General Assembly
Official Records
Sixty-ninth Session
Supplement No. 4

A/69/4

Report of the International Court of Justice

1 August 2013-31 July 2014

United Nations • New York, 2014

Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ISSN 0251-8473

[1 August 2014]

Contents

Chapter I
Summary

Brief overview of the judicial work of the Court

1. During the judicial year 2013-2014, the International Court of Justice was once again particularly active. During this period, it delivered judgments in the following three cases (in chronological order):

Request for Interpretation of the judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia *v.* Thailand) *(Cambodia* v. *Thailand)* (see paras. 130-144 below);

Maritime Dispute (Peru v. *Chile)* (see paras. 92-97 below);

Whaling in the Antarctic (Australia v. *Japan)* (see paras. 107-116 below).

2. The Court or its President also handed down 13 orders (in chronological order):

- by an order dated 13 September 2013, the President of the Court placed on record the discontinuance by Ecuador of the proceedings instituted against Colombia on 31 March 2008 regarding a dispute concerning "Colombia's aerial spraying of toxic herbicides at locations near, at and across its border with Ecuador", and directed that the case concerning *Aerial Herbicide Spraying (Ecuador* v. *Colombia)* be removed from the Court's List (see paras. 98-106 below);
- by an order dated 22 November 2013, the Court ruled on the request for the indication of new provisional measures submitted by Costa Rica on 24 September 2013 in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, which has been joined with the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (see paras. 117-129 below);
- by an order dated 9 December 2013, the Court fixed time limits for the filing of the initial written pleadings the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)* (see paras. 166-174 below);
- by an order dated 13 December 2013, the Court ruled on the request for the indication of provisional measures submitted by Nicaragua on 11 October 2013 in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*, which has been joined with the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (see paras. 145-155 below);
- by an order dated 28 January 2014, the Court fixed time limits for the filing of the initial written pleadings in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)* (see paras. 184-196 below);

- by an order dated 3 February 2014, the Court fixed time limits for the filing of the initial written pleadings in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)* (see paras. 175-183 below);
- by another order, also dated 3 February 2014, the Court authorized the submission of a reply by Nicaragua and a rejoinder by Costa Rica in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*, which has been joined with the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (see paras. 145-155 below);
- by an order dated 3 March 2014, the Court ruled on the request for the indication of provisional measures submitted by Timor-Leste on 17 December 2013 in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)* (see paras. 184-196 below);
- by an order dated 1 April 2014, the Court fixed time limits for the filing of the initial written pleadings in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see paras. 197-208 below);
- by an order dated 16 June 2014, the Court decided that the written pleadings in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)* would first be addressed to the question of the jurisdiction of the Court, and fixed time limits for the filing of those pleadings (see paras. 209-213 below);
- by an order dated 16 June 2014, the Court fixed time limits for the filing of the initial written pleadings in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)* (see paras. 219-223 below);
- by an order dated 10 July 2014, the President of the Court decided that the written pleadings in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)* would first be addressed to the questions of the jurisdiction of the Court and the admissibility of the Application, and fixed time limits for the filing of those pleadings (see paras. 214-218 below);
- by an order dated 15 July 2014, the President of the Court fixed the time limit for the filing by the Plurinational State of Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile in the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)* (see paras. 156-165 below).

3. During the same period, the International Court of Justice held public hearings in the following four cases (in chronological order):

Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. *Nicaragua)*, hearings on the request for the indication of new provisional measures submitted by Costa Rica (see paras. 117-129 below);

Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. *Costa Rica)*, hearings on the Request for the indication of provisional measures submitted by Nicaragua (see paras. 145-155 below);

Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. *Australia)*, hearings on the request for the indication of provisional measures submitted by Timor-Leste (see paras. 184-196 below);

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Serbia)* (see paras. 80-91 below).

4. During the judicial year 2013-2014, the Court was seized of seven new contentious cases, in the following order:

Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. *Colombia)* (see paras. 166-174 below);

Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. *Colombia)* (see paras. 175-183 below);

Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. *Australia)* (see paras. 184-196 below);

Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. *Nicaragua)* (see paras. 197-208 below);

Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. *India)* (see paras. 209-213 below);

Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. *Pakistan)* (see paras. 214-218 below);

Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. *United Kingdom)* (see paras. 219-223 below).

In addition to the applications instituting proceedings against India, Pakistan and the United Kingdom of Great Britain and Northern Ireland, the Marshall Islands simultaneously filed in the Registry of the Court applications against six other States (China, the Democratic People's Republic of Korea, France, Israel, the Russian Federation and the United States of America) concerning their obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament (see the Court's press release No. 2014/18). As regards those States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (China, the Russian Federation and the United States of America), the Marshall Islands asserts claims similar to those formulated by it against the United Kingdom; as regards the States which are not party to that treaty (the Democratic People's Republic of Korea and Israel), the Marshall Islands asserts claims similar to those formulated by it against India and Pakistan. The Marshall Islands, recognizing that there are no jurisdictional links between itself and those six States, invited them to accept the jurisdiction of the Court. In accordance with article 38, paragraph 5, of the Rules of Court, copies of the applications were transmitted to the Governments of the States concerned, but the new cases were not entered in the Court's List and no action will

be taken in the proceedings against any one of those States unless and until it consents to the Court's jurisdiction for the purposes of the case.

At 31 July 2014, the number of cases on the Court's List stood at 13:[1]

1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;

2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*;

3. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia)*;

4. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*;

5. *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*;

6. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*;

7. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*;

8. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*;

9. *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*;

10. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*;

11. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*;

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

13. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*.

5. The above-listed cases involve a wide variety of subject matters, including: territorial and maritime disputes; genocide; environmental damage and conservation

[1] The Court delivered its judgment in the case concerning the *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* on 25 September 1997. The case nevertheless technically remains pending, given that, in September 1998, Slovakia filed a request for an additional judgment. Hungary filed a written statement of its position on the request made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The Parties have subsequently resumed negotiations over the implementation of the 1997 judgment and have informed the Court on a regular basis of the progress made.
The Court delivered its judgment in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* on 19 December 2005. This case also technically remains pending, in the sense that the parties could again turn to the Court, as they are entitled to do under the judgment, to decide the question of reparation if they are unable to agree on this point.

of living resources; interpretation and application of international treaties and conventions; violation of territorial integrity and of sovereignty; international humanitarian and human rights; and property rights.

6. Cases referred to the Court are growing in factual and legal complexity. In addition, they frequently involve a number of phases as a result of, inter alia: the filing of preliminary objections to jurisdiction or admissibility; the submission of requests for the indication of provisional measures (which have to be dealt with as a matter of urgency); applications for permission to intervene; and declarations of intervention filed by third States.

7. During the period under review no request for an advisory opinion was submitted to the Court.

Continuation of the Court's sustained level of activity

8. The judicial year 2013-2014 has been a busy one, with four cases under deliberation; the same will apply for the judicial year 2014-2015.

9. The Court's sustained level of activity has been made possible thanks to a significant number of steps taken by it over recent years to enhance its efficiency and enable it to cope with the steady increase in its workload.

10. Moreover, the Court sets itself a particularly demanding schedule of hearings and deliberations so that, at any given point, it may be considering several cases simultaneously, while at the same time ensuring that it is in a position to deal as promptly as possible with incidental proceedings, which are growing in number. Over the past year, the Registry has sought to maintain the high level of efficiency and quality in its work to support the functioning of the Court.

11. The principal judicial organ of the United Nations is held in high regard worldwide because of its role in resolving inter-State disputes. The Court is unique in terms of the cost-benefit it offers as a peaceful means of settling such disputes. And this is borne out by the large number of cases that continue to be submitted to it.

12. The Court welcomes the confidence placed in it by States, which may rest assured that it will continue to rule on disputes submitted to it with the utmost impartiality and independence, in accordance with international law, and as expeditiously as possible.

Promoting the rule of law

13. The Court takes the opportunity offered by the presentation of its annual report to the General Assembly to report on its role in promoting the rule of law, as it was once again invited to do by the Assembly in its resolution 68/116 of 16 December 2013.

14. As has already been recalled, the Court plays a key role in the system of peaceful settlement of disputes established by the Charter of the United Nations. In his statement celebrating the centenary of the Peace Palace, the President of the Court, Judge Peter Tomka, emphasized the fact that, in carrying out its judicial mission, the Court "help[ed] to further advance the objectives and principles enshrined in [the Charter], not the least of which [was] the promotion of the rule of law on the international plane".

15. In this regard, the Court notes with satisfaction that, in its resolution 68/115 of 16 December 2013, the General Assembly emphasized the "value of [the] work" carried out by the Organization's principal judicial organ in adjudicating disputes among States and recalled that, "consistent with Article 96 of the Charter, the Court's advisory jurisdiction may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies".

16. The Court also notes with appreciation that, in its resolution 68/116, the General Assembly called upon States which have not yet made a declaration recognizing the Court's compulsory jurisdiction (Statute, Article 36, para. 2) to consider doing so.

17. It should be recalled that everything the Court does is aimed at promoting the rule of law: through its judgments and advisory opinions, it contributes to strengthening and clarifying international law. The Court likewise endeavours to ensure that its decisions are publicized as widely as possible throughout the world, both through its publications, the development of multimedia platforms and its own Internet site, which contains its entire jurisprudence and also that of its predecessor, the Permanent Court of International Justice, as well as providing useful information for States wishing to submit disputes to the Court.

18. The President, members of the Court and the Registrar, as well as various members of the Registry staff, regularly give presentations and take part in legal forums, both in The Hague and abroad, on the functioning of the Court, its procedures and jurisprudence.

19. Every year the Court receives a very large number of visitors, in particular, Heads of State and other official delegations from various countries with an interest in its work. The "open day", which is held every year, further enables the general public to become better acquainted with the Court and its workings. The Court also has a particular interest in young people: it participates in events organized by universities and offers internship programmes enabling students from various backgrounds to familiarize themselves with the institution and to further their knowledge of international law.

20. The Court is planning to organize a number of important events as part of its seventieth anniversary, which will be celebrated on 18 April 2016, including: a solemn sitting; a conference; a travelling exhibition visiting a number of different countries; a new film on the Court; and a range of other activities. The Court hopes that the United Nations and its Member States will support these events and play an active role in them.

Budgetary requests

21. With regard to its budget for the biennium 2014-2015, the Court notes with satisfaction that most of its budgetary requests were accepted, thus enabling it to carry out its mission under optimal conditions and to start laying the groundwork for the celebration of its seventieth anniversary. As this is due to take place in April 2016, the Court is planning, in its budget requests for the biennium 2016-2017, to request funds to finance the event, which will represent a unique opportunity for the Organization's principal judicial organ to make its activities and achievements better known through a variety of means throughout the international community.

Pension scheme for judges of the Court

22. In 2012, the President of the Court sent a letter to the President of the General Assembly, accompanied by an explanatory paper (A/66/726, annex), setting out the comments and concerns of the International Court of Justice regarding certain proposals relating to the pension schemes for the members of the Court and the judges of the international tribunals put forward by the Secretary-General (see A/67/4, paras. 26-30). The Court emphasized the serious problems raised by those proposals in terms of the integrity of its Statute, in particular with regard to the equality of its Members and their right to carry out their duties in full independence.

23. The Court is grateful to the General Assembly for the particular attention that it has given to the issue and for its decision to allow itself time to reflect on the matter and to postpone discussing it, first to its sixty-eighth and then to its sixty-ninth session.

Chapter II
Role and jurisdiction of the Court

24. The International Court of Justice, which has its seat at the Peace Palace in The Hague, the Netherlands, is the principal judicial organ of the United Nations. It was established under the Charter of the United Nations in June 1945 and began its activities in April 1946.

25. The basic documents governing the Court are the Charter of the United Nations and the Statute of the Court, which is annexed to the Charter. These are supplemented by the Rules of Court and Practice Directions and by the resolution concerning the internal judicial practice of the Court. These texts can be found on the Court's website under the heading "Basic documents" and are also published in *Acts and Documents concerning the organization of the Court* (edition No. 6 (2007)).

26. The International Court of Justice is the only international court of a universal character with general jurisdiction. That jurisdiction is twofold.

A. Jurisdiction in contentious cases

27. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty. In this respect, it should be noted that, as at 31 July 2014, 193 States were parties to the Statute of the Court.

28. Seventy States have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Ireland, Japan, Kenya, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Slovakia, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Timor-Leste, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed with the Secretary-General by the above States are available, on the Court's website under the heading "Jurisdiction" (www.icj-cij.org).

29. In addition, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction in the resolution of disputes concerning their application or interpretation. A representative list of those treaties and conventions may also be found on the Court's website under the heading "Jurisdiction". The Court's jurisdiction *ratione materiae* can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Finally, when submitting a dispute to the Court, a State may propose to found the Court's jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, in reliance on article 38, paragraph 5, of the Rules of Court (see, for example, the case listed in para. 4 above). If the latter

State gives its consent, the Court's jurisdiction is established and the new case is entered in the General List on the date that this consent is given (this situation is known as *forum prorogatum*).

