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Report of the International Court of Justice

1 August 2018-31 July 2019

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Note

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Contents

Chapter I
Summary

1. Brief overview of the judicial work of the Court

1. During the period under review, the International Court of Justice experienced a particularly high level of activity. Among other things, it delivered judgments in the following cases:

(a) *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*, Judgment on the merits of the case (see paras. 88 to 101);

(b) *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*, Judgment on the preliminary objections raised by the Respondent (see paras. 166 to 175);

(c) *Jadhav (India* v. *Pakistan)*, Judgment on the merits of the case (see paras. 192 to 206).

2. The Court also gave its Advisory Opinion on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (see paras. 282 to 292).

3. The Court, or its President, also handed down 16 orders (presented here in chronological order):

(a) By an Order dated 17 September 2018, the President of the Court fixed the time-limit within which Ukraine might present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)* (paras. 176 to 191);

(b) By an Order dated 3 October 2018, the Court indicated provisional measures in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran* v. *United States of America)* (see paras. 256 to 267);

(c) By an Order dated 10 October 2018, the Court fixed the time-limits for the filing of written pleadings in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran* v. *United States of America)* (ibid.);

(d) By an Order dated 15 November 2018, the Court directed the submission of a Reply by Chile and a Rejoinder by the Plurinational State of Bolivia, limited to the Respondent's counter-claims, in the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)*, and fixed the time-limits for the filing of those written pleadings (see paras. 140 to 151);

(e) By an Order dated 15 November 2018, the Court decided that the written pleadings in the case concerning the *Relocation of the United States Embassy to Jerusalem (Palestine* v. *United States of America)* would first be addressed to the question of the jurisdiction of the Court and that of the admissibility of the Application, and fixed the time-limits for the filing of a Memorial by the State of Palestine and a Counter-Memorial by the United States of America (see paras. 268 to 273);

(f) By an Order dated 4 December 2018, the Court authorized the submission by Nicaragua of an additional pleading relating solely to the counter-claims submitted by Colombia in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)* and fixed the time-limit for the filing of that pleading (see paras. 113 to 126);

(g) By an Order dated 24 January 2019, the Court directed the submission of a Reply by Equatorial Guinea and a Rejoinder by France in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* and fixed the time-limits for the filing of those written pleadings (see paras. 152 to 165);

(h) By an Order dated 13 February 2019, the Court fixed the time-limit for the filing of the Counter-Memorial of the United States in the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)* (see paras. 166 to 175);

(i) By an Order dated 27 March 2019, the Court directed the submission of a Reply by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates and a Rejoinder by Qatar in the case concerning *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates* v. *Qatar)* and fixed the time-limits for the filing of those written pleadings (see paras. 236 to 245);

(j) By an Order dated 27 March 2019, the Court directed the submission of a Reply by Bahrain, Egypt and the United Arab Emirates and a Rejoinder by Qatar in the case concerning *Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates* v. *Qatar)* and fixed the time-limits for the filing of those written pleadings (see paras. 246 to 255);

(k) By an Order dated 8 April 2019, the President of the Court extended the time-limits for the filing of the Memorial of the Islamic Republic of Iran and the Counter-Memorial of the United States in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran* v. *United States of America)* (see paras. 256 to 267);

(l) By an Order dated 17 April 2019, the President of the Court extended the time-limits for the filing of the Reply of Equatorial Guinea and the Rejoinder of France in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)* (see paras. 152 to 165);

(m) By an Order dated 2 May 2019, the President of the Court fixed the time-limit for the filing by Qatar of a written statement of its observations and submissions on the preliminary objections raised by the United Arab Emirates in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab Emirates)* (see paras. 216 to 235);

(n) By an Order dated 14 June 2019, the Court rejected the request for the indication of provisional measures submitted by the United Arab Emirates in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab Emirates)* (see paras. 216 to 235);

(o) By an Order dated 18 June 2019, the Court authorized the submission by Chile of an additional pleading relating solely to the counter-claims of the Plurinational State of Bolivia in the case concerning the *Dispute over the Status*

and Use of the Waters of the Silala (Chile v. *Bolivia)* and fixed the time-limit for the filing of that pleading (see paras. 140 to 151);

(p) By an Order dated 18 June 2019, the Court fixed the time-limits for the filing of the initial written pleadings in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* (see paras. 274 to 281).

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

(a) In the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran* v. *United States of America)*, it held hearings on the request for the indication of provisional measures submitted by the Islamic Republic of Iran (see paras. 256 to 267);

(b) In the proceedings concerning the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, it held hearings on the request for an advisory opinion (see paras. 282 to 292);

(c) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*, it held hearings on the preliminary objections raised by the United States (see paras. 166 to 175);

(d) In the *Jadhav* case *(India* v. *Pakistan)*, it held hearings on the merits of the case (see paras. 192 to 206);

(e) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab Emirates)*, it held hearings on the request for provisional measures submitted by the United Arab Emirates (see paras. 216 to 235);

(f) In the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*, it held hearings on the preliminary objections raised by the Russian Federation (see paras. 176 to 191).

5. Since 1 August 2018, the Court has also been seised of two new contentious cases:

(a) *Relocation of the United States Embassy to Jerusalem (Palestine* v. *United States of America)* (see paras. 268 to 273);

(b) *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* (see paras. 274 to 281).

6. At 31 July 2019, the number of cases entered in the Court's List stood at 16:

(a) *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;

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

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

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

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

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

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

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

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

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

(k) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab Emirates)*;

(l) *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates* v. *Qatar)*;

(m) *Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates* v. *Qatar)*;

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

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

(p) *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*.

7. The contentious cases pending involve five African States, seven Asian States, nine American States and five European States. The diverse geographical spread of cases is illustrative of the universal character of the jurisdiction of the United Nations' principal judicial organ.

8. Cases submitted to the Court involve a wide variety of subject-matters: territorial and maritime disputes, diplomatic and consular rights, economic relations, human rights, international responsibility and compensation for harm, interpretation and application of international treaties and conventions, etc. This diversity of subject-matter illustrates the general character of the Court's jurisdiction.

9. The cases that States entrust to the Court for settlement frequently involve a number of phases, as a result of the introduction of incidental proceedings, such as the filing of preliminary objections to jurisdiction or admissibility, or the submission of requests for the indication of provisional measures, which have to be dealt with as a matter of urgency.

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

10. Over the last 20 years, the Court's workload has grown considerably. The flow of new and settled cases reflects the institution's great vitality. In order to ensure the sound administration of justice, the Court sets itself a very demanding schedule of hearings and deliberations, enabling it to consider several cases simultaneously and deal with the numerous associated incidental proceedings as promptly as possible. Over the past year, the Registry has sought to maintain a high level of efficiency and quality in its work of support to the functioning of the Court.

11. It is universally recognized that the Court is a key part of the mechanism established by the Charter of the United Nations for the peaceful settlement of inter-State disputes, and of the system for maintaining international peace and security in general.

12. The Court, which depends on States to maintain its credibility, welcomes the renewed confidence placed in it and the respect they show for the Court by referring their disputes to it. The Court will give the same meticulous and impartial attention to all the cases coming before it in the forthcoming year as it did during the 2018/19 judicial period, and will continue to fulfil the mission entrusted to it under the Charter, with the utmost integrity, alacrity and efficacy.

