

13. On another note, Nicaragua welcomes the decision taken in 2021 to create the Trust Fund for the International Court of Justice Scholarship program last year, and is pleased to see that this year the first three fellows from universities in developing countries successfully completed the program. Nicaragua is also pleased to note the increase in applications, from 106 applications received from universities around the world in 2022, they have been increased to 148 applications from 94 universities around the world. In the last cycle Nicaragua made a call for more

information on the geographical representation of the applications, since this and other details would allow evaluating the effectiveness of the dissemination of the program; and although it is true that progress has been made in that regard, it considers that important information is still needed.

- 14. For example, we note that of the 15 candidates selected by the Court to participate in the 2023-2024 Program, only three are nationals of developing Countries, in this case from India, the Islamic Republic of Iran and Tunisia. In this sense, it is possible that the dissemination of the program requires a greater effort in smaller developing countries, and even preliminary training in their home universities to allow students with fewer possibilities to achieve**

certain requirements so as to be able to apply to the program and thus ensure a balance in geographical representation.

- 15. Mr President, turning to more practical matters, we regret the existing delays with regard to the decontamination and renovation of the Palace of Peace. In that regard, we stress the importance of coordination with the host country and the need to find a venue that will not affect the important work of the Court during the years that the renovations are destined to last.**

Mr. President,

- 16. Finally, we call for an increase in voluntary contributions to the Trust Fund to assist States in the settlement of disputes through the International Court of Justice, and for the**

**recognition of the jurisdiction of that body,
which currently has only 74 declarations
(accepting jurisdiction).**

Thank you very much.