B. Jurisdiction in advisory proceedings

30. The Court also gives advisory opinions. In addition to two United Nations organs, the General Assembly and the Security Council, which are authorized to request advisory opinions of the Court "on any legal questions" (Article 96, para. 1, of the Charter), three other United Nations organs, the Economic and Social Council, the Trusteeship Council and the Interim Committee of the General Assembly, as well as the following organizations, are at present authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities (Article 96, para. 2, of the Charter):

International Labour Organization

Food and Agriculture Organization of the United Nations

United Nations Educational, Scientific and Cultural Organization

International Civil Aviation Organization

World Health Organization

World Bank

International Finance Corporation

International Development Association

International Monetary Fund

International Telecommunication Union

World Meteorological Organization

International Maritime Organization

World Intellectual Property Organization

International Fund for Agricultural Development

United Nations Industrial Development Organization

International Atomic Energy Agency

31. A list of the international instruments that make provision for the advisory jurisdiction of the Court is available on the Court's website under the heading "Jurisdiction".

Chapter III
Organization of the Court

A. Composition

32. The International Court of Justice consists of 15 judges elected by the General Assembly and the Security Council for a term of nine years. Every three years five of those seats (one third) fall vacant. The next elections to fill such vacancies will be held in the last quarter of 2014.

33. At 31 July 2014, the composition of the Court was as follows: President: Peter Tomka (Slovakia); Vice-President: Bernardo Sepúlveda-Amor (Mexico); Judges: Hisashi Owada (Japan), Ronny Abraham (France), Kenneth Keith (New Zealand), Mohamed Bennouna (Morocco), Leonid Skotnikov (Russian Federation), Antônio Augusto Cançado Trindade (Brazil), Abdulqawi Ahmed Yusuf (Somalia), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda) and Dalveer Bhandari (India).

1. President and Vice-President

34. The President and the Vice-President of the Court (Statute, Article 21) are elected by the members of the Court every three years by secret ballot. The Vice-President replaces the President in his/her absence, in the event of his/her inability to exercise his/her duties or in the event of a vacancy in the presidency. Among other things, the President: (a) presides at all meetings of the Court, directs its work and supervises its administration; (b) in case of urgency may convene the Court at any time; (c) in every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure. For this purpose, he summons the agents of the parties to meet him as soon as possible after their appointment, and whenever necessary thereafter; (d) may call upon the parties to act in such a way as to enable any order the Court may make on a request for provisional measures to have its appropriate effects; (e) may authorize the correction of a slip or error in any document filed by a party during the written proceedings; (f) when the Court decides, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it without the right to vote, takes steps to obtain all the information relevant to the choice of assessors; (g) directs the Court's judicial deliberations; (h) has a casting vote in the event of votes being equally divided during judicial deliberations; (i) is ex officio a member of the drafting committees unless he does not share the majority opinion of the Court, in which case his place is taken by the Vice-President; (j) is ex officio a member of the Chamber of Summary Procedure formed annually by the Court; (k) signs all judgments, advisory opinions and orders of the Court, and the minutes; (l) delivers the judicial decisions of the Court at public sittings; (m) chairs the Budgetary and Administrative Committee of the Court; (n) addresses the representatives of the States Members of the United Nations during the plenary meetings of the annual session of the General Assembly in New York in order to present the report of the International Court of Justice; (o) on that occasion, generally delivers a speech before the Security Council and the Sixth Committee of the General Assembly; (p) receives, at the seat of the Court, Heads of State and Government and other dignitaries during official visits. When

the Court is not sitting, the President may, among other things, be called upon to make procedural orders.

2. Registrar and Deputy Registrar

35. The Registrar of the Court is Philippe Couvreur, of Belgian nationality. On 3 February 2014, he was re-elected to the post for a third seven-year term of office beginning on 10 February 2014. Mr. Couvreur was first elected Registrar of the Court on 10 February 2000 and re-elected on 8 February 2007 (the duties of the Registrar are described in para. 67 below).

36. The Deputy Registrar of the Court is Jean-Pelé Fomété, of Cameroonian nationality. He was elected to the post on 11 February 2013 for a term of seven years beginning on 16 March 2013.

3. Chamber of Summary Procedure, Budgetary and Administrative Committee and other committees

37. In accordance with Article 29 of the Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2014, was constituted as follows:

Members:

President Tomka
Vice-President Sepúlveda-Amor
Judges Yusuf, Xue and Donoghue

Substitute members:

Judges Keith and Gaja.

38. The Court also constituted committees to facilitate the performance of its administrative tasks. As at 31 July 2014, they were composed as follows:

(a) Budgetary and Administrative Committee: President Tomka (Chair); Vice-President Sepúlveda-Amor; Judges Abraham, Bennouna, Yusuf, Greenwood and Xue;

(b) Rules Committee: Judge Abraham (Chair); Judges Keith, Skotnikov, Cançado Trindade, Donoghue and Gaja;

(c) Library Committee: Judge Bennouna (Chair); Judges Cançado Trindade, Gaja and Bhandari.

4. Judges ad hoc

39. In accordance with Article 31 of the Statute, parties that have no judge of their nationality on the Bench may choose an ad hoc judge for the purposes of the case that concerns them.

40. The number of judges ad hoc chosen by States parties during the period under review was 20, with these functions being carried out by 14 individuals (the same person may on occasion sit as judge ad hoc in more than one case).

41. In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Democratic Republic of the Congo chose Joe Verhoeven and Uganda James L. Kateka to sit as judges ad hoc.

Following the election of Judge Sebutinde, of Ugandan nationality, as a member of the Court, with effect from 6 February 2012, the term of office of Mr. Kateka came to an end.

42. In the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia)*, Croatia chose Budislav Vukas and Serbia Milenko Kreća to sit as judges ad hoc.

43. In the case concerning the *Maritime Dispute (Peru* v. *Chile)*, Peru chose Gilbert Guillaume and Chile Francisco Orrego Vicuña to sit as judges ad hoc.

44. In the case concerning *Aerial Herbicide Spraying (Ecuador* v. *Colombia)*, Ecuador chose Raúl Emilio Vinuesa and Colombia Jean-Pierre Cot to sit as judges ad hoc.

45. In the case concerning *Whaling in the Antarctic (Australia* v. *Japan)*, Australia chose Hilary Charlesworth to sit as judge ad hoc.

46. In the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, Costa Rica chose John Dugard and Nicaragua Mr. Guillaume to sit as judges ad hoc.

47. In the case concerning the *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear* (Cambodia *v.* Thailand) *(Cambodia v. Thailand)*, Cambodia chose Mr. Guillaume and Thailand Mr. Cot to sit as judges ad hoc.

48. In the case concerning *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*, Nicaragua chose Mr. Guillaume and Costa Rica Bruno Simma to sit as judges ad hoc. Further to the Court's decision to join the proceedings in this case with those in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, Mr. Simma resigned.

49. In the case concerning the *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*, Bolivia chose Yves Daudet and Chile Louise Arbour to sit as judges ad hoc.

50. In the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*, Colombia chose Charles Brower to sit as judge ad hoc.

51. In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*, Nicaragua chose Mr. Guillaume to sit as judge ad hoc.

52. In the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*, Timor-Leste chose Mr. Cot and Australia Ian Callinan to sit as judges ad hoc.

53. In the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*, Costa Rica chose Mr. Simma to sit as judge ad hoc.

B. Privileges and immunities

54. Under Article 19 of the Statute of the Court, "[t]he Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities".

55. In the Netherlands, pursuant to an exchange of letters dated 26 June 1946 between the President of the Court and the Minister for Foreign Affairs, the members of the Court enjoy, generally, the same privileges, immunities, facilities and prerogatives as heads of diplomatic missions accredited to His Majesty the King of the Netherlands (*I.C.J. Acts and Documents No. 6*, pp. 204-211 and pp. 214-217).

56. By its resolution 90 (I) of 11 December 1946 (ibid., pp. 210-215), the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there; and judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

57. In the same resolution, the General Assembly recommended that the authorities of Members of the United Nations recognize and accept the laissez-passer issued to the judges by the Court. Such laissez-passer had been produced by the Court since 1950; unique to the Court, they were similar in form to those issued by the Secretary-General of the United Nations. Since February 2014, the Court has delegated the task of producing laissez-passer to the United Nations Office at Geneva. The new laissez-passer are modelled on electronic passports and meet the most recent standards of the International Civil Aviation Organization.

58. Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges and the Registrar "shall be free of all taxation".

C. Seat

59. The seat of the Court is established at The Hague; this, however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Article 22, para. 1; Rules, article 55). The Court, thus far, has never held sittings outside The Hague.

60. The Court occupies premises in the Peace Palace at The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises and provides for the Organization to pay an annual contribution to the Carnegie Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951 and 1958, as well as subsequent amendments. The annual contribution by the United

Nations to the Carnegie Foundation amounts to €1,292,595 for 2013 and to €1,321,679 for 2014. Negotiations are currently under way between United Nations Headquarters and the Carnegie Foundation for a further amendment to the agreement, in particular concerning the extent and quality of the areas reserved for the Court, security of persons and property and the level of services provided by the Foundation.

Chapter IV
Registry

61. The Court is the only principal organ of the United Nations to have its own administration (see Article 98 of the Charter). The Registry is the permanent international secretariat of the Court. Since the Court is both a judicial body and an international institution, the role of the Registry is both to provide judicial support and to act as a permanent administrative organ. The Registry's activities are thus administrative, as well as judicial and diplomatic.

62. The duties of the Registry are set out in detail in instructions drawn up by the Registrar and approved by the Court (see Rules, article 28, paras. 2 and 3). The version of the Instructions for the Registry which is currently in force was adopted by the Court in March 2012 (see A/67/4, para. 66).

63. Registry officials are appointed by the Court on proposals by the Registrar or, for General Service staff, by the Registrar with the approval of the President. Temporary staff are appointed by the Registrar. Working conditions are laid down in the Staff Regulations adopted by the Court (see Rules, article 28). The most recent amendments made to those Regulations date from March 2011 and March 2012 (see A/67/4, para. 70). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy a status, remuneration and pension rights corresponding to those of Secretariat officials of the equivalent category or grade.

64. Over the last 20 years, the Registry's workload, notwithstanding the adoption of new technologies, has grown considerably on account of the substantial increase in the number and complexity of cases brought before the Court and of associated incidental proceedings.

65. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and nine technical divisions (see A/68/4, paras. 66-93). The President of the Court and the Registrar are each aided by a special assistant (P-3). The members of the Court are each assisted by a law clerk. These 15 associate legal officers, although seconded to the judges, are also officially members of the Registry staff, administratively attached to the Department of Legal Matters. The law clerks carry out research for the members of the Court and the judges ad hoc, and work under their responsibility. A total of 15 secretaries, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

66. The total number of posts at the Registry is at present 119, namely 60 posts in the Professional category and above (all permanent posts) and 60 in the General Service category (of which 57 are permanent and 2 are temporary posts for the biennium). An organigram showing the organizational structure of the Registry is contained in the annex to the present report.

A. The Registrar

67. The Registrar (Statute, Article 21) is responsible for all departments and divisions of the Registry. Under the terms of article 1 of the revised Instructions for the Registry, "[t]he staff are under his authority, and he alone is authorized to direct

the work of the Registry, of which he is the Head". In the discharge of his functions the Registrar reports to the Court. His role is threefold: judicial, diplomatic and administrative.

68. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. The Registrar performs, among others, the following tasks: (a) keeps the General List of all cases and is responsible for recording documents in the case files; (b) manages the proceedings in the cases; (c) is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; he provides any assistance required and is responsible for the preparation of reports or minutes of such meetings; (d) signs all judgments, advisory opinions and orders of the Court, as well as minutes; (e) maintains relations with the parties to a case and has specific responsibility for the receipt and transmission of certain documents, most importantly applications and special agreements, as well as all written pleadings; (f) is responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case and of such other documents as the Court may direct to be published; and (g) has custody of the seals and stamps of the Court, of the archives of the Court and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the Nuremberg International Military Tribunal).

69. The Registrar's diplomatic duties include the following tasks: (a) attending to the Court's external relations and acts as the channel of communication to and from the Court; (b) managing external correspondence, including that relating to cases, and providing any consultations required; (c) managing relations of a diplomatic nature, in particular with the organs and States Members of the United Nations, with other international organizations and with the Government of the country in which the Court has its seat; (d) maintaining relations with the local authorities and with the press; and (e) being responsible for information concerning the Court's activities and for the Court's publications, as well as for press releases, among other things.

70. The Registrar's administrative duties include: (a) the Registry's internal administration; (b) financial management, in accordance with the financial procedures of the United Nations, and in particular preparing and implementing the budget; (c) the supervision of all administrative tasks and of printing; and (d) making arrangements for such provision or verification of translations and interpretations into the Court's two official languages (English and French) as the Court may require.

71. Pursuant to the exchange of letters and General Assembly resolution 90 (I), as referred to in paragraphs 55 and 56 above, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions in The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

72. The Deputy-Registrar (Rules, article 27) assists the Registrar and acts as Registrar in the latter's absence.

B. Staff Committee

73. The Registry Staff Committee was established in 1979 and is governed by article 9 of the Staff Regulations for the Registry. During the period under review, the Committee worked in constructive partnership with the administration, seeking to promote dialogue and a listening attitude within the Registry, and continued its exchanges with staff committees of other international organizations. The Committee seeks to address staff members' concerns about their working conditions. It also organized various social and cultural events.

Chapter V
Pending contentious proceedings during the period under review

1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

74. On 2 July 1993, Hungary and Slovakia jointly notified the Court of a special agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system (see A/48/4, para. 138). In its judgment of 25 September 1997, the Court, having ruled upon the issues submitted by the parties, called upon both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989. On 3 September 1998, Slovakia filed in the Registry of the Court a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the judgment delivered by the Court in that case on 25 September 1997. Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The parties have subsequently resumed negotiations and have informed the Court on a regular basis of the progress made. The President of the Court or, when the former is absent, the Vice-President of the Court holds meetings with the agents of the parties when he deems it necessary.

