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# Report of the International Court of Justice

## 1 August 2015-31 July 2016

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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

### Brief overview of the judicial work of the Court

1. During the period under review, the International Court of Justice experienced a high level of judicial activity, ruling in particular on two joined cases concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* and the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (see paras. 113 to 140 below).

2. The Court or its President also handed down 11 orders. The purpose of 9 of those orders was to fix the time limits given to the parties for the filing of written pleadings in the following cases (in chronological order):

*Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)* (see para. 153 below);

*Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* (see para. 253 below);

*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* (see para. 111 below);

*Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)* (see para. 193 below);

*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* (see para. 112 below);

*Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)* (see para. 173 below);

*Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)* (see para. 262 below);

*Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* (see para. 270 below);

*Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)* (see para. 277 below).

Two of the orders concerned the appointment of experts in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see paras. 206-211 below).

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

*Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*, it held hearings on the preliminary objections raised by Colombia (see paras. 174-193 below);

*Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*, it held hearings on the preliminary objections raised by Colombia (see paras. 154-173 below);

*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*, it held hearings on jurisdiction and admissibility (see paras. 212-221 below);

*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)*, it held hearings on jurisdiction and admissibility (see paras. 222-233 below);

*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*, it held hearings on the preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland (see paras. 234-242 below).

4. The Court fixed 19 September 2016, as the date for the opening of the oral proceedings in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* (see paras. 243-254 below).

5. The Court was also seized of the following three new contentious cases:

*Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)* (see paras. 255-262 below);

*Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* (see paras. 263-270 below);

*Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)* (see paras. 271-277 below).

6. As at 31 July 2016, the number of cases on the Court's List stood at 14:

1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;[1]
2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*;
3. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*;
4. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*;
5. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*;
6. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*;
7. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*;

[1] The Court delivered its judgment in the case concerning the *Gabčikovo-Nagymaros Project (Hungary/Slovakia)* on 25 September 1997. The case nevertheless technically remains pending, given that, in September 1998, Slovakia filed a request for an additional judgment. Hungary filed a written statement of its position on the request made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The parties have subsequently resumed negotiations over the implementation of the judgment rendered in 1997 and have informed the Court on a regular basis of the progress made.

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

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

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

11. *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*;

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

13. *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*;

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

7. The pending contentious cases involve States from across all continents, including six from the Americas, five from Africa, four from Europe, three from Asia and one from Oceania. The diverse geographical distribution of cases is illustrative of the universal character of the jurisdiction of the principal judicial organ of the United Nations.

8. Cases submitted to the Court involve a wide variety of subject matters, including: territorial and maritime disputes; unlawful use of force; interference in the domestic affairs of States; violation of territorial integrity and sovereignty, economic rights; international humanitarian and human rights law; genocide; environmental damage and conservation of living resources; immunities of States and their representatives; and interpretation and application of international treaties and conventions. The diversity of subjects illustrates the general character of the jurisdiction of the principal judicial organ of the United Nations.

9. The cases that States entrust to the Court for settlement are growing in factual and legal complexity. They also frequently involve a number of phases, for example as a result of: filing of preliminary objections to jurisdiction or admissibility; submission of requests for the indication of provisional measures, which must be dealt with as a matter of urgency; applications for permission to intervene; and declarations of intervention filed by third States.

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

**Continuation of the sustained level of activity of the Court**

11. Over the past 20 years, the extensive use of new technologies notwithstanding, the Registry's workload has grown considerably owing to the substantial increase in the number of cases brought before the Court and the associated incidental proceedings, as well as the growing complexity of cases.

12. The Court has been able to respond to those new challenges thanks to the steps it has taken to enhance its efficiency.

13. The Court now sets itself a particularly demanding schedule of hearings and deliberations, such that, at any given time, several cases may be considered

simultaneously, and the numerous associated incidental proceedings dealt with as promptly as possible. Over the past year, the Registry has sought to maintain the high level of efficiency and quality in its work of support to the functioning of the Court.

14. The key role played by the Court in the system of peaceful settlement of inter-State disputes established by the Charter of the United Nations is universally recognized.

15. The Court welcomes the confidence placed in it and the respect shown for it by States, which may rest assured that it will continue to work to ensure the peaceful settlement of disputes and clarify the rules of international law on which its decisions are based, with the utmost integrity, impartiality and independence, and as expeditiously as possible.

16. In that respect, it should be recalled that having recourse to the principal judicial organ of the United Nations is a uniquely cost-effective solution. It should also be pointed out that, given the complexity of the cases involved, the period between the closure of oral proceedings and the reading of a judgment by the Court is relatively short, given that on average it does not exceed six months.

**Promoting the rule of law**

17. The Court once again takes the opportunity offered by the submission of its annual report to the General Assembly to report on its role in promoting the rule of law, as the Assembly regularly invites it to do, most recently in its resolution 70/118 of 14 December 2015.

18. The Court plays a key role in maintaining and promoting the rule of law throughout the world. In an address delivered during the solemn sitting held on 20 April 2016 to mark the seventieth anniversary of the Court's inaugural sitting, the President of the Court, Ronny Abraham, stated that "the Court's judgments on the merits all represent disputes that have been settled and situations that might otherwise have led to open conflict and that have found a peaceful outcome. Its advisory opinions also play a decisive role".

19. In that regard, the Court notes with satisfaction that, in its resolution 70/117 of 14 December 2015, the General Assembly recognized the important role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes and noted that, consistent with Article 96 of the Charter of the United Nations, the Court's advisory jurisdiction might be requested by the Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies.

20. The Court also notes with appreciation that, in its resolution 70/118, the General Assembly called upon States that had not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

21. Everything the Court does is aimed at promoting and reinforcing the rule of law. Through its judgments and advisory opinions, it contributes to strengthening and clarifying international law. The Court likewise endeavours to ensure that its decisions are well understood and publicized as widely as possible throughout the world, through its publications, the development of multimedia platforms and its

own website, which contains its entire jurisprudence and that of its predecessor, the Permanent Court of International Justice, and provides useful information for States and international organizations wishing to make use of the procedures open to them at the Court.

22. The President, members of the Court, the Registrar and staff members of the Registry regularly give presentations and take part in legal forums, both at The Hague and abroad, on the functioning of the Court, its procedure and its jurisprudence. Their presentations enable the public to gain a better understanding of what the Court does in both contentious cases and advisory proceedings.

23. Every year the Court welcomes a very large number of visitors to its seat. In particular, it receives Heads of State and other official delegations from various countries with an interest in its work.

24. During the period under review, the seat of the Court was also visited by approximately 6,000 visitors from a number of groups, including diplomats, academics, judges and representatives of judicial authorities, lawyers and other members of the legal profession. The "open day", which is held every year, further enables the Court to become better known to the general public.

25. The Court has a particular interest in young people; it participates in events organized by universities and offers internship programmes that enable students from various backgrounds to familiarize themselves with the institution and further their knowledge of international law.

**Seventieth anniversary of the Court**

26. To celebrate the seventieth anniversary of its inaugural sitting, the Court held a solemn sitting on 20 April 2016 in the presence of King Willem-Alexander of the Netherlands, the Secretary-General, the Minister for Foreign Affairs of the Netherlands and the Vice-President of the General Assembly, as well as numerous ambassadors and other dignitaries. The President of the Security Council sent a video message to the Court, which was shown during the solemn sitting.

27. In the address he delivered on that occasion, the Secretary-General stated that "over the years, the International Court of Justice, as the principal judicial organ of the United Nations, ha[d] made a central contribution to the rule of law", stepping in effectively where diplomatic or political measures had failed and helping countries to settle their disputes by peaceful means. He emphasized that the Court "ha[d] compiled a solid record of effective and impartial judgments, thereby building global trust in the Court's work and faith in the power of law".

28. The President of the Court observed that although "the political and legal environment in which the Court operates ha[d] changed considerably since 1945 ... the need for a world court working for international peace and justice is as strong today as it was when the Charter [of the United Nations] was first signed". The President remarked that "at 70, the International Court of Justice ha[d] reached a serene maturity. Conscious of the importance of the mission with which it ha[d] been entrusted by the Member States, it [wa]s ready to face the new challenges that might arise in the coming decade".

29. On 18 and 19 April 2016, the Court held a seminar at the Peace Palace, on the theme "The International Court of Justice at 70: in retrospect and in prospect". The

seminar was attended by a number of diplomats, lawyers and academics, as well as members of the Court and the Registrar. The purpose of the seminar was to hold an open debate on the following four topics: selection of the Court as a forum for contentious and advisory proceedings, including jurisdiction; working methods of the Court; fact-finding and evidence, notably in disputes relating to matters of science; and Article 38 of the Statute and applicable law.

30. On the occasion of its seventieth anniversary, the Court also organized a photographic exhibition in the Atrium of The Hague City Hall, and at the Peace Palace. After being displayed at The Hague, the photographs will then be displayed in a number of other cities around the world, including in New York, at United Nations Headquarters. The exhibition serves to introduce the Court to the general public and illustrates how, through its decisions, the Court contributes to the maintenance of peace, the rule of justice and the development of international law. In the final exhibition panel, it is recalled that, since its creation in 1946, the Court has been seized of more than 160 cases, giving rise to the delivery of 121 judgments and 27 advisory opinions.

31. The Court's seventieth anniversary celebrations also included the inauguration of the newly refurbished museum of the Court by the Secretary-General on 20 April 2016 (see paras. 305-307 below) and the release of various publications (see paras. 284-295 below), notably an extensively updated edition of *The Illustrated Book of the International Court of Justice* (coffee-table book). A photographic booklet, entitled "70 years of the Court in pictures", which is an updated information booklet aimed at the general public in the format of questions and answers, a media handbook containing practical information for journalists and a new flyer about the Court were also published to mark the anniversary. In addition, the Registry updated the film about the Court, which is now available in 51 languages.

**Budget reductions and functioning of the Court**

32. Early in 2015, the Court submitted its budgetary requests for the biennium 2016-2017 to the General Assembly, through the Controller. The large majority of the Court's expenditure was fixed and statutory in nature, and most of the budgetary requests for that biennium were to be used to fund that expenditure. The Court did not request the creation of any new posts for 2016-2017. In total, the proposed budget for the biennium 2016-2017 amounted to $52,543,900 before recosting, a net increase of $1,140,800 (or 2.2 per cent) compared with the budget for 2014-2015. The rise was largely attributable to an increased need for consultancy and contractual services linked to various information technology modernization projects. The Assembly has regularly called for such modernization.

