

Attainments of Eduardo Valencia-Ospina as Deputy Registrar and Registrar of the International Court of Justice

*Stephen M. Schwebel**

In his years as Deputy Registrar (1984-1987) and Registrar (1987-2000), Eduardo Valencia-Ospina made outstanding contributions to the work of the International Court of Justice.

The Registry is the administrative organ of the Court. The Registrar is responsible for all departments of the Registry; he alone is authorized to direct the work of the Registry, of which he is the head. He is assisted by the Deputy Registrar and, in the event of his absence, is replaced by him. The Registrar is charged with preparing the budget of the Court (which, as revised, is adopted as an element of the annual budget of the United Nations, of which the Court is the principal judicial organ). Moreover, he is charged with the sensitive job of negotiating the Court's budget with the Secretariat of the United Nations, the UN Advisory Committee on Administrative and Budgetary Questions (the formidable "ACABQ"), and the UN General Assembly's Fifth Committee.

The functions of the Registrar are not only administrative. He serves as the channel of communication between the Court and the world external to it. The Parties to cases before the Court, and the international organizations requesting advisory opinions of the Court, communicate with the Court, and the Court communicates with them, through the Registrar. That is no routine function. It demands diplomatic skill (as does the Registrar's budgetary and other negotiations with United Nations Headquarters).

A third critical element of the responsibilities of the Registrar is advising the Court on its Rules of Court, its procedures and precedents, and its appropriate functioning. The Judges of the Court make the judicial decisions of the Court. The Registrar and his staff express no views on what those decisions should be. But they are often called upon for advice in the techniques of their rendering.

From my years of working with Eduardo Valencia-Ospina, I can attest that the quality of his advice is consistently high. A lawyer of exceptional capacity, whose English and French are excellent, Mr. Valencia Ospina routinely shows insight and judgment. His touch is very sure. He is unusually endowed with the capacity to expound complex matters orally and at length without the aid of a note still less a text. Those qualities have contributed over the years to the work

* Former President of the International Court of Justice.

of the Court, above all of its Presidents, and to the work of the drafting committees that prepare the judgments and advisory opinions of the Court.

In the years of Mr. Valencia-Ospina's tenure, the conditions of service of the Members of the Court and of the staff of the Registry have significantly improved. The size of the Registry has expanded somewhat to meet the Court's burgeoning caseload (though not by any means in proportion to the unprecedented number of cases before the Court, at this writing, twenty-five). By any measure, Mr. Valencia-Ospina's negotiations with the United Nations on these matters – and his support of the President of the Court in his negotiations on these same matters with the Secretary-General, the Chairman of the ACABQ and other senior international and national officials – which are so important to the functioning of the Court have been a great success.

The Court, the international community, and international law itself, owes much to Eduardo Valencia-Ospina.