2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*

75. On 23 June 1999, the Democratic Republic of the Congo filed an application instituting proceedings against Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity" (see A/54/4, para. 249, and subsequent supplements).

76. In its counter-memorial, filed in the Registry on 20 April 2001, Uganda presented three counter claims (see A/56/4, para. 319).

77. In the judgment which it rendered on 19 December 2005 (see A/61/4, para. 133), the Court found, in particular, that Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending support to irregular forces having operated on the territory of the Democratic Republic of the Congo, had violated the principle of non-use of force in international relations and the principle of non-intervention; that it had violated, in the course of hostilities between Ugandan and Rwandan military forces in Kisangani, its obligations under international human rights law and international humanitarian law; that it had violated, by the conduct of its armed forces towards the Congolese civilian population and in particular as an occupying Power in Ituri district, other obligations incumbent on it under international human rights law and international humanitarian law; and that it had violated its obligations under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of its armed

forces in the territory of the Democratic Republic of the Congo and by its failure to prevent such acts as an occupying Power in Ituri district.

78. The Court also found that the Democratic Republic of the Congo had, for its part, violated obligations owed to Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected by the said Convention.

79. The Court therefore found that the parties were under obligation to one another to make reparation for the injury caused. It decided that, failing agreement between the parties, the question of reparation would be settled by the Court and reserved for this purpose the subsequent procedure in the case. Since then, the parties have transmitted to the Court certain information concerning the negotiations they are holding to settle the question of reparation, as referred to in points (6) and (14) of the operative clause of the judgment and paragraphs 260, 261 and 344 of the reasoning in the judgment.

3. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia)*

80. On 2 July 1999, Croatia filed an application instituting proceedings against Serbia (then known as the Federal Republic of Yugoslavia) with respect to a dispute concerning alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide committed between 1991 and 1995 (see A/54/4 and subsequent supplements).

81. As basis for the Court's jurisdiction, Croatia invoked article IX of the Genocide Convention, to which, it claimed, both States were parties.

82. On 11 September 2002, Serbia raised certain preliminary objections in respect of jurisdiction and admissibility. Pursuant to article 79 of the Rules of Court, the proceedings on the merits were suspended. On 25 April 2003, Croatia filed a written statement of its observations and submissions on Serbia's preliminary objections.

83. Public hearings on the preliminary objections in respect of jurisdiction and admissibility were held from 26 to 30 May 2008 (see A/63/4, para. 122, and subsequent supplements).

84. On 18 November 2008, the Court rendered its judgment on the preliminary objections (see A/64/4, para. 121, and subsequent supplements). In its judgment the Court found, inter alia, that, subject to its statement concerning the second preliminary objection raised by the respondent, it had jurisdiction, on the basis of article IX of the Genocide Convention, to entertain Croatia's application. The Court added that Serbia's second preliminary objection did not, in the circumstances of the case, possess an exclusively preliminary character. It then rejected the third preliminary objection raised by Serbia.

85. By an order of 20 January 2009, the President of the Court fixed 22 March 2010 as the time limit for the filing of the counter-memorial of Serbia. That pleading, containing counterclaims, was filed within the time limit thus prescribed. By an order of 4 February 2010, the Court directed the submission of a reply by Croatia and a rejoinder by Serbia concerning the claims presented by the parties. It fixed 20 December 2010 and 4 November 2011, respectively, as the time limits for

the filing of those written pleadings. Those pleadings were filed within the time limits thus fixed.

86. By an order of 23 January 2012, the Court authorized the submission by Croatia of an additional written pleading relating solely to the counterclaims submitted by Serbia. It fixed 30 August 2012 as the time limit for the filing of that written pleading, which was filed by Croatia within the time limit thus fixed.

87. Public hearings were held from 3 March to 1 April 2014. At the close of those hearings, the parties presented the following final submissions to the Court.

88. For Croatia (on 21 March 2014, on the principal claim):

> "On the basis of the facts and legal arguments presented by the Applicant, it respectfully requests the International Court of Justice to adjudge and declare:
>
> 1. That it has jurisdiction over all the claims raised by the Applicant, and there exists no bar to admissibility in respect of any of them.
>
> 2. That the Respondent is responsible for violations of the Convention on the Prevention and Punishment of the Crime of Genocide:
>
> *(a)* in that persons for whose conduct it is responsible committed genocide on the territory of the Republic of Croatia against members of the Croat ethnic group on that territory, by:
>
> – killing members of the group;
>
> – causing deliberate bodily or mental harm to members of the group;
>
> – deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> – imposing measures intended to prevent births within the group,
>
> with the intent to destroy that group in whole or in part, contrary to Article II of the Convention;
>
> *(b)* in that persons for whose conduct it is responsible conspired to commit the acts of genocide referred to in paragraph *(a)*, were complicit in respect of those acts, attempted to commit further such acts of genocide and incited others to commit such acts, contrary to Article III of the Convention;
>
> *(c)* in that, aware that the acts of genocide referred to in paragraph *(a)* were being or would be committed, it failed to take any steps to prevent those acts, contrary to Article I of the Convention;
>
> *(d)* in that it has failed to bring to trial persons within its jurisdiction who are suspected on probable grounds of involvement in the acts of genocide referred to in paragraph *(a)*, or in the other acts referred to in paragraph *(b)*, and is thus in continuing breach of Articles I and IV of the Convention;
>
> *(e)* in that it has failed to conduct an effective investigation into the fate of Croatian citizens who are missing as a result of the genocidal acts referred to in paragraphs *(a)* and *(b)*, and is thus in continuing breach of Articles I and IV of the Convention.
>
> 3. That as a consequence of its responsibility for these breaches of the Convention, the Respondent is under the following obligations:

(a) to take immediate and effective steps to submit to trial before the appropriate judicial authority, those citizens or other persons within its jurisdiction, including but not limited to the leadership of the JNA [Yugoslav People's Army] during the relevant time period who are suspected on probable grounds of having committed acts of genocide as referred to in paragraph (2) *(a)*, or any of the other acts referred to in paragraph (2) *(b)*, and to ensure that those persons, if convicted, are duly punished for their crimes;

(b) to provide forthwith to the Applicant all information within its possession or control as to the whereabouts of Croatian citizens who are missing as a result of the genocidal acts for which it is responsible, to investigate and generally to cooperate with the authorities of the Applicant to jointly ascertain the whereabouts of the said missing persons or their remains;

(c) forthwith to return to the Applicant all remaining items of cultural property within its jurisdiction or control which were seized in the course of the genocidal acts for which it is responsible; and

(d) to make reparation to the Applicant, in its own right and as *parens patriae* for its citizens, for all damage and other loss or harm to person or property or to the economy of Croatia caused by the foregoing violations of international law, in a sum to be determined by the Court in a subsequent phase of the proceedings in this case. The Applicant reserves the right to introduce to the Court a precise evaluation of the damages caused by the acts for which the Respondent is held responsible."

89. For Serbia (on 28 March 2014, on the principal claim and the counterclaim):

"On the basis of the facts and legal arguments presented in its written and oral pleadings, the Republic of Serbia respectfully requests the Court to adjudge and declare:

I

1. That the Court lacks jurisdiction to entertain the requests in paras. 2 *(a)*, 2 *(b)*, 2 *(c)*, 2 *(d)*, 2 *(e)*, 3 *(a)*, 3 *(b)*, 3 *(c)* and 3 *(d)* of the Submissions of the Republic of Croatia as far as they relate to acts and omissions, whatever their legal qualification, that took place before 27 April 1992, i.e., prior to the date when Serbia came into existence as a State and became bound by the Convention on the Prevention and Punishment of the Crime of Genocide.

2. In the alternative, that the requests in paras. 2 *(a)*, 2 *(b)*, 2 *(c)*, 2 *(d)*, 2 *(e)*, 3 *(a)*, 3 *(b)*, 3 *(c)* and 3 *(d)* of the Submissions of the Republic of Croatia as far as they relate to acts and omissions, whatever their legal qualification, that took place before 27 April 1992, i.e., prior to the date when Serbia came into existence as a State and became bound by the Genocide Convention, are inadmissible.

3. That the requests in paras. 2 *(a)*, 2 *(b)*, 2 *(c)*, 2 *(d)*, 2 *(e)*, 3 *(a)*, 3 *(b)*, 3 *(c)* and 3 *(d)* of the Submissions of the Republic of Croatia relating to the alleged violations of the obligations under the Convention on the Prevention and Punishment of the Crime of Genocide after 27 April 1992 be rejected as lacking any basis either in law or in fact.

4. In the further alternative, that the requests in paras. 2 *(a)*, 2 *(b)*, 2 *(c)*, 2 *(d)*, 2 *(e)*, 3 *(a)*, 3 *(b)*, 3 *(c)* and 3 *(d)* of the Submissions of the Republic of Croatia as far as they relate to acts and omissions, whatever their legal qualification, that took place before 8 October 1991, i.e., prior to the date when Croatia came into existence as a State and became bound by the Genocide Convention, are inadmissible.

5. In the final alternative, should the Court find that it has jurisdiction concerning the requests relating to acts and omissions that took place before 27 April 1992 and that they are admissible, respectively that they are admissible in so far as they relate to acts and omissions that took place before 8 October 1991, that the requests in paras. 2 *(a)*, 2 *(b)*, 2 *(c)*, 2 *(d)*, 2 *(e)*, 3 *(a)*, 3 *(b)*, 3 *(c)* and 3 *(d)* of the Submissions of the Republic of Croatia be rejected in their entirety as lacking any basis either in law or in fact.

II

6. That the Republic of Croatia has violated its obligations under Article II of the Convention on the Prevention and Punishment of the Crime of Genocide by committing, during and after Operation Storm in 1995, the following acts with intent to destroy the Serb national and ethnical group in Croatia as such, in its substantial part living in the Krajina region:

– killing members of the group,
– causing serious bodily or mental harm to members of the group, and
– deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

7. Alternatively, that the Republic of Croatia has violated its obligations under Article III *(b)*, *(c)*, *(d)* and *(e)* of the Convention on the Prevention and Punishment of the Crime of Genocide through the acts of conspiracy, direct and public incitement and attempt to commit genocide, as well as complicity in genocide, against the Serb national and ethnical group in Croatia as such, in its substantial part living in the Krajina region.

8. As a subsidiary finding, that the Republic of Croatia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by having failed and by still failing to punish acts of genocide that have been committed against the Serb national and ethnical group in Croatia as such, in its substantial part living in the Krajina region.

9. That the violations of international law set out in paragraphs 6, 7 and 8 of these Submissions constitute wrongful acts attributable to the Republic of Croatia which entail its international responsibility, and, accordingly,

(1) That the Republic of Croatia shall immediately take effective steps to ensure full compliance with its obligation to punish acts of genocide as defined by Article II of the Convention, or any other acts enumerated in Article III of the Convention committed on its territory during and after Operation Storm;

(2) That the Republic of Croatia shall immediately amend its Law on Public Holidays, Remembrance Days and Non-Working Days, by way of removing the “Day of Victory and Homeland Gratitude” and the “Day of

Croatian Defenders", celebrated on the 5th of August, as a day of victory in the genocidal Operation *Storm*, from its list of public holidays; and

(3) That the Republic of Croatia shall redress the consequences of its international wrongful acts, that is, in particular:

(a) Pay full compensation to the members of the Serb national and ethnical group from the Republic of Croatia for all damages and losses caused by the acts of genocide, in a sum and in a procedure to be determined by the Court in a subsequent phase of this case; and

(b) Establish all necessary legal conditions and secure environment for the safe and free return of the members of the Serb national and ethnical group to their homes in the Republic of Croatia, and to ensure conditions of their peaceful and normal life including full respect for their national and human rights."

90. For Croatia (on 1 April 2014, on the counterclaim):

"On the basis of the facts and legal arguments presented by the Applicant, it respectfully requests the International Court of Justice to adjudge and declare:

That, in relation to the counterclaims put forward in the Counter-Memorial, the Rejoinder and during these proceedings, it rejects in their entirety the sixth, the seventh, the eighth and the ninth submissions of the Respondent on the grounds that they are not founded in fact or law."

91. The Court will deliver its judgment at a public sitting, the date of which will be announced in due course.

4. *Maritime Dispute (Peru* v. *Chile)*

92. On 16 January 2008, Peru filed an application instituting proceedings against Chile concerning a dispute in relation to "the delimitation of the boundary between the maritime zones of the two States in the Pacific Ocean, beginning at a point on the coast called Concordia, ... the terminal point of the land boundary established pursuant to the Treaty ... of 3 June 1929",[2] and also to the recognition in favour of Peru of a "maritime zone lying within 200 nautical miles of Peru's coast, and thus appertaining to Peru, but which Chile considers to be part of the high seas" (see A/63/4, para. 187, and subsequent supplements).

93. Peru "request[ed] the Court to determine the course of the boundary between the maritime zones of the two States in accordance with international law ... and to adjudge and declare that Peru possesse[d] exclusive sovereign rights in the maritime area situated within the limit of 200 nautical miles from its coast but outside Chile's exclusive economic zone or continental shelf".

94. As basis for the Court's jurisdiction, Peru invoked article XXXI of the American Treaty on Peaceful Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties without reservation.

95. In the written phase of the proceedings, Peru submitted a memorial and a reply and Chile a counter-memorial and a rejoinder (see A/63/4, para. 191).

[2] Treaty between Chile and Peru for the settlement of the dispute regarding Tacna and Arica, signed at Lima on 3 June 1929.