33. Early in 2016, the members of the Court were extremely surprised to learn that not only had the General Assembly not granted the Court's requests, but that it had reduced its budget by some 10 per cent compared with the previous biennium, notably abolishing the equivalent of four posts. Those measures have aroused deep concern among members of the Court, given that the Court must clearly continue to be able to fulfil its mission, in the best possible conditions, as the principal judicial organ of the United Nations, in accordance with its Statute, which forms an integral part of the Charter of the United Nations. The said measures have come at a time when the Court's activity is more intensive and more complex than ever before,

notwithstanding Member States' repeated emphasis that the Court must have sufficient funds at its disposal to meet that new challenge. In addition, the reductions were decided without the traditional exchange of views between the two principal organs. Such exchanges have always enabled the Assembly to gain a better understanding of the specific needs of the Court, which is not subject to the same budgetary rationale as other organs, does not have programmes and activities that can be planned in advance and is administratively independent. Without such exchanges, measures may be taken which, while making marginal savings in the Organization's budget, could jeopardize the Court's work and thus prove severely counterproductive.

34. In a letter dated 1 April 2016, the President of the Court, at the behest of the Court, drew the attention of the President of the General Assembly to the unprecedented situation. In his letter, the President indicated that the Court regretted that the budgetary decisions affecting it were taken without any consultation as to their possible consequences in terms of its ability to function properly and to fulfil its mission in accordance with the Charter of the United Nations and that the Court noted with particular concern the absence, for the first time in its history, of the dialogue which had always enabled the General Assembly to make the best advised decisions on the budget of the principal judicial organ of the United Nations.

35. The President of the Court added that the Court was fully aware of the financial difficulties faced by many States and of the need for the Organization as a whole, and the Court in particular, to demonstrate the budgetary restraint which is required in that context. Nevertheless, he stressed that the impact of the measures adopted to that end, across the whole of the Organization, might prove to be extremely detrimental if they were applied to the Court without discrimination. Staff numbers at the Court were low, and its costs represented only a very small fraction of the United Nations budget (less than 1 per cent of the regular budget).

36. In his letter, the President of the Court recalled that notwithstanding the fundamental importance of its role as the highest judicial body for the peaceful settlement of disputes, the Court's budgetary requests had always been especially modest. He emphasized that the Court's activities were particularly cost-effective and that, under the circumstances, any reduction in its limited resources might have a seriously damaging effect on its ability to perform its mission as it should be performed and within a reasonable time frame. It was therefore essential, in the opinion of the Court, for it to always have the opportunity to make its views and specific needs known, in the interest of the budgetary process taking place smoothly, before any decisions were adopted to reduce its resources or the staffing of its Registry.

37. The President concluded his letter by stating that the Court had already taken, and would continue to take, during the present biennium, all the measures in its power to ensure that the reduced resources which had been allocated to it were used in the best way possible. However, it could not rule out having to return to the General Assembly with a request for a supplementary budget, should the performance of its statutory activities seem to be jeopardized by a lack of funding. The Court knew that, in the future, it could count on the support of the Assembly, and that of the Organization as a whole, in continuing to fulfil its mission as the principal judicial organ of the United Nations both effectively and expeditiously.

38. To date, the President's letter remains unanswered.

39. Further to its order of 31 May 2016 in the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)* (see paras. 206 to 209 below), the Court will also need sufficient resources during the biennium 2016-2017 to obtain an expert opinion. The purpose of the expert opinion, which will be given under Article 50 of the Statute of the Court, is to determine the state of a portion of the Caribbean coast. It is intended to clarify certain factual matters relevant to the purpose of settling the dispute between the parties and will entail, among other things, site visits by the experts appointed by the President of the Court. Given that the amount provided under the resolution concerning unforeseen and extraordinary expenses is not sufficient to cover the cost of obtaining the expert opinion, a request for additional funds has been made.

**Pension scheme for judges of the Court**

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

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

**Asbestos**

42. As indicated in the previous annual report (A/70/4), in 2014 the presence of asbestos was discovered in the wing of the Peace Palace constructed in 1977, which houses the Deliberation Room and a number of judges' offices, and in archiving areas used by the Court in the old building of the Peace Palace. The entire judges' building, the parts constructed in both 1977 and in 1996, and the contaminated archiving areas in the old building were subsequently sealed off, and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, provided temporary premises for the members of the Court and the Registry staff who assist them directly.

43. In addition to the tests conducted in 2014, during the course of 2015, simulation tests to assess the levels of contamination and post-decontamination checks were carried out at the request of both the Court and the Carnegie Foundation, in the archiving areas of the old building of the Peace Palace and in the parts of the judges' building where the presence of asbestos had been detected.

44. Work to renovate the judges' building was carried out in the autumn of 2015 and completed at the beginning of 2016. The Court was informed by the Carnegie Foundation that, pending a more detailed analysis, measures had been taken to avoid any risk of air contamination by materials containing asbestos in the old building of the Peace Palace and that regular checks would be carried out.

45. At the end of January 2016, following the completion of the renovation work, the members of the Court and Registry staff whose offices had been relocated to premises outside the Peace Palace in September 2014 were able to move back into the judges' building. The Deliberation Room, decontaminated and refurbished, is now back in use.

46. Plans have been drawn up by the Carnegie Foundation for the purposes of producing a systematic inventory of all the asbestos present in the old building of the Peace Palace.

# Chapter II
# Role and jurisdiction of the Court

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

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

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

### Jurisdiction in contentious cases

50. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty.

51. In that respect, it should be noted that, as at 31 July 2016, 193 States were parties to the Statute of the Court, and thus had access to it (jurisdiction *ratione personae*).

52. Moreover, 72 States have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court (*ratione materiae*), as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Ireland, Italy, Japan, Kenya, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Senegal, Slovakia, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Timor-Leste, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed with the Secretary-General by the above States are available on the Court's website under the heading "Jurisdiction".

53. In addition, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction *ratione materiae* in the resolution of various types of disputes between their parties. A representative list of those treaties and conventions may also be found on the Court's website under the heading "Jurisdiction". The Court's jurisdiction *ratione materiae* can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. When submitting a dispute to the Court, a State may propose to found the Court's jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, in reliance on article 38, paragraph 5, of the Rules of Court. If the latter State gives its consent, the Court's jurisdiction is

established and the new case is entered in the General List on the date that that consent is given (a situation known as *forum prorogatum*).

**Jurisdiction in advisory proceedings**

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

International Labour Organization;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

International Civil Aviation Organization;

World Health Organization;

World Bank;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Telecommunication Union;

World Meteorological Organization;

International Maritime Organization;

World Intellectual Property Organization;

International Fund for Agricultural Development;

United Nations Industrial Development Organization;

International Atomic Energy Agency.

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

56. In a letter dated 13 June 2016, the Legal Adviser of the International Labour Office informed the Court that, at its 105th session, held from 30 May to 10 June 2016, the International Labour Conference had adopted draft amendments to the Statute of the Administrative Tribunal of the International Labour Organization (ILO) and to the annex thereto, repealing article XII of the Statute and article XII of the annex, provisions of which had allowed ILO and other organizations that were parties to the Statute, when contesting the validity of a decision by the Tribunal, to submit the matter to the Court for an advisory opinion. Those articles were repealed in response to concerns that had been raised about the system of review of judgments of administrative tribunals, in particular owing to the inequality of access

to the Court, by which only the employing agency of the staff member in question had the right to initiate the procedure. The Court had recently drawn attention to those concerns in its advisory opinion of 1 February 2012 relating to judgment No. 2867 of the Administrative Tribunal of the International Labour Organization upon a Complaint Filed against the International Fund for Agricultural Development. The former article 11 of the Statute of the Administrative Tribunal of the United Nations, which also provided for the possibility to request a review by the Court of a judgment of that Tribunal, was repealed on 1 January 1996, pursuant to General Assembly resolution 50/54 of 11 December 1995.

# Chapter III
# Organization of the Court

## A. Composition

57. The International Court of Justice consists of 15 judges elected by the General Assembly and the Security Council for a term of nine years. Every three years, one third of the Court's seats falls vacant. The next elections to fill such vacancies will be held in the last quarter of 2017.

58. As at 31 July 2016, the composition of the Court was as follows: President: Ronny Abraham (France); Vice-President: Abdulqawi Ahmed Yusuf (Somalia); Judges: Hisashi Owada (Japan), Peter Tomka (Slovakia), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), James Richard Crawford (Australia) and Kirill Gevorgian (Russian Federation).

**President and Vice-President**

59. The President and the Vice-President of the Court (Statute, Article 21) are elected by the members of the Court every three years by secret ballot. The Vice-President replaces the President in his or her absence, in the event of his or her inability to exercise his/her duties or in the event of a vacancy in the presidency. Among other things, the President: (a) presides at all meetings of the Court, directs its work and supervises its administration; (b) in every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure. For that purpose, he or she summons the agents of the parties to meet him or her as soon as possible after their appointment, and whenever necessary thereafter; (c) may call upon the parties to act in such a way as will enable any order 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 purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it without the right to vote, takes steps to obtain all the information relevant to the choice of assessors; (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 he or she does not share the majority opinion of the Court, in which case his or her place is taken 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, and the minutes; (k) delivers the judicial decisions of the Court at public sittings; (l) chairs the Budgetary and Administrative Committee of the Court; (m) addresses the representatives of the States Members of the United Nations during the plenary meetings of the annual session of the General Assembly in New York in order to present the report of the International Court of Justice; (n) receives, at the seat of the Court, Heads of State and Government and other dignitaries during official visits. When the Court is not sitting, the President may, among other things, be called upon to make procedural orders.

### Registrar and Deputy-Registrar

60. The Registrar of the Court is Philippe Couvreur, of Belgian nationality. On 3 February 2014, he was re-elected to the post for a third seven-year term of office beginning on 10 February 2014. Mr. Couvreur was first elected Registrar of the Court on 10 February 2000 and re-elected on 8 February 2007 (the duties of the Registrar are described in paras. 92 to 96 below).

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

### Chamber of Summary Procedure, Budgetary and Administrative Committee and other committees

62. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2016, was constituted as follows:

*Members*:

Mr. Abraham, President of the Court
Mr. Yusuf, Vice-President of the Court
Ms. Xue, Ms. Donoghue and Mr. Gaja, Judges

*Substitute members*:

Mr. Cançado Trindade and Mr. Gevorgian, Judges

63. The Court also constituted committees to facilitate the performance of its administrative tasks. As at 31 July 2016, they were composed as follows:

(a) Budgetary and Administrative Committee: Mr. Abraham (Chair), Mr. Yusuf, Mr. Tomka, Mr. Greenwood, Ms. Xue, Ms. Sebutinde and Mr. Bhandari;

(b) Rules Committee: Mr. Owada (Chair), Mr. Cançado Trindade, Ms. Donoghue, Mr. Gaja, Mr. Robinson, Mr. Crawford and Mr. Gevorgian;

(c) Library Committee: Mr. Cançado Trindade (Chair), Mr. Gaja, Mr. Bhandari and Mr. Gevorgian.