13. In this respect, it is worth recalling that having recourse to the principal judicial organ of the United Nations is a uniquely cost-effective solution. While certain written proceedings may be relatively lengthy in view of the needs expressed by the participating States, it should be pointed out that, despite the complexity of the cases involved, the average period between the closure of the oral proceedings and the delivery of a judgment or an advisory opinion by the Court does not exceed six months.

3. Promoting the rule of law

14. The Court once again takes the opportunity offered by the presentation of its Annual Report to report to the General Assembly on its role in promoting the rule of law, as the latter regularly invites it to do, most recently in its resolution 73/207 of 20 December 2018. The Court notes with appreciation that, in that resolution, the Assembly called upon States that had not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute.

15. The Court plays a crucial role in maintaining and promoting the rule of law throughout the world. In this regard, it notes with satisfaction that, in its resolution 73/206, also dated 20 December 2018, the General Assembly emphasized the important role of the International Court of Justice, the principal judicial organ of the United Nations, and the value of its work.

16. Everything the Court does is aimed at promoting and reinforcing the rule of law; through its judgments and advisory opinions, it contributes to developing 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, by means of its publications, multimedia platforms, social media, and the ICJ website, which was recently completely redesigned and updated to make it more user-friendly. The website contains the entire jurisprudence of the Court 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.

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

18. The Court welcomes numerous visitors to its seat, including, in particular, heads of State and government and other distinguished guests.

19. During the period under review, the Court was visited by a number of groups consisting, among others, of diplomats, academics, judges and representatives of judicial authorities, lawyers and members of the legal profession – approximately 3,000 visitors in total. In addition, an open day is held every year, raising awareness of the Court among the general public.

20. Finally, the Court has a particular interest in young people: it participates in events organized by universities and runs the Judicial Fellows programme which

enables students from various backgrounds to familiarize themselves with the institution and further their knowledge of international law.

4. Cooperation with the Secretariat regarding public information

21. Following the meetings between the President of the Court and the United Nations Legal Counsel in October 2018 and February 2019, it was decided to strengthen cooperation between the Court and the Secretariat regarding public information with a view to helping Member States better understand the role and work of the principal judicial organ of the United Nations.

22. In furtherance of that decision, the Information Department regularly sends the relevant services in New York publication-ready information on the Court's activities, including its calendar of public hearings, announcements of the delivery of decisions, brief summaries of the Court's judgments and orders, and background information. These items are published in the *Journal of the United Nations* and *The Week Ahead at the United Nations*, a bulletin from the Spokesperson for the United Nations Secretary-General, and via United Nations social media accounts.

23. In April 2019, on the occasion of the seventy-third anniversary of the Court, information from the Registry on the history, role and functioning of the Court was published by the United Nations Department of Global Communications on the website and various social media platforms of the United Nations.

5. Budgetary requests

24. The Court is pleased to note that, when adopting the budget of the Court for 2018–2019, the General Assembly decided to approve the reclassification of one legal officer post in the Department of Legal Matters from grade P-3 to grade P-4. Although the Assembly did not approve the funds requested for the implementation of Umoja, it did, however, authorize the Secretary-General to enter into commitments not exceeding US$1 million for the biennium 2018–2019 for the deployment of such a system at the Court. The General Assembly further decided to reduce the overall resources requested for programme support by US$200,000. The Court, as always, will endeavour to fulfil its mission to the best of its ability with the means placed at its disposal by the Assembly.

25. At the end of 2017, at the time the budget for the biennium 2018–2019 was being discussed, the Court informed the Secretariat that it would not at that time request additional resources to cover the estimated cost of the advisory proceedings on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, but would aim to finance those proceedings from its regular budget. If that budget were to prove insufficient, it would request additional resources at a later date, during the first or second review of the implementation of the 2018–2019 budget. Although no additional resources were requested during the first review, it may be necessary for the Court to request additional resources during the second review, subject to what follows below.

26. During 2018, due to the increased workload of the Court, it became clear that the Court's approved budget for the current biennium would be insufficient to cover the expected costs of carrying out the Court's judicial activity, in particular those relating to interpretation, translation, court reporting and text processing. In October 2018, the President of the Court and the Registrar informed the then acting Controller, the Director of the Programme Planning and Budget Division of the Secretariat and the Chair of the Advisory Committee on Administrative and Budgetary Questions of these concerns. They were advised at the time to regularize the potential budgetary shortfalls during the second review of the implementation of the 2018–2019 budget.

27. However, since 2018, the United Nations has faced a serious cash flow problem, resulting in a temporary block on portions of the approved budgets of United Nations entities, including the Court. The initial block in 2018 on the use of US$179,100 of the Court's approved budget for the biennium 2018–2019 was lifted in July 2019. Nevertheless, an additional amount of US$476,025 of the approved budget was blocked from use in 2019.

28. Furthermore, the Court, like other United Nations entities, received only 64 per cent of the 2019 budget appropriation, and it is currently uncertain if and when the remaining 2019 appropriation will be made available. This situation has put the Court in a very difficult position, possibly jeopardizing the fulfilment of its mandate in the current biennium. The Court has raised its concerns with the Office of the Controller and the Programme Planning and Budget Division of the United Nations Secretariat. In letters to the United Nations Controller dated 26 March 2019 and 27 May 2019, the Registrar explained that, while the Court was willing to implement any measure that might alleviate the impact of the reduction in available cash, this could only be done within the limits imposed by the imperative to ensure the effective exercise of its functions.

29. To that end, in March 2019, the Court carried out a rigorous assessment of its financial situation. Bearing in mind the need to ensure at least a minimum level of judicial activities, and taking account of the funds blocked as a result of the cash flow crisis, the Court was able to revise its budgetary requirements by making some major adjustments. The revised budget it sought to accommodate should enable the Court to undertake the judicial activities provided for in its current schedule of work for 2019 and deal with the contingency of one or perhaps two urgent proceedings before the end of the year. However, it would only be possible to work within this restructured budget if the entire revised appropriation for 2019, i.e. what remains after the block, is made available in full to the Court during the calendar year.

6. Judges' pension scheme

30. In 2012, the President of the Court sent a letter to the General Assembly, accompanied by an explanatory memorandum (A/66/726), expressing the Court's deep concern regarding certain proposals relating to the judges' pension scheme put forward by the Secretary-General (see A/67/4). 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.

31. The Court is grateful to the General Assembly for the particular attention that it has given to the issue, and for its decision to allow itself sufficient time to reflect on the matter, and to postpone discussing it, first to its sixty-eighth, sixty-ninth and seventy-first sessions, and then to its seventy-fourth session. It has no doubt that, in accordance with resolution 71/272 A, the Assembly's discussions will take due account of the need to maintain the integrity of the Statute of the International Court of Justice and other relevant statutory provisions, the universal character of the Court, principles of independence and equality and the unique character of membership of the Court.

7. Asbestos

32. As indicated in previous annual reports, the presence of asbestos was discovered in 2014 in the 1977 wing of the Peace Palace, which houses the Court's Deliberation Room and the judges' offices, and in archiving areas used by the Court in the Palace's old building.

