



CHAIR OF THE COORDINATING BUREAU OF THE NON-ALIGNED MOVEMENT



**Statement on behalf of the Non-Aligned Movement
On “Exchange of information on State practices regarding the use of judicial settlement”
Before the “Special Committee on the Charter of the United Nations and on the
Strengthening of the Role of the Organization”
New York, 22 February - 2 March 2022**

I have the honor to deliver this statement on behalf of the Non-Aligned Movement.

The NAM welcomes the introduction of the subtopic on the “Exchange of information on State practices regarding the use of judicial settlement” in op.5(a) of resolution 76/115 as a solid foundation for discussion in order to enhance the culture of the peaceful settlement of disputes through appropriate mechanisms.

1- The settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement as well as other peaceful means of the parties’ own choice in conformity with the Charter of the United Nations, is one of the founding principles of the Non-Aligned Movement. In this regard, the Movement recognizes the need to broaden international co-operation, to reduce tension and to settle differences and disputes among States by peaceful means.

2- The Manila Declaration on the Peaceful Settlement of International Disputes also enjoins States to “seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes” by, among others, judicial settlement.

3- While reaffirming the duty of all States to settle their international disputes by peaceful means in such a manner that international peace and security as well as justice are not endangered, even in the event of an outbreak of hostilities, the Movement emphasizes the commitment of all its member states to an early, just and peaceful settlement of their international disputes under Chapter VI of the Charter, in particular Article 33, including through judicial settlements, as appropriate, as one of instrumental consensual based-measures for creating confidence-building at the global, regional and sub-regional levels.

4- In seeking such a settlement, the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute. In this regard, the Movement stresses that international disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means.



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5- The Non-Aligned Movement calls upon States and United Nations organs, within their mandate and in accordance with the relevant provisions of the Charter, to fully utilize the existing means of peaceful settlement of international disputes and conflicts including through, where appropriate, judicial settlement or other means of their own free choice. In this regard, Member States must continue to make full use and seek improved implementation of the means and methods provided in the Charter for the exclusively peaceful settlement of any dispute or any situation, the continuance of which is likely to endanger the maintenance of international peace and security. Furthermore, the Security Council in dealing with such disputes or situations should also take into consideration that the legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.”

6- In this regard, we recognize not only the positive contribution of the International Court of Justice as the principal judicial organ of the United Nations but also the value of its work for the promotion of the rule of law, including its functions in adjudicating disputes among States. We reaffirm the obligation of all States to comply with the decisions of the International Court of Justice in cases to which they are parties. We also recall the ability of the relevant organs of the United Nations to request advisory opinions from the International Court of Justice based on Article 96 of the Charter of the United Nations and other relevant instruments such as the Headquarters agreement.

7- The Non-Aligned Movement, while recognizing the serious dangers and threats posed by the actions and measures which seek to undermine international law and international legal instruments, recalls its Heads of State and Government’s commitment, consistent with and guided by the Movement’s principled positions thereof, to agree to endeavor to generate further progress to achieve full respect for international law and, in this regard, commend the role of the International Court of Justice (ICJ) in promoting the peaceful settlement of international disputes in accordance with the relevant provisions of the UN Charter and the Statute of the ICJ, in particular articles 33 and 94 of the Charter.

8- The Non-aligned Movement is of the view that the International Court of Justice, has a pivotal role in the recognition and application of international law through its judicial work. The consensual basis of the Courts’ jurisdictions is not a deficiency. Rather, in fact, it is the strength of the Court which upholds the rule of law in international legal order which, at its core, holds the sovereign equality of States as one of the fundamental principles of international law. This is why the ICJ’s jurisdiction to provide advisory opinions is reserved for legal questions of general international law and not for bilateral disputes. The Non-Aligned Movement has always believed



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in the authority and integrity of the ICJ, among others, and considers it as an important means for the peaceful resolution for disputes between States.