### Judges ad hoc

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

65. The number of judges ad hoc chosen by States parties during the period under review was 19, with those functions being carried out by 12 individuals (the same person may sit as judge ad hoc in more than one case).

66. In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the Democratic Republic of the Congo chose Joe Verhoeven to sit as judge ad hoc.

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

68. In the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*, Nicaragua chose Mr. Guillaume and Costa Rica Bruno Simma to sit as judges ad hoc. Further to the decision by the Court to join the proceedings in this case with those in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*, Mr. Simma resigned. Since then, Mr. Dugard, chosen by Costa Rica to sit as judge ad hoc in the *Costa Rica* v. *Nicaragua* case, has also been sitting as judge ad hoc in the joined *Nicaragua* v. *Costa Rica* case.

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

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

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

72. In the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*, Costa Rica chose Mr. Simma and Nicaragua Awn Shawkat Al-Khasawneh to sit as judges ad hoc.

73. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*, the Marshall Islands chose Mohammed Bedjaoui to sit as judge ad hoc.

74. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)*, the Marshall Islands chose Mr. Bedjaoui to sit as judge ad hoc.

75. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*, the Marshall Islands chose Mr. Bedjaoui to sit as judge ad hoc.

76. In the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*, Kenya chose Mr. Guillaume to sit as judge ad hoc.

77. In the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)*, Chile chose Mr. Simma to sit as judge ad hoc.

78. In the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*, Equatorial Guinea chose James Kateka to sit as judge ad hoc.

## B. Privileges and immunities

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

80. In the Netherlands, pursuant to an exchange of letters dated 26 June 1946 between the President of the Court and the Minister for Foreign Affairs, the members of the Court enjoy, generally, the same privileges, immunities, facilities

and prerogatives as heads of diplomatic missions accredited to His Majesty the King of the Netherlands (*I.C.J. Acts and Documents No. 6*, pp. 204-211 and pp. 214-217).

81. By its resolution 90 (I) of 11 December 1946 (ibid., pp. 210-215), the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there; 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.

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

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

## C. Seat

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

85. The Court occupies premises in the Peace Palace at The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses the premises and provides for the Organization to pay an annual contribution to the Carnegie Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951 and 1958, as well as subsequent amendments. The annual contribution by the United Nations to the Carnegie Foundation rose to €1,334,892 for 2015 and to €1,342,901 for 2016.

86. Negotiations between the United Nations and the Carnegie Foundation resulted in a memorandum signed on 15 October 2014, which provides, among other things, for the preparation of a revised version of the original agreement regarding the Court's use of the Peace Palace premises. The agreed changes concern the extent and quality of the areas reserved for the Court, security of persons and property, the level of services provided by the Foundation and the establishment by the Foundation of an asbestos management plan, which will be communicated to the Court. The revised agreement must be adopted by the General Assembly.

# Chapter IV
# Registry

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

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

89. Registry officials are appointed by the Court on proposals made by the Registrar or, for General Service staff, by the Registrar with the approval of the President. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations adopted by the Court (see Rules, article 28). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions at The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of Secretariat officials of the equivalent category or grade.

90. The organizational structure of the Registry is fixed by the Court on proposals made by the Registrar. The Registry consists of three departments and nine technical divisions. An organogram showing the organizational structure of the Registry is contained in the annex to the present report. The President of the Court and the Registrar are each aided by a special assistant (at the P-3 level). The members of the Court are each assisted by a law clerk (P-2). Those 15 associate legal officers, although seconded to the 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 responsibility. A total of 15 secretaries, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

91. The total number of posts at the Registry is at present 116, namely, 60 posts in the Professional category and above (all of which are permanent) and 56 in the General Service category.

### The Registrar

92. The Registrar is responsible for all departments and divisions of the Registry (Statute, Article 21). Under the terms of article 1 of the Instructions for the Registry, "[t]he staff are under his authority, and he alone is authorized to direct the work of the Registry, of which he is the Head". In the discharge of his functions the Registrar reports to the Court. His role is threefold: judicial, diplomatic and administrative.

93. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In that respect, the Registrar performs, among others, the following tasks: (a) keeps the General List of all cases and is responsible for recording documents in the case files; (b) manages the proceedings in the cases;

(c) is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; provides any assistance required and is responsible for the preparation of reports or minutes of such meetings; (d) signs all judgments, advisory opinions and orders of the Court, as well as minutes; (e) maintains relations with the parties to a case and has specific responsibility for the receipt and transmission of 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 judgments of the Court, 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; and (g) has custody of the seals and stamps of the Court, of the archives of the Court and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the Nuremberg International Military Tribunal).

94. The Registrar's diplomatic duties include 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; and (e) being responsible for information concerning the Court's activities and for the Court's publications, including press releases.

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

96. Pursuant to the exchange of letters and General Assembly resolution 90 (I) as referred to in paragraphs 80 and 81 above, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions at The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

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

# Chapter V
# Pending contentious proceedings during the period under review

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

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

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

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

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

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

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

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

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

104. On 13 May 2015, the Registry of the Court received from the Democratic Republic of the Congo a document entitled "New application to the International Court of Justice", requesting the Court to decide the question of the reparation due to the Democratic Republic of the Congo in the case. In that document, the Government of the Democratic Republic of the Congo stated in particular that:

> "the negotiations on the question of reparation owed to the Democratic Republic of the Congo by Uganda must now be deemed to have failed, as is made clear in the joint communiqué signed by both Parties in Pretoria, South Africa, on 19 March 2015 [at the end of the fourth ministerial meeting held between the two States];
>
> it therefore behoves the Court, as provided for in paragraph 345 (6) of the judgment of 19 December 2005, to reopen the proceedings that it suspended in the case, in order to determine the amount of reparation owed by Uganda to the Democratic Republic of the Congo, on the basis of the evidence already transmitted to Uganda and which will be made available to the Court."

105. At a meeting held by the President of the Court with the representatives of the parties on 9 June 2015, the agent of the Democratic Republic of the Congo confirmed the position of his Government. The agent of Uganda, for his part, indicated that his Government was of the view that the conditions for referring the question of reparation to the Court had not been met, and that the request made by the Democratic Republic of the Congo in the application filed on 13 May 2015 was premature.

106. During the said meeting, the President recalled that it fell to the Court to decide on the subsequent procedure in the case, in accordance with the Rules of Court and the judgment reached in 2005.

107. By an order dated 1 July 2015, the Court decided to resume the proceedings in the case with regard to the question of reparations, and fixed 6 January 2016 as the time limit for the filing, by the Democratic Republic of the Congo, of a memorial on the reparations which it considered to be owed to it by Uganda, and for the filing, by Uganda, of a memorial on the reparations which it considered to be owed to it by the Democratic Republic of the Congo.

108. In its order, the Court observed that, "although the Parties ha[d] tried to settle the question of reparations directly, they ha[d] been unable to reach an agreement in that respect". It noted that the joint communiqué of the fourth ministerial meeting held between the two countries expressly stated that the ministers responsible for leading the negotiations had decided that there should be "no further negotiations" since "no consensus [had been] reached" between the parties.

109. The Court also noted in that order that, "taking account of the requirements of the sound administration of justice, it now f[ell] to [it] to fix time limits within which the parties must file their written pleadings on the question of reparations".

110. The Court further pointed out that the fixing of such time limits "le[ft] unaffected the right of the respective Heads of State to provide the further guidance referred to in the joint communiqué of 19 March 2015". It concluded that "each Party should set out in a memorial the entirety of its claim for damages which it consider[ed] to be owed to it by the other Party and attach to that pleading all the evidence on which it wishe[d] to rely".

111. By an order dated 10 December 2015, the President of the Court extended to 28 April 2016 the time limit for the filing, by the parties, of their memorials on the question of reparations.

112. By an order dated 11 April 2016, the Court extended to 28 September 2016 the time limit for the filing, by the parties, of the said memorials.

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

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

114. Costa Rica contended that Nicaragua, in two separate incidents, had occupied the territory of Costa Rica in connection with the construction of a canal across Costa Rican territory from the San Juan River to Laguna los Portillos (also known as Harbor Head Lagoon), and had carried out certain related works of dredging on the San Juan River. Costa Rica stated that the "dredging and the construction of the canal w[ould] seriously affect the flow of water to the Colorado River of Costa Rica, and w[ould] cause further damage to Costa Rican territory, including the wetlands and national wildlife protected areas located in the region".

115. Costa Rica accordingly requested the Court "to adjudge and declare that Nicaragua [wa]s in breach of its international obligations … as regards the incursion into and occupation of Costa Rican territory, the serious damage inflicted to its protected rainforests and wetlands, and the damage intended to the Colorado River, wetlands and protected ecosystems, as well as the dredging and canalization activities being carried out by Nicaragua on the San Juan River". The Court was also requested to determine the reparation which must be made by Nicaragua.

116. As the basis for the jurisdiction of the Court, the applicant invoked article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948. In addition, it invoked the declaration of acceptance of the

compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction.

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

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

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

120. In its counter-memorial, Nicaragua submitted four counterclaims. In its first counterclaim, it requested the Court to declare that Costa Rica bore responsibility to Nicaragua for "the impairment and possible destruction of navigation on the San Juan River caused by the construction of a road next to its right bank" by Costa Rica. In its second counterclaim, Nicaragua asked the Court to declare that it had become the sole sovereign over the area formerly occupied by the Bay of San Juan del Norte. In its third counterclaim, it requested the Court to find that Nicaragua had a right to free navigation on the Colorado Branch of the San Juan de Nicaragua River, until the conditions of navigability existing at the time when the 1858 Treaty was concluded were re-established. In its fourth counterclaim, Nicaragua alleged that Costa Rica had failed to implement the provisional measures indicated by the Court in its order of 8 March 2011.

121. By two separate orders dated 17 April 2013, the Court joined the proceedings in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (hereinafter "the *Costa Rica* v. *Nicaragua* case") with those in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (hereinafter "the *Nicaragua* v. *Costa Rica* case"; see paras. 128-140 below). In those two orders, the Court emphasized that it had so proceeded "in conformity with the principle of the sound administration of justice and with the need for judicial economy".

122. By an order dated 18 April 2013, the Court ruled on the four counterclaims submitted by Nicaragua in its counter-memorial filed in the *Costa Rica* v. *Nicaragua* case. In that order, the Court found, unanimously, that there was no need for it to adjudicate on the admissibility of Nicaragua's first counterclaim as such, given that that claim had become without object by reason of the fact that the proceedings in the *Costa Rica* v. *Nicaragua* and *Nicaragua* v. *Costa Rica* cases had been joined, and that that claim would therefore be examined as a principal claim

within the context of the joined proceedings. The Court also unanimously found that the second and third counterclaims were inadmissible as such and did not form part of the current proceedings, since there was no direct connection, either in fact or in law, between those claims and the principal claims of Costa Rica. In its order, the Court lastly found, unanimously, that there was no need for it to entertain the fourth counterclaim as such, since the question of compliance by both parties with provisional measures could be considered in the principal proceedings, irrespective of whether or not the respondent State raised that issue by way of a counterclaim and that, consequently, the parties could take up any question relating to the implementation of the provisional measures indicated by the Court in the further course of the proceedings.