33. Work to renovate the judges' building began in the autumn of 2015 and was completed at the start of 2016.

34. With regard to the old building, in 2016, the Carnegie Foundation requested the Ministry of Foreign Affairs of the Netherlands to provide the funding needed to enable it to carry out two types of work: (a) inspection of the entire Peace Palace to pinpoint the exact location of any asbestos present; and (b) decontamination of parts of the building where asbestos had already been detected, in particular the basement, reception area and roof space. The Ministry provided the resources required to decontaminate part of the basement, and this work has now been completed.

35. Regular inspections are carried out by specialists hired by the Carnegie Foundation to check the condition of materials containing asbestos in the old building of the Peace Palace. The Netherlands authorities have decided to undertake major works to decontaminate and completely renovate the building. To that end, it is anticipated that the Peace Palace will have to close and the institutions seated there, including the Court, will have to be temporarily moved elsewhere. The preparatory survey phase should be completed in 2020, after which the institutions will be relocated. It is thought that the work will take several years. The Court has only limited and very general information at this stage and has asked the Ministry of Foreign Affairs of the Netherlands to provide it with all the relevant plans and information. The Ministry has as yet been unable to communicate the terms or schedule of the move or to submit any proposals for temporary premises; it would appear that this will not be possible until the preparatory survey is complete. According to the letter addressed to the Court by the Ministry, the Netherlands authorities are currently focusing on drawing up plans and making initial preparations. The Court hopes to receive as soon as possible any proposals or plans which might shed light on the situation, so that it may continue to perform its judicial functions. It goes without saying that whatever solutions are agreed upon, the Court must be able to continue fulfilling its important mission uninterrupted and unhindered in any way.

Chapter II
Role and jurisdiction of the Court

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

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

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

1. *Jurisdiction in contentious cases*

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

40. In this respect, it should be noted that, at 31 July 2019, 193 States were parties to the Statute of the Court, and thus had access to it. On 4 July 2018, the State of Palestine, for its part, filed a declaration with the Registry of the Court which reads as follows:

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

41. Of the States parties to the Statute, 73 have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Equatorial Guinea, Estonia, Eswatini, 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, 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, for information purposes, under the heading "Jurisdiction" on the Court's website.

42. 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 States. 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 can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Finally, when submitting a dispute to the Court, a State may propose to found the Court's

jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, in reliance on Article 38, paragraph 5, of the Rules of Court. If the latter State gives its consent, the Court's jurisdiction is established and the new case is entered in the General List on the date that this consent is given (this situation is known as *forum prorogatum*).

2. Jurisdiction in advisory proceedings

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

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

Chapter III
Organization of the Court

A. Composition

45. The International Court of Justice consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years one third of the Court's seats falls vacant. Elections for the next renewal will be held in the last quarter of 2020.

46. At 31 July 2019, the composition of the Court was as follows: President: Abdulqawi Ahmed Yusuf (Somalia); Vice-President: Xue Hanqin (China); Judges: Peter Tomka (Slovakia), Ronny Abraham (France), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Joan E. Donoghue (United States), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), James Richard Crawford (Australia), Kirill Gevorgian (Russian Federation), Nawaf Salam (Lebanon) and Yuji Iwasawa (Japan).

1. President and Vice-President

47. The President and the Vice-President of the Court (Statute, Art. 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 or her duties, or in the event of a vacancy in the presidency. Among other things, the President:

(a) Presides at all meetings of the Court, directs its work and supervises its administration;

(b) In every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure. For this purpose, he summons the agents of the parties to meet him 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 does not share the majority opinion of the Court, in which case his 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 sitting;

(l) Chairs the Budgetary and Administrative Committee of the Court;

(m) Addresses the representatives of the United Nations Member States every autumn in New York during the plenary meetings of the session of the General Assembly 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.

2. Registrar and Deputy-Registrar

48. Until 30 June 2019, the post of Registrar of the Court was held by Mr. Philippe Couvreur, of Belgian nationality. On 3 February 2014, he had been re-elected for a third seven-year term of office from 10 February 2014, but he decided to bring forward the close of his term and stepped down from his functions on 1 July 2019. On 22 May 2019, the Members of the Court elected Mr. Philippe Gautier, of Belgian nationality, as Registrar of the Court for a term of seven years from 1 August 2019 (the duties of the Registrar are described in paragraphs 67 to 71).

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

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

50. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, at 31 July 2019, was constituted as follows:

(a) *Members*

– President Yusuf

– Vice-President Xue

– Judges Cançado Trindade, Sebutinde and Gevorgian

(b) *Substitute Members*

Judges Donoghue and Crawford

51. The Court also formed committees to facilitate the performance of its administrative tasks. At 31 July 2019, they were composed as follows:

(a) Budgetary and Administrative Committee:

– President Yusuf (Chair)

– Vice-President Xue

– Judges Tomka, Abraham, Gaja, Sebutinde and Bhandari

(b) Rules Committee:

– Judge Tomka (Chair)

– Judges Donoghue, Gaja, Bhandari, Robinson, Crawford and Gevorgian

(c) Library Committee:

– Judge Cançado Trindade (Chair)

– Judges Gaja, Bhandari and Salam

4. Judges *ad hoc*

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

53. There were 27 instances where States parties chose judges *ad hoc* during the period under review, with these functions being carried out by 14 individuals (the same person may sit as judge *ad hoc* in more than one case).

54. The following sat as judges *ad hoc* in cases in which a final decision was made during the period covered by this report or in cases entered in the Court's List on 31 July 2019:

(a) In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, Mr. Yves Daudet, chosen by the Democratic Republic of the Congo after Mr. Joe Verhoeven resigned from his functions on 15 May 2019;

(b) In the case concerning *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*, Mr. Yves Daudet, chosen by the Plurinational State of Bolivia, and Mr. Donald McRae, chosen by Chile;

(c) 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)*, Mr. Leonid Skotnikov, chosen by Nicaragua, and Mr. Charles Brower, chosen by Colombia;

(d) In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*, Mr. Yves Daudet, chosen by Nicaragua, and Mr. Donald McRae, chosen by Colombia;

(e) In the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*, Mr. Gilbert Guillaume, chosen by Kenya;

(f) In the case concerning the *Dispute over the Status and Use of the Waters of the Silala (Chile* v. *Bolivia)*, Mr. Bruno Simma, chosen by Chile, and Mr. Yves Daudet, chosen by the Plurinational State of Bolivia;

(g) In the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea* v. *France)*, Mr. James Kateka, chosen by Equatorial Guinea;

(h) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran* v. *United States of America)*, Mr. Djamchid Momtaz, chosen by the Islamic Republic of Iran, and Mr. Charles Brower, chosen by the United States of America;

(i) In the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine* v. *Russian Federation)*, Mr. Fausto Pocar, chosen by Ukraine, and Mr. Leonid Skotnikov, chosen by the Russian Federation;

(j) In the case of *Jadhav (India* v. *Pakistan)*, Mr. Tassaduq Hussain Jillani, chosen by Pakistan;

(k) In the case concerning the *Arbitral Award of 3 October 1899 (Guyana* v. *Venezuela)*, Ms. Hilary Charlesworth, chosen by Guyana;

(l) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab*

Emirates), Mr. Yves Daudet, chosen by Qatar, and Mr. Jean-Pierre Cot, chosen by the United Arab Emirates;

(m) In the case concerning *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates* v. *Qatar)*, Mr. Nabil Elaraby, chosen jointly by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates, and Mr. Yves Daudet, chosen by Qatar;

(n) In the case concerning *Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates* v. *Qatar)*, Mr. Nabil Elaraby, chosen jointly by Bahrain, Egypt and the United Arab Emirates, and Mr. Yves Daudet, chosen by Qatar;

(o) In the case concerning *Alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran* v. *United States of America)*, Mr. Djamchid Momtaz, chosen by the Islamic Republic of Iran, and Mr. Charles Brower, chosen by the United States;

(p) In the case concerning the *Relocation of the United States Embassy to Jerusalem (Palestine* v. *United States of America)*, Mr. Gilbert Guillaume, chosen by the State of Palestine.