96. Public hearings were held from 3 to 14 December 2012 (see A/68/4, para. 139).

97. On 27 January 2014, the Court rendered its judgment, the operative clause of which reads as follows:

> "For these reasons,
>
> THE COURT,
>
> (1) By fifteen votes to one,
>
> *Decides* that the starting point of the single maritime boundary delimiting the respective maritime areas between the Republic of Peru and the Republic of Chile is the intersection of the parallel of latitude passing through Boundary Marker No. 1 with the low-water line;
>
> IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Xue, Donoghue, Sebutinde, Bhandari; *Judges* ad hoc Guillaume, Orrego Vicuña;
>
> AGAINST: *Judge* Gaja;
>
> (2) By fifteen votes to one,
>
> *Decides* that the initial segment of the single maritime boundary follows the parallel of latitude passing through Boundary Marker No. 1 westward;
>
> IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Xue, Donoghue, Gaja, Bhandari; Judges ad hoc Guillaume, Orrego Vicuña;
>
> AGAINST: *Judge* Sebutinde;
>
> (3) By ten votes to six,
>
> *Decides* that this initial segment runs up to a point (Point A) situated at a distance of 80 nautical miles from the starting point of the single maritime boundary;
>
> IN FAVOUR: *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Donoghue; *Judge* ad hoc Guillaume;
>
> AGAINST: *President* Tomka; *Judges* Xue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Orrego Vicuña;
>
> (4) By ten votes to six,
>
> *Decides* that from Point A, the single maritime boundary shall continue south-westward along the line equidistant from the coasts of the Republic of Peru and the Republic of Chile, as measured from that point, until its intersection (at Point B) with the 200-nautical-mile limit measured from the baselines from which the territorial sea of the Republic of Chile is measured. From Point B, the single maritime boundary shall continue southward along that limit until it reaches the point of intersection (Point C) of the 200-nautical-mile limits measured from the baselines from which the territorial seas of the Republic of Peru and the Republic of Chile, respectively, are measured;

IN FAVOUR: *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Donoghue; *Judge* ad hoc Guillaume;

AGAINST: *President* Tomka; *Judges* Xue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Orrego Vicuña;

(5) By fifteen votes to one,

Decides that, for the reasons given in paragraph 189 above, it does not need to rule on the second final submission of the Republic of Peru;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Guillaume;

AGAINST: *Judge* ad hoc Orrego Vicuña."

President Tomka and Vice President Sepúlveda Amor appended declarations to the judgment of the Court; Judge Owada appended a separate opinion to the judgment of the Court; Judge Skotnikov appended a declaration to the judgment of the Court; Judges Xue, Gaja, Bhandari and Judge ad hoc Orrego Vicuña appended a joint dissenting opinion to the judgment of the Court; Judges Donoghue and Gaja appended declarations to the judgment of the Court; Judge Sebutinde appended a dissenting opinion to the judgment of the Court; Judge ad hoc Guillaume appended a declaration to the judgment of the Court; and Judge ad hoc Orrego Vicuña appended a separate, partly concurring and partly dissenting, opinion to the judgment of the Court.

5. *Aerial Herbicide Spraying (Ecuador* v. *Colombia)*

98. On 31 March 2008, Ecuador filed an application instituting proceedings against Colombia in respect of a dispute concerning the "aerial spraying [by Colombia] of toxic herbicides at locations near, at and across its border with Ecuador".

99. Ecuador maintained that "the spraying has already caused serious damage to people, to crops, to animals, and to the natural environment on the Ecuadorian side of the frontier, and poses a grave risk of further damage over time". It further contended that it has made "repeated and sustained efforts to negotiate an end to the fumigations", adding that "these negotiations have proved unsuccessful" (see A/63/4, para. 193, and subsequent supplements).

100. Ecuador accordingly requested the Court:

"to adjudge and declare that:

(a) Colombia has violated its obligations under international law by causing or allowing the deposit on the territory of Ecuador of toxic herbicides that have caused damage to human health, property and the environment;

(b) Colombia shall indemnify Ecuador for any loss or damage caused by its internationally unlawful acts, namely the use of herbicides, including by aerial dispersion [...] and

(c) Colombia shall:

(i) respect the sovereignty and territorial integrity of Ecuador; and

(ii) forthwith, take all steps necessary to prevent, on any part of its territory, the use of any toxic herbicides in such a way that they could be deposited onto the territory of Ecuador; and

(iii) prohibit the use, by means of aerial dispersion, of such herbicides in Ecuador, or on or near any part of its border with Ecuador."

101. As basis for the Court's jurisdiction, Ecuador invoked article XXXI of the Pact of Bogotá, to which both States were parties. Ecuador also relied on article 32 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

102. In its application, Ecuador reaffirmed its opposition to "the export and consumption of illegal narcotics", but stressed that the issues presented to the Court "relate exclusively to the methods and locations of Colombia's operations to eradicate illicit coca and poppy plantations — and the harmful effects in Ecuador of such operations".

103. After two rounds of written pleadings, the Court fixed Monday, 30 September 2013, as the opening date of the oral proceedings in the case.

104. In a letter dated 12 September 2013, the agent of Ecuador, referred to Article 89 of the Rules of Court and to an agreement between the parties dated 9 September 2013 "that fully and finally resolves all of Ecuador's claims against Colombia" in the case, and notified the Court that his Government wished to discontinue the proceedings in the case. A copy of that letter was immediately communicated to the Government of Colombia, which, by a letter of the same date, informed the Court, pursuant to article 89, paragraph 2, of the Rules of Court, that it made no objection to the discontinuance of the case as requested by Ecuador. Both parties thanked the Court for its contribution to the amicable settlement of the dispute.

105. According to the letters received from the parties, the agreement of 9 September 2013 establishes, inter alia, an exclusion zone, in which Colombia will not conduct aerial spraying operations, creates a joint commission to ensure that spraying operations outside that zone have not caused herbicides to drift into Ecuador and, so long as they have not, provides a mechanism for the gradual reduction in the width of the said zone; according to the letters, the agreement sets out operational parameters for Colombia's spraying programme, records the agreement of the two Governments to ongoing exchanges of information in that regard and establishes a dispute settlement mechanism.

106. On 13 September 2013, in accordance with article 89, paragraphs 2 and 3, of the Rules of Court, the President of the Court made an order recording the discontinuance by Ecuador of the proceedings and directing the removal of the case from the Court's List.

6. *Whaling in the Antarctic (Australia* v. *Japan)*

107. On 31 May 2010, Australia filed an application instituting proceedings against Japan in respect of a dispute concerning "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 ..., as well as its other international obligations for the preservation of marine mammals and the marine environment" (see A/65/4, para. 17, and subsequent supplements).

108. At the end of its application, Australia requested the Court to adjudge and declare that "Japan is in breach of its international obligations in implementing the JARPA II program in the Southern Ocean", and 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 th[e] 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".

109. As the basis for the jurisdiction of the Court, the applicant invoked the provisions of Article 36, paragraph 2, of the Statute of the Court, as well as the declarations recognizing the Court's jurisdiction as compulsory made pursuant to that Article by Australia on 22 March 2002 and by Japan on 9 July 2007.

110. 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.

111. On 20 November 2012, New Zealand filed in the Registry a declaration of intervention in the case pursuant to Article 63, paragraph 2, of the Statute of the Court. In its declaration, New Zealand, which relied on its "status as a party to the International Convention for the Regulation of Whaling", contended that "[a]s a party to the Convention, [it] has a direct interest in the construction that might be placed upon the Convention by the Court in its decision in these proceedings".

112. New Zealand emphasized in its declaration "that it d[id] not seek to be a party to the proceedings" and "confirm[ed] that, by availing itself of its right to intervene, it accept[ed] that the construction given by the judgment in the case w[ould] be equally binding upon it" (see A/68/4, para. 159).

113. In accordance with article 83 of the Rules of Court, Australia and Japan were invited to furnish written observations on New Zealand's declaration of intervention by Friday, 21 December 2012, at the latest. Those written observations were filed within the time limit fixed by the Court.

114. In its order dated 6 February 2013, the Court, taking note of the concerns expressed by Japan relating to certain procedural issues regarding the equality of the parties, recalled that intervention under Article 63 of the Statute was limited to submitting observations on the construction of the convention in question and did not allow the intervener, which did not become a party to the proceedings, to deal with any other aspect of the case before the Court. It considered that such an intervention could not affect the equality of the parties. Having noted that New Zealand met the requirements set out in article 82 of the Rules of Court, that its declaration of intervention fell within the provisions of Article 63 of the Statute and, moreover, that the parties had raised no objection to the admissibility of the declaration, the Court concluded that New Zealand's declaration of intervention was admissible. By the same order, the Court fixed 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; it also authorized the filing by Australia and Japan of written observations on those written observations of New Zealand and fixed 31 May 2013 as the time limit for such filings. Those pleadings were filed within the time limits thus fixed.

115. Public hearings were held from 26 June to 16 July 2013 (see A/68/4, para. 162).

116. On 31 March 2014, the Court rendered its judgment, the operative clause of which reads as follows:

"For these reasons,

THE COURT,

(1) Unanimously,

Finds that it has jurisdiction to entertain the Application filed by Australia on 31 May 2010;

(2) By twelve votes to four,

Finds that the special permits granted by Japan in connection with JARPA II do not fall within the provisions of Article VIII, paragraph 1, of the International Convention for the Regulation of Whaling;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Keith, Skotnikov, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

AGAINST: *Judges* Owada, Abraham, Bennouna, Yusuf;

(3) By twelve votes to four,

Finds that Japan, by granting special permits to kill, take and treat fin, humpback and Antarctic minke whales in pursuance of JARPA II, has not acted in conformity with its obligations under paragraph 10 *(e)* of the Schedule to the International Convention for the Regulation of Whaling;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Keith, Skotnikov, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

AGAINST: *Judges* Owada, Abraham, Bennouna, Yusuf;

(4) By twelve votes to four,

Finds that Japan has not acted in conformity with its obligations under paragraph 10 *(d)* of the Schedule to the International Convention for the Regulation of Whaling in relation to the killing, taking and treating of fin whales in pursuance of JARPA II;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Keith, Skotnikov, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

AGAINST: *Judges* Owada, Abraham, Bennouna, Yusuf;

(5) By twelve votes to four,

Finds that Japan has not acted in conformity with its obligations under paragraph 7 *(b)* of the Schedule to the International Convention for the Regulation of Whaling in relation to the killing, taking and treating of fin whales in the "Southern Ocean Sanctuary" in pursuance of JARPA II;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Keith, Skotnikov, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

AGAINST: *Judges* Owada, Abraham, Bennouna, Yusuf;

(6) By thirteen votes to three,

Finds that Japan has complied with its obligations under paragraph 30 of the Schedule to the International Convention for the Regulation of Whaling with regard to JARPA II;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Greenwood, Xue, Donoghue, Gaja;

AGAINST: *Judges* Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

(7) By twelve votes to four,

Decides that Japan shall revoke any extant authorization, permit or licence granted in relation to JARPA II, and refrain from granting any further permits in pursuance of that programme.

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Keith, Skotnikov, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Charlesworth;

AGAINST: *Judges* Owada, Abraham, Bennouna, Yusuf.

Judges Owada and Abraham appended dissenting opinions to the judgment of the Court; Judge Keith appended a declaration to the judgment of the Court; Judge Bennouna appended a dissenting opinion to the judgment of the Court; Judge Cançado Trindade appended a separate opinion to the judgment of the Court; Judge Yusuf appended a dissenting opinion to the judgment of the Court; Judges Greenwood, Xue, Sebutinde and Bhandari appended separate opinions to the judgment of the Court; and Judge ad hoc Charlesworth appended a separate opinion to the judgment of the Court.

7. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*

117. On 18 November 2010, Costa Rica filed an application instituting proceedings against Nicaragua in respect of an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as [alleged] breaches of Nicaragua's obligations towards Costa Rica" under a number of international treaties and conventions.

118. Costa Rica contends that Nicaragua has, in two separate incidents, occupied the territory of Costa Rica in connection with the construction of a canal across

Costa Rican territory from the San Juan River to Laguna los Portillos (also known as “Harbor Head Lagoon”), and carried out certain related works of dredging on the San Juan River. Costa Rica states that the “ongoing and planned dredging and the construction of the canal will seriously affect the flow of water to the Colorado River of Costa Rica, and will cause further damage to Costa Rican territory, including the wetlands and national wildlife protected areas located in the region”.

119. Costa Rica accordingly requested the Court:

> “to adjudge and declare that Nicaragua is in breach of its international obligations ... as regards the incursion into and occupation of Costa Rican territory, the serious damage inflicted to its protected rainforests and wetlands, and the damage intended to the Colorado River, wetlands and protected ecosystems, as well as the dredging and canalization activities being carried out by Nicaragua on the San Juan River.”

The Court was also requested to determine the reparation which must be made by Nicaragua.

120. As basis for the jurisdiction of the Court, the applicant invoked article XXXI of the American Treaty on Pacific Settlement (“Pact of Bogotá”) of 30 April 1948. In addition, it invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter’s compulsory jurisdiction (see A/67/4, para. 226).

121. On 18 November 2010, Costa Rica also filed a request for the indication of provisional measures, in which it “request[ed] the Court as a matter of urgency to order ... provisional measures so as to rectify the ... ongoing breach of Costa Rica’s territorial integrity and to prevent further irreparable harm to Costa Rica’s territory, pending its determination of this case on the merits” (see A/66/4, paras. 238-239, and subsequent supplements).