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

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

125. Having held public hearings on that request from 14 to 17 October 2013, the Court delivered its order on 22 November 2013. After reaffirming, unanimously, the provisional measures indicated in its order of 8 March 2011, the Court indicated new provisional measures (see A/69/4, para. 129).

126. Public hearings on the merits in the two joined cases were held from 14 April to 1 May 2015 (see A/69/4, para. 123).

127. On 16 December 2015, the Court rendered its judgment in the joined cases, the operative clause of which reads as follows:

> "For these reasons,
>
> THE COURT,
>
> (1) By fourteen votes to two,
>
> *Finds* that Costa Rica has sovereignty over the 'disputed territory', as defined by the Court in paragraphs 69-70 of the present Judgment;
>
> IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson; *Judge* ad hoc Dugard;
>
> AGAINST: *Judge* Gevorgian; *Judge* ad hoc Guillaume;
>
> (2) Unanimously,
>
> *Finds* that, by excavating three *caños* and establishing a military presence on Costa Rican territory, Nicaragua has violated the territorial sovereignty of Costa Rica;

(3) Unanimously,

*Finds* that, by excavating two *caños* in 2013 and establishing a military presence in the disputed territory, Nicaragua has breached the obligations incumbent upon it under the Order indicating provisional measures issued by the Court on 8 March 2011;

(4) Unanimously,

*Finds* that, for the reasons given in paragraphs 135-136 of the present Judgment, Nicaragua has breached Costa Rica's rights of navigation on the San Juan River pursuant to the 1858 Treaty of Limits;

(5) *(a)* Unanimously,

*Finds* that Nicaragua has the obligation to compensate Costa Rica for material damages caused by Nicaragua's unlawful activities on Costa Rican territory;

*(b)* Unanimously,

*Decides* that, failing agreement between the Parties on this matter within 12 months from the date of this Judgment, the question of compensation due to Costa Rica will, at the request of one of the Parties, be settled by the Court, and reserves for this purpose the subsequent procedure in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*;

*(c)* By twelve votes to four,

*Rejects* Costa Rica's request that Nicaragua be ordered to pay costs incurred in the proceedings;

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Bennouna, Cançado Trindade, Xue, Donoghue, Gaja, Bhandari, Robinson, Gevorgian; *Judge* ad hoc Guillaume;

AGAINST: *Judges* Tomka, Greenwood, Sebutinde; *Judge* ad hoc Dugard;

(6) Unanimously,

*Finds* that Costa Rica has violated its obligation under general international law by failing to carry out an environmental impact assessment concerning the construction of Route 1856;

(7) By thirteen votes to three,

*Rejects* all other submissions made by the Parties.

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Gevorgian; *Judge* ad hoc Guillaume;

AGAINST: *Judges* Bhandari, Robinson; *Judge* ad hoc Dugard."

Vice-President Yusuf appended a declaration to the judgment of the Court; Judge Owada appended a separate opinion to the judgment of the Court; Judges Tomka, Greenwood, Sebutinde and Judge ad hoc Dugard appended a joint declaration to the

judgment of the Court; Judge Cançado Trindade appended a separate opinion to the judgment of the Court; Judge Donoghue appended a separate opinion to the judgment of the Court; Judge Bhandari appended a separate opinion to the judgment of the Court; Judge Robinson appended a separate opinion to the judgment of the Court; Judge Gevorgian appended a declaration to the judgment of the Court; Judge ad hoc Guillaume appended a declaration to the judgment of the Court; Judge ad hoc Dugard appended a separate opinion to the judgment of the Court.

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

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

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

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

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

132. Finally, Nicaragua requested the Court to adjudge and declare that Costa Rica should: "(a) cease all the constructions underway that [were] affect[ing] or m[ight] affect the rights of Nicaragua; (b) produce and present to Nicaragua an adequate Environmental Impact Assessment with all the details of the works".

133. As the basis for the jurisdiction of the Court, the applicant invoked article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948. In addition, it invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction (see A/67/4, para. 249, and subsequent supplements).

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

135. By two separate orders dated 17 April 2013, the Court joined the proceedings in the *Costa Rica* v. *Nicaragua* case (see paras. 113-127 above) with those in the *Nicaragua* v. *Costa Rica* case.

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

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

138. By an order of 3 February 2014, the Court authorized the submission of a Reply by Nicaragua and a rejoinder by Costa Rica and fixed 4 August 2014 and 2 February 2015 as the respective time limits for the filing of those pleadings. Those pleadings were filed within the time limits thus prescribed.

139. Public hearings on the merits in the two joined cases were held from 14 April to 1 May 2015 (see A/70/4, para. 136).

140. On 16 December 2015, the Court rendered its judgment in the joined cases (see para. 127 above).

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

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

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

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

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

145. The Plurinational State of Bolivia accordingly "request[d] the Court to adjudge and declare that:

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

(b) Chile has breached the said obligation;

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

146. As the 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, to which both States are parties.

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

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

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

150. By an order of 15 July, the President of the Court fixed 14 November 2014 as the time limit for the filing by the Plurinational State of Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile. The written statement of the Plurinational State of Bolivia was filed within the time limit thus fixed.

151. Public hearings on the preliminary objection to the jurisdiction of the Court were held from 4 to 8 May 2015 (see A/70/4, para. 148).

152. On 24 September 2015, the Court rendered its judgment on the preliminary objection raised by Chile, the operative clause of which reads as follows:

"For these reasons,

THE COURT,

(1) By fourteen votes to two,

*Rejects* the preliminary objection raised by the Republic of Chile;

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Sebutinde, Bhandari, Robinson, Gevorgian; *Judge* ad hoc Daudet;

AGAINST: *Judge* Gaja; *Judge* ad hoc Arbour;

(2) By fourteen votes to two,

*Finds* that it has jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to entertain the application filed by the Plurinational State of Bolivia on 24 April 2013.

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Sebutinde, Bhandari, Robinson, Gevorgian; *Judge* ad hoc Daudet;

AGAINST: *Judge* Gaja; *Judge* ad hoc Arbour."

Judge Bennouna appended a declaration to the judgment of the Court; Judge Cançado Trindade appended a separate opinion to the judgment of the Court; Judge Gaja appended a declaration to the judgment of the Court; Judge ad hoc Arbour appended a dissenting opinion to the judgment of the Court.

153. By an order dated 24 September 2015, the Court fixed 25 July 2016 as the new time limit for the filing of a counter-memorial by Chile. That pleading was filed within the time limit thus fixed.

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

154. 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".

155. In its application, Nicaragua requested the Court to "adjudge and declare: [f]irst: [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 "[s]econd: [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".

156. Nicaragua recalled that "[t]he single maritime boundary between the continental shelf and the exclusive economic zones of Nicaragua and of Colombia within the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured was defined by the Court in paragraph 251 of its judgment of 19 November 2012".

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

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

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

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

161. In addition, Nicaragua contended that, "the subject-matter of the … application remain[ed] within the jurisdiction of the Court established in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, … in as much as the Court did not in its judgment dated 19 November 2012 definitively determine the question of the delimitation of the continental shelf between Nicaragua and Colombia in the area beyond 200 nautical miles from the Nicaraguan coast, which question [had been] and remain[ed] before the Court in that case".

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

163. On 14 August 2014, Colombia, referring to article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court and to the admissibility of the application.

164. In its first preliminary objection, Colombia contended that the Court lacked jurisdiction *ratione temporis* under the American Treaty on Pacific Settlement ("Pact of Bogotá"), because the proceedings were instituted by Nicaragua on 16 September 2013, after Colombia had given notice of its denunciation of the Pact on 27 November 2012.

165. In its second preliminary objection, referring to Nicaragua's argument that, independent of the applicability of the Pact, the Court possessed continuing jurisdiction over the application, Colombia contended that the Court had no such jurisdiction. In support of its objection, Colombia argued that the Court had not expressly reserved its jurisdiction in its judgment rendered in 2012 and that there was no basis on which the Court could exercise continuing jurisdiction once it had delivered its judgment on the merits.

166. In its third preliminary objection, Colombia contended that the issues raised in Nicaragua's application of 16 September 2013 had been "explicitly decided" by the Court in its judgment rendered in 2012. In Colombia's view, the Court therefore lacked jurisdiction because Nicaragua's claim was barred by the principle of *res judicata*.

167. In its fourth preliminary objection, Colombia submitted that Nicaragua's application was an attempt to appeal and revise the judgment rendered by the Court in 2012, and, as such, the Court had no jurisdiction to entertain the application.

168. In its fifth preliminary objection, Colombia maintained, on the hypothesis that the four other objections raised by it were to be rejected, that neither of the two requests put forward in Nicaragua's application was admissible.

169. In accordance with article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

170. By an order of 19 September 2014, the Court fixed 19 January 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

171. The public hearings on the preliminary objections raised by Colombia were held between 5 and 9 October 2015.

172. On 17 March 2016, the Court delivered its judgment on the preliminary objections, the operative part of which reads as follows:

> "For these reasons,
>
> THE COURT,
>
> (1) *(a)* Unanimously,
>
> *Rejects* the first preliminary objection raised by the Republic of Colombia;
>
> *(b)* By eight votes to eight, by the President's casting vote,
>
> *Rejects* the third preliminary objection raised by the Republic of Colombia;
>
> IN FAVOUR: *President* Abraham; *Judges* Owada, Tomka, Bennouna, Greenwood, Sebutinde, Gevorgian; *Judge* ad hoc Skotnikov;
>
> AGAINST: *Vice-President* Yusuf; *Judges* Cançado Trindade, Xue, Donoghue, Gaja, Bhandari, Robinson; *Judge* ad hoc Brower;

*(c)* Unanimously,

*Rejects* the fourth preliminary objection raised by the Republic of Colombia;

*(d)* Unanimously,

*Finds* that there is no ground to rule upon the second preliminary objection raised by the Republic of Colombia;

*(e)* By eleven votes to five,

*Rejects* the fifth preliminary objection raised by the Republic of Colombia in so far as it concerns the First Request put forward by Nicaragua in its application;

IN FAVOUR: *President* Abraham; *Judges* Owada, Tomka, Bennouna, Greenwood, Donoghue, Gaja, Sebutinde, Gevorgian; *Judges* ad hoc Brower, Skotnikov;

AGAINST: *Vice-President* Yusuf; *Judges* Cançado Trindade, Xue, Bhandari, Robinson;

*(f)* Unanimously,

*Upholds* the fifth preliminary objection raised by the Republic of Colombia in so far as it concerns the Second Request put forward by Nicaragua in its Application;

(2) *(a)* Unanimously,

*Finds* that it has jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to entertain the First Request put forward by the Republic of Nicaragua;

*(b)* By eight votes to eight, by the President's casting vote,

*Finds* that the First Request put forward by the Republic of Nicaragua in its application is admissible.