B. Privileges and immunities

55. Under Article 19 of the Statute of the Court, the Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

56. 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.[1]

57. By resolution 90 (I) of 11 December 1946, the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: if a judge, for the purpose of holding himself 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 these countries to diplomatic envoys.

58. In the same resolution, the General Assembly recommended that the authorities of Members of the United Nations recognize and accept the laissez-passer issued by the Court to the Members of the Court, the Registrar and the officials of 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 Organization. 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 International Civil Aviation Organization standards.

[1] *I.C.J. Acts and Documents No. 6*, pp. 204–211 and pp. 214–217.

59. 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

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

61. The Court occupies premises in the Peace Palace in The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises and provides for the Organization to pay an annual contribution to the Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951, 1958, 1997 and 2006 as well as subsequent amendments. The annual contribution by the United Nations to the Foundation rose to €1,395,414 for 2018 and to €1,418,823 for 2019.

Chapter IV
Registry

62. The Court is the only principal organ of the United Nations to have its own administration (see Art. 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.

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

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

65. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and nine technical divisions (see annex). The President of the Court and the Registrar are each aided by a special assistant (grade P-3). The Members of the Court are each assisted by a law clerk (grade P-2). These 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*.

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

The Registrar

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

68. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In this respect, the Registrar performs, among others, the following tasks:

(a) He keeps the General List of all cases and is responsible for recording documents in the case files;

(b) He manages the proceedings in the cases;

(c) He is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; he provides any assistance required and is responsible for the preparation of reports or minutes of such meetings;

(d) He signs all judgments, advisory opinions and orders of the Court, as well as minutes;

(e) He 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) He is responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case, and of such other documents as the Court may decide to publish; and

(g) He has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the Nuremberg International Military Tribunal).

69. The Registrar's diplomatic duties include the following tasks:

(a) He attends to the Court's external relations and acts as the channel of communication to and from the Court;

(b) He manages external correspondence, including that relating to cases, and provides any consultations required;

(c) He manages 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) He maintains relations with the local authorities and with the press; and

(e) He is responsible for information concerning the Court's activities and for the Court's publications, including press releases.

70. The Registrar's administrative duties include:

(a) The Registry's internal administration;

(b) Financial management, in accordance with the financial procedures of the United Nations, and in particular preparing and implementing the budget;

(c) The supervision of all administrative tasks and of printing; and

(d) Making arrangements for such provision or verification of translations and interpretations into the Court's two official languages (English and French) as the Court may require.

71. Pursuant to the exchange of letters and General Assembly resolution 90 (I) as referred to in paragraphs 56 and 57, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions in The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

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

Chapter V
Judicial activity of the Court

A. Pending contentious proceedings during the period under review

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

73. On 2 July 1993, Hungary and Slovakia jointly notified to the Court a Special Agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system (see A/48/4). In its Judgment of 25 September 1997, the Court, having ruled on the issues submitted by the parties, called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989. 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 (see press release No. 98/28 of 3 September 1998). 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 (see press release No. 98/31 of 7 October 1998). The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

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

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

76. Taking into account the views of the parties, in March 2018 the Court decided that the case remained pending and therefore on the General List.

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

77. 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).

78. In its Counter-Memorial, filed in the Registry on 20 April 2001, Uganda presented three counter-claims (see A/56/4).

79. In the Judgment which it rendered on 19 December 2005 (see A/61/4), 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 civilian population in the Democratic Republic of the Congo 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 natural resources of the Democratic Republic of the Congo 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.

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

81. 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 them, the question of reparation would be settled by the Court and reserved for this purpose the subsequent procedure in the case. Thereafter, the parties transmitted to the Court certain information concerning the negotiations between them to settle the question of reparation.

82. 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 (see A/70/4).

83. 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.

84. In its Order, the Court further pointed out that the fixing of such time-limits left unaffected the right of the respective Heads of State to provide the further guidance referred to in the joint communiqué of 19 March 2015. Finally, 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 wish[ed] to rely”.

85. By Orders dated 10 December 2015 and 11 April 2016, the original time-limits for the filing by the parties of their Memorials on the question of reparations were extended to 28 April 2016 and 28 September 2016, respectively.

86. By an Order dated 6 December 2016, the Court fixed 6 February 2018 as the time-limit for the filing by each party of a Counter-Memorial responding to the claims presented by the other party in its Memorial. The Counter-Memorials were filed within the time-limit thus fixed.

87. Public hearings on the question of reparations were initially scheduled for the period from 18 to 22 March 2019, but were postponed by the Court in light of the request of the Democratic Republic of the Congo in this regard and the views expressed by Uganda in response.

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

88. 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".

89. In its Application, the Plurinational State of Bolivia stated that the subject-matter 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".

90. 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".

91. Bolivia requested the Court to adjudge and declare that:

"(a) Chile ha[d] the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;

(b) Chile ha[d] 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."

92. As basis for the jurisdiction of the Court, the Applicant invoked Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties.

93. 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 a Memorial by the Plurinational State of Bolivia and a Counter-Memorial by Chile. The Memorial was filed within the time-limit thus fixed.

94. On 15 July 2014, Chile, referring to Article 79, paragraph 1, of the Rules, 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.

95. By an Order dated 15 July 2014, 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 was filed within the time-limit thus fixed.

96. Public hearings on the preliminary objection to the jurisdiction of the Court were held from 4 to 8 May 2015.

97. In the Judgment which it rendered on 24 September 2015, the Court rejected the preliminary objection raised by Chile. It then found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to entertain the Application filed by the Plurinational State of Bolivia.

98. 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.

99. By an Order dated 21 September 2016, the Court authorized the submission of a Reply by the Plurinational State of Bolivia and a Rejoinder by Chile, and fixed

21 March and 21 September 2017 as the respective time-limits for the filing of those written pleadings. The Reply and the Rejoinder were filed within the time-limits thus fixed.

100. Public hearings on the merits of the case were held from 19 to 28 March 2018.

101. On 1 October 2018, the Court rendered its Judgment, the operative part of which reads as follows:

"For these reasons,

The Court,

(1) By twelve votes to three,

Finds that the Republic of Chile did not undertake a legal obligation to negotiate a sovereign access to the Pacific Ocean for the Plurinational State of Bolivia;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Gevorgian; Judge *ad hoc* McRae;

Against: Judges Robinson, Salam; Judge *ad hoc* Daudet;

(2) By twelve votes to three,

Rejects consequently the other final submissions presented by the Plurinational State of Bolivia.

