



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2013/7  
11 April 2013

### **Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)**

#### **The Court to hold public hearings from Wednesday 26 June to Tuesday 16 July 2013**

THE HAGUE, 11 April 2013 The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will hold public hearings in the case concerning Whaling in the Antarctic (Australia v. Japan: New Zealand intervening) from Wednesday 26 June to Tuesday 16 July 2013, at the Peace Palace in The Hague, the seat of the Court.

#### Schedule for the hearings

##### First round of oral Argument

Wednesday 26 June	10 a.m.-1 p.m.: Australia
	3 p.m.-6 p.m.: Australia
Thursday 27 June	10 a.m.-1 p.m.: Australia
	3 p.m.-6 p.m.: Australia
Friday 28 June	10 a.m.-1 p.m.: Australia
Tuesday 2 July	3 p.m.-6 p.m.: Japan
Wednesday 3 July	10 a.m.-1 p.m.: Japan
	3 p.m.-6 p.m.: Japan
Thursday 4 July	10 a.m.-1 p.m.: Japan
	3 p.m.-6 p.m.: Japan

Observations of New Zealand with respect to the subject-matter of its intervention

Monday 8 July 10 a.m.-11.30 a.m.

Second round of oral Argument and observations of the Parties with respect to the subject-matter of New Zealand's Intervention

Tuesday 9 July 4.30 p.m.-6 p.m.: Australia

Wednesday 10 July 10 a.m.-1 p.m.: Australia

3 p.m.-6 p.m.: Australia

Monday 15 July 10 a.m.-1 p.m.: Japan

3 p.m.-6 p.m.: Japan

Tuesday 16 July 10 a.m.-11.30 a.m.: Japan

History of Proceedings

On 31 May 2010, Australia instituted proceedings against Japan, alleging that “Japan’s continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic (‘JARPA II’) is in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling (‘ICRW’), as well as its other international obligations for the preservation of marine mammals and the marine environment” (see Report of the International Court of Justice 2009-2010 et seq. on the website of the Court at: [www.icj-cij.org](http://www.icj-cij.org)).

At the end of its application, Australia requests the Court inter alia to order that Japan:

“(a) cease implementation of JARPA II; (b) revoke any authorisations, permits or licences allowing the activities which are the subject of this application to be undertaken; and (c) provide assurances and guarantees that it will not take any further action under the JARPA II or any similar program until such program has been brought into conformity with its obligations under international law.”

As the basis for the jurisdiction of the Court, the Applicant invokes the provisions of Article 36, paragraph 2, of the Court’s Statute, referring to the declarations recognizing the Court’s jurisdiction as compulsory made by Australia on 22 March 2002 and by Japan on 9 July 2007.

By an Order of 13 July 2010, the Court fixed 9 May 2011 as the time-limit for the filing of a memorial by Australia and 9 March 2012 as the time-limit for the filing of a counter-memorial by Japan. Those pleadings were filed within the time-limits thus prescribed.

The Court subsequently decided that the filing of a reply by Australia and a rejoinder by Japan was not necessary and that the written phase of the proceedings was therefore closed.

On 20 November 2012, the Government of New Zealand, referring to Article 63, paragraph 2, of the Statute of the Court, filed in the Registry of the Court a Declaration of Intervention in the case concerning Whaling in the Antarctic (Australia v. Japan).

By an Order of 6 February 2013, the Court authorized New Zealand to intervene in the case (see Press Release 2013/2 of 13 February 2013).

In that Order the Court,

“(1) Unanimously,

Decide[d] that the Declaration of Intervention filed by New Zealand, pursuant to Article 63, paragraph 2, of the Statute, is admissible;

(2) Unanimously,

Fixe[d] 4 April 2013 as the time-limit for the filing by New Zealand of the written observations referred to in Article 86, paragraph 1, of the Rules of Court;

(3) Unanimously,

Authorize[d] the filing by Australia and Japan of written observations on these written observations of New Zealand and fixe[d] 31 May 2013 as the time-limit for such filing.”

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Further information regarding the accreditation/admission procedures for these hearings will be distributed in due course.

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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 independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), 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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