122. Public hearings on the request for the indication of provisional measures submitted by Costa Rica were held from 11 to 13 January 2011. In its order made on 8 March 2011, the Court indicated provisional measures (see A/66/4, para. 240, and subsequent supplements).

123. By an order of 5 April 2011, the Court fixed 5 December 2011 and 6 August 2012 as the respective time limits for the filing of a memorial by Costa Rica and a counter-memorial by Nicaragua. Those pleadings were filed within the time limits thus fixed.

124. In its counter-memorial, Nicaragua submitted four counterclaims. In its first counterclaim, it requested the Court to declare that Costa Rica bore responsibility to Nicaragua for “the impairment and possible destruction of navigation on the San Juan River caused by the construction of a road next to its right bank” by Costa Rica. In its second counterclaim, Nicaragua asked the Court to declare that it had become the sole sovereign over the area formerly occupied by the Bay of San Juan del Norte. In its third counterclaim, it requested the Court to find that Nicaragua had a right to free navigation on the Colorado Branch of the San Juan de Nicaragua

River, until the conditions of navigability existing at the time when the 1858 Treaty was concluded were re-established. In its fourth counterclaim, Nicaragua alleged that Costa Rica had failed to implement the provisional measures indicated by the Court in its order of 8 March 2011.

125. By two separate orders dated 17 April 2013, the Court joined the proceedings in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (hereinafter "the *Costa Rica* v. *Nicaragua* case") with those in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (hereinafter "the *Nicaragua* v. *Costa Rica* case") (see paras. 145-155 below). In those two orders, the Court emphasized that it had proceeded "in conformity with the principle of the sound administration of justice and with the need for judicial economy".

126. By an order dated 18 April 2013, the Court ruled on the four counterclaims submitted by Nicaragua in its counter-memorial filed in the *Costa Rica* v. *Nicaragua* case. In that order, the Court found, unanimously, that there was no need for it to adjudicate on the admissibility of Nicaragua's first counterclaim as such, since that claim had become without object by reason of the fact that the proceedings in the *Costa Rica* v. *Nicaragua* and *Nicaragua* v. *Costa Rica* cases had been joined. That claim would therefore be examined as a principal claim within the context of the joined proceedings. The Court also unanimously found that the second and third counterclaims were inadmissible as such and did not form part of the current proceedings, since there was no direct connection, either in fact or in law, between those claims and the principal claims of Costa Rica. In its order, the Court lastly found, unanimously, that there was no need for it to entertain the fourth counterclaim as such, since the question of compliance by both parties with provisional measures could be considered in the principal proceedings, irrespective of whether or not the respondent State raised that issue by way of a counterclaim and that, consequently, the parties could take up any question relating to the implementation of the provisional measures indicated by the Court in the further course of the proceedings.

127. On 23 May 2013, Costa Rica submitted to the Court a request for the modification of the order of 8 March 2011. In its written observations, Nicaragua asked the Court to reject Costa Rica's request, while, in its turn, requesting the Court to modify or adapt the order of 8 March 2011. In its order of 16 July 2013, the Court found that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power to modify the measures indicated in the order of 8 March 2011. It reaffirmed the provisional measures indicated in its order of 8 March 2011, in particular the requirement that the parties "sh[ould] refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve" (see A/68/4, para. 190).

128. On 24 September 2013, Costa Rica filed in the Registry of the Court a request for the indication of new provisional measures in the case.

129. After holding public hearings on that request from 14 to 17 October 2013, the Court delivered its order on 22 November 2013. After reaffirming, unanimously, the provisional measures indicated in its order of 8 March 2011, the Court indicated the following provisional measures:

(a) It decided, unanimously, that Nicaragua should refrain from any dredging and other activities in the disputed territory, and should, in particular, refrain from work of any kind on the two new *caños*;

(b) It also decided, unanimously, notwithstanding the provisions of the previous point and paragraph 86 (1) of the order of 8 March 2011, that Nicaragua should fill the trench on the beach north of the eastern *caño* within two weeks from the date of the present order, immediately inform the Court of the completion of the filling of the trench and, within one week from the said completion, submit to it a report containing all necessary details, including photographic evidence;

(c) It further found, unanimously, that, except as needed for implementing the obligation under the previous point, Nicaragua should (i) cause the removal from the disputed territory of any personnel, whether civilian, police or security and (ii) prevent any such personnel from entering the disputed territory;

(d) It also found, unanimously, that Nicaragua should cause the removal from and prevent the entrance into the disputed territory of any private persons under its jurisdiction or control;

(e) It further held, by 15 votes to 1, that, following consultation with the secretariat of the Ramsar Convention and after giving Nicaragua prior notice, Costa Rica might take appropriate measures related to the two new *caños*, to the extent necessary to prevent irreparable prejudice to the environment of the disputed territory and that, in taking these measures, Costa Rica should avoid any adverse effects on the San Juan River; and

(f) Lastly, the Court decided, unanimously, that the parties should regularly inform it, at three-month intervals, as to the compliance with the above provisional measures.

8. *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the* Temple of Preah Vihear (Cambodia *v.* Thailand) *(Cambodia* v. *Thailand)*

130. On 28 April 2011, Cambodia filed an application instituting proceedings in which, referring to Article 60 of the Statute and article 98 of the Rules of Court, it requested an interpretation of the judgment rendered by the Court on 15 June 1962 in the case concerning the *Temple of Preah Vihear (Cambodia* v. *Thailand)*.

131. In its application, Cambodia indicated the "points in dispute as to the meaning or scope of the Judgment", as stipulated by article 98 of the Rules of Court. It stated in particular that:

> "(1) according to Cambodia, the Judgment [rendered by the Court in 1962] is based on the prior existence of an international boundary established and recognized by both States; (2) according to Cambodia, that boundary is defined by the map to which the Court refers on page 21 of its Judgment ..., a map which enables the Court to find that Cambodia's sovereignty over the Temple is a direct and automatic consequence of its sovereignty over the territory on which the Temple is situated ...; (3) according to [Cambodia], Thailand is under an obligation [pursuant to the Judgment] to withdraw any military or other personnel from the vicinity of the Temple on Cambodian territory … [T]his is a general and continuing obligation deriving from the

> statements concerning Cambodia's territorial sovereignty recognized by the Court in that region."

Cambodia asserted that "Thailand disagrees with all of these points".

132. The applicant sought to base the jurisdiction of the Court on Article 60 of the Statute of the Court, which provides: "In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party". Cambodia also invoked article 98 of the Rules of Court.

133. Cambodia explained in its application that, while "Thailand does not dispute Cambodia's sovereignty over the Temple — and only over the Temple itself", it does, however, call into question the 1962 judgment in its entirety.

134. Cambodia contended that "in 1962, the Court placed the Temple under Cambodian sovereignty, because the territory on which it is situated is on the Cambodian side of the boundary", and that "[t]o refuse Cambodia's sovereignty over the area beyond the Temple as far as its 'vicinity' is to say to the Court that the boundary line which it recognized [in 1962] is wholly erroneous, *including in respect of the Temple itself*".

135. Cambodia emphasized that the purpose of its request was to seek an explanation from the Court regarding the "meaning and ... scope of its Judgment, within the limit laid down by Article 60 of the Statute". It added that such an explanation, "which would be binding on Cambodia and Thailand, ... could then serve as a basis for a final resolution of this dispute through negotiation or any other peaceful means" (see A/66/4, para. 250, and subsequent supplements).

136. At the close of its application, Cambodia asked the Court to adjudge and declare that:

> "[t]he obligation incumbent upon Thailand to 'withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory' (point 2 of the operative clause [of the Judgment rendered by the Court in 1962]) is a particular consequence of the general and continuing obligation to respect the integrity of the territory of Cambodia, that territory having been delimited in the area of the Temple and its vicinity by the line on the map [referred to on page 21 of the Judgment], on which [the Judgment] is based."

137. On the same day, Cambodia also filed a request for the indication of provisional measures, whereby it:

"respectfully request[ed] the Court to indicate the following provisional measures, pending the delivery of its judgment:

– an immediate and unconditional withdrawal of all Thai forces from those parts of Cambodian territory situated in the area of the Temple of Preah Vihear;

– a ban on all military activity by Thailand in the area of the Temple of Preah Vihear;

– that Thailand refrain from any act or action which could interfere with the rights of Cambodia or aggravate the dispute in the principal proceedings." (see A/66/4, para. 255, and subsequent supplements).

138. Public hearings on Cambodia's request for the indication of provisional measures were held on 30 and 31 May 2011.

139. At the close of the second round of oral observations, Cambodia reiterated its request for the indication of provisional measures; the agent of Thailand, for his part, presented the following submissions on behalf of his Government: "In accordance with Article 60 of the Rules of Court and having regard to the Request for the indication of provisional measures of the Kingdom of Cambodia and its oral pleadings, the Kingdom of Thailand respectfully requests the Court to remove the case introduced by the Kingdom of Cambodia on 28 April 2011 from the General List".

140. In its order of 18 July 2011, the Court rejected Thailand's request to remove the case introduced by Cambodia on 28 April 2011 from the General List of the Court and indicated certain provisional measures (see A/66/4, para. 258, and subsequent supplements).

141. By letters dated 20 July 2011, the Registrar of the Court informed the parties that, in accordance with article 98, paragraph 3, of the Rules of Court, the Court had fixed 21 November 2011 as the time limit for the filing of Thailand's written observations on the request for interpretation submitted by Cambodia. The written observations of Thailand were filed within the time limit thus fixed.

142. By letters dated 24 November 2011, the Registrar informed the parties that the Court had decided to afford them the opportunity of furnishing further written explanations, pursuant to article 98, paragraph 4, of the Rules of Court, and had fixed 8 March 2012 and 21 June 2012 as the respective time limits for the filing by Cambodia and Thailand of such explanations. Those pleadings were filed within the time limits thus fixed.

143. Public hearings on the merits of the case were held from 15 to 19 April 2013 (see A/68/4, para. 204).

144. On 11 November 2013, the Court rendered its judgment, the operative clause of which reads as follows:

> "For these reasons,
>
> THE COURT,
>
> (1) Unanimously,
>
> *Finds* that it has jurisdiction under Article 60 of the Statute to entertain the Request for interpretation of the 1962 Judgment presented by Cambodia, and that this Request is admissible;
>
> (2) Unanimously,
>
> *Declares*, by way of interpretation, that the Judgment of 15 June 1962 decided that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear, as defined in paragraph 98 of the present Judgment, and that, in consequence, Thailand was under an obligation to withdraw from that territory the Thai military or police forces, or other guards or keepers, that were stationed there."

The Court was composed as follows: President Tomka; Vice-President Sepúlveda-Amor; Judges Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade,

Yusuf, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; Judges ad hoc Guillaume, Cot; Registrar Couvreur.

Judges Owada, Bennouna and Gaja appended a joint declaration to the judgment of the Court; Judge Cançado Trindade appended a separate opinion to the judgment of the Court; and Judges ad hoc Guillaume and Cot appended declarations to the judgment of the Court.

9. *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*

145. On 22 December 2011, Nicaragua filed an application instituting proceedings against Costa Rica with regard to "violations of Nicaraguan sovereignty and major environmental damages to its territory". Nicaragua contends that Costa Rica is carrying out major construction works along most of the border area between the two countries with grave environmental consequences.

146. In its application, Nicaragua claims, inter alia, that "Costa Rica's unilateral actions ... threaten to destroy the San Juan de Nicaragua River and its fragile ecosystem, including the adjacent biosphere reserves and internationally protected wetlands that depend upon the clean and uninterrupted flow of the River for their survival". According to the applicant, "[t]he most immediate threat to the River and its environment is posed by Costa Rica's construction of a road running parallel and in extremely close proximity to the southern bank of the River, and extending for a distance of at least 120 kilometres, from Los Chiles in the west to Delta in the east". It further states that "[t]hese works have already caused and will continue to cause significant economic damage to Nicaragua".

147. Nicaragua accordingly "requests the Court to adjudge and declare that Costa Rica has breached: *(a)* its obligation not to violate Nicaragua's territorial integrity as delimited by the 1858 Treaty of Limits, the Cleveland Award of 1888 and the five Awards of the Umpire EP Alexander of 30 September 1897, 20 December 1897, 22 March 1898, 26 July 1899 and 10 March 1900; *(b)* its obligation not to damage Nicaraguan territory; *(c)* its obligations under general international law and the relevant environmental conventions, including the Ramsar Convention on Wetlands, the Agreement over the Border Protected Areas between Nicaragua and Costa Rica (International System of Protected Areas for Peace [SI-A-PAZ] Agreement), the Convention on Biological Diversity and the Convention for the Conservation of the Biodiversity and Protection of the Main Wild Life Sites in Central America".

148. Furthermore, Nicaragua requested the Court to adjudge and declare that Costa Rica must: "*(a)* restore the situation to the *status quo ante*; *(b)* pay for all damages caused including the costs added to the dredging of the San Juan River; *(c)* not undertake any future development in the area without an appropriate transboundary Environmental Impact Assessment and that this assessment must be presented in a timely fashion to Nicaragua for its analysis and reaction".

149. Finally, Nicaragua requested the Court to adjudge and declare that Costa Rica must: "*(a)* cease all the constructions underway that affect or may affect the rights of Nicaragua; *(b)* produce and present to Nicaragua an adequate Environmental Impact Assessment with all the details of the works."

150. As basis for the jurisdiction of the Court, the applicant invokes article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948.

In addition, it invokes the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction (see A/67/4, para. 249, and subsequent supplements).