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Gevorgian; Judge *ad hoc* McRae;

Against: Judges Robinson, Salam; Judge *ad hoc* Daudet."

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

102. 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".

103. In its Application, Nicaragua requested the Court to adjudge and declare, first, "[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*]" and, second, "[t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast" (see A/69/4).

104. Nicaragua based the jurisdiction of the Court on Article XXXI of the Pact of Bogotá.

105. By an Order dated 9 December 2013, the Court fixed 9 December 2014 and 9 December 2015 as the respective time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia.

106. 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 the admissibility of the Application (see A/71/4).

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

108. By an Order dated 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 was filed within the time-limit thus fixed.

109. Public hearings on the preliminary objections raised by Colombia were held from 5 to 9 October 2015.

110. In the Judgment it delivered on those preliminary objections on 17 March 2016, the Court found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to entertain the first request put forward by Nicaragua in its Application, in which it asked the Court to adjudge and declare "[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012"; the Court also found that that request was admissible. However, it found the second request made by Nicaragua in its Application to be inadmissible.

111. 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. Those written pleadings were filed within the time-limits thus fixed.

112. By an Order dated 8 December 2017, the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Colombia and fixed 9 July 2018 and 11 February 2019 as the respective time-limits for the filing of those written pleadings. They were filed within the time-limits thus fixed.

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

113. 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".

114. In its Application, Nicaragua requested the Court to adjudge and declare that Colombia was in breach of:

" – its obligation not to use or threaten to use force under Article 2 (4) of the UN Charter 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 United Nations Convention on the Law of the Sea];

– and that, consequently, Colombia [was] 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" (see A/69/4).

115. Nicaragua based the jurisdiction of the Court on Article XXXI of the Pact of Bogotá. Nicaragua further contended that "[m]oreover and alternatively, the jurisdiction of the Court [lay] in its inherent power to pronounce on the actions required by its Judgments".

116. 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.

117. On 19 December 2014, Colombia, referring to Article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court (see A/71/4). In accordance with paragraph 5 of the same Article, the proceedings on the merits were then suspended.

118. 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 was filed within the time-limit thus fixed.

119. Public hearings on the preliminary objections raised by Colombia were held from 28 September to 2 October 2015.

120. In the Judgment it rendered on those preliminary objections on 17 March 2016, the Court found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court had declared in its 2012 Judgment appertained to Nicaragua.

121. 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.

122. That written pleading, which was filed within the time-limit thus fixed, contained four counter-claims. The first was based on Nicaragua's alleged breach of a duty of due diligence to protect and preserve the marine environment of the south-western Caribbean Sea. The second related to Nicaragua's alleged breach of its duty of due diligence to protect the right of the inhabitants of the San Andrés Archipelago to benefit from a healthy, sound and sustainable environment. The third concerned Nicaragua's alleged infringement of the customary artisanal fishing rights of the local inhabitants of the San Andrés Archipelago to access and exploit their traditional fishing grounds. The fourth related to Nicaragua's adoption of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight baselines and had the effect of extending Nicaragua's internal waters and maritime zones beyond what is permitted by international law.

123. Both parties then filed, within the time-limits fixed by the Court, their written observations on the admissibility of those claims.

124. In its Order dated 15 November 2017, the Court found that the first and second counter-claims submitted by Colombia were inadmissible as such and did not form part of the current proceedings, and that the third and fourth counter-claims submitted by Colombia were admissible as such and did form part of the current proceedings.

125. By the same Order, the Court directed Nicaragua to submit a Reply and Colombia to submit a Rejoinder relating to the claims of both parties in the current proceedings, and fixed 15 May 2018 and 15 November 2018 as the respective time-

limits for the filing of those written pleadings. They were filed within the time-limits thus fixed.

126. By an Order dated 4 December 2018, the Court authorized the submission by Nicaragua of an additional pleading relating solely to the counter-claims submitted by Colombia and fixed 4 March 2019 as the time-limit for the filing of that pleading. It was filed within the time-limit thus fixed.

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

127. 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.

128. In its Application, Somalia contended that the parties "disagree[d] about the location of the maritime boundary in the area where their maritime entitlements overlap[ped]" and that "[d]iplomatic negotiations, in which their respective views ha[d] been fully exchanged, ha[d] failed to resolve [that] disagreement".

129. 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]", and further asked the Court "to determine the precise geographical co-ordinates of the single maritime boundary in the Indian Ocean" (See A/70/4).

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

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

132. 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.

133. 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 were suspended.

134. 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 was filed within the time-limit thus fixed.

135. Public hearings on the preliminary objections raised by Kenya were held from 19 to 23 September 2016.

136. On 2 February 2017, the Court rendered its Judgment on the preliminary objections. Rejecting the preliminary objections raised by Kenya, the Court found that "it ha[d] jurisdiction to entertain the Application filed by the Federal Republic of Somalia on 28 August 2014 and that the Application [was] admissible".

137. By an Order dated 2 February 2017, the Court fixed 18 December 2017 as the new time-limit for the filing of the Counter-Memorial by Kenya. It was filed within the time-limit thus fixed.

138. By an Order dated 2 February 2018, the Court authorized the submission of a Reply by Somalia and a Rejoinder by Kenya and fixed 18 June and 18 December 2018 as the respective time-limits for the filing of those written pleadings. They were filed within the time-limits thus fixed.

139. The Court will hold public hearings on the merits of the case from 9 to 13 September 2019.

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

140. 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.

141. In its Application, Chile argued that the Silala originated from groundwater springs in Bolivian territory "a few kilometres north-east of the Chile-Bolivia international boundary". It contended that the Silala then flowed across the border into Chilean territory, where the river received "additional waters from various springs … before it reache[d] 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, for more than a century, the waters of the Silala had been used in Chile for different purposes, including the provision of water to the city of Antofagasta and to the towns of Sierra Gorda and Baquedano.

142. Chile explained that "[t]he nature of the Silala River as an international watercourse was never disputed until Bolivia, for the first time in 1999, claimed its waters as exclusively Bolivian". Chile contended that it had "always been willing to engage in discussions with Bolivia concerning a regime of utilization of the waters of the Silala", but that these 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.

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

> "(a) The Silala River system, together with the subterranean portions of its system, [was] an international watercourse, the use of which [was] governed by customary international law;
>
> (b) Chile [was] 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 [was] entitled to its current use of the waters of the Silala River;
>
> (d) Bolivia ha[d] 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 ha[d] an obligation to cooperate and to provide Chile with timely notification of planned measures which [might] 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 ha[d] breached."

144. As basis for the Court's jurisdiction, the Applicant invoked Article XXXI of the Pact of Bogotá, to which both States are parties.

145. 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. The Memorial of Chile was filed within the time-limit thus fixed.

146. By a letter dated 14 May 2018, the Agent of the Plurinational State of Bolivia requested the Court, for reasons set out in that letter, to extend by two months the time-limit for the filing of its Counter-Memorial. In the absence of any objection by Chile to that request, by an Order dated 23 May 2018, the Court extended to 3 September 2018 the time-limit for the filing of the Counter-Memorial. That pleading, which was filed within the time-limit thus extended, contained three counter-claims.