IN FAVOUR: *President* Abraham; *Judges* Owada, Tomka, Bennouna, Greenwood, Sebutinde, Gevorgian; *Judge* ad hoc Skotnikov;

AGAINST: *Vice-President* Yusuf; *Judges* Cançado Trindade, Xue, Donoghue, Gaja, Bhandari, Robinson; *Judge* ad hoc Brower."

Vice-President Yusuf, Judges Cançado Trindade, Xue, Gaja, Bhandari, Robinson and Judge ad hoc Brower appended a joint dissenting opinion to the judgment of the Court; Judges Owada and Greenwood appended separate opinions to the judgment of the Court; Judge Donoghue appended a dissenting opinion to the judgment of the Court; Judges Gaja, Bhandari, Robinson and Judge ad hoc Brower appended declarations to the judgment of the Court.

173. 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 a memorial by Nicaragua and a counter-memorial by Colombia.

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

174. On 26 November 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*] and the threat of the use of force by Colombia in order to implement these violations".

175. In its application, Nicaragua:

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

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

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

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

179. Nicaragua concluded with the following statement:

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

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

181. Nicaragua based the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948, to which "both Nicaragua and Colombia are parties". Nicaragua pointed out that "on 27 November 2012, Colombia [had given] notice that it denounced as of that date the Pact of Bogotá; and in accordance with article LVI of the Pact, that denunciation w[ould] take effect after one year, so that the Pact remain[ed] in force for Colombia until 27 November 2013".

182. In addition, Nicaragua argued, "moreover and alternatively, [that] the jurisdiction of the Court [lay] in its inherent power to pronounce on the actions required by its judgments".

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

184. On 19 December 2014, Colombia, referring to article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended.

185. In its first preliminary objection, Colombia argued that the Court lacked jurisdiction *ratione temporis* under the American Treaty on Pacific Settlement ("Pact of Bogotá"), because the proceedings were instituted by Nicaragua on 26 November 2013, after Colombia had given notice of its denunciation of the Pact on 27 November 2012.

186. In its second preliminary objection, Colombia argued that, even if the Court did not uphold the first objection, it did not have jurisdiction under the American Treaty on Pacific Settlement ("Pact of Bogotá"), because there had been no dispute between the parties as at 26 November 2013, the date when the application had been filed.

187. Colombia contended, in its third preliminary objection, that the Court did not have jurisdiction under the American Treaty on Pacific Settlement ("Pact of Bogotá"), because, at the time of the filing of the application, the parties had not been of the opinion that the purported controversy "[could not] be settled by direct negotiations through the usual diplomatic channels", as was required, in Colombia's view, by article II of the Pact of Bogotá, before resorting to the dispute resolution procedures of the Pact.

188. In its fourth preliminary objection, referring to Nicaragua's submission that the Court's jurisdiction could, alternatively, be founded on "its inherent power to pronounce on the actions required by its judgments", Colombia contended that the Court had no "inherent jurisdiction" upon which Nicaragua could rely.

189. According to Colombia's fifth preliminary objection, the Court had no jurisdiction with regard to compliance with a prior judgment.

190. By an order of 19 December 2014, the President of the Court fixed 20 April 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

191. The public hearings on the preliminary objections raised by Colombia were held between 28 September and 2 October 2015.

192. On 17 March 2016, the Court delivered its judgment on those objections, the operative part of which reads as follows:

"For these reasons,

THE COURT,

(1) *(a)* Unanimously,

*Rejects* the first preliminary objection raised by the Republic of Colombia;

*(b)* By fifteen votes to one,

*Rejects* the second preliminary objection raised by the Republic of Colombia in so far as it concerns the existence of a dispute regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court declared in its 2012 Judgment appertain to Nicaragua;

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian; *Judge* ad hoc Daudet;

AGAINST: *Judge* ad hoc Caron;

*(c)* Unanimously,

*Upholds* the second preliminary objection raised by the Republic of Colombia in so far as it concerns the existence of a dispute regarding alleged violations by Colombia of its obligation not to use force or threaten to use force;

*(d)* By fifteen votes to one,

*Rejects* the third preliminary objection raised by the Republic of Colombia;

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian; *Judge* ad hoc Daudet;

AGAINST: *Judge* ad hoc Caron;

*(e)* Unanimously,

*Finds* that there is no ground to rule upon the fourth preliminary objection raised by the Republic of Colombia;

*(f)* By fifteen votes to one,

*Rejects* the fifth preliminary objection raised by the Republic of Colombia;

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Robinson, Gevorgian; *Judges* ad hoc Daudet, Caron;

AGAINST: *Judge* Bhandari;

(2) By fourteen votes to two,

*Finds* that it has jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute between the Republic of Nicaragua and the Republic of Colombia referred to in subparagraph 1 *(b)* above.

IN FAVOUR: *President* Abraham; *Vice-President* Yusuf; *Judges* Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Robinson, Gevorgian; *Judge* ad hoc Daudet;

AGAINST: *Judge* Bhandari; *Judge* ad hoc Caron.

Judge Cançado Trindade appended a separate opinion to the judgment of the Court; Judge Bhandari appended a declaration to the judgment of the Court; Judge ad hoc Caron appended a dissenting opinion to the judgment of the Court.

193. By an order dated 17 March 2016, the Court fixed 17 November 2016 as the new time limit for the filing of a counter-memorial by Colombia.

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

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

195. In its application, Costa Rica requested the Court "to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific Ocean, on the basis of international law". It "further request[ed] the Court to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean".

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

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

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

199. With respect to the Caribbean Sea, Costa Rica maintained that in negotiations, both States had "focused on the location of the initial land boundary marker on the Caribbean side, but … [had been] unable to reach agreement on the starting point of the maritime boundary".

200. In the view of the applicant:

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

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

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

203. As the basis for the jurisdiction of the Court, Costa Rica invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973 under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction.

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

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

206. By an order of 31 May 2016, the Court decided to obtain an expert opinion regarding the state of a portion of the Caribbean coast near the border between Costa Rica and Nicaragua. In its order, the Court explained that there were certain factual matters relating to the state of the coast that might be relevant for the

purpose of settling the dispute submitted to it, and that, with regard to such matters, it would benefit from an expert opinion.

207. It is indicated in the order that the expert opinion "w[ould] be entrusted to two independent experts appointed by order of the President of the Court after hearing the Parties", and that the experts "shall advise the Court regarding the state of the coast between the point suggested by Costa Rica and the point suggested by Nicaragua in their pleadings as the starting-point of the maritime boundary in the Caribbean Sea, and in particular answer the … questions [put by the Court in its order]".

208. The Court indicated in the order that the experts "shall prepare a written report on their findings and file it with the Registry" and that "[t]hat report shall be communicated to the parties, which shall be given the opportunity of commenting upon it, pursuant to article 67, paragraph 2, of the Rules of Court".

209. In its order, the Court also decided that the experts would be present, insofar as required, at the oral proceedings and would answer questions from the agents, counsel and advocates of the parties, pursuant to article 65 of the Rules of Court. The Court reserved the right to put additional questions to the experts if it deemed necessary.

210. As they had been invited to do, the parties communicated to the Court their observations on the choice of the two experts identified by the Court to produce the expert opinion.

211. By an order of 16 June 2016, in accordance with the order of 31 May 2016, the President of the Court appointed the two experts concerned.

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

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

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

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

215. As the basis for the jurisdiction of the Court, the applicant invoked Article 36, paragraph 2, of its Statute and referred to the declarations accepting the compulsory

jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by India on 18 September 1974.

216. In a letter dated 6 June 2014, India indicated, inter alia, that it "consider[ed] that the International Court of Justice does not have jurisdiction in the alleged dispute".

217. By an order of 16 June 2014, the Court decided that the written pleadings would first address the question of the Court's jurisdiction and fixed 16 December 2014 and 16 June 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of India. The memorial of the Marshall Islands was filed within the time limit thus fixed.

218. In a letter dated 5 May 2015, India requested a three-month extension, beyond 16 June 2015, of the time limit for the filing of its counter-memorial on the question of jurisdiction. Upon receipt of that letter, the Registrar transmitted a copy thereof to the Marshall Islands. In a letter dated 8 May 2015, the Marshall Islands informed the Court that it had no objection to the granting of India's request. By an order dated 19 May 2015, the Court extended from 16 June 2015 to 16 September 2015 the time limit for the filing of the counter-memorial of India. That pleading was filed within the time limit thus extended.

219. The public hearings on the questions of the Court's jurisdiction and the admissibility of the application were held between 7 and 16 March 2016.

220. At the conclusion of those hearings, the agents of the parties presented the following submissions to the Court:

*For the Marshall Islands*:

"The Marshall Islands respectfully requests the Court:

*(a)* to reject the objections to its jurisdiction of the Marshall Islands' claims, as submitted by the Republic of India in its Counter-Memorial of 16 September 2015;

*(b)* to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014."

*For India*:

"The Republic of India respectfully urges the Court to adjudge and declare that:

*(a)* it lacks jurisdiction over the claims brought against India by the Marshall Islands in its Application dated 24 April 2014;

*(b)* the claims brought against India by the Marshall Islands are inadmissible."

221. The judgment of the Court on the questions of its jurisdiction and the admissibility of the application will be delivered at a public sitting, the date of which will be announced in due course.

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

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

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

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

225. As the basis for the jurisdiction of the Court, the applicant invoked Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by Pakistan on 13 September 1960.

226. By a note verbale dated 9 July 2014, Pakistan indicated, inter alia, that it was "of the considered opinion that the ICJ lack[ed] jurisdiction" and that it "consider[ed] the said application inadmissible".

227. By an order of 10 July 2014, the President of the Court decided that the written pleadings would first address the questions of the Court's jurisdiction and the admissibility of the application, and fixed 12 January 2015 and 17 July 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of Pakistan. The memorial of the Marshall Islands was filed within the time limit thus fixed.

228. By a note verbale dated 2 July 2015, the Government of Pakistan requested a six-month extension of the time limit for the filing of its counter-memorial. Upon receipt of that note verbale, the Registrar transmitted a copy thereof to the Marshall Islands. In a letter dated 8 July 2015, the Government of the Marshall Islands informed the Court that, for the reasons given in that letter, it "would be comfortable with the Court's expanding the initial six-month time limit [for the filing of the counter-memorial of Pakistan] to nine months in total, counting from the [date on which the Marshall Islands filed its] memorial".

