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1 August 2022–31 July 2023

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Note

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

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Chapter I

Summary

1. Overview of the judicial work of the Court

1. During the period under review, the International Court of Justice experienced an extremely high level of activity, including the handing down of four judgments.

- *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Judgment on the merits delivered on 1 December 2022 (see paras. 79–86);
- *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, Judgment on the merits delivered on 30 March 2023 (see paras. 87–95);
- *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Judgment on the preliminary objection delivered on 6 April 2023 (see paras. 104–113);
- *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, Judgment on the merits delivered on 13 July 2023 (see paras. 70–78).

2. In addition, the Court, or its President, rendered 20 orders (presented below in chronological order):

- (a) By an order dated 4 October 2022, the Court decided that the parties should present their arguments exclusively with regard to two questions of law at the then forthcoming oral proceedings in the case concerning *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. 70–78);
- (b) By an order dated 7 October 2022, the Court fixed the time limit within which Ukraine could present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)* (see paras. 167–179);
- (c) By an order dated 12 October 2022, further to the request by Armenia to modify the order of 7 December 2021 indicating provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, the Court found that “the circumstances [were] not such as to require the exercise of its power to modify the measures indicated in the order of 7 December 2021” (see paras. 143–156);
- (d) By an order dated 20 October 2022, the Court extended the time limits for the submission of a reply by the Islamic Republic of Iran and a rejoinder by the United States of America in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* (see paras. 114–123);
- (e) By an order dated 21 October 2022, the President of the Court placed on record the withdrawal by Equatorial Guinea of its request for the indication of provisional measures in the case concerning *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)* (see paras. 187–192);
- (f) By an order dated 15 December 2022, the Court fixed the time limits for the filing of the memorial of Equatorial Guinea and the counter-memorial

of France in the case concerning *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)* (see paras. 187–192);

- (g) By an order of the same date, the Court extended the time limit for the filing of the rejoinder of the Russian Federation in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* (see paras. 96–103);
- (h) By an order dated 2 February 2023, the Court fixed the time limits for the filing of the memorial of Belize and the counter-memorial of Honduras in the case concerning *Sovereignty over the Sapodilla Cayes (Belize v. Honduras)* (see paras. 193–196);
- (i) By an order dated 3 February 2023, the Court decided, pursuant to Article 66, paragraph 1, of its Statute, that the United Nations and its Member States, as well as the observer State of Palestine, were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion in respect of the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, and authorized them to submit written statements and comments within the time limits fixed in that order (see paras. 207–210);
- (j) By an order of the same date, the Court extended the time limit for the filing of the rejoinder of the Russian Federation in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* (see paras. 96–103);
- (k) By an order dated 22 February 2023, the Court indicated a provisional measure in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (see paras. 143–156);
- (l) By an order of the same date, the Court rejected the request by Azerbaijan for the indication of provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (see paras. 157–166);
- (m) By an order dated 6 April 2023, the Court fixed the time limit for the filing of the counter-memorial of the Bolivarian Republic of Venezuela in the case concerning *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 104–113);
- (n) By an order of the same date, the Court extended the time limit for the filing of the counter-memorial of Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)* (see paras. 131–137);
- (o) By an order dated 20 April 2023, the President of the Court decided, pursuant to Article 66, paragraph 1, of the Statute of the Court, that the United Nations and its Member States were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion regarding the *Obligations of States in respect of Climate Change*, and authorized them to submit written statements and comments within the time limits fixed in that order (see paras. 211–214);

- (p) By an order dated 25 April 2023, the President of the Court fixed the time-limit within which Armenia might present a written statement of its observations and submissions on the preliminary objections raised by Azerbaijan in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (see paras. 143–156);
- (q) By an order of the same date, the President of the Court fixed the time limit within which Azerbaijan might present a written statement of its observations and submissions on the preliminary objections raised by Armenia in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (see paras. 157–166);
- (r) By an order dated 12 May 2023, the Court extended the time limit for the filing of the counter-memorial of Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)* (see paras. 131–137);
- (s) By an order dated 30 May 2023, the President of the Court extended the time limits for the filing of the memorial of Germany and the counter-memorial of Italy in the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)* (see paras. 180–186);
- (t) By an order dated 5 June 2023, the Court decided on the admissibility of the declarations of intervention filed by 33 States in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)* (see paras. 167–179);
- (u) By an order dated 6 July 2023, further to the request by Armenia to modify the order of 22 February 2023 indicating a provisional measure in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, the Court found “that the circumstances [were] not such as to require the exercise of its power to modify the order of 22 February 2023 indicating a provisional measure” (see paras. 143–156).
3. During the period under review, the Court held public hearings in the following six cases (in chronological order):
- (a) *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, hearings on the merits of the case held from 19 to 23 September 2022 (see paras. 87–95);
- (b) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, hearings on the preliminary objection raised by the Bolivarian Republic of Venezuela held from 17 to 22 November 2022 (see paras. 104–113);
- (c) *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, hearings on the two questions formulated by the Court in its order of 4 October 2022 held from 5 to 9 December 2022 (see paras. 70–78);
- (d) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, hearings on the request for the indication of provisional measures submitted by Armenia, held on 30 January 2023 (see paras. 143–156);

- (e) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, hearings on the request for the indication of provisional measures submitted by Azerbaijan held on 31 January 2023 (see paras. 157–166);
- (f) *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, hearings on the merits of the case held from 6 to 14 June 2023 (see paras. 96–103).
4. During the period under review, the Court was seized of five new contentious cases and two requests for advisory opinions (in chronological order):
- (a) *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)* (see paras. 187–192);
- (b) *Sovereignty over the Sapodilla Cayes (Belize v. Honduras)* (see paras. 193–196);
- (c) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (request for an advisory opinion) (see paras. 207–210);
- (d) *Obligations of States in respect of Climate Change* (request for an advisory opinion) (see paras. 211–214);
- (e) *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Kingdom of the Netherlands v. Syrian Arab Republic)* (see paras. 197–199);
- (f) *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)* (see paras. 200–202);
- (g) *Aerial Incident of 8 January 2020 (Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland v. Islamic Republic of Iran)* (see paras. 203–206).
5. On 31 July 2023, the number of cases entered in the Court’s General List stood at 20 (18 contentious cases and 2 advisory proceedings):
- (a) *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;
- (b) *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*;
- (c) *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*;
- (d) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*;
- (e) *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*;
- (f) *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*;
- (g) *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*;
- (h) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*;

- (i) *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/ Equatorial Guinea)*;
- (j) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*;
- (k) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*;
- (l) *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*;
- (m) *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)*;
- (n) *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)*;
- (o) *Sovereignty over the Sapodilla Cayes (Belize v. Honduras)*;
- (p) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (request for an advisory opinion);
- (q) *Obligations of States in respect of Climate Change* (request for an advisory opinion);
- (r) *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Kingdom of the Netherlands v. Syrian Arab Republic)*;
- (s) *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)*;
- (t) *Aerial Incident of 8 January 2020 (Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland v. Islamic Republic of Iran)*.

6. The States parties to contentious cases pending before the Court include four States from the Group of Asia-Pacific States, five from the Group of Latin American and Caribbean States, three from the Group of African States, six from the Group of Eastern European States, and eight from the Group of Western European and other States.

7. Cases submitted to the Court involve a wide range of issues, including territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, environmental protection, the jurisdictional immunity of States, and the interpretation and application of international treaties and conventions concerning, among other things, diplomatic relations, the elimination of racial discrimination, the prevention of genocide, the suppression of the financing of terrorism, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the safety of civil aviation. The geographical spread of the cases brought before the Court and the diversity of their subject matter illustrate the universal and general character of the Court's jurisdiction.

8. The cases that States entrust to the Court for settlement frequently involve a number of phases as a result of the introduction of incidental proceedings, such as the raising of preliminary objections to jurisdiction or admissibility, the submission of requests for the indication of provisional measures or the filing of declarations of intervention. During the period under consideration, the Court delivered one judgment on a preliminary objection, four orders on requests for the indication or

modification of provisional measures and one order on the admissibility of declarations of intervention.

2. Continuation of the Court's sustained level of activity

9. The continuous flow of new cases submitted to the Court and the significant number of judgments and orders it delivered during the period under review reflect the institution's great vitality. In addition to working on pending cases, the Court actively reviews its procedures and working methods on an ongoing basis.

10. In order to ensure the sound administration of justice, the Court sets itself a demanding schedule of hearings and deliberations, enabling it to consider several cases simultaneously and to deal with any associated incidental proceedings as promptly as possible.

11. It is worth recalling that having recourse to the principal judicial organ of the United Nations is a cost-effective solution. While the time frame for certain written proceedings may be relatively lengthy in view of the time required by the participating States for the preparation of their pleadings, it should be noted that, on average, despite the complexity of the cases involved, the period between the conclusion of the oral proceedings and the delivery of a judgment or an advisory opinion by the Court does not exceed six months.

3. Promotion of the rule of law

12. The Court once again takes the opportunity offered by the submission of its annual report to comment on its role in promoting the rule of law, as the General Assembly regularly invites it to do, most recently in its resolution [77/110](#) of 7 December 2022. The Court notes with appreciation that, in that resolution, the Assembly again calls upon "States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute".

4. Judicial Fellowship Programme

13. The Court is committed to improving young people's understanding of international law and the Court's procedures. Its annual Judicial Fellowship Programme enables interested universities to nominate recent law graduates to pursue their training in a professional context at the Court for a period of about 10 months, from early September to June or July of the following year. The Court normally accepts up to 15 participants each year from various universities across the world. Until 2021, participation in the Judicial Fellowship Programme required financial support from each sponsoring university. This requirement precluded nominations by less well-endowed universities, particularly those in developing countries.

14. In 2021, the Court welcomed the establishment of the trust fund for the Judicial Fellowship Programme of the Court following the adoption by consensus, on 14 December 2020, of General Assembly resolution [75/129](#). As stated in the terms of reference of the trust fund, which are annexed to the resolution, the purpose of the fund is to "grant fellowship awards to selected candidates who are nationals of developing countries from universities based in developing countries, thereby guaranteeing the geographic and linguistic diversity of the participants in the Programme". The fund is aimed at enhancing the geographic and linguistic diversity of the participants in the Programme and provide a training opportunity that would not otherwise be available to certain young jurists from developing countries. Under the initiative, the trust fund – rather than the relevant nominating university – will provide funding to a number of selected candidates.

15. The fund is administered by the Secretary-General and is open to contributions by States, international financial institutions, donor agencies, intergovernmental and non-governmental organizations and natural and juridical persons. In order to preserve its impartiality and independence, the Court does not directly engage with individual Member States to mobilize contributions to the trust fund, nor is it directly involved in the administration of the financial resources collected.

16. In mid-2023, the first three Fellows with sponsorship from the trust fund successfully completed the Programme. For the 2023–2024 intake, the Court received 148 eligible applications from 94 nominating universities from all over the world, with 65 universities seeking sponsorship through the trust fund for the 91 candidates they nominated. Fifty-seven candidates were nominated by universities that offered to provide financial support for those applicants. The number and diversity of applications demonstrates the continuing and growing interest in the Programme and its trust fund.

17. Of the 15 candidates selected by the Court to take part in the Programme in 2023–2024, 3 are nationals of developing countries who were nominated by universities located in developing countries (India, Islamic Republic of Iran and Tunisia) and will receive an award from the trust fund.

18. On 16 June 2023, the trust fund stood at \$418,148.37, with \$115,775.49 already committed to awards and support costs for the coming year, leaving \$302,372.88 available for future awards. The Court greatly appreciates the generous contributions received to date and the interest shown in the Judicial Fellowship Programme by both contributors and nominating universities.

19. The Court is optimistic that the opportunities provided by the trust fund will continue to grow, allowing a wider pool of young lawyers to gain professional experience in public international law by participating in the work of the Court. The next call for applications for the Judicial Fellowship Programme will be published on the Court's website in the fourth quarter of 2023.

5. Budget of the Court

(a) Budget for 2022

20. During the coronavirus disease (COVID-19) pandemic, the Court adjusted its working methods, relying on videoconferencing technology and data-processing services to enable it to continue to perform its judicial functions. In 2022, the Registry was able to improve and refine the technical support provided to the Court and to the parties participating in hybrid hearings from different locations around the world, thus ensuring the smooth conduct of proceedings in the Court's two official languages. The additional costs associated with the use of such technology were absorbed within the existing budget.

(b) Budget for 2023

21. By its resolution [77/262](#) of 30 December 2022, the General Assembly endorsed the recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions ([A/77/7/Add.7](#)) and recommended the approval of the Court's proposed budget for 2023, including the establishment of a P-3 Information Systems Officer (Cybersecurity) general temporary assistance post.