151. By an order of 23 January 2012, the Court fixed 19 December 2012 and 19 December 2013 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Costa Rica. The memorial of Nicaragua was filed within the time limit thus fixed.

152. By two separate orders dated 17 April 2013, the Court joined the proceedings in the *Costa Rica* v. *Nicaragua* case (see paras. 117-129 above) with those of the *Nicaragua* v. *Costa Rica* case.

153. On 11 October 2013, Nicaragua filed in the Registry of the Court a request for the indication of provisional measures in the case.

154. After holding public hearings on that request from 5 to 8 November 2013, the Court delivered its order on 13 December 2013. It found, unanimously, "that the circumstances, as they now present themselves to [it], are not such as to require the exercise of its power … to indicate provisional measures".

155. By an order of 3 February 2014, the Court authorized the submission of a reply by Nicaragua and a rejoinder by Costa Rica and fixed 4 August 2014 and 2 February 2015 as the respective time limits for the filing of those pleadings.

10. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*

156. On 24 April 2013, the Plurinational State of Bolivia filed an application instituting proceedings against Chile concerning a dispute in relation to "Chile's obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean".

157. Bolivia's application contains a summary of the facts — starting from the independence of that country in 1825 and continuing until the present day — which, according to Bolivia, constitute "the main relevant facts on which [its] claim is based".

158. In its application, Bolivia stated that the subject of the dispute lies in: "*(a)* the existence of th[e above-mentioned] obligation, *(b)* the non-compliance with that obligation by Chile, and *(c)* Chile's duty to comply with the said obligation".

159. Bolivia asserted, inter alia, that "beyond its general obligations under international law, Chile has committed itself, more specifically through agreements, diplomatic practice and a series of declarations attributable to its highest-level representatives, to negotiate a sovereign access to the sea for Bolivia". According to Bolivia, "Chile has not complied with this obligation and … denies the existence of its obligation".

160. Bolivia accordingly requested the Court "to adjudge and declare that:

(a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;

(b) Chile has breached the said obligation;

(c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean".

161. As basis for the jurisdiction of the Court, the applicant invokes article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948, to which both States are parties.

162. At the end of its application, Bolivia "reserves the right to request that an arbitral tribunal be established in accordance with the obligation under Article XII of the Treaty of Peace and Friendship concluded with Chile on 20 October 1904 and the Protocol of 16 April 1907, in the case of any claims arising out of the said Treaty".

163. By an order dated 18 June 2013, the Court fixed 17 April 2014 and 18 February 2015 as the respective time limits for the filing of the memorial of Bolivia and the counter-memorial of Chile. The memorial was filed within the time limit thus fixed.

164. On 15 July 2014, Chile, referring to article 79, paragraph 1, of the Rules of the Court, filed a preliminary objection to the jurisdiction of the Court in the case. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended.

165. By an order of 15 July, the President of the Court fixed 14 November 2014 as the time limit for the filing by Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile.

11. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*

166. On 16 September 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia".

167. In its application, Nicaragua requested the Court to "adjudge and declare … [t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012" in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*. The applicant further requested the Court to state "[t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast".

168. Nicaragua recalled that "[t]he single maritime boundary between the continental shelf and the exclusive economic zones of Nicaragua and of Colombia within the 200-nautical-mile limit from the baselines from which the breadth of the

territorial sea of Nicaragua is measured was defined by the Court in paragraph 251 of its Judgment of 19 November 2012".

169. Nicaragua further recalled that "[i]n that case it had sought a declaration from the Court describing the course of the boundary of its continental shelf throughout the area of the overlap between its continental shelf entitlement and that of Colombia", but that "the Court considered that Nicaragua had not then established that it has a continental margin that extends beyond 200 nautical miles from the baselines from which its territorial sea is measured, and that [the Court] was therefore not then in a position to delimit the continental shelf as requested by Nicaragua".

170. Nicaragua contends that the "final information" submitted by it to the Commission on the Limits of the Continental Shelf on 24 June 2013 "demonstrates that Nicaragua's continental margin extends more than 200 nautical miles from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and both (i) traverses an area that lies more than 200 nautical miles from Colombia and also (ii) partly overlaps with an area that lies within 200 nautical miles of Colombia's coast".

171. The applicant also observed that the two States "have not agreed upon a maritime boundary between them in the area beyond 200 nautical miles from the coast of Nicaragua. Further, Colombia has objected to continental shelf claims in that area".

172. Nicaragua bases the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá"), to which "both Nicaragua and Colombia are Parties". Nicaragua stated that it has been "constrained into taking action upon this matter rather sooner than later in the form of the present application" because "on 27 November 2012, Colombia gave notice that it denounced as of that date the Pact of Bogotá; and in accordance with article LVI of the Pact, that denunciation will take effect after one year, so that the Pact remains in force for Colombia until 27 November 2013".

173. In addition, Nicaragua contends that "the subject-matter of the present Application remains within the jurisdiction of the Court established in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, of which the Court was seised by the Application dated 6 December 2001, submitted by Nicaragua, in as much as the Court did not in its Judgment dated 19 November 2012 definitively determine the question of the delimitation of the continental shelf between Nicaragua and Colombia in the area beyond 200 nautical miles from the Nicaraguan coast, which question was and remains before the Court in that case".

174. By an order of 9 December 2013, the Court fixed 9 December 2014 and 9 December 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia.

12. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*

175. On 26 November 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute*

(Nicaragua v. *Colombia)*] and the threat of the use of force by Colombia in order to implement these violations".

176. In its application, Nicaragua

> "requests the Court to adjudge and declare that Colombia is in breach of: its obligation not to use or threaten to use force under Article 2 (4) of the … Charter [of the United Nations] and international customary law; its obligation not to violate Nicaragua's maritime zones as delimited in paragraph 251 of the ICJ Judgment of 19 November 2012 as well as Nicaragua's sovereign rights and jurisdiction in these zones; its obligation not to violate Nicaragua's rights under customary international law as reflected in Parts V and VI of UNCLOS [the 1982 United Nations Convention on the Law of the Sea]; and that, consequently, Colombia is bound to comply with the Judgment of 19 November 2012, wipe out the legal and material consequences of its internationally wrongful acts, and make full reparation for the harm caused by those acts".

177. In support of its claim, the applicant cited various declarations reportedly made between 19 November 2012 and 18 September 2013 by the President, the Vice-President and the Minister for Foreign Affairs of Colombia, as well as by the Commander of the Colombian Navy. Nicaragua claims that these declarations represent a "rejection" by Colombia of the judgment of the Court, and a decision on Colombia's part to consider the judgment "not applicable".

178. Nicaragua stated that "these declarations by the highest Colombian Authorities culminated with the enactment [by the President of Colombia] of a Decree that openly violated Nicaragua's sovereign rights over its maritime areas in the Caribbean". Specifically, the applicant quotes article 5 of Presidential Decree 1946, establishing an "Integral Contiguous Zone", which, according to the President of Colombia, "covers maritime spaces that extend from the south, where the Albuquerque and East Southeast keys are situated, and to the north, where Serranilla Key is located … [and] includes the San Andrés, Providencia and Santa Catalina, Quitasueño, Serrana and Roncador islands, and the other formations in the area".

179. Nicaragua further stated that the President of Colombia has declared that "[i]n this Integral Contiguous Zone [Colombia] will exercise jurisdiction and control over all areas related to security and the struggle against delinquency, and over fiscal, customs, environmental, immigration and health matters and other areas as well".

180. Nicaragua concluded with the following statement:

> "Prior and especially subsequent to the enactment of Decree 1946, the threatening declarations by Colombian Authorities and the hostile treatment given by Colombian naval forces to Nicaraguan vessels have seriously affected the possibilities of Nicaragua for exploiting the living and non-living resources in its Caribbean exclusive economic zone and continental shelf."

According to the applicant, the President of Nicaragua indicated his country's willingness "to discuss issues relating to the implementation of the Court's Judgment" and its determination "to manage the situation peacefully", but the President of Colombia "rejected the dialogue".

181. Nicaragua bases the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948, to which "both

Nicaragua and Colombia are Parties". Nicaragua points out that "on 27 November 2012, Colombia gave notice that it denounced as of that date the Pact of Bogotá; and in accordance with Article LVI of the Pact, that denunciation will take effect after one year, so that the Pact remains in force for Colombia until 27 November 2013".

182. Additionally, Nicaragua argues, "moreover and alternatively, [that] the jurisdiction of the Court lies in its inherent power to pronounce on the actions required by its Judgments".

183. By an order of 3 February 2014, the Court fixed 3 October 2014 and 3 June 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia.

13. *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*

184. On 17 December 2013, Timor-Leste filed an application instituting proceedings against Australia concerning the seizure and subsequent detention by "agents of Australia of documents, data and other property which belongs to Timor-Leste and/or which Timor-Leste has the right to protect under international law".

185. In particular, Timor-Leste contends that, on 3 December 2013, officers of the Australian Security Intelligence Organization, allegedly acting under a warrant issued by the Attorney-General of Australia, attended the business premises of a legal adviser to Timor-Leste in Canberra and seized, inter alia, documents and data containing correspondence between the Government of Timor-Leste and its legal advisers, notably documents relating to a pending arbitration under the 2002 Timor Sea Treaty between Timor-Leste and Australia.

186. Timor-Leste accordingly requested the Court to adjudge and declare:

> "First, [t]hat the seizure by Australia of the documents and data violated (i) the sovereignty of Timor-Leste and (ii) its property and other rights under international law and any relevant domestic law;
>
> Second, [t]hat continuing detention by Australia of the documents and data violates (i) the sovereignty of Timor-Leste and (ii) its property and other rights under international law and any relevant domestic law;
>
> Third, [t]hat Australia must immediately return to the nominated representative of Timor-Leste any and all of the aforesaid documents and data, and destroy beyond recovery every copy of such documents and data that is in Australia's possession or control, and ensure the destruction of every copy that Australia has directly or indirectly passed to a third person or third State;
>
> Fourth, [t]hat Australia should afford satisfaction to Timor-Leste in respect of the above-mentioned violations of its rights under international law and any relevant domestic law, in the form of a formal apology as well as the costs incurred by Timor-Leste in preparing and presenting the present Application."

187. As basis for the jurisdiction of the Court, the applicant invokes the declarations made by Timor-Leste and Australia pursuant to Article 36, paragraph 2, of the Statute of the Court.

188. On 17 December 2013, Timor-Leste also filed a request for the indication of provisional measures. It stated that the purpose of the request was to protect its rights and to prevent the use of seized documents and data by Australia against the interests and rights of Timor-Leste in the pending arbitration and with regard to other matters relating to the Timor Sea and its resources.

189. Timor-Leste accordingly requested that the Court indicate the following provisional measures:

> "*(a)* [t]hat all of the documents and data seized by Australia from 5 Brockman Street, Narrabundah, in the Australian Capital Territory on 3 December 2013 be immediately sealed and delivered into the custody of the International Court of Justice;
>
> (*b)* [t]hat Australia immediately deliver to Timor-Leste and to the International Court of Justice (i) a list of any and all documents and data that it has disclosed or transmitted, or the information contained in which it has disclosed or transmitted to any person, whether or not such person is employed by or holds office in any organ of the Australian State or of any third State, and (ii) a list of the identities or descriptions of and current positions held by such persons;
>
> *(c)* [t]hat Australia deliver within five days to Timor-Leste and to the International Court of Justice a list of any and all copies that it has made of any of the seized documents and data;
>
> *(d)* [t]hat Australia (i) destroy beyond recovery any and all copies of the documents and data seized by Australia on 3 December 2013, and use every effort to secure the destruction beyond recovery of all copies that it has transmitted to any third party, and (ii) inform Timor-Leste and the International Court of Justice of all steps taken in pursuance of that order for destruction, whether or not successful;
>
> *(e)* [t]hat Australia give an assurance that it will not intercept or cause or request the interception of communications between Timor-Leste and its legal advisers, whether within or outside Australia or Timor-Leste."

190. Timor-Leste further requested that, pending the decision of the Court on its request for the indication of provisional measures, the President of the Court exercise his power under article 74, paragraph 4, of the Rules of Court to call upon Australia to act in such a way as will enable any order the Court may make on the said request to have its appropriate effects.

191. On 18 December 2013, acting in accordance with the above-mentioned provision, the President of the Court addressed the following communication to the Prime Minister of Australia:

> "I have the honour to refer to the Application filed on 17 December 2013 by the Democratic Republic of Timor-Leste instituting proceedings against the Commonwealth of Australia and to the Request for the indication of provisional measures filed by the Applicant on the same date.
>
> The convening of the Court for purposes of proceeding to a decision on a Request for the indication of provisional measures should be dealt with as a matter of urgency (Article 74, paragraph 2, of the Rules of Court). At the same

time, the date[s] for the hearings should be fixed so as to afford Parties an opportunity of being represented at [them] (Article 74, paragraph 3, of the Rules of Court).

In the light of these considerations the hearings on the Request made by the Democratic Republic of Timor-Leste for the indication of provisional measures have now been fixed for 20-22 January 2014.

The Court will at this juncture have to decide whether the conditions for the indication of provisional measures are met.

As President of the International Court of Justice, acting in conformity with Article 74, paragraph 4, of the Rules of Court, I hereby draw the attention of Your Government to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects, in particular to refrain from any act which might cause prejudice to the rights claimed by the Democratic Republic of Timor-Leste in the present proceedings."

192. Public hearings on Timor-Leste's request for the indication of provisional measures were held from 20 to 22 January 2014.