229. By an order dated 9 July 2015, the President of the Court extended from 17 July 2015 to 1 December 2015 the time limit for the filing of the counter-memorial of Pakistan on the questions of the jurisdiction of the Court and the admissibility of the application. The counter-memorial of Pakistan was filed within the time limit thus extended.

230. The public hearings on the questions of the Court's jurisdiction and the admissibility of the application were held between 8 and 16 March 2016.

231. Prior to the commencement of the oral proceedings, the Government of Pakistan, which had duly taken part in the written proceedings, informed the Court that it would not participate in the hearings, because in particular it "[did] not feel that [such] participation [would] add anything to what ha[d] already been submitted through its counter-memorial". The hearings were thus limited to the presentation by the Government of the Marshall Islands of its arguments. No second round of oral arguments was held.

232. At the conclusion of those hearings, the Marshall Islands presented the following submission to the Court:

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

233. The judgment of the Court on its jurisdiction and the admissibility of the application will be delivered at a public sitting, the date of which will be announced in due course.

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

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

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

236. In addition, the applicant requested the Court to order the United Kingdom to take all steps necessary to comply with its obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and under customary international law,

within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

237. As the basis for the jurisdiction of the Court, the applicant invoked Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by the United Kingdom on 5 July 2004.

238. By an order of 16 June 2014, the Court fixed 16 March 2015 and 16 December 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of the United Kingdom. The memorial of the Marshall Islands was filed within the time limit thus fixed.

239. On 15 June 2015, the United Kingdom, referring to article 79, paragraph 1, of the Rules of Court, raised certain preliminary objections in the case. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended. Pursuant to that paragraph, and taking into account Practice Direction V, the President, by an order dated 19 June 2015, fixed 15 October 2015 as the time limit within which the Marshall Islands might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom. The written statement of the Marshall Islands was filed within the time limit thus fixed.

240. The public hearings on the preliminary objections raised by the United Kingdom were held between 9 and 16 March 2016.

241. At the conclusion of those hearings, the agents of the parties presented the following submissions to the Court:

*For the United Kingdom*:

"The United Kingdom requests the Court to adjudge and declare that:

- it lacks jurisdiction over the claim brought against the United Kingdom by the Marshall Islands

and/or

- the claim brought against the United Kingdom by the Marshall Islands is inadmissible."

*For the Marshall Islands*:

"The Marshall Islands respectfully requests the Court:

*(a)* to reject the preliminary objections to its jurisdiction and to the admissibility of the Marshall Islands' claims, as submitted by the United Kingdom of Great Britain and Northern Ireland in its Preliminary Objections of 15 June 2015;

*(b)* to adjudge and declare that the Court has jurisdiction over the claims of the Marshall Islands submitted in its Application of 24 April 2014; and

*(c)* to adjudge and declare that the Marshall Islands' claims are admissible."

242. The judgment of the Court on the preliminary objections will be delivered at a public sitting, the date of which will be announced in due course.

### 12. *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*

243. On 28 August 2014, Somalia filed an application instituting proceedings against Kenya with regard to a dispute concerning the delimitation of maritime spaces claimed by both States in the Indian Ocean.

244. In its application, Somalia contended that both States "disagree[d] about the location of the maritime boundary in the area where their maritime entitlements overlap", and asserted that "[d]iplomatic negotiations, in which their respective views have been fully exchanged, ha[d] failed to resolve this disagreement".

245. In consequence, Somalia requested the Court "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]". The applicant also requested the Court "to determine the precise geographical co-ordinates of the single maritime boundary in the Indian Ocean".

246. In the view of the applicant, the maritime boundary between the parties in the territorial sea, exclusive economic zone and continental shelf should be established in accordance with articles 15, 74 and 83 of the United Nations Convention on the Law of the Sea. Somalia explained that, accordingly, the boundary line in the territorial sea "should be a median line as specified in article 15, since there [we]re no special circumstances that would justify departure from such a line" and that, in the exclusive economic zone and continental shelf, the boundary "should be established according to the three-step process the Court has consistently employed in its application of articles 74 and 83".

247. The applicant asserted that "Kenya's current position on the maritime boundary [wa]s that it should be a straight line emanating from the parties' land boundary terminus, and extending due east along the parallel of latitude on which the land boundary terminus sits, through the full extent of the territorial sea, exclusive economic zone and continental shelf, including the continental shelf beyond 200 [nautical miles]".

248. Somalia indicate[d] that it "reserve[d] its rights to supplement or amend [its] application".

249. As the basis for the jurisdiction of the Court, the applicant invoked the provisions of Article 36, paragraph 2, of its Statute, and referred to the declarations recognizing the compulsory jurisdiction of the Court made under those provisions by Somalia on 11 April 1963 and by Kenya on 19 April 1965.

250. In addition, Somalia submitted that "the jurisdiction of the Court under Article 36, paragraph 2, of its Statute is underscored by article 282 of the United Nations Convention on the Law of the Sea", which Somalia and Kenya both ratified in 1989.

251. By an order of 16 October 2014, the President of the Court fixed 13 July 2015 and 27 May 2016 as the respective time limits for the filing of a memorial by Somalia and a counter-memorial by Kenya. The memorial of Somalia was filed within the time limit thus fixed.

252. On 7 October 2015, Kenya raised certain preliminary objections to the jurisdiction of the Court and the admissibility of the application. In accordance with article 79, paragraph 5, of the Rules of Court, the proceedings on the merits then were suspended.

253. By an order of 9 October 2015, the Court fixed 5 February 2016 as the time limit within which Somalia might present a written statement of its observations and submissions on the preliminary objections raised by Kenya. The written statement of Somalia was filed within the time limit thus fixed.

254. Public hearings on the preliminary objections raised by Kenya are scheduled to take place from 19 to 23 September 2016.

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

255. 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.

256. In its application, Chile argued that the Silala originates from groundwater springs in Bolivian territory "a few kilometres north-east of the Chile-Bolivia international boundary". It contended that the Silala then flows across the border into Chilean territory where it "receives additional waters from various springs … before it reaches the Inacaliri River". According to Chile, the total length of the Silala is about 8.5 km, of which approximately 3.8 km is on Bolivian territory and 4.7 km on Chilean territory. Chile also stated that "[t]he waters of the Silala River ha[d] historically and for more than a century been used in Chile for different purposes, including the provision of water supply to the city of Antofagasta and the towns of Sierra Gorda and Baquedano".

257. Chile explained that "[t]he nature of the Silala River as an international watercourse [had] never [been] disputed until Bolivia, for the first time in 1999, claimed its waters as exclusively Bolivian". Chile contended that it "ha[d] always been willing to engage in discussions with Bolivia concerning a regime of utilization of the waters of the Silala", but that those discussions had been unsuccessful "due to Bolivia's insistence on denying that the Silala River is an international watercourse and Bolivia's contention that it has rights to the 100% use of its waters". According to Chile, the dispute between the two States therefore concerned the nature of the Silala as an international watercourse and the resulting rights and obligations of the parties under international law.

258. Chile thus requested the Court to adjudge and declare that:

> "*(a)* the Silala River system, together with the subterranean portions of its system, is an international watercourse, the use of which is governed by customary international law;
>
> *(b)* Chile is entitled to the equitable and reasonable use of the waters of the Silala River system in accordance with customary international law;
>
> *(c)* Under the standard of equitable and reasonable utilization, Chile is entitled to its current use of the waters of the Silala River;

*(d)* Bolivia has an obligation to take all appropriate measures to prevent and control pollution and other forms of harm to Chile resulting from its activities in the vicinity of the Silala River;

*(e)* Bolivia has an obligation to cooperate and to provide Chile with timely notification of planned measures which may have an adverse effect on shared water resources, to exchange data and information and to conduct where appropriate an environmental impact assessment, in order to enable Chile to evaluate the possible effects of such planned measures, obligations that Bolivia has breached."

259. As the 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, to which both States are parties.

260. Chile reserved the right to supplement, modify or amplify its application in the course of the proceedings.

261. It also reserved the right to "request the Court to indicate provisional measures, should Bolivia engage in any conduct that may have an adverse effect on Chile's current utilization of the waters of the Silala River".

262. By an order of 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.

### 14. *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*

263. On 13 June 2016, Equatorial Guinea filed an application instituting proceedings against the France with regard to a dispute concerning "the immunity from criminal jurisdiction of the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security [Mr. Teodoro Nguema Obiang Mangue], and the legal status of the building which houses the Embassy of Equatorial Guinea in France".

264. In its application, Equatorial Guinea stated that the case arose from the criminal proceedings instituted against Mr. Nguema Obiang Mangue before French courts in 2007, pursuant to a number of complaints lodged by associations and private individuals against certain African Heads of State and members of their families, in respect of acts of "misappropriation of public funds in their country of origin, the proceeds of which ha[d] allegedly been invested in France". According to Equatorial Guinea, those proceedings "constitute[d] a violation of the immunity to which [Mr. Teodoro Nguema Obiang Mangue] [wa]s entitled under international law". It considered that, in his capacity as Second Vice-President, the individual concerned represented the State and acted on its behalf. According to Equatorial Guinea, throughout the proceedings in question, "the French courts ha[d] refused to give effect to the immunity from criminal jurisdiction to which the Second Vice-President [wa]s entitled". According to Equatorial Guinea, inter alia, an international arrest warrant for Mr. Nguema Obiang Mangue was issued on 13 July 2012, he was placed under judicial examination on 18 March 2014 and, on 23 May 2016, the Office of the Prosecutor filed its final submissions "seeking separation of the complaints and either their dismissal or their referral to the *Tribunal correctionnel*". It found that the individual concerned "enjoy[ed] no immunity that might bar prosecution". Equatorial Guinea noted that, consequently, beginning on

25 June 2016, the investigating judges could issue an order referring the case against Mr. Nguema Obiang Mangue to the criminal court of Paris for hearing.

265. In its application, Equatorial Guinea also stated that the case pertained to the question of the legal status of a building located on Avenue Foch in Paris. It asserted that Mr. Nguema Obiang Mangue, the former owner of the building, sold it to the State of Equatorial Guinea in September 2011 and that, since then, the property had been assigned to the diplomatic mission of Equatorial Guinea. The applicant therefore considered that the building should enjoy the immunities accorded to official premises by international law. It pointed out, however, that, given that the French investigating judges were of the view that the purchase of the building had been financed with proceeds from offences of which Mr. Nguema Obiang Mangue was the suspected perpetrator, those judges had ordered the seizure in 2012, and that, in its submissions of 23 May 2016, the Office of the Prosecutor asserted that it was not "protected by immunity, since it did not form part of the diplomatic mission of the Republic of Equatorial Guinea in France".