(c) Budget for 2024

22. In early 2023, the Court submitted its proposed programme budget for 2024 to the United Nations Controller. In preparing its budget proposals for 2024, the Court focused on the financial resources that are essential for the discharge of its judicial

functions, with a particular focus on linguistic and publishing services. The 2024 budget submission also contains proposals regarding resources intended to cover some statutory expenditures that are beyond the control of the Court and relate to the repatriation costs for five judges whose terms of office end in February 2024 following the triennial renewal of the composition of the Court. The proposed budget for 2024 amounts to \$29,783,100 before recosting, representing an overall increase of \$672,200 compared with the approved appropriations for 2023. The budget proposal also includes additional resources to support the request to the Court to render an advisory opinion on the obligations of States in respect of climate change, pursuant to General Assembly resolution [77/276](#) (\$236,000).

6. Renovation of the Peace Palace

23. In 2020, the Court was informed by the host country that the latter planned to conduct a full renovation of the Peace Palace to remove any asbestos in the building, and that it was possible that the Court's Registry would have to be relocated during the renovation work.

24. In July 2022, the Court was informed that the host country was now contemplating a more limited approach. Under the plan put forward by the Netherlands authorities in the fourth quarter of 2022, as a first phase, asbestos would be removed from areas where it is known to be present, namely in the attic of the building, and a thorough survey conducted to locate any other areas where asbestos might be found. Based on the results of these further investigations, the Netherlands authorities will then decide on the best approach to resolve the issue, which may or may not include a full or partial relocation of the Registry. In December 2022, a project coordinator was appointed by the Netherlands authorities for the implementation of the first phase of the plan. Consultations between the Court and the host country are ongoing with a view to determining the modalities for implementing this new plan while ensuring the safety of judges and staff members and continuity in the activities of the Court.

Chapter II

Role and jurisdiction of the Court

25. The International Court of Justice, which has its seat in The Hague, is the principal judicial organ of the United Nations. It was established by the Charter of the United Nations in June 1945 and began its activities in April 1946.

26. The basic documents governing the Court are the Charter and the Statute of the Court, which is annexed to the Charter. They are supplemented by the Rules of Court and the Practice Directions, as well as by the Resolution concerning the Internal Judicial Practice of the Court. These documents can be found on the Court's website, under the heading "Basic Documents". They are also published in the series *Acts and Documents concerning the Organization of the Court*, the seventh edition of which was published in 2021.

27. The International Court of Justice is the only international court of a universal character with general jurisdiction. This jurisdiction is twofold: contentious and advisory.

1. Jurisdiction in contentious cases

28. Pursuant to its Statute, the Court's function is to decide in accordance with international law such disputes as are submitted to it by States in the exercise of their sovereignty.

29. In that respect, it should be noted that, as at 31 July 2023, 193 States were parties to the Statute of the Court by virtue of their membership of the United Nations, and thus had access to it. In addition, on 4 July 2018, the State of Palestine filed a declaration with the Registry, which reads as follows:

The State of Palestine hereby declares that it accepts with immediate effect the competence of the International Court of Justice for the settlement of all disputes that may arise or that have already arisen covered by article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (1961), to which the State of Palestine acceded on 22 March 2018.

30. As at 31 July 2023, 74 of the States parties to the Statute had made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated in Article 36, paragraphs 2 and 5, of the Statute. The list of those States, together with the texts of their declarations filed with the Secretary-General, is available, for information purposes, on the Court's website in the "Declarations recognizing the jurisdiction of the Court as compulsory" section under "Jurisdiction".

31. In addition, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction over various types of disputes between States. A representative list of those treaties and conventions may also be found on the Court's website, in the "Treaties" section under "Jurisdiction". The Court's jurisdiction can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Lastly, 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, pursuant to article 38, paragraph 5, of the Rules of Court. 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 on which consent is given (this situation is known as *forum prorogatum*).

2. Jurisdiction in advisory proceedings

32. The Court may also give advisory opinions. In addition to the General Assembly and Security Council, which are authorized to request advisory opinions of the Court on any legal questions (Charter, Article 96, para. 1), three other United Nations organs (Economic and Social Council, Trusteeship Council and Interim Committee of the General Assembly), as well as the following specialized agencies and related organizations, are currently authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities (*ibid.*, para. 2):

- 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;
- International Bank for Reconstruction and Development;
- 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.

33. A list of the international instruments that make provision for the advisory jurisdiction of the Court is published, for information purposes, in the Court's *Yearbook* (see *Yearbook 2020–2021*, Part Three, section I, under the heading "B. Advisory Jurisdiction", available on the Court's website under "Publications").

Chapter III

Organization of the Court

A. Composition

1. Members of the Court

34. The International Court of Justice consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years, one third of the Court's seats falls vacant. Elections for the next renewal will be held in the fourth quarter of 2023.

35. On 4 November 2022, the General Assembly and the Security Council elected Leonardo Nemer Caldeira Brant (Brazil) as a new member of the Court. Judge Brant succeeds the late Judge Antônio Augusto Cançado Trindade, who passed away on 29 May 2022. He will hold office for the remainder of Judge Cançado Trindade's term, which was due to expire on 5 February 2027.

36. On 31 July 2023, the composition of the Court was thus as follows: President: Joan E. Donoghue (United States); Vice-President: Kirill Gevorgian (Russian Federation); Judges: Peter Tomka (Slovakia), Ronny Abraham (France), Mohamed Bennouna (Morocco), Abdulqawi Ahmed Yusuf (Somalia), Xue Hanqin (China), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), Nawaf Salam (Lebanon), Iwasawa Yuji (Japan), Georg Nolte (Germany), Hilary Charlesworth (Australia) and Leonardo Nemer Caldeira Brant (Brazil).

2. President and Vice-President

37. The President and the Vice-President of the Court are elected by the members of the Court every three years by secret ballot (Statute, Art. 21). The Vice-President replaces the President when the latter is absent or unable to exercise his or 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 every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure; for this purpose, as soon as possible after appointment, and whenever necessary thereafter, summons the agents of the parties to a meeting;
- (c) May call upon the parties to act in such a way as will enable any order that the Court may make on a request for provisional measures to have its appropriate effects;
- (d) May authorize the correction of a slip or error in any document filed by a party during the written proceedings;
- (e) When the Court decides, for the purposes of a contentious case or a request for an 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;
- (f) Directs the Court's judicial deliberations;
- (g) Has a casting vote in the event of votes being equally divided during judicial deliberations;
- (h) Is ex officio a member of the drafting committees unless the President does not share the majority opinion of the Court, in which case the President is

replaced by the Vice-President or, failing that, by a third judge elected by the Court;

- (i) Is ex officio a member of the Chamber of Summary Procedure formed annually by the Court;
- (j) Signs all judgments, advisory opinions and orders of the Court, as well as the minutes of meetings;
- (k) Delivers the judicial decisions of the Court at public sittings;
- (l) Chairs the Budgetary and Administrative Committee of the Court;
- (m) In the third quarter of every year, addresses the representatives of the Member States in New York during plenary meetings of the session of the General Assembly in order to present the report of the Court;
- (n) Receives, at the seat of the Court, heads of State and government and other dignitaries during official visits;
- (o) May be called upon to make procedural orders when the Court is not sitting.

3. Chamber of Summary Procedure and committees of the Court

38. In accordance with article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2023, was constituted as follows:

- (a) Members:
 - President Donoghue;
 - Vice-President Gevorgian;
 - Judges Abraham, Sebutinde and Robinson.
- (b) Substitute members:
 - Judges Nolte and Charlesworth.

39. The Court also forms committees to facilitate the performance of its administrative tasks. Their composition as at 31 July 2023 was as follows:

- (a) Budgetary and Administrative Committee:
 - President Donoghue;
 - Vice-President Gevorgian;
 - Judges Tomka, Abraham, Yusuf, Xue and Sebutinde.
- (b) Rules Committee:
 - Judge Tomka (Chair);
 - Judges Bhandari, Robinson, Iwasawa, Nolte and Charlesworth.
- (c) Library Committee:
 - Judge Bhandari (Chair);
 - Judges Salam, Iwasawa, Nolte, Charlesworth and Brant.

4. Judges ad hoc

40. In accordance with article 31 of the Statute, parties to a case that have no judge of their nationality on the bench may choose a judge ad hoc for the purposes of that case.

41. Listed below are the names of the judges ad hoc sitting in cases pending before the Court during the period under review:

- (a) In the case concerning *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, Leonid Skotnikov was chosen by Nicaragua and Charles Brower was chosen by Colombia. Judge ad hoc Brower later resigned and was succeeded by Donald McRae;
- (b) In the case concerning *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Bruno Simma was chosen by Chile and Yves Daudet was chosen by the Plurinational State of Bolivia;
- (c) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz was chosen by the Islamic Republic of Iran and Charles Brower was chosen by the United States. Judge ad hoc Brower later resigned and was succeeded by Rosemary Barkett;
- (d) In the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Fausto Pocar was chosen by Ukraine and Leonid Skotnikov was chosen by the Russian Federation. Judge ad hoc Skotnikov later resigned and was succeeded by Bakhtiyar Tuzmukhamedov;
- (e) In the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Hilary Charlesworth was chosen by Guyana and, following her election as a Member of the Court, Rüdiger Wolfrum was then chosen by Guyana. Philippe Couvreur was chosen by the Bolivarian Republic of Venezuela;
- (f) In the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz was chosen by the Islamic Republic of Iran and Charles Brower was chosen by the United States. Judge ad hoc Brower later resigned;
- (g) In the case concerning *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*, Gilbert Guillaume was chosen by Palestine;
- (h) In the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, Philippe Couvreur was chosen by Guatemala and Donald McRae was chosen by Belize;
- (i) In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Navanethem Pillay was chosen by the Gambia, and Claus Kress was chosen by Myanmar;
- (j) In the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*, Mónica Pinto was chosen by Gabon and Rüdiger Wolfrum was chosen by Equatorial Guinea;
- (k) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Yves Daudet was chosen by Armenia and Kenneth Keith was chosen by Azerbaijan. Judge ad hoc Keith later resigned and was succeeded by Abdul G. Koroma;

- (l) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Kenneth Keith was chosen by Azerbaijan and Yves Daudet was chosen by Armenia. Judge ad hoc Keith later resigned and was succeeded by Abdul G. Koroma;
- (m) In the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*, Yves Daudet was chosen by Ukraine;
- (n) In the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)*, Giorgio Gaja was chosen by Italy.

B. Registrar and Deputy-Registrar

42. Pursuant to article 22 of the Rules of Court, the Court elects its Registrar by secret ballot for a term of seven years. The procedures set out in article 22 also apply to the election and term of office of the Deputy-Registrar (Rules, art. 23). The Registrar of the Court is Philippe Gautier (Belgium). The Deputy-Registrar is Jean-Pelé Fomété (Cameroon).

C. Privileges and immunities

43. Under article 19 of the Statute of the Court, the members of the Court, when engaged in the business of the Court, enjoy diplomatic privileges and immunities.

44. In the Kingdom of 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 the King of the Kingdom of the Netherlands.

45. By its resolution [90 \(I\)](#) of 11 December 1946, 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 or herself permanently at the disposal of the Court, resides in some country other than his or her own, he or she should be accorded diplomatic privileges and immunities during the period of his or her residence there; 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 those countries to diplomatic envoys.

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

47. Furthermore, article 32, paragraph 8, of the Statute provides that the salaries, allowances and compensation received by judges and the Registrar should be free of all taxation.

48. Matters relating to the privileges and immunities of the Court which are not addressed in the preceding paragraphs are covered by the provisions of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

D. Seat

49. 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, Art. 22, para. 1, and Rules, art. 55). The Court has so far never held sittings outside The Hague.

50. The Court occupies premises in the Peace Palace in The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which owns and manages the Peace Palace, determines the conditions under which the Court uses the premises and provides for the United Nations to pay an annual contribution to the 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, 1958, 1997 and 2007. The annual contribution by the United Nations to the Foundation was €1,513,187 for 2022 and €1,662,631 for 2023.

Chapter IV

Registry

51. The Court is the only principal organ of the United Nations to have its own administration (Charter, Article 98). 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 includes providing judicial support and acting as a permanent administrative organ. The activities of the Registry are thus administrative, as well as judicial and diplomatic.

52. The duties of the Registry are set out in detail in instructions drawn up by the Registrar and approved by the Court (Rules, art. 28, paras. 2 and 3). The version of the Instructions for the Registry currently in force was adopted by the Court in March 2012 (A/67/4, para. 66) and is available on the Court's website under the heading "The Registry".

53. 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 of the Court. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations for the Registry adopted by the Court (Rules, art. 28, para. 4); the Staff Regulations are also available on the Court's website, under the heading "The Registry". Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of United Nations Secretariat officials of equivalent category or grade.

54. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and seven technical divisions (see annex) under the direct supervision of the Registrar or the Deputy-Registrar. As required under the Instructions for the Registry, the Registrar and Deputy-Registrar place particular emphasis on coordinating the activities of the various departments and divisions. Guidelines relating to the organization of work between the Registrar and the Deputy-Registrar were adopted by the Court in 2020 and reviewed in 2021 and 2022 with a view to achieving further efficiencies in the management and coordination of the Registry's activities.

55. As at 31 July 2023, the total number of posts in the Registry was 117, namely 61 posts in the Professional category and above and 56 in the General Service category.

