

27/10/2016 - At the 71st Session of the United Nations General Assembly - Agenda Item 70
Report of the International Court Of Justice

Mr. President,

At the outset, I would like to express my delegation's appreciation to Judge Ronny Abraham, President of the International Court of Justice, for his comprehensive report and briefing on the Court's judicial activities in the previous one-year period.

2. We join others in expressing our heartiest congratulations to the Court, in conjunction with the 70th anniversary of its inaugural sitting. As the principal judicial organ of the UN in adjudicating peaceful resolution of disputes between States, and in providing advisory opinions on questions of international law, Malaysia acknowledges the important role of the Court in the maintenance of international peace and security through upholding the rule of law.

3. Since its creation, we have witnessed a steady increase in the number of cases being referred to the Court to adjudicate, consisting of diverse geographical distribution of cases, and a wide range of subject matters. These developments are further testaments of the faith and confidence that the international community has in the Court's ability to discharge its adjudicative functions fairly and impartially.

Mr. President,

4. My delegation wishes to reiterate that, as a peace loving nation, Malaysia's foreign policy is premised on the principle of peaceful settlement of disputes and the concept of moderation, which advocate mediation, arbitration, dialogue and negotiations. Failing dialogue or a negotiated settlement, the ICJ provides the avenue for Member States to peacefully resolve their differences.

5. It was due to this shared commitment towards the peaceful resolution of disputes and its full confidence in the ICJ that Malaysia and its immediate neighbours agreed to submit themselves to the jurisdiction of the Court in two cases regarding the disputes on the sovereignty over certain maritime features. Our confidence in the impartiality of the adjudication process is reflected by our fullest acceptance of, adherence to and respect for the decisions of the Court.

Mr. President,

6. Malaysia firmly believes that the existence or possession of nuclear weapons is contrary to international law. For this reason, we supported the General Assembly resolution of 15 December 1994, which requested the Court to render an Advisory Opinion on the legality of the threat or use of nuclear weapons under international law. On 8 July 1996, the Court recognised, for the first time in history, that the threat or use of nuclear weapons is generally contrary to the principles and rules of international law applicable in armed conflict, in particular international humanitarian law. The Court further declared unanimously, and I quote *“that there exists an obligation to pursue in good faith and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”*

7. On the occasion of the 20th anniversary of the Advisory Opinion this year, let us all once again declare our collective resolve to achieve a nuclear weapon-free world, for the sake of our generation and succeeding generations. On my delegation’s part, we hope for greater support by the General Assembly in due course to the Malaysian sponsored draft resolution entitled *“Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons”*, which we have had the honour to present annually through the First Committee since this milestone legal opinion was rendered by the Court in 1996.

8. In a related matter, my delegation is following closely the ICJ cases relating to “Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament”, which were filed by the Marshall Islands.

Mr. President,

9. The question of Palestine remains a principal issue under the United Nations agenda. I wish to recall the Advisory Opinion by the ICJ on the Legal Consequences of the Construction of Wall in the Occupied Palestinian Territory of 9 July 2004, which found Israel’s continued occupation of the Occupied Palestinian Territory and its construction of the Apartheid Wall illegal under international law.

10. My delegation had appeared before the Court to present our arguments during the hearing on this case. However, twelve years since the Advisory Opinion, we deeply regret the continued refusal of Israel to accept the Court’s conclusion. We urge Israel to implement its obligations under international law and to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem.

Mr. President,

11. In conclusion, the International Court of Justice is a *sine qua non* in a multilateral world that is firmly rooted on a rules-based foundation, as enshrined in the UN Charter. Malaysia reiterates our fullest support for the work of the ICJ and we take this opportunity to commend the judges and all members of the Court for their unwavering commitment and sense of duty in upholding the rule of law, towards the maintenance of international peace and security.

I thank you, Mr. President.

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