266. Equatorial Guinea noted that "there ha[d] been multiple exchanges between [itself] and France regarding the immunity of the Second Vice-President in charge of Defence and State Security, and in respect of the legal status of the [above-mentioned] property", but that "all attempts [at settlement] initiated by Equatorial Guinea … ha[d] failed".

267. Consequently, Equatorial Guinea requested the Court:

> "*(a)* With regard to the French Republic's failure to respect the sovereignty of the Republic of Equatorial Guinea,
>
> (i) to adjudge and declare that the French Republic has breached its obligations to respect the principles of the sovereign equality of States and non-interference in the internal affairs of another State, owed to the Republic of Equatorial Guinea in accordance with international law, by permitting its courts to initiate criminal legal proceedings against the Second Vice-President of Equatorial Guinea for alleged offences which, even if they were established, *quod non*, would fall solely within the jurisdiction of the courts of Equatorial Guinea, and by allowing its courts to order the attachment of a building belonging to the Republic of Equatorial Guinea and used for the purposes of that country's diplomatic mission in France;
>
> *(b)* With regard to the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security,
>
> (i) to adjudge and declare that, by initiating criminal proceedings against the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security, His Excellency Mr. Teodoro Nguema Obiang Mangue, the French Republic has acted and is continuing to act in violation of its obligations under international law, notably the United Nations Convention against Transnational Organized Crime and general international law;
>
> (ii) to order the French Republic to take all necessary measures to put an end to any ongoing proceedings against the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security;

(iii) to order the French Republic to take all necessary measures to prevent further violations of the immunity of the Second Vice-President of the Republic of Equatorial Guinea in charge of Defence and State Security and to ensure, in particular, that its courts do not initiate any criminal proceedings against the Second Vice-President of the Republic of Equatorial Guinea in the future;

*(c)* With regard to the building located at 42 avenue Foch in Paris,

(i) to adjudge and declare that, by attaching the building located at 42 avenue Foch in Paris, the property of the Republic of Equatorial Guinea and used for the purposes of that country's diplomatic mission in France, the French Republic is in breach of its obligations under international law, notably the Vienna Convention on Diplomatic Relations and the United Nations Convention, as well as general international law;

(ii) to order the French Republic to recognize the status of the building located at 42 avenue Foch in Paris as the property of the Republic of Equatorial Guinea, and as the premises of its diplomatic mission in Paris, and, accordingly, to ensure its protection as required by international law;

*(d)* In view of all the violations by the French Republic of international obligations owed to the Republic of Equatorial Guinea,

(i) to adjudge and declare that the responsibility of the French Republic is engaged on account of the harm that the violations of its international obligations have caused and are continuing to cause to the Republic of Equatorial Guinea;

(ii) to order the French Republic to make full reparation to the Republic of Equatorial Guinea for the harm suffered, the amount of which shall be determined at a later stage."

268. As the basis for the jurisdiction of the Court, the applicant invoked two instruments to which both States are parties, namely, the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes, of 18 April 1961, and the United Nations Convention against Transnational Organized Crime, of 15 November 2000.

269. Equatorial Guinea reserved the right to supplement or amend its application.

270. By an order of 1 July 2016, the Court fixed 3 January 2017 and 3 July 2017 as the respective time limits for the filing of a memorial by Equatorial Guinea and a counter-memorial by France.

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

271. On 14 June 2016, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning "violations by the Government of the United States of America of the Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States of America which was signed in Tehran on 15 August 1955 and entered into force on 16 June 1957".

272. The applicant explained that the United States, having for many years taken "the position that Iran m[ight] be designated a State sponsoring terrorism (a designation which Iran strongly contests)", had adopted a number of legislative and executive acts that have the practical effect of subjecting the assets and interests of the Islamic Republic of Iran and Iranian entities, including those of the Central Bank of Iran (also known as Bank Markazi), to enforcement proceedings, even in cases in which such assets or interests "[we]re found to be held by separate juridical entities … that are not party to the judgment on liability in respect of which enforcement is sought" and/or "held by Iran or Iranian entities … and benefit from immunities from enforcement proceedings as a matter of international law, and as required by the [1955] Treaty".

273. The Islamic Republic of Iran also argued that, as a consequence of those acts, "a wide series of claims ha[d] been determined, or [we]re under way, against Iran and Iranian entities" and that United States courts "ha[d] repeatedly dismissed attempts by Bank Markazi to rely on the immunities to which such property [wa]s entitled" under United States law and the Treaty of Amity, Economic Relations, and Consular Rights between the two States. It further maintained that "the assets of Iranian financial institutions and other Iranian companies ha[d] already been seized, or [we]re in the process of being seized and transferred, or at risk of being seized and transferred, in a number of proceedings" and explained that, as at the date of its application, United States courts "ha[d] awarded total damages of over US$ 56 billion … against Iran in respect of its alleged involvement in various terrorist acts mainly outside the USA".

274. The applicant claimed that the above-mentioned enactments and decisions "breach[ed] a number of provisions of the [1955] Treaty".

275. The Islamic Republic of Iran thus requested the Court to adjudge and declare:

> "*(a)* That the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by Iran;
>
> *(b)* That by its acts, including the acts referred to above and in particular its *(a)* failure to recognise the separate juridical status (including the separate legal personality) of all Iranian companies including Bank Markazi, and *(b)* unfair and discriminatory treatment of such entities, and their property, which impairs the legally acquired rights and interests of such entities including enforcement of their contractual rights, and *(c)* failure to accord to such entities and their property the most constant protection and security that is in no case less than that required by international law, *(d)* expropriation of the property of such entities, and *(e)* failure to accord to such entities freedom of access to the US courts, including the abrogation of the immunities to which Iran and Iranian State-owned companies, including Bank Markazi, and their property, are entitled under customary international law and as required by the Treaty of Amity, and *(f)* failure to respect the right of such entities to acquire and dispose of property, and *(g)* application of restrictions to such entities on the making of payments and other transfers of funds to or from the USA, and *(h)* interference with the freedom of commerce, the USA has breached its obligations to Iran, inter alia, under Articles III (1), III (2), IV (1), IV (2), V (1), VII (1) and X (1) of the Treaty of Amity;
>
> *(c)* That the USA shall ensure that no steps shall be taken based on the executive, legislative and judicial acts (as referred to above) at issue in this

case which are, to the extent determined by the Court, inconsistent with the obligations of the USA to Iran under the Treaty of Amity;

*(d)* That Iran and Iranian State-owned companies are entitled to immunity from the jurisdiction of the US courts and in respect of enforcement proceedings in the USA, and that such immunity must be respected by the USA (including US courts), to the extent established as a matter of customary international law and required by the Treaty of Amity;

*(e)* That the USA (including the US courts) is obliged to respect the juridical status (including the separate legal personality), and to ensure freedom of access to the US courts, of all Iranian companies, including State-owned companies such as Bank Markazi, and that no steps based on the executive, legislative and judicial acts (as referred to above), which involve or imply the recognition or enforcement of such acts shall be taken against the assets or interests of Iran or any Iranian entity or national;

*(f)* That the USA is under an obligation to make full reparations to Iran for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. Iran reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the USA; and

*(g)* Any other remedy the Court may deem appropriate."

276. As the basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty of Amity, Economic Relations, and Consular Rights, of 1955, to which both the United States and the Islamic Republic of Iran are parties.

277. By an order of 1 July 2016, the Court fixed 1 February 2017 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.

# Chapter VI
# Visits to the Court and other activities

278. During the period under review, the Court welcomed a large number of dignitaries to its seat.

### Visit of the President of Greece

279. On 4 July 2016, the President of Greece, Prokopis Pavlopoulos, accompanied by a large delegation, conducted an official visit to the Court. The President and his delegation were received in the Deliberation Room by the President of the Court, other members of the Court and the Registrar. The meeting focused in particular on the Court's role in the settlement of legal disputes between States, the safeguarding of peace and the development of international law. At the conclusion of the meeting, the President of Greece signed the Court's Visitors' Book.

### Other visits

280. The following dignitaries were also received at the Court: in September 2015, a delegation led by the President of the Supreme People's Court of China, Zhou Qiang; in October 2015, a delegation from the East African Court of Justice, led by the President of the East African Court of Justice, Emmanuel Ugirashebuja, as well as the President of the Supreme Court of Croatia, Branko Hrvatin; in January 2016, the Minister of State at the Foreign and Commonwealth Office of the United Kingdom, Baroness Joyce Anelay of St Johns; in February 2016, a delegation of the Committee on Legal Affairs of the European Union, led by Heidi Hautala (Finland), as well as the Vice-President for international judicial cooperation of the Supreme Court of the Islamic Republic of Iran, Kazem Gharib Abad; in March 2016, the Prime Minister of Tunisia, Habib Essid, as well as the Minister of Security and Justice of the Netherlands, Ard van der Steur; in April 2016, the Minister for Foreign and European Affairs of Croatia, Miro Kovač, and the Minister of Justice of Latvia, Dzintars Rasnačs.

### Other activities

281. The President and members of the Court, the Registrar and various Registry officials also welcomed a large number of academics, researchers, lawyers and journalists. Presentations on the role and functioning of the Court were made during those visits. In addition, the President, members of the Court and the Registrar delivered a number of speeches while visiting various countries, at the invitation of their Governments, and legal, academic and other institutions.

282. On 20 September 2015, the Court welcomed numerous visitors as part of The Hague International Day. It was the eighth time that the Court had taken part in the event, organized in conjunction with the Municipality of The Hague and aimed at introducing the general public to the international organizations based in the city and surrounding area. The Information Department screened the film about the Court produced by the Registry, gave presentations and answered visitors' questions. Visitors were informed in particular of the events that would be held to mark the seventieth anniversary of the Court's inaugural sitting.

283. In June 2016, the Court participated in the organization and running of the sixth Ibero-American Week of International Justice, in cooperation with the International Criminal Court, the Ibero-American Institute of The Hague and other institutions. The Court hosted the opening ceremony, which was held in the Great Hall of Justice of the Peace Palace on 1 June. On that occasion, the Registrar of the Court delivered a speech in Spanish.

# Chapter VII
# Publications and presentation of the Court to the public

### Publications

284. The publications of the Court are distributed to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. The catalogue of those publications, which is produced in English and French, is distributed free of charge. A revised and updated version of the catalogue was published during the period under review. It is available on the Court's website under the heading "Publications".