56. The President of the Court and the Registrar are each aided by a special assistant (grade P-3). The members of the Court are each assisted by a law clerk (grade P-2). Those 15 associate legal officers, who are assigned to individual judges, are 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 supervision. A total of 15 secretaries, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

1. Registrar

57. The Registrar of the Court is Philippe Gautier, of Belgian nationality. He was elected to that post by the members of the Court on 22 May 2019 for a period of seven years beginning on 1 August of the same year.

58. The Registrar is responsible for all departments and divisions of the Registry. Pursuant to article 1 of the Instructions for the Registry, the staff are under the authority of the Registrar, who alone is authorized to direct the work of the Registry.

In the discharge of his or her functions, the Registrar reports to the Court. The Registrar's role is threefold: judicial, diplomatic and administrative.

59. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In that regard, the Registrar has, *inter alia*, the following responsibilities (Rules, art. 26):

- (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; provides any assistance required and is responsible for the preparation of reports or minutes of such meetings;
- (d) Countersigns all judgments, advisory opinions and orders of the Court, and the minutes of meetings;
- (e) Maintains relations with the parties to a case and has specific responsibility for the receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and 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 decide to publish;
- (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 International Military Tribunal of Nuremberg).

60. The Registrar's diplomatic role entails the following tasks:

- (a) Attending to the Court's external relations and acting 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;
- (e) Being responsible for information concerning the Court's activities and for the Court's publications, including press releases.

61. The administrative work of the Registrar includes:

- (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;
- (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.

62. Pursuant to the exchange of letters and General Assembly resolution 90 (I) referred to in paragraphs 45 and 46, 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.

2. Deputy-Registrar

63. The Deputy-Registrar of the Court is Jean-Pelé Fomété, of Cameroonian nationality. He was elected on 11 February 2013 for a period of seven years and re-elected on 20 February 2020 for a second term of seven years beginning on 1 April of the same year.

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

Chapter V

Judicial activity of the Court

A. Pending contentious proceedings during the period under review

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

65. On 2 July 1993, Hungary and Slovakia jointly notified to the Court 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. In its judgment of 25 September 1997, the Court, having ruled on the issues submitted by the parties, called on 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.

66. On 3 September 1998, Slovakia filed in the Registry 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. The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

67. By a letter from the agent of Slovakia dated 30 June 2017, the Government of Slovakia requested that the Court place on record the discontinuance of the proceedings instituted by means of the request for an additional judgment in the case. In a letter dated 12 July 2017, the agent of Hungary stated that his Government did not oppose the discontinuance of the proceedings instituted by means of the request of Slovakia of 3 September 1998 for an additional judgment.

68. By a letter to both agents dated 18 July 2017, the Court communicated its decision to place on record the discontinuance of the procedure begun by means of the request by Slovakia for an additional judgment and informed them that it had taken note of the fact that both parties had reserved their right under article 5, paragraph 3, of the special agreement signed between Hungary and Slovakia on 7 April 1993 to request the Court to render an additional judgment to determine the procedure for executing its judgment of 25 September 1997.

69. On 23 January 2018, the President of the Court met with the agents of the parties to discuss whether the case could, in its entirety, be considered closed. Taking into account the views expressed by the parties at that time, the Court decided in March 2018 that the case was still pending; it therefore remains on the Court's General List.

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

70. 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". In its application, Nicaragua requested the Court to adjudge and declare, "first, [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)*]" and,

“second, [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”. Nicaragua based the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948.

71. By an order dated 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.

72. On 14 August 2014, Colombia raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

73. In the judgment that it rendered on 17 March 2016 on the preliminary objections raised by Colombia, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to entertain the first request put forward by Nicaragua in its application, in which it had asked 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”. The Court also found that request to be admissible. However, it concluded that the second request made by Nicaragua in its application was inadmissible.

74. By an order dated 28 April 2016, the President of the Court fixed 28 September 2016 and 28 September 2017 as the new respective time limits for the filing of the memorial of Nicaragua and the counter-memorial of Colombia. The memorial and counter-memorial were filed within the time limits thus fixed.

75. By an order dated 8 December 2017, the Court authorized the submission of a reply by Nicaragua and a rejoinder by Colombia. It fixed 9 July 2018 and 11 February 2019 as the respective time limits for the filing of those written pleadings. The reply and rejoinder were filed within the time limits thus fixed.

76. By an order dated 4 October 2022, the Court considered, in the circumstances of the case, that it was necessary to decide on certain questions of law, after hearing the Parties thereon, before proceeding to any consideration of technical and scientific questions. The Court decided that, at the then forthcoming oral proceedings, the parties were to present their arguments exclusively with regard to the following two questions:

(a) Under customary international law, may a State’s entitlement to a continental shelf beyond 200 nautical miles from the baselines from which the breadth of its territorial sea is measured extend within 200 nautical miles from the baselines of another State?

(b) What are the criteria under customary international law for the determination of the limit of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and, in this regard, do paragraphs 2 to 6 of article 76 of the United Nations Convention on the Law of the Sea reflect customary international law?

77. Public hearings on these two questions were held from 5 to 9 December 2022.

78. On 13 July 2023, the Court delivered its judgment on the merits, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By thirteen votes to four,

Rejects the request made by the Republic of Nicaragua that the Court adjudge and declare that the maritime boundary between the Republic of Nicaragua and the Republic of Colombia in the areas of the continental shelf which, according to the Republic of Nicaragua, appertain to each of them beyond the boundary determined by the Court in its Judgment of 19 November 2012 follows geodetic lines connecting the points 1 to 8, the co-ordinates of which are referred to in paragraph 19 above;

In favour: President Donoghue; Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Brant; Judge ad hoc McRae;

Against: Judges Tomka, Robinson, Charlesworth; Judge ad hoc Skotnikov;

(2) By thirteen votes to four,

Rejects the request made by the Republic of Nicaragua that the Court adjudge and declare that the islands of San Andrés and Providencia are entitled to a continental shelf up to a line consisting of 200-nautical-mile arcs from the baselines from which the breadth of the territorial sea of Nicaragua is measured connecting the points A, C and B, the co-ordinates of which are referred to in paragraph 19 above;

In favour: President Donoghue; Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Brant; Judge ad hoc McRae;

Against: Judges Tomka, Robinson, Charlesworth; Judge ad hoc Skotnikov;

(3) By twelve votes to five,

Rejects the request made by the Republic of Nicaragua with respect to the maritime entitlements of Serranilla and Bajo Nuevo.

In favour: President Donoghue; Vice-President Gevorgian; Judges Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Brant; Judge ad hoc McRae;

Against: Judges Tomka, Robinson, Nolte, Charlesworth; Judge ad hoc Skotnikov.”

3. *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*

79. On 6 June 2016, Chile filed an application instituting proceedings against the Plurinational State of Bolivia with regard to a dispute concerning the status and use of the waters of the Silala. Chile maintained that the Silala was an international watercourse but that, since 1999, the Plurinational State of Bolivia had been denying that status and claiming the exclusive right to use its waters. Chile therefore requested the Court to adjudge and declare that the Silala was an international watercourse the use of which was governed by customary international law, and to indicate the rights and obligations of the parties arising therefrom. Chile also requested the Court to adjudge and declare that the Plurinational State of Bolivia had breached its obligation to notify and consult Chile with respect to activities that might affect the waters of the Silala or the utilization thereof by Chile. As basis for the jurisdiction of the Court, the applicant invoked article XXXI of the Pact of Bogotá, to which both States are parties.

80. By an order dated 1 July 2016, the Court fixed 3 July 2017 and 3 July 2018 as the respective time limits for the filing of a memorial by Chile and a counter-memorial by the Plurinational State of Bolivia. Chile filed its memorial within the time limit thus fixed.

81. By an order dated 23 May 2018, the Court decided, following a request by the Plurinational State of Bolivia and in the absence of any objection by Chile, to extend to 3 September 2018 the time limit for the filing of the counter-memorial. That written pleading, which was filed within the time limit thus extended, contained three counterclaims. The Plurinational State of Bolivia requested the Court to adjudge and declare, inter alia, that it had sovereignty over the artificial channels and drainage mechanisms in the Silala located in its territory, as well as “over the artificial flow of Silala waters engineered, enhanced, or produced in its territory”.

82. In a letter dated 9 October 2018, the agent of Chile stated that, in order to expedite the procedure, her Government would not contest the admissibility of the counterclaims.

83. By an order dated 15 November 2018, the Court directed the submission of a reply by Chile and a rejoinder by the Plurinational State of Bolivia, limited to the respondent’s counterclaims, and fixed 15 February and 15 May 2019 as the respective time limits for the filing of those written pleadings. The written pleadings were filed within the time limits thus fixed.

84. By an order dated 18 June 2019, the Court authorized the submission by Chile of an additional pleading relating solely to the counterclaims submitted by the Plurinational State of Bolivia and fixed 18 September 2019 as the time limit for the filing of that pleading. The additional pleading was filed within the time limit thus fixed.

85. Public hearings on the merits of the case were held in a hybrid format from 1 to 14 April 2022.

86. On 1 December 2022, the Court delivered its judgment, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By fifteen votes to one,

Finds that the claim made by the Republic of Chile in its final submission (a) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judge Charlesworth;

(2) By fifteen votes to one,

Finds that the claim made by the Republic of Chile in its final submission (b) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judge Charlesworth;

(3) By fifteen votes to one,

Finds that the claim made by the Republic of Chile in its final submission (c) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judge Charlesworth;

(4) By fourteen votes to two,

Finds that the claim made by the Republic of Chile in its final submission (d) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judges Robinson, Charlesworth;

(5) Unanimously,

Rejects the claim made by the Republic of Chile in its final submission (e);

(6) By fifteen votes to one,

Finds that the counter-claim made by the Plurinational State of Bolivia in its final submission (a) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judge Charlesworth;

(7) By fifteen votes to one,

Finds that the counter-claim made by the Plurinational State of Bolivia in its final submission (b) no longer has any object and that, therefore, the Court is not called upon to give a decision thereon;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Judges ad hoc Daudet, Simma;

Against: Judge Charlesworth;

(8) Unanimously,

Rejects the counter-claim made by the Plurinational State of Bolivia in its final submission (c).”

4. *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*

87. On 14 June 2016, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning “the adoption by the USA of a series of measures that, in violation of the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955, ... have had, and/or are having a serious adverse impact on the ability of the Islamic Republic of Iran and of Iranian companies (including Iranian State-owned companies)

to exercise their rights to control and enjoy their property, including property located outside the territory of Iran/within the territory of the USA”. In particular, the Islamic Republic of Iran requested the Court to adjudge, order and declare that the United States had breached certain obligations under the Treaty of Amity and that it was under an obligation to make full reparation for the damage thus caused to the Islamic Republic of Iran. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty.

88. By an order dated 1 July 2016, the Court fixed 1 February and 1 September 2017 as the respective time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by the United States. The memorial of the Islamic Republic of Iran was filed within the time limit thus fixed.

89. On 1 May 2017, the United States raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

90. On 13 February 2019, following public hearings, the Court rendered its judgment on the preliminary objections raised by the United States. It found that it had jurisdiction to rule on part of the application filed by the Islamic Republic of Iran and that the application was admissible. In particular, it concluded that the Treaty of Amity did not confer jurisdiction on the Court to consider the claims by the Islamic Republic of Iran in respect of the alleged violation of the rules of international law on sovereign immunities. The Court also found that the third preliminary objection, relating to “all claims of purported violations ... that [were] predicated on treatment accorded to the Government of Iran or Bank Markazi”, did not possess, in the circumstances of the case, an exclusively preliminary character.

91. By an order of the same day, the Court fixed 13 September 2019 as the new time limit for the filing of the counter-memorial of the United States.

92. By an order dated 15 August 2019, the President of the Court, following a request by the United States, extended to 14 October 2019 the time limit for the filing of the latter’s counter-memorial. The counter-memorial was filed within the time limit thus fixed.

93. By an order dated 15 November 2019, the President of the Court authorized the submission of a reply by the Islamic Republic of Iran and a rejoinder by the United States, and fixed 17 August 2020 and 17 May 2021 as the respective time limits for the filing of those written pleadings. The reply and the rejoinder were filed within the time limits thus fixed.