193. At the end of the second round of oral observations, Timor-Leste confirmed the provisional measures it had requested the Court to indicate; the agent of Australia, for his part, presented the following submissions on behalf of his Government:

"1. Australia requests the Court to refuse the Request for the indication of provisional measures submitted by the Democratic Republic of Timor-Leste.

2. Australia further requests the Court stay the proceedings until the Arbitral Tribunal has rendered its judgment in the *Arbitration under the Timor Sea Treaty*."

194. On 3 March 2014, the Court made its order on the request for the indication of provisional measures submitted by Timor-Leste, the operative clause of which reads as follows:

"For these reasons,

THE COURT,

Indicates the following provisional measures:

(1) By twelve votes to four,

Australia shall ensure that the content of the seized material is not in any way or at any time used by any person or persons to the disadvantage of Timor-Leste until the present case has been concluded;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Xue, Gaja, Bhandari; *Judge* ad hoc Cot;

AGAINST: *Judges* Keith, Greenwood, Donoghue; *Judge* ad hoc Callinan;

(2) By twelve votes to four,

Australia shall keep under seal the seized documents and electronic data and any copies thereof until further decision of the Court;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Xue, Gaja, Bhandari; *Judge* ad hoc Cot;

AGAINST: *Judges* Keith, Greenwood, Donoghue; *Judge* ad hoc Callinan;

(3) By fifteen votes to one,

Australia shall not interfere in any way in communications between Timor-Leste and its legal advisers in connection with the pending *Arbitration under the Timor Sea Treaty of 20 May 2002* between Timor-Leste and Australia, with any future bilateral negotiations concerning maritime delimitation, or with any other related procedure between the two States, including the present case before the Court.

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda-Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Cançado Trindade, Yusuf, Greenwood, Xue, Donoghue, Gaja, Bhandari; *Judge* ad hoc Cot;

AGAINST: *Judge* ad hoc Callinan."

Judge Keith appended a dissenting opinion to the order of the Court; Judge Cançado Trindade appended a separate opinion to the order of the Court; Judge Greenwood appended a dissenting opinion to the order of the Court; Judge Donoghue appended a separate opinion to the order of the Court; and Judge ad hoc Callinan appended a dissenting opinion to the Order of the Court.

195. By an order of 28 January 2014, the Court fixed 28 April 2014 and 28 July 2014 as the respective time limits for the filing of a memorial by Timor-Leste and a counter-memorial by Australia. Those pleadings were filed within the time limits thus fixed.

196. On 17 June 2014, the Registrar transmitted to the parties the schedule for the public hearings adopted by the Court. These hearings were due to take place from 17 to 24 September 2014. By a joint letter dated 1 September 2014 from the agent of the Democratic Republic of Timor-Leste and the agent of Australia, the parties requested the Court "to adjourn the hearing set to commence on 17 September 2014, in order to enable [them] to seek an amicable settlement". On 3 September 2014, the Court decided "to grant the parties' request to postpone the oral proceedings … to a period to be determined in due course".

14. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*

197. On 25 February 2014, Costa Rica filed an application instituting proceedings against Nicaragua with regard to a "[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean".

198. In its application, Costa Rica requested the Court "to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific

Ocean, on the basis of international law". It "further requests the Court to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean".

199. Costa Rica explained that "[t]he coasts of the two States generate overlapping entitlements to maritime areas in both the Caribbean Sea and the Pacific Ocean" and that "[t]here has been no maritime delimitation between the two States [in either body of water]".

200. The applicant stated that "[d]iplomatic negotiations have failed to establish by agreement the maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea", referring to various failed attempts to settle this issue by means of negotiations between 2002 and 2005, and in 2013. It further maintains that the two States "have exhausted diplomatic means to resolve their maritime boundary disputes".

201. According to the applicant, during negotiations, Costa Rica and Nicaragua "presented different proposals for a single maritime boundary in the Pacific Ocean to divide their respective territorial seas, exclusive economic zones and continental shelves" and "[t]he divergence between the … proposals demonstrated that there is an overlap of claims in the Pacific Ocean".

202. With respect to the Caribbean Sea, Costa Rica maintains that in negotiations both States "focused on the location of the initial land boundary marker on the Caribbean side, but … were unable to reach agreement on the starting point of the maritime boundary".

203. In the view of the applicant:

> "[the existence of a dispute] between the two States as to the maritime boundary in the Caribbean Sea has been affirmed …, in particular by the views and positions expressed by both States during Costa Rica's request to intervene in *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*; in exchanges of correspondence following Nicaragua's submissions to the Commission on the Limits of the Continental Shelf; by Nicaragua's publication of oil exploration and exploitation material; and by Nicaragua's issuance of a decree declaring straight baselines in 2013".

204. According to Costa Rica, in that decree, "Nicaragua claims as internal waters areas of Costa Rica's territorial sea and exclusive economic zone in the Caribbean Sea". The applicant added that it "promptly protested this violation of its sovereignty, sovereign rights and jurisdiction in a letter to the United Nations Secretary-General dated 23 October 2013".

205. Costa Rica claims that, in March 2013, it once again invited Nicaragua to resolve these disputes through negotiations, but that Nicaragua, while formally accepting this invitation, "took no further action to restart the negotiation process it had unilaterally abandoned in 2005".

206. As basis for the jurisdiction of the Court, Costa Rica invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973 under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is

deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction.

207. In addition, Costa Rica submits that the Court has jurisdiction in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of Article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá"), signed on 30 April 1948.

208. By an order dated 1 April 2014, the Court fixed 3 February 2015 and 8 December 2015 as the respective time limits for the filing of a memorial by Costa Rica and a counter-memorial by Nicaragua.

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

209. On 24 April 2014, the Marshall Islands filed an application instituting proceedings against India, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

210. Although India has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Marshall Islands, which for its part acceded to that Treaty as a party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The applicant contended that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [India] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

211. The applicant further requested the Court to order the respondent to take all steps necessary to comply with the said obligations within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

212. In support of its application against India, the applicant invoked, as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, referring to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by India on 18 September 1974.

213. By an order of 16 June 2014, the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and fixed 16 December 2014 and 16 June 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of India.

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

214. On 24 April 2014, the Marshall Islands filed an application instituting proceedings against Pakistan, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

215. Although Pakistan has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Marshall Islands, which for its part acceded to that Treaty as a party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The Applicant contends that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [Pakistan] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

216. The applicant further requested the Court to order the respondent to take all steps necessary to comply with the said obligations within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

217. In support of its application against Pakistan, the applicant invoked, as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, referring to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by Pakistan on 13 September 1960.

218. By an order of 10 July 2014, the President of the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and the admissibility of the application, and fixed 12 January 2015 and 17 July 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of Pakistan.

17. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*

219. On 24 April 2014, the Marshall Islands filed an application instituting proceedings against the United Kingdom of Great Britain and Northern Ireland, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

220. The Marshall Islands invokes breaches by the United Kingdom of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which provides that "[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." The Marshall Islands contends that, "by not actively pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and instead engaging in conduct that directly conflicts with those legally binding commitments, the Respondent has breached and continues to breach its legal duty to perform its obligations under the NPT and customary international law in good faith".

221. In addition, the applicant requested the Court to order the United Kingdom to take all steps necessary to comply with its obligations under article VI of the NPT and under customary international law within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the

conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

222. In support of its application against the United Kingdom, the applicant invoked, as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, referring to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by the United Kingdom on 5 July 2004.

223. By an order of 16 June 2014, the Court fixed 16 March 2015 and 16 December 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of the United Kingdom.

Chapter VI
Visits and other activities

224. During the period under review, the Court welcomed a large number of dignitaries to its seat, notably Heads of State, representatives of Governments, diplomats, parliamentary representatives and presidents and members of judicial bodies.

Visits of the Secretary-General of the United Nations and heads of State

225. On 28 August 2013, the Court received the Secretary-General of the United Nations, Ban Ki-moon, for a working breakfast with the presidents of the international courts and tribunals which have their seat in The Hague. President Tomka, Vice-President Sepúlveda-Amor, Judges Abraham, Bennouna and Yusuf, the Registrar of the Court, Mr. Couvreur, and the presidents of the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, the Special Tribunal for Lebanon and the Special Court for Sierra Leone were in attendance.

226. On 30 September 2013, the Court was visited by Mr. Shimon Peres, President of Israel, accompanied by a sizeable delegation. He was welcomed by President Tomka and by the Registrar, Mr. Couvreur. Mr. Peres and his delegation then held discussions with the President, other members of the Court and the Registrar in the Chamber in which the Court meets prior to hearings. Conversation focused in particular on the importance of peace, justice and international law in international relations. Following this exchange of views, President Peres signed the Court's Visitors' Book.

Visits of ministers and other dignitaries

227. On 13 February 2014, the Court was visited by Mr. Nassirou Bako-Arifari, Benin's Minister for Foreign Affairs, African Integration, Francophonie and Beninese Abroad. President Tomka and the Registrar, Mr. Couvreur, had an exchange of views on the role of the Court and on international justice with the Minister.

228. On 24 March 2014, the Court received Mr. Michel Temer, Vice-President of Brazil. He was welcomed by the Registrar, Mr. Couvreur, who gave him a tour of the Peace Palace, seat of the Court. President Tomka and the Registrar then held discussions with Vice-President Temer on the importance of international justice, the role of the Court and the support given by States to the Court.

229. On 5 and 6 May 2014, the President of the Court, Mr. Tomka, visited Poland at the invitation of the Minister for Foreign Affairs, Mr. Radoslaw Sikorski. During his visit, he was received by the President of Poland, Mr. Bronislaw Komorowski. The President of the Court also delivered two speeches: one at the Ministry of Foreign Affairs, the other at the Constitutional Tribunal.

230. On 9 May 2014, Mr. Miguel de Serpa Soares, Under-Secretary-General and Legal Counsel of the United Nations, paid a visit to the seat of the Court. He was welcomed on his arrival by the Registrar, Mr. Couvreur, who gave him a brief tour of the ceremonial rooms of the Peace Palace and introduced him to the members of the Registry's Department of Legal Matters. Mr. de Serpa Soares then held a private

meeting with the President of the Court and the Registrar, before meeting members of the Court. A working lunch followed, attended by members of the Court, the Registrar and senior Registry officials. An exchange of views took place focusing on the cooperation between the Court and the Office of Legal Affairs of the Secretariat, the role of international law in the modern world, the jurisprudence of the Court and other topics of mutual interest.

231. On 13 May 2014, the Court received Mr. Ramtane Lamamra, Minister for Foreign Affairs of Algeria, who held discussions with President Tomka and the Registrar, Mr. Couvreur, on the role of the Court in the international legal system and on relations between the Court and Algeria. Mr. Lamamra expressed his country's support for the principal judicial organ of the United Nations.

Other activities

232. In celebration of the centenary of the Peace Palace, the Court hosted a conference on Monday, 23 September 2013, at which the following themes were discussed: A Century of International Justice and Prospects for the Future; The International Court of Justice and the International Legal System; The Role of the International Court of Justice for Enhancing the Rule of Law; and The International Court of Justice and the United Nations: Relationship of the International Court of Justice with other organs of the United Nations. Speakers at the conference included the President and members of the Court; Judge Dean Spielmann, President of the European Court of Human Rights; Mr. Andreas Zimmerman, Director of the Potsdam Centre of Human Rights and Professor of International Law; and young jurists selected on the basis of a call for papers. Many of those attending took part in the discussions following the presentations.

233. On 4 April 2014, the Court unveiled a bust of Manfred Lachs (1914-1993), former Member (1967-1993) and former President (1973-1976) of the Court. The bust was presented by Poland to mark the centenary of Mr. Lachs' birth. The unveiling of the bust was followed by a seminar on his life and work, which concluded with the screening of excerpts from a documentary on the same subject. The event, which was attended by ambassadors, professors of international law and people who had known the eminent Polish jurist, was organized jointly by the Court and the Embassy of Poland in the Netherlands.

234. On 10 April 2014, in Washington, D.C., on the occasion of the fifty-fourth lecture of the Americas, the President of the Court, at the invitation of the Secretary-General of the Organization of American States, Mr. José Miguel Insulza, spoke on the following topic: "The Role of the International Court of Justice in World Affairs: Successes and Challenges".

235. On 29 April 2014, Mr. Hoshyar Zebari, Minister for Foreign Affairs of Iraq, unveiled a replica of a stele bearing the Code of Hammurabi at the Peace Palace. During the ceremony, speeches were made by both Mr. Zebari and Judge Tomka, President of the Court. The Iraqi Minister said that the gift was a symbol of the respect felt by the people of Iraq for "the International Court of Justice and all that it represents". In reply, the President of the Court emphasized that the Minister's presence was "a testament to Iraq's commitment to the promotion of international justice and the peaceful settlement of disputes".

236. On 24 June 2014, the Court organized a seminar for judges of the East African Court of Justice and the Court of Appeal of the United Republic of Tanzania, who were in the Netherlands on a study visit. After brief opening addresses by President Tomka and the Registrar, Mr. Couvreur, presentations on the role and functioning of the principal judicial organ of the United Nations were made by Judges Yusuf and Sebutinde, followed by a question-and-answer session and a discussion. The Registrar of the Court then gave the visiting judges a tour of the Peace Palace.

237. In addition, the President and members of the Court, as well as the Registrar and Registry officials, welcomed a large number of academics, researchers, lawyers and journalists. Presentations on the role and functioning of the Court were made during several of these visits. Numerous speeches were also delivered by the President, the members of the Court and the Registrar while visiting various countries at the invitation of legal, academic and other institutions.

