



Kingdom of Belgium

Speech by H.E. Mr Philippe Kridelka,
Ambassador, Permanent Representative

to the United Nations Security Council

**Open debate on the promotion and strengthening of the rule
of law : Strengthening cooperation between the Security
Council and the International Court of Justice**

New York, 18 December 2020

Mr President,

I would like to thank South Africa for organising this open debate and the President of the International Court of Justice, Mr Abdulqawi Ahmed Yusuf, for his very informative and high-quality briefing to the Security Council.

Belgium particularly appreciates the organisation of this public meeting, which makes it possible to include all United Nations Member States in a broad reflection on cooperation between two of the principal United Nations bodies whose mandates focus on respect for international law.

I will address three issues in particular: the Court's central role in an international order based on the rule of law; our desire to see the Security Council cooperate more with the ICJ; and, finally, the need to ensure the inclusiveness of the international legal order.

First of all, it should be recalled that international law is the cornerstone of our multilateral system. Seventy-five years ago, at the end of the Second World War, fifty-one of us signed the Charter of the United Nations. We then clearly chose an international order based on the rule of law as a major factor in international stability, democracy and prosperity. The UN family has almost quadrupled since then. It illustrates the very essence of international cooperation which, through the establishment of common rules and institutions, is an essential tool in conflict prevention and resolution. Both the International Court of Justice and the Security Council play an important role in this regard by contributing to the development and implementation of international law.

This brings me to my second point: the number of new cases submitted to Court, the geographical diversity of the States involved, and the variety of fields in which it is called upon to rule attest to its universal character and the fundamental role it plays in the application and interpretation of international law. While 74 States have accepted its compulsory jurisdiction, it is however regrettable that only five current Council members - including just one of its permanent members - have made a declaration to that effect.

Despite the increased confidence of states that the ICJ enjoys, the Security Council has nevertheless largely refrained from using it in the execution of its mandate. However, the Charter unambiguously grants it three prerogatives to cooperate with the Court. This can be done upstream by recommending that disputes be referred to it or by requesting an advisory opinion. It can also take place downstream by making recommendations or even taking action to enforce a Court decision, without which the Court cannot be truly effective.

In addition to these three specific attributions, the Council could also innovate, for example by inviting, as suggested in the concept note for this debate, the President of the ICJ to brief the Council when non-compliance with Court decisions could threaten international peace and security.

One particular area in which the Council could also be more involved is the follow-up to provisional measures indicated by the ICJ to preserve the respective rights of either party pending the final decision. The Council could certainly benefit from confidential access to the information provided in the implementation reports that are increasingly requested by the Court. This could assist the Council in monitoring the execution of the provisional measures notified to it by the Court and then, if it deems it necessary, making recommendations or deciding on the measures to be taken to enforce the ICJ order.

Mr. President, in conclusion, I would like to highlight the specific role that the Court can play in capacity-building. Last Monday, the General Assembly unanimously adopted the resolution establishing a trust fund to make the *Judicial Fellows* Programme more accessible to talented young lawyers from the South. This is the result of President Yusuf's efforts to encourage greater inclusiveness in the way the ICJ works and participates in the development of international law. Belgium welcomes this initiative and will examine how it can contribute to it.

Thank you.