94. Public hearings on the merits of the case were held from 19 to 23 September 2022.

95. On 30 March 2023, the Court delivered its judgment, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By ten votes to five,

Upholds the objection to jurisdiction raised by the United States of America relating to the claims of the Islamic Republic of Iran under Articles III, IV and V of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, to the extent that they relate to treatment accorded to Bank Markazi and, accordingly, finds that it has no jurisdiction to consider those claims;

In favour: Vice President Gevorgian, Acting President; Judges Tomka, Abraham, Xue, Sebutinde, Bhandari, Iwasawa, Nolte, Charlesworth; Judge ad hoc Barkett;

Against: Judges Bennouna, Yusuf, Robinson, Salam; Judge ad hoc Momtaz;

(2) By thirteen votes to two,

Rejects the objection to admissibility raised by the United States of America relating to the failure by Iranian companies to exhaust local remedies;

In favour: Vice President Gevorgian, Acting President; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Momtaz;

Against: Judge Sebutinde; Judge ad hoc Barkett;

(3) By eight votes to seven,

Finds that the United States of America has violated its obligation under Article III, paragraph 1, of the 1955 Treaty of Amity, Economic Relations, and Consular Rights;

In favour: Vice President Gevorgian, Acting President; Judges Bennouna, Yusuf, Xue, Robinson, Salam, Charlesworth; Judge ad hoc Momtaz;

Against: Judges Tomka, Abraham, Sebutinde, Bhandari, Iwasawa, Nolte; Judge ad hoc Barkett;

(4) By twelve votes to three,

Finds that the United States of America has violated its obligations under Article IV, paragraph 1, of the 1955 Treaty of Amity, Economic Relations, and Consular Rights;

In favour: Vice President Gevorgian, Acting President; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Momtaz;

Against: Judges Sebutinde, Bhandari; Judge ad hoc Barkett;

(5) By eleven votes to four,

Finds that the United States of America has violated its obligation under Article IV, paragraph 2, of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, namely that the property of nationals and companies of the Contracting Parties “shall not be taken except for a public purpose, nor shall it be taken without the prompt payment of just compensation”;

In favour: Vice President Gevorgian, Acting President; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Robinson, Salam, Iwasawa, Nolte; Judge ad hoc Momtaz;

Against: Judges Sebutinde, Bhandari, Charlesworth; Judge ad hoc Barkett;

(6) By ten votes to five,

Finds that the United States of America has violated its obligations under Article X, paragraph 1, of the 1955 Treaty of Amity, Economic Relations, and Consular Rights;

In favour: Vice President Gevorgian, Acting President; Judges Abraham, Bennouna, Yusuf, Xue, Robinson, Salam, Iwasawa, Nolte; Judge ad hoc Momtaz;

Against: Judges Tomka, Sebutinde, Bhandari, Charlesworth; Judge ad hoc Barkett;

(7) By thirteen votes to two,

Finds that the United States of America is under obligation to compensate the Islamic Republic of Iran for the injurious consequences of the violations of international obligations referred to in subparagraphs (3) to (6) above;

In favour: Vice President Gevorgian, Acting President; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Momtaz;

Against: Judge Sebutinde; Judge ad hoc Barkett;

(8) By fourteen votes to one,

Decides that, failing agreement between the Parties on the question of compensation due to the Islamic Republic of Iran within 24 months from the date of the present Judgment, this matter will, at the request of either Party, be settled by the Court, and reserves for this purpose the subsequent procedure in the case;

In favour: Vice-President Gevorgian, Acting President; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; Judges ad hoc Barkett, Momtaz;

Against: Judge Sebutinde;

(9) Unanimously,

Rejects all other submissions made by the Parties.”

5. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*

96. On 16 January 2017, Ukraine filed an application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965. Ukraine asserted in particular that, since 2014, the Russian Federation had “interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine’s citizens, including, for all too many, their right to life”. Ukraine claimed that, in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considered that, by its actions, the Russian Federation had flouted fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism. Ukraine also claimed that, in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Russian Federation had created “a climate of violence and intimidation against non-Russian ethnic groups”. According to Ukraine, this “deliberate campaign of cultural erasure ... violate[d] the International Convention on the Elimination of All Forms of Racial Discrimination”. Ukraine requested the Court to adjudge and declare that the Russian Federation had violated its obligations under the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination, and that it must comply with those obligations and make reparation for the harm caused to Ukraine. As basis for the jurisdiction of the Court, the applicant invoked article 24 of the International Convention for the Suppression of the Financing of Terrorism and

article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.

97. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures.

98. On 19 April 2017, the Court delivered its order on the request for the indication of provisional measures. It found, *inter alia*, that, with regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination: (a) refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis; and (b) ensure the availability of education in the Ukrainian language.

99. By an order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019, as the respective time limits for the filing of a memorial by Ukraine and a counter-memorial by the Russian Federation. Ukraine filed its memorial within the time limit thus fixed.

100. Following public hearings on preliminary objections raised by the Russian Federation on 12 September 2018, the Court delivered its Judgment on those objections on 8 November 2019, finding that it had jurisdiction to entertain the claims made by Ukraine on the basis of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. The Court also rejected the objection to admissibility raised by the respondent in respect of the claims made by Ukraine under the International Convention on the Elimination of All Forms of Racial Discrimination, and concluded that the application in relation to those claims was admissible.

101. By an order dated 8 November 2019, the Court fixed 8 December 2020 as the new time limit for the filing of the counter-memorial of the Russian Federation. Following requests made by the Russian Federation, the Court decided, by orders dated 13 July 2020, 20 January 2021 and 28 June 2021, to extend the time limit for the filing of that counter-memorial to 8 April, 8 July and 9 August 2021, respectively. The counter-memorial was filed within the time limit thus extended.

102. By an order dated 8 October 2021, the Court authorized the submission of a reply by Ukraine and a rejoinder by the Russian Federation and fixed 8 April and 8 December 2022 as the respective time limits for the filing of those pleadings. By an order dated 8 April 2022, those time limits were subsequently extended to 29 April 2022 and 19 January 2023, respectively. By orders dated 15 December 2022 and 3 February 2023, the Court extended the time limit for the filing of the rejoinder by the Russian Federation to 24 February and 10 March 2023, respectively. The reply and the rejoinder were filed within the time limits thus extended.

103. Public hearings on the merits of the case were held from 6 to 14 June 2023. As at 31 July 2023, the case was under deliberation. The Court will deliver its decision at a public sitting, the date of which will be announced in due course.

6. *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*

104. On 29 March 2018, Guyana filed an application instituting proceedings against the Bolivarian Republic of Venezuela. In its application, Guyana requested the Court “to confirm the legal validity and binding effect of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899”. As basis for the jurisdiction of the Court, the applicant invoked article IV, paragraph 2, of the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana signed at Geneva on 17 February 1966

(the “Geneva Agreement”), and the decision of 30 January 2018 of the Secretary-General of the United Nations, pursuant to the Geneva Agreement, choosing the Court as the means for the settlement of the dispute.

105. On 18 June 2018, the Bolivarian Republic of Venezuela informed the Court that it considered that the Court manifestly lacked jurisdiction to hear the case and that it had decided not to take part in the proceedings.

106. By an order dated 19 June 2018, the Court decided that the written pleadings in the case must first address the question of the jurisdiction of the Court and fixed 19 November 2018 and 18 April 2019 as the respective time limits for the filing of a memorial by Guyana and a counter-memorial by the Bolivarian Republic of Venezuela. The memorial of Guyana was filed within the time limit thus fixed.

107. By a letter dated 12 April 2019, the Bolivarian Republic of Venezuela confirmed that it would not participate in the written proceedings, while indicating that it would provide timely information in order to assist the Court “in the fulfilment of its [duty] as indicated in Article 53, paragraph 2, of its Statute”. On 28 November 2019, the Bolivarian Republic of Venezuela submitted to the Court a document entitled “Memorandum of the Bolivarian Republic of Venezuela on the application filed before the International Court of Justice by the Cooperative Republic of Guyana on March 29th, 2018”.

108. A public hearing was subsequently held in a hybrid format on 30 June 2020, with the participation of the delegation of Guyana.

109. On 18 December 2020, the Court delivered its judgment, in which it concluded that it had jurisdiction to entertain the application filed by Guyana in so far as it concerned the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between Guyana and the Bolivarian Republic of Venezuela. However, the Court found that it did not have jurisdiction to entertain the claims of Guyana arising from events that had occurred after the signature of the Geneva Agreement.

110. By an order dated 8 March 2021, the Court fixed 8 March 2022 and 8 March 2023 as the respective time limits for the filing of a memorial by Guyana and a counter-memorial by the Bolivarian Republic of Venezuela. The memorial of Guyana was filed within the time limit thus fixed.

111. On 7 June 2022, the Bolivarian Republic of Venezuela raised preliminary objections to the admissibility of application of Guyana. By an order dated 13 June 2022, the Court fixed 7 October 2022 as the time limit within which Guyana might submit a written statement of its observations and submissions on those preliminary objections. Guyana filed its written observations on the preliminary objections of the Bolivarian Republic of Venezuela within the time limit thus fixed.

112. Public hearings on the preliminary objections raised by the Bolivarian Republic of Venezuela were held from 17 to 22 November 2022.

113. On 6 April 2023, the Court delivered its judgment, in which it considered that the Bolivarian Republic of Venezuela was in substance making only a single preliminary objection. The operative part of the Court’s judgment on the preliminary objection of the Bolivarian Republic of Venezuela reads as follows:

“For these reasons,

The Court,

Unanimously,

Finds that the preliminary objection raised by the Bolivarian Republic of Venezuela is admissible;

By fourteen votes to one,

Rejects the preliminary objection raised by the Bolivarian Republic of Venezuela;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; Judge ad hoc Wolfrum;

Against: Judge ad hoc Couvreur;

By fourteen votes to one,

Finds that it can adjudicate upon the merits of the claims of the Co-operative Republic of Guyana, in so far as they fall within the scope of paragraph 138, subparagraph 1, of the Judgment of 18 December 2020.

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; Judge ad hoc Wolfrum;

Against: Judge ad hoc Couvreur.”

7. *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*

114. On 16 July 2018, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights, which was signed by the two States in Tehran on 15 August 1955 and entered into force on 16 June 1957. The Islamic Republic of Iran stated that its application related to the decision of the United States in May 2018 to impose a series of restrictive measures on the Islamic Republic of Iran and Iranian companies and nationals. The Islamic Republic of Iran requested the Court to adjudge, order and declare that, through those measures and through further measures that it announced, the United States had breached multiple obligations under the Treaty of Amity, that it must put an end to such breaches and that it must compensate the Islamic Republic of Iran for the harm caused. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty of Amity.

115. On 16 July 2018, the Islamic Republic of Iran also filed a request for the indication of provisional measures.

116. On 3 October 2018, the Court delivered its order on that request, indicating in particular that the United States must remove any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of certain categories of goods and services, and ensure that licences and necessary authorizations were granted and transfers of funds not subject to any restriction in so far as they related to those goods and services.

117. By an order dated 10 October 2018, the Court fixed 10 April and 10 October 2019 as the respective time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by the United States; these time limits were later extended to 24 May 2019 and 10 January 2020, respectively, by an order of the President dated 8 April 2019. The memorial of the Islamic Republic of Iran was filed within the time limit thus extended.

118. On 23 August 2019, the United States raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

119. Public hearings on the preliminary objections were held in a hybrid format from 14 to 21 September 2020.

120. On 3 February 2021, the Court delivered its judgment, in which it rejected all the preliminary objections raised by the United States and found that it had jurisdiction to entertain the application filed by the Islamic Republic of Iran on the basis of the Treaty of Amity and that the application was admissible.

121. By an order dated 3 February 2021, the Court fixed 20 September 2021 as the new time limit for the filing of the counter-memorial of the United States. Following a request by the United States, by an order dated 21 July 2021, the Court extended that time limit to 22 November 2021. The counter-memorial of the United States was filed within the time limit thus extended.

122. By an order dated 21 January 2022, the Court authorized the submission of a reply by the Islamic Republic of Iran and a rejoinder by the United States and fixed 21 November 2022 and 21 September 2023 as the respective time limits for the filing of those pleadings.

123. By an order dated 20 October 2022, the Court extended to 21 December 2022 and 23 October 2023 the respective time limits for the filing of the reply of the Islamic Republic of Iran and the rejoinder of the United States. The reply was filed within the time limit thus extended.

8. *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*

124. On 28 September 2018, the State of Palestine filed an application instituting proceedings against the United States with respect to a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations of 18 April 1961. It is recalled in the application that, on 6 December 2017, the President of the United States recognized Jerusalem as the capital of Israel and announced the relocation of its Embassy in Israel from Tel Aviv to Jerusalem. The Embassy of the United States in Jerusalem was inaugurated on 14 May 2018. The State of Palestine contended that it flowed from the Vienna Convention that the diplomatic mission of a sending State must be established on the territory of the receiving State. Thus, according to the State of Palestine, in view of the special status of Jerusalem, “[t]he relocation of the United States Embassy in Israel to the Holy City of Jerusalem constitute[d] a breach of the Vienna Convention”. In its application, the State of Palestine requested the Court to recognize that violation and to order the United States to put an end to it, to take all steps necessary to comply with its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct. As basis for the Court’s jurisdiction, the applicant invoked article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes.

125. The United States informed the Court that it did not consider itself to be in a treaty relationship with the applicant under the Vienna Convention or its Optional Protocol. Accordingly, in its view, the Court was manifestly without jurisdiction in respect of the application, and the case ought to be removed from the Court’s General List.

126. By an order dated 15 November 2018, the Court decided that the written pleadings in the case must first address the questions of the Court’s jurisdiction and the admissibility of the application. It fixed 15 May and 15 November 2019 as the respective time limits for the filing of the memorial of the State of Palestine and the

counter-memorial of the United States. The memorial of the State of Palestine was filed within the time limit thus fixed.