147. In a letter dated 9 October 2018, the Agent of Chile stated that, in order to expedite the procedure, her Government would not contest the admissibility of the counter-claims of the Plurinational State of Bolivia.

148. By an Order dated 15 November 2018, the Court directed the submission of a Reply by Chile and a Rejoinder by the Plurinational State of Bolivia, limited to the Respondent's counter-claims, and fixed 15 February 2019 and 15 May 2019 as the respective time-limits for the filing of those written pleadings. They were filed within the time-limits thus fixed.

149. By a letter dated 4 June 2019, the Agent of Chile informed the Court that her Government wished to avail itself of the right to present an additional pleading on the counter-claims.

150. By a letter dated 7 June 2019, the Agent of the Plurinational State of Bolivia stated that his Government had no objection to that request.

151. By an Order dated 18 June 2019, the Court authorized the submission by Chile of an additional pleading relating solely to the counter-claims of the Plurinational State of Bolivia and fixed 18 September 2019 as the time-limit for the filing of that pleading.

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

152. On 13 June 2016, Equatorial Guinea filed an Application instituting proceedings against France with regard to a dispute concerning "the immunity from criminal jurisdiction of the Second Vice-President 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".

153. 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 ha[d] breached its obligation 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 ha[d] acted and [was] 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 [was] in breach of its obligations under international law, notably the Vienna Convention on Diplomatic Relations and the United Nations Convention [against Transnational Organized Crime], 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 [was] engaged on account of the harm that the violations of its international obligations ha[d] caused and [were] 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 [would] be determined at a later stage."

154. As basis for the Court's jurisdiction, the Applicant invoked two instruments to which both States are parties: first, the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, of 18 April 1961; and, second, the United Nations Convention against Transnational Organized Crime of 15 November 2000.

155. By an Order of 1 July 2016, the Court fixed 3 January and 3 July 2017 as the respective time-limits for the filing of a Memorial by Equatorial Guinea and a Counter-Memorial by France. The Memorial of Equatorial Guinea was filed within the time-limit thus fixed.

156. On 29 September 2016, Equatorial Guinea filed in the Registry a request for the indication of provisional measures (see A/72/4).

157. The Court held hearings on that request from 17 to 19 October 2016.

158. On 7 December 2016, the Court rendered an Order, the operative clause of which reads as follows:

"For these reasons,

The Court,

I. Unanimously,

Indicates the following provisional measures:

France shall, pending a final decision in the case, take all measures at its disposal to ensure that the premises presented as housing the diplomatic mission of Equatorial Guinea at 42 avenue Foch in Paris enjoy treatment equivalent to that required by Article 22 of the Vienna Convention on Diplomatic Relations, in order to ensure their inviolability;

II. Unanimously,

Rejects the request of France to remove the case from the General List."

The Court was composed as follows: Vice-President Yusuf, Acting President, President Abraham; Judges Owada, Tomka, Bennouna, Cançado Trindade, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian; Judge *ad hoc* Kateka; Registrar Couvreur.

159. On 31 March 2017, France raised certain preliminary objections to the Court's jurisdiction. In accordance with Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended (see A/72/4).

160. By an Order of 5 April 2017, the Court fixed 31 July 2017 as the time-limit within which Equatorial Guinea might present a written statement of its observations and submissions on the preliminary objections raised by France. The written statement was filed within the time-limit thus fixed.

161. Public hearings on the preliminary objections raised by France were held from 19 to 23 February 2018.

162. On 6 June 2018, the Court delivered its Judgment on the preliminary objections, the operative part of which reads as follows:

"For these reasons,

The Court

(1) By eleven votes to four,

Upholds the first preliminary objection raised by the French Republic that the Court lacks jurisdiction on the basis of Article 35 of the United Nations Convention against Transnational Organized Crime;

In favour: President Yusuf; Judges Owada, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Bhandari, Crawford, Gevorgian, Salam;

Against: Vice-President Xue; Judges Sebutinde, Robinson; Judge *ad hoc* Kateka;

(2) Unanimously,

Rejects the second preliminary objection raised by the French Republic that the Court lacks jurisdiction on the basis of the Optional Protocol to the Vienna

Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes;

(3) By fourteen votes to one,

Rejects the third preliminary objection raised by the French Republic that the Application is inadmissible for abuse of process or abuse of rights;

In favour: President Yusuf; Vice-President Xue; Judges Owada, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam; Judge *ad hoc* Kateka;

Against: Judge Donoghue;

(4) By fourteen votes to one,

Declares that it has jurisdiction, on the basis of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, to entertain the Application filed by the Republic of Equatorial Guinea on 13 June 2016, in so far as it concerns the status of the building located at 42 Avenue Foch in Paris as premises of the mission, and that this part of the Application is admissible.

In favour: President Yusuf; Vice-President Xue; Judges Owada, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam; Judge *ad hoc* Kateka;

Against: Judge Donoghue."

163. By an Order of the same day, the Court fixed 6 December 2018 as the new time-limit for the filing of the Counter-Memorial by France. That pleading was filed within the time-limit thus fixed.

164. By an Order dated 24 January 2019, the Court directed the submission of a Reply by Equatorial Guinea and a Rejoinder by France and fixed 24 April 2019 and 24 July 2019 as the respective time-limits for the filing of those written pleadings.

165. By a letter dated 11 April 2019, the Agent of Equatorial Guinea requested the Court, for reasons set out in that letter, to extend by two weeks the time-limits for the filing of the Reply and the Rejoinder. In the absence of any objection from France to this request, by Order dated 17 April 2019, the Court extended to 8 May 2019 and 21 August 2019 the respective time-limits for the filing of the Reply of Equatorial Guinea and the Rejoinder of France. The Reply of Equatorial Guinea was filed within the time-limit thus extended.

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

166. On 14 June 2016, the Islamic Republic of Iran filed an Application instituting proceedings against the United States with regard to a dispute concerning "the adoption by the USA of a series of measures that, in violation of the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955, … ha[d] had and/or [were] having a serious adverse impact on the ability of Iran and of Iranian companies (including Iranian State-owned companies) to exercise their rights to control and enjoy their property, including property located outside the territory of Iran/within the territory of the USA".

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

"(a) That the Court ha[d] 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 impair[ed] 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 [was] 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, [were] 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 ha[d] 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 [should] ensure that no steps shall be taken based on the executive, legislative and judicial acts (as referred to [in the Application]) at issue in this case which [were], 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 [were] 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) [was] 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 [in the Application]), which involve[d] or impl[ied] the recognition or enforcement of such acts [would] be taken against the assets or interests of Iran or any Iranian entity or national;

(f) That the USA [was] 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.”

168. As basis for the jurisdiction of the Court, the Applicant invoked Article XXI, paragraph 2, of the Treaty of Amity, to which both States are parties.

169. By an Order of 1 July 2016, the Court fixed 1 February and 1 September 2017 as the respective time-limits for the filing of a Memorial by the Islamic Republic of

Iran and a Counter-Memorial by the United States. The Memorial was filed within the time-limit thus fixed.

170. On 1 May 2017, the United States filed 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 were then suspended.

171. By an Order of 2 May 2017, the President of the Court fixed 1 September 2017 as the time-limit within which the Islamic Republic of Iran might present a written statement of its observations and submissions on the preliminary objections raised by the United States. The written statement was filed within the time-limit thus fixed.

