

*Alleged Breaches of Certain International Obligations in respect of the Occupied
Palestinian Territory (Nicaragua v. Germany)*

PROVISIONAL MEASURES, 9 April 2024

Tania von Uslar-Gleichen - Concluding Statement

1. Mr. President, members of the Court, in concluding this morning's presentation, permit me to reiterate Germany's grave concern for the situation of the Palestinians in Gaza — a concern it shares with Nicaragua, and with this Court. To alleviate the suffering of the Palestinians - alongside ensuring the release of the hostages and security for Israel - are central goals of Germany in the current crisis. Our presentations this morning have highlighted what this currently involves: Continuous and close engagement with Israeli and Palestinian leaders, in order to increase humanitarian access into Gaza and provide essential humanitarian aid, in order to ensure adherence to international law and in order to promote a sustainable political solution for peace and security in the region.
2. Mr. President, Germany attaches great importance to the sound and consistent administration of justice by this Court. Such administration requires a careful analysis of the evidence and a serious scrutiny of legal claims, and respect of the fundamental principles of international law. This is especially so when a case is rushed to this Court against a State that is accused of being in an accessory role in alleged violations.
3. As Germany's counsels have set out, Nicaragua's request has no basis in law or fact. There are no legal reasons to justify the requested provisional measures. Germany has neither violated the Genocide Convention nor International Humanitarian Law, neither directly nor indirectly. Our actions - where we support Israel and where we assist Palestine - fulfil our legal obligations and will continue to do so, mindful of changing conditions on the ground. We have done our utmost to see to it that in the Gaza-conflict, to which we ourselves are not a party, the rights and obligations of all sides are brought to bear and are being respected. It is the privilege and the burden of politics to try to best possibly balance the legitimate interests of both the Israeli and the Palestinian peoples within the framework of international law.

4. We stand by Israel's right to security and to self-defence, while insisting upon its limits being scrupulously respected. We have done our utmost to use our political leverage to ensure respect for international humanitarian law. We continue to do our utmost to respect our own responsibilities deriving from international humanitarian law and the Genocide Convention. We have done our utmost and more than many to provide humanitarian assistance to the Palestinian people in Gaza and we continue to work for a political solution, too, by the way of a negotiated two state solution.
5. Mr President, Members of the Court, this Great Hall of Justice is not the place for slogans, but for the thorough administration of international justice. With the utmost respect for the Court, Germany is confident that the Court, guided by these considerations and applying the standards developed in its jurisprudence, will dismiss Nicaragua's Request for Provisional Measures.
6. Against this background I now proceed to read Germany's final submissions:

The Federal Republic of Germany asks the Court

- 1) to reject the request for the indication of provisional measures submitted by the Republic of Nicaragua; and
 - 2) to remove from the General List the case introduced by the Republic of Nicaragua on 1 March 2024.
7. This concludes Germany's oral presentation. On behalf of our delegation, I am grateful for your kind attention. I would also to express my gratitude to the Office of the Registrar and the interpreters for their work during these proceedings.

Thank you.