127. By a letter to the Registrar dated 12 April 2021, the State of Palestine requested the postponement of the oral proceedings that were due to be held on 1 June 2021, “in order to provide the parties with an opportunity to find a solution to [the] dispute through negotiations”. By a letter dated 19 April 2021, the Registrar was informed that the United States “ha[d] no objection to the applicant’s request”. Taking into account the views of the parties, the Court decided to postpone the hearings until further notice.

9. *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*

128. On 7 June 2019, the Court was seized of a dispute between Guatemala and Belize by way of a special agreement. Under the terms of articles 1 and 2 of the agreement, the parties requested the Court to determine in accordance with applicable rules of international law as specified in article 38, paragraph 1, of the Statute of the Court any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to those territories, to declare the rights therein of both parties and to determine the boundaries between their respective territories and areas.

129. By an order dated 18 June 2019, the Court fixed 8 June 2020 and 8 June 2021 as the respective time limits for the filing of a memorial by Guatemala and a counter-memorial by Belize. By an order dated 22 April 2020, these time limits were later extended to 8 December 2020 and 8 June 2022, respectively. The memorial and counter-memorial were filed within the time limits thus extended.

130. By an order dated 24 June 2022, the Court fixed 8 December 2022 and 8 June 2023 as the respective time limits for the filing of a reply by Guatemala and a rejoinder by Belize. Those pleadings were filed within the time limits thus fixed.

10. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*

131. On 11 November 2019, the Gambia filed in the Registry an application instituting proceedings against Myanmar, concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948. In its application, the Gambia requested, inter alia, that the Court adjudge and declare that Myanmar had breached its obligations under the Convention, that it must cease forthwith any internationally wrongful act, that it must perform the obligations of reparation in the interest of the victims of genocidal acts who were members of the Rohingya group, and that it must offer assurances and guarantees of non-repetition. As basis for the Court’s jurisdiction, the applicant invoked article IX of the Convention.

132. The application was accompanied by a request for the indication of provisional measures.

133. On 23 January 2020, the Court delivered an order indicating a number of provisional measures, requiring, inter alia, that Myanmar, in relation to the members of the Rohingya group in its territory, take all measures within its power to prevent the commission of all acts within the scope of article II of the Convention on the Prevention and Punishment of the Crime of Genocide; take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of such acts; and submit a report to the Court on all measures taken to give effect to the order within four months, as from the date of the order, and thereafter every six months, pending a final decision in the case by the Court.

134. By a further order dated 23 January 2020, the Court fixed 23 July 2020 and 25 January 2021 as the respective time limits for the filing of a memorial by the Gambia and a counter-memorial by Myanmar. By an order dated 18 May 2020, these time limits were extended to 23 October 2020 and 23 July 2021, respectively. The memorial of the Gambia was filed within the time limit thus extended.

135. On 20 January 2021, Myanmar raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

136. On 22 July 2022, following public hearings, the Court delivered its judgment, in which it rejected the preliminary objections raised by Myanmar and found that it has jurisdiction to entertain the application filed by the Gambia on the basis of article IX of the Genocide Convention, and that the application was admissible.

137. By an order dated 22 July 2022, the Court fixed 24 April 2023 as the new time limit for the filing of the counter-memorial of Myanmar. Following a request by Myanmar, the Court extended that time limit, first to 24 May 2023 by an order dated 6 April 2023, and then to 24 August 2023 by an order dated 12 May 2023.

11. *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*

138. On 5 March 2021, the Court was seized of a dispute between Gabon and Equatorial Guinea by way of a special agreement which was signed in 2016 and entered into force in March 2020. In the special agreement, the parties requested the Court “to determine whether the legal titles, treaties and international conventions invoked by the Parties ha[d] the force of law in the relations between the Gabonese Republic and the Republic of Equatorial Guinea in so far as they concern[ed] the delimitation of their common maritime and land boundaries and sovereignty over the islands of Mbanié/Mbañe, Cocotiers/Cocoteros and Conga”.

139. It is stated in the special agreement that “[t]he Gabonese Republic recognizes as applicable to the dispute the special Convention on the delimitation of French and Spanish possessions in West Africa, on the coasts of the Sahara and the Gulf of Guinea, signed in Paris on 27 June 1900, and the Convention demarcating the land and maritime frontiers of Equatorial Guinea and Gabon, signed in Bata on 12 September 1974”, and that “[t]he Republic of Equatorial Guinea recognizes as applicable to the dispute the special Convention on the delimitation of French and Spanish possessions in West Africa, on the coasts of the Sahara and the Gulf of Guinea, signed in Paris on 27 June 1900”.

140. In the special agreement, both Gabon and Equatorial Guinea reserve the right to invoke other legal titles, and they set out their common views regarding the procedure to be followed for written and oral proceedings before the Court.

141. By an order dated 7 April 2021, the Court fixed 5 October 2021 and 5 May 2022 as the respective time limits for the filing of a memorial by Equatorial Guinea and a counter-memorial by Gabon. Those written pleadings were filed within the time limits thus fixed.

142. By an order dated 6 May 2022, the President of the Court fixed 5 October 2022 and 6 March 2023 as the respective time limits for the filing of a reply by Equatorial Guinea and a rejoinder by Gabon. Those pleadings were filed within the time limits thus fixed.

12. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*

143. On 16 September 2021, Armenia filed an application instituting proceedings against Azerbaijan with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination. The Applicant contended that, “[f]or decades, Azerbaijan ha[d] subjected Armenians to racial discrimination” and that, “[a]s a result of this State-sponsored policy of Armenian hatred, Armenians ha[d] been subjected to systemic discrimination, mass killings, torture and other abuse”. According to Armenia, those violations were directed at individuals of Armenian ethnic or national origin regardless of their actual nationality. Armenia claims that “[t]hese practices [had] once again c[ome] to the fore in September 2020, after Azerbaijan’s aggression against the Republic of Artsakh and Armenia” and that, “[d]uring that armed conflict, Azerbaijan [had] committed grave violations of the [Convention]”. The applicant alleged that “[e]ven after the end of hostilities”, following a ceasefire that entered into effect on 10 November 2020, “Azerbaijan ha[d] continued to engage in the murder, torture and other abuse of Armenian prisoners of war, hostages and other detained persons”.

144. In its application, Armenia claimed, inter alia, that Azerbaijan “[was] responsible for violating the [Convention], including articles 2, 3, 4, 5, 6 and 7”. Armenia further contended that “[a]ll good-faith efforts by Armenia to put an end to Azerbaijan’s violations of the [Convention] through other means [had] failed”. Armenia therefore requested the Court “to hold Azerbaijan responsible for its violations of the [Convention], to prevent future harm, and to redress the harm that ha[d] already been caused”.

145. As basis for the Court’s jurisdiction, the applicant invokes Article 36, paragraph 1, of the Statute of the Court and article 22 of the Convention, to which both States are parties.

146. The Application was accompanied by a request for the indication of provisional measures.

147. On 7 December 2021, following public hearings, the Court delivered its order on that request, indicating that, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, Azerbaijan must (a) protect from violence and bodily harm all persons captured in relation to the 2020 conflict who remained in detention, and ensure their security and equality before the law, (b) take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin, and (c) take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts. The Court further ordered both parties to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

148. By an order dated 21 January 2022, the Court fixed 23 January 2023 and 23 January 2024 as the respective time limits for the filing of a memorial by Armenia and a counter-memorial by Azerbaijan. The memorial of Armenia was filed within the time limit thus fixed.

149. On 16 September 2022, Armenia requested the modification of the Court’s order of 7 December 2022 indicating provisional measures.

150. On 12 October 2022, the Court delivered its order on that request, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By thirteen votes to three,

Finds that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power to modify the measures indicated in the Order of 7 December 2021;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Charlesworth; Judges ad hoc Keith, Daudet;

Against: Judges Sebutinde, Bhandari, Robinson;

(2) Unanimously,

Reaffirms the provisional measures indicated in its order of 7 December 2021, in particular the requirement that both Parties ‘shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve’.”

151. On 28 December 2022, Armenia submitted a second request for the indication of provisional measures, in which it sought, in particular, to have the Court direct Azerbaijan to “cease its orchestration and support of the alleged ‘protests’ blocking uninterrupted free movement along the Lachin Corridor in both directions” and to “ensure uninterrupted free movement of all persons, vehicles, and cargo along the Lachin Corridor in both directions”.

152. By an order dated 22 February 2023, the Court, by thirteen votes to two, indicated a provisional measure. The operative part of that order reads as follows:

“For these reasons,

The Court,

By thirteen votes to two,

Indicates the following provisional measure:

The Republic of Azerbaijan shall, pending the final decision in the case and in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Xue, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Yusuf; Judge ad hoc Keith.”

153. On 21 April 2023, Azerbaijan raised preliminary objections to the jurisdiction of the Court.

154. By an order dated 25 April 2023, the President of the Court fixed 21 August 2023 as the time limit within which Armenia might present a written statement of its observations and submissions on the preliminary objections raised by Azerbaijan.

155. On 15 May 2023, Armenia requested the modification of the Court’s order of 22 February 2023 indicating a provisional measure.

156. On 6 July 2023, the Court delivered its order on that request, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) Unanimously,

Finds that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power to modify the order of 22 February 2023 indicating a provisional measure;

(2) Unanimously,

Reaffirms the provisional measure indicated in its order of 22 February 2023.”

13. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*

157. On 23 September 2021, Azerbaijan filed an application instituting proceedings against Armenia concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

158. According to the applicant, “Armenia ha[d] engaged and is continuing to engage in a series of discriminatory acts against Azerbaijanis on the basis of their ‘national or ethnic’ origin within the meaning of [the Convention]”. The applicant claimed that “through both direct and indirect means, Armenia continue [d] its policy of ethnic cleansing”, and that it “incite[d] hatred and ethnic violence against Azerbaijanis by engaging in hate speech and disseminating racist propaganda, including at the highest levels of its government”. Referring to the period of hostilities between the two countries that erupted in the fourth quarter of 2020, Azerbaijan contended that “Armenia [had] once again targeted Azerbaijanis for brutal treatment motivated by ethnic hatred”. Azerbaijan further contended that “Armenia’s policies and conduct of ethnic cleansing, cultural erasure and fomenting of hatred against Azerbaijanis systematically infringe[d] the rights and freedoms of Azerbaijanis, as well as Azerbaijan’s own rights, in violation of [the Convention]”.

159. In its application, Azerbaijan claims, inter alia, that the policy and practice of anti-Azerbaijani discrimination on the part of Armenia “ha[d] had both the purpose and effect of nullifying and impairing the human rights and fundamental freedoms of Azerbaijanis in violation of articles 2, 3, 4, 5, 6 and 7 of [the Convention]”. Azerbaijan added that “[t]he Parties’ attempts to negotiate a settlement of Azerbaijan’s claims ... ha[d] resulted in deadlock”. Azerbaijan therefore requested the Court “to hold Armenia accountable for its violations” under the Convention and to “redress the harm thereby visited on Azerbaijan and its people”.

160. As basis for the Court’s jurisdiction, Azerbaijan invokes Article 36, paragraph 1, of the Statute of the Court and article 22 of the Convention, to which both States are parties.

161. The application was accompanied by a request for the indication of provisional measures “to compel Armenia to abide by its international obligations under [the Convention] and protect Azerbaijanis from the irreparable harm caused by Armenia’s ongoing conduct”, pending the Court’s determination of the case on the merits.

162. On 7 December 2021, following public hearings, the Court delivered its order on that request, indicating that, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, Armenia must take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin. The Court further ordered

both parties to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

163. By an order dated 21 January 2022, the Court fixed 23 January 2023 and 23 January 2024 as the respective time limits for the filing of a memorial by Azerbaijan and a counter-memorial by Armenia. The memorial of Azerbaijan was filed within the time limit thus fixed.

164. On 4 January 2023, Azerbaijan filed a second request for the indication of provisional measures, asking the Court to order Armenia to “immediately take all necessary steps to enable Azerbaijan to undertake the prompt, safe and effective demining of the towns, villages, and other areas to which Azerbaijani civilians will return in the Lachin District, Kalbajar District and other formerly occupied districts of Azerbaijan” and to “immediately cease and desist from any further efforts to plant or to sponsor or support the planting of landmines and booby traps in these areas to which Azerbaijani civilians will return in Azerbaijan’s territory, including, but not limited to, the use of the Lachin Corridor for this purpose”.

165. On 22 February 2023, the Court issued an order on that request for the indication of provisional measures. The operative part of that order reads as follows:

“For these reasons,

The Court,

Unanimously,

Rejects the Request for the indication of provisional measures submitted by the Republic of Azerbaijan on 4 January 2023.”

166. On 21 April 2023, Armenia raised preliminary objections to the jurisdiction of the Court and the admissibility of the application. By an order dated 25 April 2023, the President of the Court fixed 21 August 2023 as the time limit within which Azerbaijan might present a written statement of its observations and submissions on those preliminary objections.