238. On Sunday 29 September 2013, the Court welcomed several hundred visitors as part of "The Hague International Day". This was the sixth time that the Court had taken part in this event, organized in conjunction with the Municipality of The Hague, which is aimed at introducing the general public to the international organizations based in the city and the surrounding area. The Information Department screened (in English and in French) a film about the Court produced by the Registry, gave presentations and answered visitors' questions (in English, Dutch and French). It also distributed various information brochures.

Chapter VII
Publications and presentation of the Court to the public

A. Publications

239. The publications of the Court are distributed to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. The catalogue of those publications, which is produced in English and French, is distributed free of charge. A revised and updated version of the catalogue (containing the 13-digit ISBN references) is under preparation and will be published in the second half of 2014. It will be available on the Court's website (www.icj-cij.org) under the heading "Publications".

240. The publications of the Court consist of several series. The following two series are published annually: (a) *Reports of Judgments, Advisory Opinions and Orders* (published in separate fascicles and as a bound volume) and (b) *Yearbooks*.

241. As at the date of the present report, the two bound volumes of *Reports 2012* and the bound volume of *Reports 2013* had been published. The bound volume of *Reports 2014* will appear during the first half of 2015. The Court's *Yearbook 2010-2011* and *Yearbook 2011-2012* were published during the period under review, while the *Yearbook 2012-2013* will be available, for the first time in a bilingual version (English and French), in the second half of 2014.

242. The Court also publishes bilingual printed versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of applications for permission to intervene, declarations of intervention and requests for advisory opinions that it receives. In the period covered by the present report, seven contentious cases were submitted to the Court (see para. 4 above); three of the seven applications instituting proceedings have been published and the other four are currently being translated and printed.

243. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings in the series *Pleadings, Oral Arguments, Documents*. The volumes of this series, which now contain the full texts of the written pleadings, including annexes and the verbatim reports of the public hearings, give practitioners a complete view of the arguments elaborated by the parties.

244. Twelve volumes were published in this series in the period covered by this report.

245. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice. The most recent edition, No. 6, which includes the Practice Directions adopted by the Court, came out in 2007. An offprint of the Rules of Court, as amended on 5 December 2000, is available in English and French. These documents can also be found online on the Court's website, under the heading "Basic Documents". Unofficial translations of the Rules of Court are also available in the other official languages of the United Nations and in German, and may be found on the Court's website.

246. The Court issues press releases and summaries of its decisions.

247. A special, lavishly illustrated book entitled *The Permanent Court of International Justice* was also published in 2012. This trilingual publication, in English, French and Spanish, was produced by the Registry of the Court to mark the ninetieth anniversary of the inauguration of its predecessor. It joins *The Illustrated Book of the International Court of Justice*, published in 2006, an updated version of which is due to be released to mark the seventieth anniversary of the Court, which will be celebrated in 2016.

248. The Court also publishes a handbook intended to facilitate a better understanding of the history, organization, jurisdiction, procedures and jurisprudence of the Court. The sixth, fully updated, edition of this handbook was published in 2014, in the Court's two official languages, and will subsequently be translated into the other official languages of the United Nations and into German.

249. In addition, the Court produces a general information booklet in the form of questions and answers. This booklet is published in all the official languages of the United Nations and in Dutch.

250. Finally, the Registry collaborates with the Secretariat by providing it with summaries of the Court's decisions (see para. 241 above), which it produces in English and French, for translation and publication in all the other official languages of the United Nations. The publication of the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice* in each of these languages by the Secretariat fulfils a vital educational function throughout the world and offers the general public much greater access to the essential content of the Court's decisions, which are otherwise available only in English and French.

B. Film about the Court

251. During the period under review, the Registry updated its 18-minute film about the Court, which is available in various language versions. In addition to the 10 versions previously available (Arabic, Chinese, Dutch, English, French, German, Italian, Korean, Spanish and Vietnamese), a further version (in Norwegian) was produced at the end of 2013, and preparations are under way for other versions. The film is available in all 11 languages online (in the "Multimedia" section of the Court's website and on the United Nations Web TV site), and copies of the DVD are regularly presented to distinguished visitors to the Court. The DVD was distributed to the States Members of the United Nations in October 2013, on the occasion of the presentation of the Court's annual report to the General Assembly. The film has also been made available to the Department of Public Information of the Secretariat and its Audiovisual Library of International Law, and to the United Nations Institute for Training and Research.

C. Online resources and services

252. Since the end of 2009, the Court has been providing full live (web streaming) and recorded (video-on-demand) coverage of the majority of its public sittings on its website. In 2011-2012, this recorded coverage was also posted on the United Nations webcast site. Since the beginning of 2013, the Court's recordings have been

available to watch live and as on-demand webcasts (in consumer/low-resolution format) on United Nations Web TV, the United Nations online television channel. In addition, in September 2013, the Court, with help from United Nations Television and Video of the Department of Public Information and the private company Streamworks, implemented a means of providing live online coverage in professional format (high resolution, full high definition (1080p)), for use by television stations and media agencies around the world wishing to cover the public sittings of the principal judicial organ of the United Nations.

253. In addition, the Court's website gives easy access to the principal documents from the written and oral proceedings in all cases, past and present, as well as a number of reference documents (including the Charter of the United Nations, the Statute of the Court, the Rules of Court and Practice Directions).

254. The website also contains the biographies of the judges and the Registrar, all of the Court's press releases since its establishment and general information (on the Court's history and procedure, the organization and functioning of the Registry), a calendar of hearings, an "Employment" section, the catalogue of publications and various online forms (for those wishing to attend hearings or presentations on the activities of the Court, receive its press releases, apply for an internship or put specific questions to the Registry).

255. The "Press Room" page provides online access to all the necessary information for reporters wishing to cover the Court's activities, including (since the end of 2009) audio (MP3) and video (Flash, MPEG2, MPEG4) excerpts from public hearings (including readings of the Court's decisions) and photographs (JPEG) available to download. Thanks to the cooperation of the Department of Public Information, the Court's photographs have also been available on the UN Photo website since 2011.

256. While the main website of the Court is available in its two official languages, English and French, many documents (basic texts, summaries of cases since 1946 and the Court's film) can also be found in Arabic, Chinese, Spanish and Russian on the dedicated pages accessible through the home page of the main site.

D. Museum

257. In 1999, the Secretary-General of the United Nations inaugurated the Museum of the International Court of Justice in the south wing of the Peace Palace. A project aimed at reorganizing and modernizing the museum and facilitating public access to the historical pieces displayed there is currently under review.

Chapter VIII
Finances of the Court

A. Method of covering expenditure

258. In accordance with Article 33 of the Statute of the Court, "[t]he expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly". As the budget of the Court has been incorporated in the budget of the United Nations, Member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments decided by the General Assembly.

259. Following the established practice, sums derived from staff assessment, sales of publications, bank interest and other credits are recorded as United Nations income.

B. Drafting of the budget

260. In accordance with articles 24 to 28 of the revised Instructions for the Registry, a preliminary draft budget is prepared by the Registrar. This preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court, and then to the full Court for approval.

261. Once approved, the draft budget is forwarded to the Secretariat for incorporation in the draft budget of the United Nations. It is then examined by the Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of decisions concerning the budget of the United Nations.

C. Budget implementation

262. The Registrar is responsible for implementing the budget, with the assistance of the Finance Division. The Registrar has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget. He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, the Registrar regularly communicates a statement of accounts to the Court's Budgetary and Administrative Committee.

263. The accounts of the Court are audited every year by the Board of Auditors appointed by the General Assembly. At the end of each month, the closed accounts are forwarded to the Secretariat of the United Nations.

D. Budget of the Court for the biennium 2014-2015

264. Regarding the budget for the biennium 2014-2015, the Court was pleased to note that its requests for new posts and other spending proposals were largely granted (see also chap. I above).

Budget of the Court for the biennium 2014-2015

(United States dollars)

Programme		
Members of the Court		
0393902	Emoluments	7 686 200
0311025	Allowances for various expenses	1 324 600
0311023	Pensions	4 344 500
0393909	Duty allowance: judges ad hoc	1 263 100
2042302	Travel on official business	51 200
Subtotal		**14 669 600**
Registry		
0110000	Permanent posts	18 874 200
0170000	Temporary posts for the biennium	239 800
0200000	Common staff costs	7 566 500
1540000	After-service medical and associated costs	547 700
0211014	Representation allowance	7 200
1210000	Temporary assistance for meetings	1 719 300
1310000	General temporary assistance	295 800
1410000	Consultants	211 200
1510000	Overtime	107 100
2042302	Official travel	47 700
0454501	Hospitality	21 300
Subtotal		**29 637 800**
Programme support		
3030000	External translation	456 900
3050000	Printing	616 900
3070000	Data-processing services	1 047 400
4010000	Rental/maintenance of premises	3 485 800
4030000	Rental of furniture and equipment	379 300
4040000	Communications	214 400
4060000	Maintenance of furniture and equipment	138 300
4090000	Miscellaneous services	44 900
5000000	Supplies and materials	522 300
5030000	Library books and supplies	249 800
6000000	Furniture and equipment	318 800

Programme		
6025041	Acquisition of office automation equipment	165 600
6025042	Replacement of office automation equipment	286 500
6040000	Vehicles	110 500
Subtotal		**8 037 400**
Total		**52 344 800**

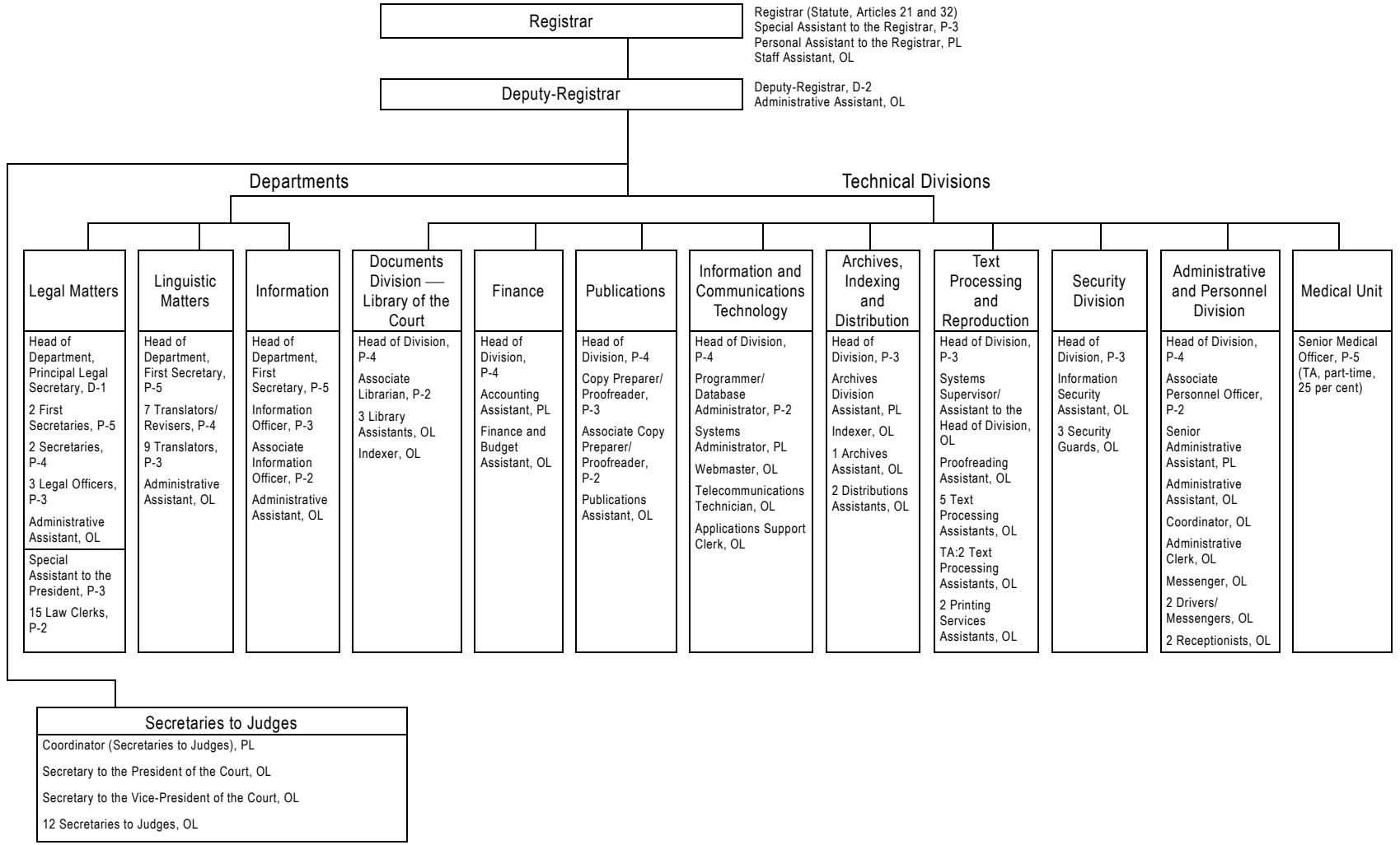
265. More comprehensive information on the work of the Court during the period under review is available on its website. It will also be found in the *Yearbook 2013-2014*, to be published in due course.

(*Signed*) Peter **Tomka**
President of the International Court of Justice

The Hague, 1 August 2014

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2014



Abbreviations: PL: Principal level; OL: Other level; TA: temporary assistance.