



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. Pakistan)

Conclusion of public hearings on jurisdiction and admissibility

The Court to begin its deliberation

THE HAGUE, 8 March 2016. The public hearings on jurisdiction and admissibility in the case of Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. Pakistan) were concluded today. The Court will now begin its deliberation.

Prior to the commencement of the oral proceedings on Tuesday 8 March 2016, the Government of the Islamic Republic of Pakistan, which had duly taken part in the written proceedings, informed the Court that it would not participate in the hearings, because, in particular, it “[did] not feel that [such] participation [would] add anything to what ha[d] already been submitted through its Counter-Memorial”.

The hearings were thus limited to the presentation by the Government of the Republic of the Marshall Islands of its arguments. No second round of oral argument was held.

During the hearings, the delegation of the Republic of the Marshall Islands was led by H.E. Mr. Tony deBrum and Mr. Phon van den Biesen, Attorney at Law, van den Biesen Kloostera Advocaten, Amsterdam, as Co-Agents.

At the end of the hearings, the Republic of the Marshall Islands presented the following submissions to the Court:

“The Marshall Islands respectfully requests the Court:

- (a) to reject the objections to its jurisdiction and to the admissibility of the Marshall Islands’ claims, as submitted by Pakistan in its Counter-Memorial of 1 December 2015;
- (b) to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014; and
- (c) to adjudge and declare that the Marshall Islands’ claims are admissible.”

It is recalled that in the submissions contained in its Counter-Memorial, the Islamic Republic of Pakistan requested the Court to adjudge and declare that the claims set forth in the Republic of the Marshall Islands' Application of 24 April 2014 "(1) are not within the jurisdiction of the Court and (2) are inadmissible".

The Court's Judgment on jurisdiction and admissibility will be delivered at a public sitting, the date of which will be announced in due course.

Internal judicial practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure. The Court first holds a preliminary deliberation, during which the President outlines the issues which, in his opinion, require discussion and decision by the Court. A full deliberation is subsequently held, at the end of which a drafting committee is chosen by secret ballot, taking account of the views expressed. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a preliminary draft text, which is the subject of written amendments. Two further drafts are then produced in turn, each of which is subject to a detailed reading. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion, which are communicated to the other judges. The final vote is taken after adoption of the final text of the judgment at the second reading.

Note: The Court's press releases do not constitute official documents. The complete verbatim records of the hearings held on Tuesday 8 March 2016 are published on the website of the Court (www.icj-cij.org).

History of the proceedings

The history of the proceedings may be found in the Annual Report of the Court for 2014-2015 (paras. 211-217), available on the Court's website (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international

secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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