14. *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*

167. On 26 February 2022, Ukraine filed an application instituting proceedings against the Russian Federation concerning “a dispute ... relating to the interpretation, application and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide”.

168. Ukraine contended, inter alia, that “the Russian Federation ha[d] falsely claimed that acts of genocide ha[d] occurred in the Luhansk and Donetsk oblasts of Ukraine, and on that basis recognized the so-called ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’, and then declared and implemented a ‘special military operation’ against Ukraine”. Ukraine “emphatically denie[d]” that such acts of genocide ha[d] occurred and stated that it had submitted the application “to establish that Russia ha[d] no lawful basis to take action in and against Ukraine for the purpose of preventing and punishing any purported genocide”. In its application, Ukraine also asserted that “it appear [ed] that it [was] Russia planning acts of genocide in Ukraine” and contended that the Russian Federation “[was] intentionally killing and inflicting serious injury on members of the Ukrainian nationality – the *actus reus* of genocide under article II of the Convention”, accompanied by what Ukraine considered rhetoric suggestive of genocidal intent.

169. As basis for the Court's jurisdiction, Ukraine invoked Article 36, paragraph 1, of the Statute of the Court and article IX of the Convention, to which both States are parties.

170. The application of Ukraine was accompanied by a request for the indication of provisional measures.

171. On 16 March 2022, following public hearings, the Court delivered its order on that request. In its order, the Court directed the Russian Federation to immediately suspend the military operations that it had commenced on 24 February 2022 in the territory of Ukraine and to ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of such military operations. The Court further directed both Parties to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

172. By an order dated 23 March 2022, the Court fixed 23 September 2022 and 23 March 2023 as the respective time limits for the filing of a memorial by Ukraine and a counter-memorial by the Russian Federation. The memorial of Ukraine was filed on 1 July 2022.

173. On 3 October 2022, the Russian Federation raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

174. By an order dated 7 October 2022, the Court fixed 3 February 2023 as the time limit within which Ukraine might present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation. Ukraine filed its statement within the time limit thus fixed.

175. By letters dated 31 October 2022, the Court informed the States parties to the Convention that, taking into account the number of declarations of intervention filed in the case, it considered that the interest of the sound administration of justice and procedural efficiency would be advanced if any State that intended to avail itself of the right of intervention conferred on it by article 63 of the Statute of the Court would file its declaration not later than 15 December 2022.

176. From 21 July to 15 December 2022, 33 States filed in the Registry declarations of intervention in the case, pursuant to article 63, paragraph 2, of the Statute of the Court.

177. In the light of the fact that the Russian Federation had filed objections to the admissibility of all the declarations of intervention, the Court was required, pursuant to article 84, paragraph 2, of its Rules, to hear the Parties and the States seeking to intervene on the admissibility of the declarations of intervention, and decided to do so by means of a written procedure. The Court fixed 13 February 2023 as the time limit within which the States seeking to intervene could furnish their written observations on the admissibility of their declarations and 13 March 2023 as the time limit within which Ukraine and the Russian Federation could furnish their written observations thereon. The time limit for the submission by the Parties of their written observations on the admissibility of the declarations of intervention was subsequently extended to 24 March 2023. The written observations of the States seeking to intervene and the Parties were filed within the time limits thus fixed.

178. By an order dated 5 June 2023, the Court decided on the admissibility of the declarations of intervention under article 63 of the Statute. The operative part of that order reads as follows:

“For these reasons,

The Court,

- (1) By fourteen votes to one,

Decides that the declarations of intervention under Article 63 of the Statute submitted by Australia, the Republic of Austria, the Kingdom of Belgium, the Republic of Bulgaria, Canada and the Kingdom of the Netherlands, the Republic of Croatia, the Republic of Cyprus, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Republic of Latvia, the Principality of Liechtenstein, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, New Zealand, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland are admissible at the preliminary objections stage of the proceedings in so far as they concern the construction of Article IX and other provisions of the Convention on the Prevention and Punishment of the Crime of Genocide that are relevant for the determination of the jurisdiction of the Court;

In favour: Acting President Bennouna; President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Xue;

- (2) Unanimously,

Decides that the declaration of intervention under Article 63 of the Statute submitted by the United States of America is inadmissible in so far as it concerns the preliminary objections stage of the proceedings;

- (3) By fourteen votes to one,

Fixes 5 July 2023 as the time limit for the filing, by the States whose declarations of intervention have been deemed admissible at the preliminary objections stage of the proceedings, of the written observations referred to in Article 86, paragraph 1, of the Rules of Court.

In favour: Acting President Bennouna; President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Xue.”

179. Some of the States whose declarations of intervention had been deemed admissible at the preliminary objections stage of the proceedings filed their written observations referred to in article 86, paragraph 1, of the Rules of Court by the time limit thus fixed.

15. *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)*

180. On 29 April 2022, Germany filed an application instituting proceedings against Italy for allegedly failing to respect its jurisdictional immunity as a sovereign State.

181. In its application, Germany recalled that, on 3 February 2012, the Court rendered its judgment on the question of jurisdictional immunity in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy: Greece*

intervening). Germany indicated that, “[n]otwithstanding [the] pronouncements [in that judgment], the Italian domestic courts, since 2012, ha[d] entertained a significant number of new claims against Germany in violation of Germany’s sovereign immunity”. Germany refers in particular to judgment No. 238/2014 of 22 October 2014 of the Italian Constitutional Court, by which the latter “[had] acknowledged ‘[t]he duty of the Italian judge ... to comply with the ruling of the [International Court of Justice] of 3 February 2012’” but, nevertheless, “[had] subjected that same duty to the ‘fundamental principle of judicial protection of fundamental rights’ under Italian constitutional law, which it [had] read to permit individual claims by victims of war crimes and crimes against humanity to be brought against sovereign States”. Germany argue[d] that judgment No. 238/2014 of the Italian Constitutional Court, “adopted in conscious violation of international law and of Italy’s duty to comply with a judgment of the principal judicial organ of the United Nations, [had] had wide-ranging consequences”. It added that, since the delivery of the judgment, “at least 25 new cases ha[d] been brought against Germany [before Italian courts]” and that “in at least 15 proceedings, Italian domestic courts ... ha[d] entertained and decided upon claims against Germany in relation to conduct of the German Reich during World War II”.

182. As the basis for the jurisdiction of the Court, Germany invoked Article 36, paragraph 1, of the Statute of the Court and article 1 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957.

183. The application by Germany was accompanied by a request for the indication of provisional measures. Hearings on that request were scheduled to open on 9 May 2022.

184. By a letter dated 4 May 2022, Germany informed the Court that, following recent judicial developments in Italy and discussions between the representatives of the two parties held from 2 to 4 May 2022, “Germany [was] withdraw[ing] its Request for the indication of provisional measures”. The letter referred, *inter alia*, to the adoption of decree No. 36 of 30 April 2022, published in the Italian Gazette on the same day and which had entered into force on 1 May 2022. It was said in the letter that Germany understood from the decree that “Italian law require[d] Italian courts to lift measures of enforcement previously taken, and that no further measures of constraint [would] be taken by Italian courts against German property used for government non-commercial purposes located on Italian territory”. It was also stated in the letter that “Germany agreed with Italy that the Decree ... addressed the central concern” expressed in the request for the indication of provisional measures submitted by Germany.

185. By an order dated 10 May 2022, the President of the Court placed on record the withdrawal by Germany of its request for the indication of provisional measures.

186. By an order dated 10 June 2022, the Court fixed 12 June 2023 and 12 June 2024 as the respective time limits for the filing of a memorial by Germany and a counter-memorial by Italy. By an order dated 30 May 2023, these time limits were extended to 12 January 2024 and 12 August 2025, respectively.

16. *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)*

187. On 29 September 2022, Equatorial Guinea instituted proceedings against France with regard to a dispute concerning the alleged violation, by France, of its obligations under the United Nations Convention against Corruption of 31 October 2003, on the grounds that France had not returned to Equatorial Guinea property which constitutes the proceeds of a crime of misappropriation of public funds committed against it, including immovable property of which it was the effective and legitimate owner before its confiscation by France, and that France had not extended to Equatorial

Guinea the cooperation and assistance required for the purpose of returning such property to it. As basis for the jurisdiction of the Court, the Applicant invokes article 36, paragraph 1, of the Statute of the Court and article 66 of the Convention against Corruption.

188. In its application, Equatorial Guinea stated that, on 15 September 2011, it acquired from Teodoro Nguema Obiang Mangue all of the shares of five Swiss companies, one of which owns the entire share capital of two French companies, including “Société du 42 avenue Foch”, which managed the building located at the same address in Paris. Equatorial Guinea further contended that, on 28 July 2021, the French Cour de cassation upheld the conviction of Teodoro Nguema Obiang Mangue for the offence of laundering the proceeds of misappropriation of public funds, misuse of corporate assets and breach of trust, and that the Cour de cassation also upheld the confiscation of the building, the property that had been seized and other movable property. Equatorial Guinea asserted that it had initiated requests, on the basis of the Convention against Corruption, for the return of certain assets corresponding to property confiscated by France, to which the latter has not responded. It added that, on 29 July 2022, France had announced “the imminent offering for sale of an item of property whose return is sought by Equatorial Guinea, namely the building located at 40–42 avenue Foch in Paris”.

189. The application was accompanied by a request for the indication of provisional measures which the applicant contended were “necessary to protect its right to the return of the building located at 40–42 avenue Foch”. The Applicant considered that there was “an imminent risk of irreparable prejudice to [this] right”, since “the competitive bidding procedure and sale of the building would make it impossible for th[is] property to be returned”. Hearings on that request were scheduled to open on 2 November 2022.

190. By a letter communicated to the Registry under cover of a note verbale dated 19 October 2022, the agent of Equatorial Guinea informed the Court that his Government had decided to withdraw its request for the indication of provisional measures.

191. By an order dated 21 October 2022, the President of the Court placed on record the withdrawal by Equatorial Guinea of its request for the indication of provisional measures.

192. By an order dated 15 December 2022, the Court fixed 17 July 2023 and 19 February 2024 as the respective time limits for the filing of the memorial of Equatorial Guinea and the counter-memorial of France. The memorial of Equatorial Guinea was filed within the time limit thus fixed.

17. *Sovereignty over the Sapodilla Cayes (Belize v. Honduras)*

193. On 16 November 2022, Belize instituted proceedings against Honduras with regard to a dispute concerning sovereignty over the Sapodilla Cayes, which it describes as a group of cayes lying in the Gulf of Honduras at the southern tip of the Belize Barrier Reef.

194. In its application, Belize stated that, since the early nineteenth century, the Sapodilla Cayes had formed part of the territory of Belize, initially as part of the settlement of Belize and later the colony of British Honduras, and since 1981 as part of the independent State of Belize. The Applicant argued that, “[u]nder international law, Belize [was] sovereign over the Sapodilla Cayes” and that “[t]he Honduran claim to the Sapodilla Cayes, articulated in its 1982 Constitution, which remain[ed] in force as a matter of the internal law of Honduras, [had] no basis in international law”.

195. Belize requested the Court “to adjudge and declare that, as between Belize and Honduras, Belize is sovereign over the Sapodilla Cayes”. 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 and article 36, paragraph 1, of the Statute of the Court.

196. By an order dated 2 February 2023, the Court fixed 2 May and 4 December 2023 as the respective time limits for the filing of the memorial of Belize and the counter-memorial of Honduras. The memorial of Belize was filed within the time limit thus fixed.

18. *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)*

197. On 8 June 2023, Canada and the Kingdom of the Netherlands filed a joint application instituting proceedings against the Syrian Arab Republic concerning alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In their application, Canada and the Kingdom of the Netherlands contended that “Syria [had] committed countless violations of international law, beginning at least in 2011, with its violent repression of civilian demonstrations, and continuing as the situation in Syria devolved into a protracted armed conflict”. According to the applicants, “[t]hese violations include the use of torture and other cruel, inhuman or degrading treatment or punishment ..., including through abhorrent treatment of detainees, inhumane conditions in places of detention, enforced disappearances, the use of sexual and gender-based violence, and violence against children”. The applicants claim that the violations for which Syria is responsible also include the use of chemical weapons. As basis for the jurisdiction of the Court, the Applicants invoked article 30, paragraph 1, of the Convention against Torture and article 36, paragraph 1, of the Statute of the Court.

198. The application was accompanied by a request for the indication of provisional measures “to preserve and protect the rights owed to [Canada and the Kingdom of the Netherlands] under the Convention against Torture, which Syria continues to violate, and protect the lives and physical and mental integrity of individuals within Syria who are currently, or are at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment”.

199. Public hearings on the request for the indication of provisional measures, which were scheduled to open on 19 July 2023, have been postponed until 10 October 2023.

19. *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)*

200. On 27 June 2023, the Islamic Republic of Iran filed an application instituting proceedings against Canada concerning alleged violations of State immunities.