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

286. The two bound volumes of *Reports 2015* were published during the period under review. The bound volume of *Reports 2016* will be released during the second half of 2017. The Court's *Yearbook* was given a completely new layout for the 2013-2014 edition and will now be published as a bilingual publication. The first bilingual edition, the *Annuaire-Yearbook 2014-2015*, was released during the reporting period. The *Annuaire-Yearbook 2015-2016* will be published during the first half of 2017.

287. The Court also publishes bilingual printed versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of applications for permission to intervene, declarations of intervention and requests for advisory opinions that it receives. In the period under review, three new contentious cases were submitted to the Court (see para. 5 above); the applications instituting proceedings have been published.

288. 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 now contain the full texts of the written pleadings, including annexes, as well as the verbatim reports of the public hearings, give practitioners a complete view of the arguments elaborated by the parties. Twenty volumes were published in that series in the period covered by the present report.

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

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

291. A special, lavishly illustrated book entitled *The Permanent Court of International Justice* was published in 2012. The book, in English, French and Spanish, was produced by the Registry of the Court to mark the ninetieth anniversary of the inauguration of its predecessor. It joins *The Illustrated Book of the International Court of Justice*, published in 2006, an updated version of which was released in the period covered by the present report, on the occasion of the seventieth anniversary of the Court.

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

293. In addition, the Court produces a general information booklet in the form of questions and answers. A fully updated version of the booklet was published during the reporting period, in the two official languages of the Court, and will subsequently be translated into the other official languages of the United Nations and into Dutch.

294. A photographic booklet, entitled "70 years of the Court in pictures", a handbook for the media containing practical information for journalists and a new flyer about the Court were also published to mark the seventieth anniversary of the Court.

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

**Film about the Court**

296. With a view to marking the Court's seventieth anniversary, the Registry updated its film about the Court. Thanks to the assistance of various embassies, the Department of Public Information of the Secretariat and its regional centres, the film is now available in 51 languages.

297. The film is readily available online, on the websites of the Court and United Nations Web TV. It has also been made available to the Department of Public Information and its Audiovisual Library of International Law and to the United Nations Institute for Training and Research.

298. Copies of the DVD are regularly presented to distinguished visitors and to the many groups that come to the Court every year. The DVD is also given, on request, to diplomatic missions, the media and educational establishments.

**Online resources and services**

299. During the period under review, the Court created a Twitter account and began using it to attract more visitors to its website and raise awareness of its activities.

300. The Court provides full live webcasts and recorded video-on-demand coverage of its public sittings on its website. Those recordings have been available for standard viewing on a computer screen since 2009 and for mobile viewing on smartphones and tablets since 2013. The live and on-demand webcasts are also available on United Nations Web TV. This visibility is made possible through close collaboration between the Registry of the Court and the Department of Public Information.

301. In addition, the Court's website provides access to all its decisions, the principal documents from the written and oral proceedings in all cases, past and pending (in pending cases, access is provided to those pleadings and the documents annexed thereto that the Court has decided to make accessible to the public, in accordance with article 53, paragraph 2, of its Rules), as well as a number of reference documents, including the Charter of the United Nations, the Statute of the Court, the Rules of Court and Practice Directions.

302. The website also contains the biographies of the judges and the Registrar, all of the Court's press releases since its establishment, general information on the Court's history and procedure and the organization and functioning of the Registry, a calendar of hearings, an "Employment" section, the catalogue of publications and various online request forms.

303. The "Press room" page provides all the necessary information for reporters wishing to cover the Court's activities, including audio files (MP3), videos (Flash, MPEG2, MPEG4) and photographs (JPEG) from the most recent public hearings. Thanks to the cooperation of the Department of Public Information, the Court's photographs have also been available on the United Nations Photo website since 2011.

304. The main website of the Court is available in its two official languages, English and French, and many documents are also available in Arabic, Chinese, Spanish and Russian.

**Museum**

305. The museum of the International Court of Justice was officially inaugurated in 1999 by the Secretary-General. Following its refurbishment and the installation of a multimedia exhibit, the museum was reopened in April 2016 by the Secretary-General, on the occasion of the seventieth anniversary of the Court.

306. Through a combination of archive material, works of art and audiovisual presentations, the exhibition traces the major stages in the development of the international organizations, including the Court, that have their seat at the Peace Palace at The Hague and that have as their mission to ensure the peaceful settlement of international disputes.

307. Beginning with the first and second International Peace Conferences, held at The Hague in 1899 and 1907, the exhibition then covers the activities, history and role of the Permanent Court of Arbitration, before moving on to the League of Nations and the Permanent Court of International Justice. It concludes with a detailed description of the role and activities of the United Nations and the International Court of Justice, which continues the work of its predecessor, the Permanent Court of International Justice.

# Chapter VIII
# Finances of the Court

### Method of covering expenditure

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

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

### Drafting of the budget

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

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

### Budget implementation

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

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

## Budget of the Court for the biennium 2016-2017

(United States dollars)

| *Programme* | | |
|---|---|---|
| Members of the Court | | |
| 0393902 | Emoluments | 7 848 800 |
| 0311025 | Allowances for various expenses | 1 238 500 |
| 0311023 | Pensions | 4 889 800 |
| 0393909 | Duty allowance: judges ad hoc | 1 015 200 |
| 2042302 | Travel on official business | 50 000 |
| **Subtotal** | | **15 042 300** |
| Registry | | |
| 0110000 | Permanent posts | 15 727 800 |
| 0200000 | Common staff costs | 5 881 600 |
| 1540000 | After-service medical and associated costs | 526 100 |
| 0211014 | Representation allowance | 7 200 |
| 1210000 | Temporary assistance for meetings | 1 163 900 |
| 1310000 | General temporary assistance | 226 100 |
| 1410000 | Consultants | 297 200 |
| 1510000 | Overtime | 81 900 |
| 2042302 | Official travel | 41 300 |
| 0454501 | Hospitality | 25 100 |
| **Subtotal** | | **23 978 000** |
| Programme support | | |
| 3030000 | External translation | 404 200 |
| 3050000 | Printing | 495 400 |
| 3070000 | Data-processing services | 1 600 800 |
| 4010000 | Rental and maintenance of premises | 2 967 400 |
| 4030000 | Rental of furniture and equipment | 262 900 |
| 4040000 | Communications | 162 100 |
| 4060000 | Maintenance of furniture and equipment | 156 000 |
| 4090000 | Miscellaneous services | 55 400 |
| 5000000 | Supplies and materials | 354 700 |
| 5030000 | Library books and supplies | 209 800 |
| 6000000 | Furniture and equipment | 139 000 |
| 6025041 | Acquisition of office automation equipment | 43 100 |
| 6025042 | Replacement of office automation equipment | 104 600 |
| **Subtotal** | | **6 955 400** |
| **Total** | | **45 975 700** |

314. More comprehensive information on the work of the Court during the period under review is available on its website. It will also be found in the *Annuaire-Yearbook 2015-2016*, to be issued in due course.

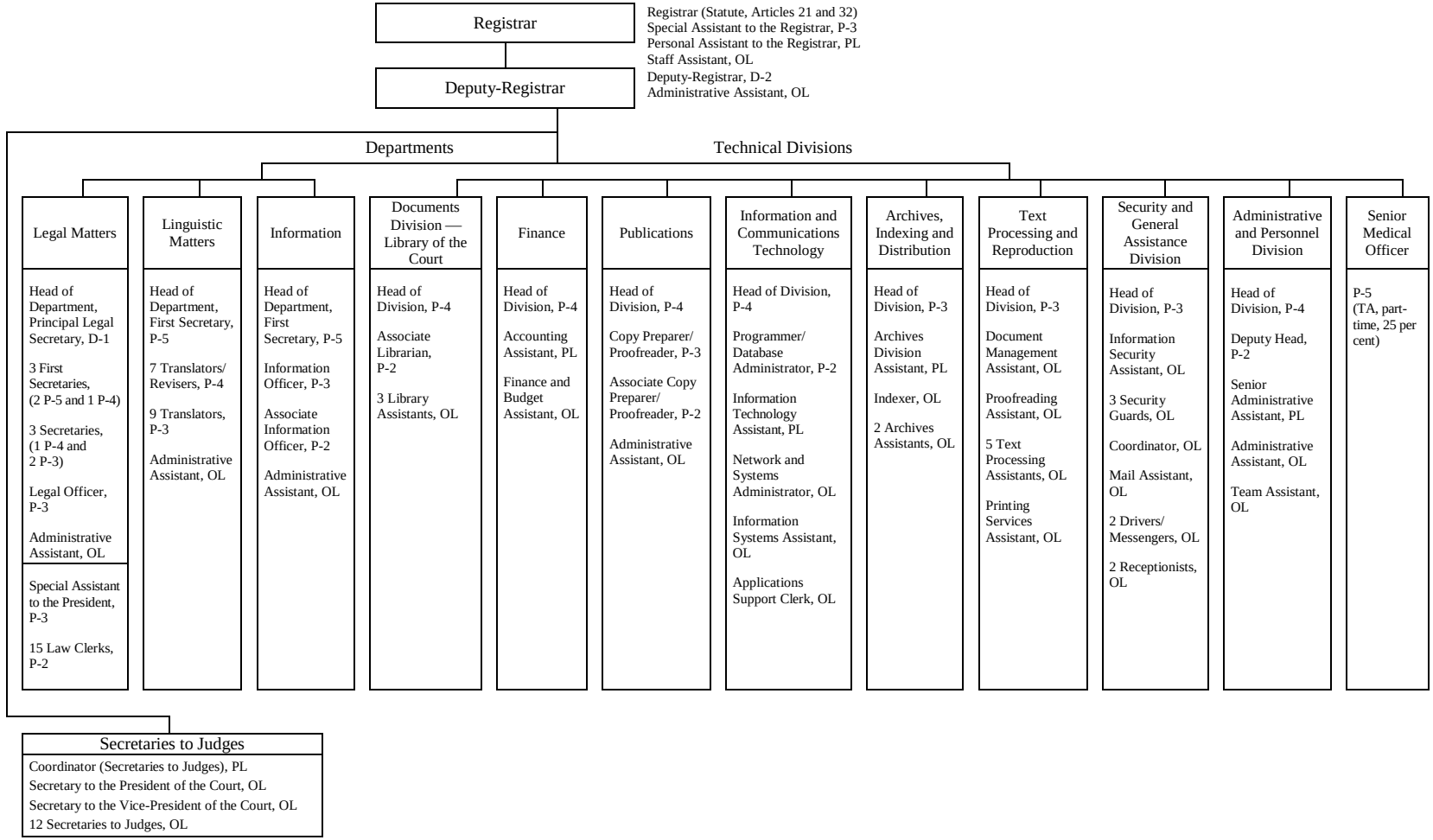
(*Signed*) Ronny **Abraham**
President of the International Court of Justice

The Hague, 1 August 2016

16-13952 (E) 090916

# Annex

## International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2016




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