201. In its application, the Islamic Republic of Iran contended that, since 2012, Canada had adopted and implemented a series of legislative, executive and judicial measures against the Islamic Republic of Iran and its property. According to the Islamic Republic of Iran, these measures “[had] abrogated the immunities to which Iran [was] entitled, both with respect to jurisdictional immunity and immunity from measures of constraint”. The Islamic Republic of Iran thus requested the Court *inter alia* to adjudge and declare that, by failing to respect the immunities of the Islamic Republic of Iran and its property, Canada had violated its international obligations towards the Islamic Republic of Iran, in particular by allowing claims to be brought against the Islamic Republic of Iran for alleged support of terrorism, by recognizing or enforcing in Canada foreign judgments rendered against the Islamic Republic of

Iran for alleged support of terrorism, and by allowing and adopting pre-judgment and post-judgment measures of constraint against property of the Islamic Republic of Iran.

202. The Islamic Republic of Iran seeks to found the Court's jurisdiction on article 36, paragraph 2, and article 40, paragraph 1, of the Statute of the Court and on article 38 of the Rules of Court.

20. *Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland v. Islamic Republic of Iran)*

203. On 4 July 2023, Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland filed a joint application instituting proceedings against the Islamic Republic of Iran concerning a dispute under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971 (the "Montreal Convention").

204. In their application, Canada, Sweden, Ukraine and the United Kingdom claimed that the Islamic Republic of Iran had violated a series of obligations under the Montreal Convention as a result of the shooting down on 8 January 2020 of a civil aircraft in service, Ukraine International Airlines flight PS752, by military personnel of Islamic Revolutionary Guard Corps of the Islamic Republic of Iran. All 176 passengers and crew aboard the flight, many of whom were nationals and residents of the applicant States, were killed in the crash.

205. According to the applicants, the Islamic Republic of Iran failed to take all practicable measures to prevent the unlawful and intentional commission of an offence described in article 1 of the Montreal Convention, including the destruction of flight PS752, and subsequently failed to conduct an impartial, transparent, and fair criminal investigation and prosecution consistent with international law. In the applicants' view, these and other acts and omissions by the Islamic Republic of Iran violate the requirements of the Montreal Convention.

206. Canada, Sweden, Ukraine and the United Kingdom seek to found the Court's jurisdiction on article 36, paragraph 1, of the Statute of the Court and article 14, paragraph 1, of the Montreal Convention.

B. Pending advisory proceedings during the period under review

1. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*

207. On 30 December 2022, the General Assembly adopted resolution [77/247](#) on "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem" in which, referring to Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court, it requested the Court to give an advisory opinion on the following questions:

“[C]onsidering the rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and the advisory opinion of the Court of 9 July 2004:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic

composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

(b) How do the policies and practices of Israel referred to in paragraph 18 (a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?"

208. The request for an advisory opinion was transmitted to the Court by the Secretary-General of the United Nations by a letter dated 17 January 2023. By letters dated 19 January 2023, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to article 66, paragraph 1, of the Statute.

209. By an order dated 3 February 2023, the Court decided that the United Nations and its Member States, as well as the observer State of Palestine, were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion. The Court fixed 25 July 2023 as the time limit within which written statements on those questions could be presented to the Court, in accordance with article 66, paragraph 2, of the Statute, and 25 October 2023 as the time limit within which States and organizations having presented written statements could submit written comments on the written statements made by other States or organizations, in accordance with Article 66, paragraph 4, of the Statute.

210. Pursuant to Article 66 of its Statute, the Court subsequently authorized, upon their request, the League of Arab States, the Organisation of Islamic Cooperation and the African Union to participate in the proceedings by presenting written statements on the questions submitted to the Court and written comments on any written statements made by States or other organizations, within the time limits fixed by the Court in its order of 3 February 2023.

2. *Obligations of States in respect of Climate Change*

211. On 29 March 2023, the General Assembly of the United Nations adopted resolution [77/276](#) in which, referring to Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court, it requested the Court to give an advisory opinion on the following questions:

“Having particular regard to the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention on the Law of the Sea, the duty of due diligence, the rights recognized in the Universal Declaration of Human Rights, the principle of prevention of significant harm to the environment and the duty to protect and preserve the marine environment,

(a) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations;

(b) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to: (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change? (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?"

212. The request for an advisory opinion was transmitted to the Court by the Secretary-General of the United Nations by a letter dated 12 April 2023. By letters dated 17 April 2023, the Deputy-Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to article 66, paragraph 1, of the Statute.

213. By an order dated 20 April 2023, the President of the Court decided, pursuant to article 66, paragraph 1, of the Statute of the Court, that the United Nations and its Member States were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion and fixed 20 October 2023 as the time limit within which written statements on the questions could be presented to the Court, in accordance with article 66, paragraph 2, of the Statute, and 22 January 2024 as the time limit within which States and organizations having presented written statements could submit written comments on the written statements made by other States or organizations, in accordance with article 66, paragraph 4, of the Statute.

214. Pursuant to article 66 of its Statute, the Court subsequently authorized, upon their request, the International Union for Conservation of Nature, the Commission of Small Island States on Climate Change and International Law, the European Union and the African Union to participate in the proceedings by presenting written statements on the questions submitted to the Court and written comments on any written statements made by States or other organizations, within the time limits fixed in the order of 20 April 2023.

Chapter VI

Information on outreach activities and visits to the Court

215. The Court endeavours to ensure that its work and activities are understood and publicized as widely as possible, through public speeches, meetings with high-level officials, presentations, multimedia platforms, its website, social media channels, various outreach initiatives and cooperation with the United Nations Secretariat.

1. Statements by the President of the Court

216. During the period under review, the President of the Court gave a number of speeches on various aspects of the Court's work. In particular, in her address of 27 October 2022 at the seventy-seventh session of the General Assembly, the President gave an overview of the Court's activities in the period from 1 August 2021 to 31 July 2022. The following day, she delivered an address to the Sixth Committee of the General Assembly entitled "A view of the International Court of Justice from within". On 12 January 2023, the President delivered a speech at the Security Council's signature event on "The Promotion and Strengthening of the Rule of Law and Maintenance of International Peace and Security: the Rule of Law among Nations". On 18 July 2023, the President addressed the International Law Commission. The full texts of these speeches can be found on the website of the Court, under "The Court" and "Statements by the President".

2. Visits to the Court

217. From August 2022 to July 2023, the Court also welcomed a number of high-level visitors to its seat at the Peace Palace. During these visits, members of the Court and Registry staff exchanged views with their guests on the role and activities of the Court and its importance in ensuring peace and justice. The following dignitaries were received by the Court during the period under review: on 24 November 2022, Abdellatif Ouahb, Minister of Justice of Morocco; on 5 December 2022, Riad Malki, Minister for Foreign Affairs of the State of Palestine; on 19 January 2022, Christina Kokkinakis, Deputy Managing Director Global and Director for Values and Multilateral Relations at the European External Action Service; on 22 February 2023, Sally Langrish, Director General, Legal, of the Foreign, Commonwealth and Development Office of the United Kingdom; on 2 March 2023, Franc Weerwind, Minister for Legal Protection of the Kingdom of the Netherlands; on 22 March 2023, Rodrigo Chaves Robles, President of the Republic of Costa Rica; on 14 April 2023, Bankole Adeoye, Commissioner for Political Affairs, Peace and Security of the African Union; on 20 April 2023, Inese Lībiņa-Egnere, Minister of Justice of the Republic of Latvia; on 21 April 2023, Věra Jourová, Vice-President for Values and Transparency of the European Commission; and, on 24 May 2023, Mario Búcaro Flores, Minister for Foreign Affairs of the Republic of Guatemala.

3. Outreach activities and presentations

218. The President, other members of the Court, the Registrar and various members of the Registry staff also regularly give presentations, in The Hague and outside the Kingdom of the Netherlands, on the functioning, procedure and jurisprudence of the Court. Such presentations enable diplomats, academics, representatives of judicial authorities, students, media representatives and the general public to gain a better understanding of the role and activities of the Court.

219. During the period under review, these activities included: on 15 September 2022, a briefing by the Registrar to Ambassadors based in The Hague on the work of the Court; on 26 October 2022, the participation of the Registrar in a side event at the

seventy-seventh session of the General Assembly as part of International Law Week, organized by The Hague Academy of International Law, on the subject of “The institutions at the Peace Palace as key contemporary actors of international law”; on 14 December 2022, a briefing by the Registrar to a group of legal counsel of embassies of European Union Member States on the work of the Court; on 28 March 2023, a working visit for French-language journalists, organized in cooperation with the Ministry of Foreign Affairs of the Kingdom of the Netherlands; on 23 May 2023, the participation of the President, members of the Court and the Registrar in a commemorative event held in honour of Judge Cançado Trindade, organized in cooperation with The Hague Academy of International Law; and, lastly, on 5 June 2023, the hosting by the President, members of the Court and the Deputy-Registrar of a delegation of Chief Justices and judges from 10 African countries, organized in cooperation with the Ministry of Foreign Affairs of the Kingdom of the Netherlands and the Municipality of The Hague.

4. Film about the Court

220. In 2021, the Court launched a new institutional film emphasizing the continued influence, relevance and importance of the Court in today’s world. The film introduces viewers to the Court’s mission, explaining its role, composition and functioning, and highlights its contribution to the peaceful resolution of international legal disputes. It also touches on the ways in which the Court has been able to adapt its working methods to changing circumstances, and the new challenges and trends that may lie ahead. The film is available in English and French and can be viewed on the Court’s website, on UN Web TV and on the Court’s YouTube channel.

5. Online resources and services

221. The Court’s website contains its entire jurisprudence and that of its predecessor, the Permanent Court of International Justice, and provides first-hand information for States and international organizations wishing to make use of the procedures open to them at the Court. It also contains electronic versions of case-related documents submitted by parties to contentious cases and by States and organizations participating in advisory proceedings, press releases, summaries of the Court’s decisions, the Court’s basic documents, publications and multimedia content. Electronic versions of the Court’s press releases and summaries of its decisions are regularly sent to a distribution list including embassies, lawyers, universities, journalists and other interested institutions and persons worldwide.

222. As in the past, the Court continues to provide full live and recorded webcast coverage of its public sittings on its website; viewers can follow sittings in the original language or listen to the interpretation into the other official language of the Court. These webcasts are also broadcast on UN Web TV.

223. To increase the visibility of its work, the Court continues to develop and strengthen its social media presence, maintaining and regularly updating its LinkedIn, Twitter and YouTube accounts, and its “CIJ-ICJ” application.

6. Museum

224. Through a combination of archive material, art works and audiovisual presentations, the museum of the International Court of Justice traces the major stages in the establishment of the Court and its role in the peaceful settlement of international disputes. The exhibition provides a detailed introduction to the role and activities of the United Nations and the Court, which continues the work of its predecessor, the Permanent Court of International Justice.

225. Following the lifting of the COVID-19 restrictions during the second half of 2022, the museum is once again regularly used by members of the Court and certain Registry staff members to welcome groups of visitors and to give presentations on the role and work of the Court.

7. Cooperation with the Secretariat regarding public information

226. During the period under review, the Court's Information Department has continued to strengthen its cooperation with the Secretariat's Department of Global Communications.

227. The Information Department regularly provides to the relevant services in New York publication-ready information on the Court's activities, including its calendar of public hearings, announcements on the delivery of decisions, brief summaries of the Court's judgments and orders and background information. This information is used by the Spokesperson for the Secretary-General in daily briefings, in the press releases that result from those briefings, in the *Journal of the United Nations*, in the *Week Ahead at the United Nations* and in posts published on the Organization's social networking platforms. The teams responsible for managing the United Nations website and UN Web TV also provide the Court's Information Department with substantial support by disseminating information on the Court's activities and by broadcasting live and recorded coverage of the Court's public hearings. The Information Department continues to cooperate with UN Photo and the United Nations Audiovisual Library with regard to photographic and archival materials.

Chapter VII

Publications

228. The publications of the Court are made available to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. A catalogue of these publications, which is produced in English and French, is available on the Court's website under the heading "Publications". A revised and updated version of the catalogue was published in the second half of 2022.

229. The publications of the Court consist of several series. The following two series are published annually: the *Reports of Judgments, Advisory Opinions and Orders (I.C.J. Reports)* and the *C.I.J. Annuaire-I.C.J. Yearbook*, published in bilingual format since 2013–2014. The bound volume of *I.C.J. Reports 2021* was published during the period under review and the decisions delivered by the Court from January to April 2022 were published in separate fascicles. The *C.I.J. Annuaire-I.C.J. Yearbook 2020–2021* was published in 2023, and the *C.I.J. Annuaire-I.C.J. Yearbook 2021–2022* will be published in the first half of 2024.

230. The Court also publishes bilingual print versions of the instruments instituting proceedings in the contentious cases brought before it (applications instituting proceedings and special agreements), and any requests for advisory opinions that it receives.

231. 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 that series, which contain the full texts of the written pleadings, including annexes, as well as the verbatim records of the public hearings, give practitioners a complete view of the arguments put forward by the parties.

232. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice along with an analytical index. The newly revised edition of that publication, *I.C.J. Acts and Documents No. 7*, which was produced in house for print on demand, includes the updated Rules of Court, and the updated Practice Directions of the Court. This seventh edition is available in a bilingual print version and digitally on the Court's website, under the heading "Publications". In addition, unofficial translations of the Rules of Court in the other official languages of the United Nations can be found on the homepage of the Court's website, under the heading "Multilingual resources".

233. The Registry publishes a *Bibliography* listing such works and documents relating to the Court as have come to its attention. Bibliographies Nos. 1–18 formed Chapter IX of the relevant *Yearbook* or *Annuaire* up to the 1963–1964 issues. *Bibliographies Nos. 19–57* were issued annually as separate fascicles from 1964 to 2003. Since 2004, *Bibliographies* have been prepared in-house for print on demand in multi-year volumes.

234. The Court decided to commemorate the hundredth anniversary of the Statute of the Permanent Court of International Justice, adopted on 13 December 1920, by reprinting all of the decisions of the Permanent Court, in recognition of the contribution of its jurisprudence to the development of international law. The reprint, which was completed during the period under review, reproduces the original 15 volumes as published by the Permanent Court.

235. A special illustrated book entitled *The International Court of Justice: 75 Years in the Service of Peace and Justice* was published in 2022, in English and French, to mark the seventy-fifth anniversary of the Court. Produced entirely by the Registry, it

has been designed specifically with the general public in mind. Each short chapter covers a different facet of the institution: the history of the Court, its judges and its Registry, the parties to the proceedings before it, the principles governing its judicial activity, and the contribution made by the Court to certain areas of international law. During the period covered by this report, the e-book of this publication was converted into an accessible format for the visually impaired and those with print reading disabilities.

236. The booklet “Official gifts and donations” was also published in 2022. It contains an overview of the gifts and donations that States, judges and others have offered to the Court and its predecessor in the last 100 years. An electronic version of the booklet can be found on the Court’s website, under the heading “Publications”.

237. The Court also produces the *Handbook*, which is intended to facilitate a better understanding of its history, organization, jurisdiction, procedures and jurisprudence. The latest edition of the *Handbook* was published, in the Court’s two official languages, in 2019 and is available on the Court’s website, under the heading “Publications”.

238. In addition, the Court produces a general information booklet in the form of questions and answers, an updated version of which is available in English and French, along with a leaflet on the Court in the six official languages of the United Nations and in Dutch.

Chapter VIII

Finances of the Court

1. Method of covering expenditure

239. 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”. Since the budget of the Court is 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 Assembly.

2. Budget formulation

240. In accordance with articles 24 to 28 of the 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, before going to the full Court for approval.

241. 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 subsequently submitted to the Fifth Committee of the General Assembly. Lastly, it is adopted by the Assembly in plenary meeting, within the framework of decisions concerning the budget of the Organization.

3. Budget implementation

242. Responsibility for the implementation of the budget is assigned to the Registrar, who is assisted in this by the Finance Division. The Registrar must 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. The Registrar 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.

243. The accounts of the Court are audited by the Board of Auditors appointed by the General Assembly.

Budget for the Court for 2022 (appropriations), as adopted by the General Assembly

(United States dollars)

Budget class

Members of the Court

Non-staff compensation	7 700 300
Experts	69 900
Travel	24 900
Subtotal	7 795 100

Registry

Posts	14 697 200
Other staff costs	1 645 400
Hospitality	8 800
Consultants	42 400

<i>Budget class</i>	
Travel of staff	31 700
Contractual services	116 000
Grants and contributions	115 100
Subtotal	16 656 600
Programme support	
Contractual services	1 424 600
General operating expenditures	2 201 100
Supplies and materials	261 300
Furniture and equipment	210 400
Subtotal	4 097 400
Total	28 549 100

Budget for the Court for 2023 (appropriations), as adopted by the General Assembly

(United States dollars)

<i>Budget class</i>	
Members of the Court	
Non-staff compensation	7 794 700
Experts	79 300
Travel	30 200
Subtotal	7 904 200
Registry	
Posts	14 452 200
Other staff costs	1 959 100
Hospitality	9 300
Consultants	44 700
Travel of staff	38 800
Contractual services	133 800
Grants and contributions	130 400
Subtotal	16 768 300
Programme support	
Contractual services	1 589 800
General operating expenditures	2 349 000
Supplies and materials	316 700
Furniture and equipment	182 900
Subtotal	4 438 400
Total	29 110 900

Chapter IX

Judges' pension scheme and health insurance

244. In accordance with article 32, paragraph 7, of the Statute of the Court, members of the Court are entitled to a retirement pension, the exact conditions of which are governed by regulations adopted by the General Assembly. The amount of the pension is based on the number of years of service; for a judge having served on the Court for nine years, it is equal to 50 per cent of the annual net base salary (excluding post adjustment). The Assembly provisions governing the judges' pension scheme are contained in resolution [38/239](#) of 20 December 1983, section VIII of resolution [53/214](#) of 18 December 1998, resolution [56/285](#) of 27 June 2002, section III of resolution [59/282](#) of 13 April 2005, resolutions [61/262](#) of 4 April 2007, [63/259](#) of 24 December 2008, [64/261](#) of 29 March 2010, [65/258](#) of 24 December 2010 and section VI of resolution [71/272 A](#) of 23 December 2016.

245. In accordance with the request made in 2010 by the General Assembly in its resolution [65/258](#), the Secretary-General, in a report to the Assembly in 2011 ([A/66/617](#)), discussed the various retirement benefit options that could be considered.

246. Following the issuance of that document, the President of the Court addressed a letter in 2012 to the President of the General Assembly accompanied by an explanatory memorandum ([A/66/726](#), annex), expressing the Court's deep concern about certain proposals made by the Secretary-General, which appeared to raise concerns for the Court with respect to the integrity of its Statute, the status of its Members and their right to perform their functions with full independence (see also [A/67/4](#)).

247. By its decisions 66/556 B and 68/549 A, the General Assembly deferred consideration of the agenda item on the pension scheme for members of the Court to its sixty-eighth and sixty-ninth sessions, respectively. In its decision 69/553 A, the Assembly decided to further defer until its seventy-first session consideration of the item and the related documents: the reports of the Secretary-General ([A/68/188](#) and [A/66/617](#)), the related reports of the Advisory Committee on Administrative and Budgetary Questions ([A/68/515](#), [A/68/515/Corr.1](#) and [A/66/709](#)) and the letter from the President of the Court addressed to the President of the General Assembly referred to above.

248. In its resolution [71/272](#), the General Assembly requested the Secretary-General to submit for the consideration of the Assembly at the main part of its seventy-fourth session a comprehensive proposal on options for a pension scheme taking into account, inter alia, "the integrity of the Statute of the International Court of Justice and other relevant statutory provisions, the universal character of the Court, principles of independence and equality and the unique character of membership of the Court".

249. In a letter dated 2 August 2019 addressed to the Assistant Secretary-General for Human Resources, the Registrar recalled the concerns expressed by the Court in the past and requested that the Court's position be taken into account and reflected in the report of the Secretary-General.

250. In accordance with the request of the General Assembly, on 18 September 2019, the Secretary-General submitted his proposals in his report on conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and President and judges of the International Residual Mechanism for Criminal Tribunals ([A/74/354](#)). The Assembly, in its decision 74/540 B of 13 April 2020, decided to defer consideration of that report until the first part of its resumed seventy-fifth session.

251. In its resolution [75/253](#) B of 16 April 2021, the General Assembly took note of the report of the Secretary-General and endorsed the conclusions and recommendations contained in the related report of the Advisory Committee on Administrative and Budgetary Questions ([A/74/7/Add.20](#)). In the same resolution, the Assembly decided to maintain the three-year cycle for the review of conditions of service and compensation, and requested the Secretary-General to further refine the review of the pension schemes and his proposed options and to report thereon at its seventy-seventh session, taking into account certain considerations.

252. In its resolution [A/77/263](#) B, the General Assembly decided to maintain the current pension scheme of the judges (sect. III, para. 3). It also requested that the Chair of the Fifth Committee solicit a formal legal opinion from the Office of Legal Affairs of the Secretariat “containing an assessment of legal impediments, if any, to the introduction of changes to the pension scheme for judges of the International Court of Justice ..., in particular, changes that will result in judges having different pension schemes while serving on the Court, and changes that lower the level of pension benefits for new judges, including through a legal assessment of the Statute of the International Court of Justice” (sect. III, para. 4). The Assembly further invited the Sixth Committee to “consider the legal aspects of this assessment and to consider providing advice on this assessment for further discussion by the Fifth Committee” (sect. III, para. 5).

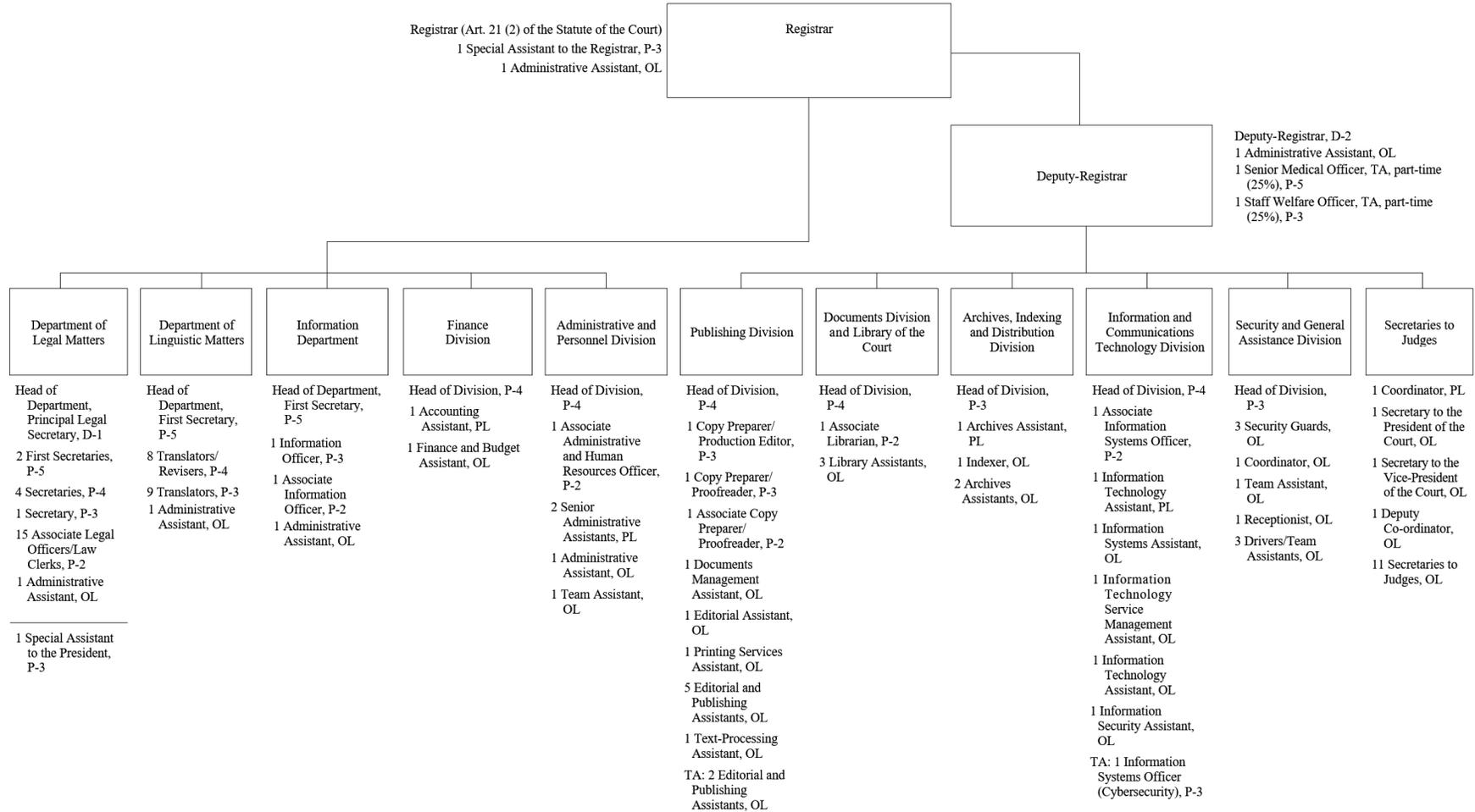
253. As noted in the report of the Court for the period from 1 August 2021 to 31 July 2022 ([A/77/4](#)), the Court has been concerned about the long-term viability of its health insurance scheme for active and retired members of the Court, particularly in the light of the small size of the population insured and the high volatility of premiums paid by participants. After considering various alternatives, including the option for members of the Court to join the health insurance plans administered by United Nations Headquarters, with the full amount of premiums paid by participants, the Court decided that members of the Court would remain with Cigna as part of an intergovernmental organization medical insurance pool. Doubts remain as to whether this solution is sustainable, and the Court is continuing to study the matter.

(Signed) Joan E. **Donoghue**
President of the International Court of Justice

The Hague, 1 August 2023

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2023



Abbreviations: OL, Other level; PL, Principal level; TA, Temporary assistance.