172. Public hearings on the preliminary objections raised by the United States were held from 8 to 12 October 2018.

173. At the close of those hearings, the parties' Agents made the following submissions:

For the United States:

"For the reasons explained during these hearings and any other reasons the Court might deem appropriate, the United States of America requests that the Court uphold the U.S. objections set forth in its written submissions and at this hearing as to the admissibility of Iran's claims and the jurisdiction of the Court, and decline to entertain the case. Specifically, the United States of America requests that the Court:

(a) Dismiss Iran's claims in their entirety as inadmissible;

(b) Dismiss as outside the Court's jurisdiction all claims that U.S. measures that block the property and interests in property of the Government of Iran or Iranian financial institutions (as defined in Executive Order 13599 and regulatory provisions implementing Executive Order 13599) violate any provision of the Treaty;

(c) Dismiss as outside the Court's jurisdiction all claims, brought under any provision of the Treaty of Amity, that are predicated on the United States' purported failure to accord sovereign immunity from jurisdiction and/or enforcement to the Government of Iran, Bank Markazi, or Iranian State-owned entities; and

(d) Dismiss as outside the Court's jurisdiction all claims of purported violations of Articles III, IV, or V of the Treaty of Amity that are predicated on treatment accorded to the Government of Iran or Bank Markazi."

For the Islamic Republic of Iran:

"The Islamic Republic of Iran requests that the Court adjudge and declare:

(a) That the preliminary objections submitted by the United States are rejected in their entireties; and

(b) That it has jurisdiction to hear the claims in the Application by the Islamic Republic of Iran dated 14 June 2016 and proceed to hear those claims."

174. On 13 February 2019, the Court rendered its Judgment on the preliminary objections, the operative part of which reads as follows:

"For these reasons,

The Court,

(1) Unanimously,

Rejects the first preliminary objection to jurisdiction raised by the United States of America;

(2) By eleven votes to four,

Upholds the second preliminary objection to jurisdiction raised by the United States of America;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Crawford, Salam, Iwasawa; Judge *ad hoc* Brower;

Against: Judges Bhandari, Robinson, Gevorgian; Judge *ad hoc* Momtaz;

(3) By eleven votes to four,

Declares that the third preliminary objection to jurisdiction raised by the United States of America does not possess, in the circumstances of the case, an exclusively preliminary character;

In favour: President Yusuf; Vice-President Xue; Judges Abraham, Bennouna, Cançado Trindade, Bhandari, Robinson, Gevorgian, Salam, Iwasawa; Judge *ad hoc* Momtaz;

Against: Judges Tomka, Gaja, Crawford; Judge *ad hoc* Brower;

(4) Unanimously,

Rejects the preliminary objections to admissibility raised by the United States of America;

(5) Unanimously,

Finds that it has jurisdiction, subject to points (2) and (3) of the present operative clause, to rule on the Application filed by the Islamic Republic of Iran on 14 June 2016, and that the said Application is admissible."

175. By an Order of the same day, the Court fixed 13 September 2019 as the new time-limit for the filing of the Counter-Memorial by the United States.

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

176. On 16 January 2017, Ukraine filed an Application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

177. Ukraine asserted in particular that, since 2014, the Russian Federation had "interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine's citizens, including, for all too many, their right to life". Ukraine claimed that in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considers that, by its actions, the Russian Federation has flouted fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism.

178. In its Application, Ukraine further claimed that, "in the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation [had] brazenly defied the U.N. Charter, seizing a part of Ukraine's sovereign territory by military force". It claimed that, "[i]n an attempt to legitimize its act of aggression, the Russian Federation [had] engineered an illegal 'referendum', which it [had] rushed to

implement amid a climate of violence and intimidation against non-Russian ethnic groups". According to Ukraine, this "deliberate campaign of cultural erasure, beginning with the invasion and referendum and continuing to this day, violate[d] the International Convention on the Elimination of All Forms of Racial Discrimination".

179. As regards the International Convention for the Suppression of the Financing of Terrorism, Ukraine requested the Court "to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, ha[d] violated its obligations under the … Convention" and that it "[bore] international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention, for the acts of terrorism committed by its proxies in Ukraine" (see A/72/4).

180. Ukraine also requested the Court "to order the Russian Federation to comply with its obligations under the [International] Convention [for the Suppression of the Financing of Terrorism], including that the Russian Federation:

(a) Immediately and unconditionally cease and desist from all support, including the provision of money, weapons, and training, to illegal armed groups that engage[d] in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals;

(b) Immediately make all efforts to ensure that all weaponry provided to such armed groups [was] withdrawn from Ukraine;

(c) Immediately exercise appropriate control over its border to prevent further acts of financing of terrorism, including the supply of weapons, from the territory of the Russian Federation to the territory of Ukraine;

(d) Immediately stop the movement of money, weapons, and all other assets from the territory of the Russian Federation and occupied Crimea to illegal armed groups that engage[d] in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals, including by freezing all bank accounts used to support such groups;

(e) Immediately prevent all Russian officials from financing terrorism in Ukraine, including Sergei Shoigu, Minister of Defence of the Russian Federation; Vladimir Zhirinovsky, Vice-Chairman of the State Duma; Sergei Mironov, member of the State Duma; and Gennadiy Zyuganov, member of the State Duma, and initiate prosecution against these and other actors responsible for financing terrorism;

(f) Immediately provide full cooperation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage[d] in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals;

(g) Make full reparation for the shoot-down of Malaysian Airlines Flight MH17;

(h) Make full reparation for the shelling of civilians in Volnovakha;

(i) Make full reparation for the shelling of civilians in Mariupol;

(j) Make full reparation for the shelling of civilians in Kramatorsk;

(k) Make full reparation for the bombing of civilians in Kharkiv; and

(l) Make full reparation for all other acts of terrorism the Russian Federation ha[d] caused, facilitated, or supported through its financing of terrorism, and failure to prevent and investigate the financing of terrorism."

181. As regards the International Convention on the Elimination of All Forms of Racial Discrimination, Ukraine requested the Court "to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, including the *de facto* authorities administering the illegal Russian occupation of Crimea, and through other agents acting on its instructions or under its direction and control, ha[d] violated its obligations under the [Convention]" (see A/72/4).

182. It also requested the Court "to order the Russian Federation to comply with its obligations under the [Convention], including:

(a) Immediately cease and desist from the policy of cultural erasure and take all necessary and appropriate measures to guarantee the full and equal protection of the law to all groups in Russian-occupied Crimea, including Crimean Tatars and ethnic Ukrainians;

(b) Immediately restore the rights of the *Mejlis* of the Crimean Tatar People and of Crimean Tatar leaders in Russian-occupied Crimea;

(c) Immediately restore the rights of the Crimean Tatar people in Russian-occupied Crimea to engage in cultural gatherings, including the annual commemoration of the *Sürgün*;

(d) Immediately take all necessary and appropriate measures to end the disappearance and murder of Crimean Tatars in Russian-occupied Crimea, and to fully and adequately investigate the disappearances of Reshat Ametov, Timur Shaimardanov, Ervin Ibragimov, and all other victims;

(e) Immediately take all necessary and appropriate measures to end unjustified and disproportionate searches and detentions of Crimean Tatars in Russian-occupied Crimea;

(f) Immediately restore licenses and take all other necessary and appropriate measures to permit Crimean Tatar media outlets to resume operations in Russian-occupied Crimea;

(g) Immediately cease interference with Crimean Tatar education and take all necessary and appropriate measures to restore education in the Crimean Tatar language in Russian-occupied Crimea;

(h) Immediately cease interference with ethnic Ukrainian education and take all necessary and appropriate measures to restore education in the Ukrainian language in Russian-occupied Crimea;

(i) Immediately restore the rights of ethnic Ukrainians to engage in cultural gatherings in Russian-occupied Crimea;

(j) Immediately take all necessary and appropriate measures to permit the free operation of ethnic Ukrainian media in Russian-occupied Crimea; and

(k) Make full reparation for all victims of the Russian Federation's policy and pattern of cultural erasure through discrimination in Russian-occupied Crimea."

183. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures, stating that the purpose was to protect its rights pending the Court's determination of the case on the merits (A/72/4).

184. Public hearings on the request for the indication of provisional measures submitted by Ukraine were held from 6 to 9 March 2017.

185. On 19 April 2017, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

"For these reasons:

The Court,

Indicates the following provisional measures,

(1) With regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

(a) By thirteen votes to three,

Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*;

In favour: President Abraham; Vice-President Yusuf; Judges Owada, Bennouna, Cançado Trindade, Greenwood, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford; Judge *ad hoc* Pocar;

Against: Judges Tomka, Xue; Judge *ad hoc* Skotnikov;

(b) Unanimously,

Ensure the availability of education in the Ukrainian language;

(2) Unanimously,

Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

186. By an Order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019 as the respective time-limits for the filing of a Memorial by Ukraine and a Counter-Memorial by the Russian Federation. The Memorial of Ukraine was filed within the time-limit thus fixed.

187. On 12 September 2018, the Russian Federation 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 were then suspended.

188. By an Order dated 17 September 2018, the President of the Court fixed 14 January 2019 as the time-limit within which Ukraine might present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation. That pleading was filed within the time-limit thus fixed.

189. Public hearings on the preliminary objections raised by the Russian Federation were held from 3 to 7 June 2019.

190. At the close of those hearings, the parties' Agents made the following submissions to the Court:

For the Russian Federation:

"Having regard to the arguments set out in the Preliminary Objections of the Russian Federation and during the oral proceedings, the Russian Federation requests the Court to adjudge and declare that it lacks jurisdiction over the claims brought against the Russian Federation by Ukraine by its Application of 16 January 2017 and/or that Ukraine's claims are inadmissible."

For Ukraine:

"Ukraine respectfully requests that the Court:

(a) Dismiss the Preliminary Objections submitted by the Russian Federation in its submission dated 12 September 2018;

(b) Adjudge and declare that it has jurisdiction to hear the claims in the Application submitted by Ukraine, dated 16 January 2017, that such claims are admissible, and proceed to hear those claims on the merits; or

(c) In the alternative, to adjudge and declare, in accordance with the provisions of Article 79, paragraph 9, of the Rules of Court that the objections submitted by the Russian Federation do not have an exclusively preliminary character."

191. The Court has begun its deliberations. It will deliver its decision at a public sitting, the date of which will be announced in due course.

11. *Jadhav (India* v. *Pakistan)*

192. On 8 May 2017, India filed an Application instituting proceedings against Pakistan "for egregious violations of the Vienna Convention on Consular Relations, 1963" in the matter of the detention and trial of an Indian national, Mr. Kulbhushan Sudhir Jadhav, sentenced to death by a military court in Pakistan.

193. India contended that it had not been informed of Mr. Jadhav's detention until long after his arrest and that Pakistan had failed to inform the accused of his rights. It further alleged that, in violation of the Vienna Convention on Consular Relations, the authorities of Pakistan were denying India its right of consular access to Mr. Jadhav, despite its repeated requests. The Applicant also pointed out that it had learned about the death sentence against Mr. Jadhav from a press release (see A/72/4).

194. In its Application, India sought the following reliefs:

"(a) A relief by way of immediate suspension of the sentence of death awarded to the accused[;]

(b) A relief by way of restitution in integrum by declaring that the sentence of the military court arrived at, in brazen defiance of the Vienna Convention rights under Article 36, particularly Article 36, paragraph 1 (b), and in defiance of elementary human rights of an accused which [were] also to be given effect as mandated under Article 14 of the 1966 International Covenant on Civil and Political Rights, [was] violative of international law and the provisions of the Vienna Convention; and

(c) Restraining Pakistan from giving effect to the sentence awarded by the military court, and directing it to take steps to annul the decision of the military court as may be available to it under the law in Pakistan[;]

(d) If Pakistan [was] unable to annul the decision, then [the] Court to declare the decision illegal being violative of international law and treaty rights and restrain Pakistan from acting in violation of the Vienna Convention and international law by giving effect to the sentence or the conviction in any manner, and directing it to release the convicted Indian National forthwith."

195. As basis for the Court's jurisdiction, the Applicant invoked Article 36, paragraph 1, of the Statute of the Court and Article I of the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 24 April 1963.

196. On 8 May 2017, India also filed a request for the indication of provisional measures (see A/72/4). In its Request, India asked that, "pending final judgment in th[e] case, the Court indicate:

(a) That the Government of the Islamic Republic of Pakistan take all measures necessary to ensure that Mr. Kulbhushan Sudhir Jadhav is not executed;

(b) That the Government of the Islamic Republic of Pakistan report to the Court the action it has taken in pursuance of sub-paragraph (a); and

(c) That the Government of the Islamic Republic of Pakistan ensure that no action is taken that might prejudice the rights of the Republic of India or Mr. Kulbhushan Sudhir Jadhav with respect of any decision th[e] Court may render on the merits of the case".

197. On 9 May 2017, the President of the Court, acting in accordance with the powers conferred on him by Article 74, paragraph 4, of the Rules of Court, addressed an urgent communication to both parties, calling on Pakistan, pending the Court's decision on the request for the indication of provisional measures, "to act in such a way as will enable any order the Court may make on this Request to have its appropriate effects".

198. Public hearings on the request for the indication of provisional measures presented by India were held on 15 May 2017.

199. At the close of those hearings, India confirmed the terms of the provisional measures it had requested the Court to indicate, while the Agent of Pakistan asked the Court to reject the request for the indication of provisional measures presented by India.

200. On 18 May 2017, the Court delivered its Order, the operative part of which reads as follows:

"For these reasons,

The Court,

I. Unanimously,

Indicates the following provisional measures:

Pakistan shall take all measures at its disposal to ensure that Mr. Jadhav is not executed pending the final decision in these proceedings and shall inform the Court of all the measures taken in implementation of the present Order.

II. Unanimously,

Decides that, until the Court has given its final decision, it shall remain seised of the matters which form the subject-matter of this Order."

201. The Court was composed as follows: President Abraham; Judges Owada, Cançado Trindade, Xue, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian; Registrar Couvreur.

202. By an Order dated 13 June 2017, the President of the Court fixed 13 September and 13 December 2017 as the respective time-limits for the filing of a Memorial by India and a Counter-Memorial by Pakistan. These pleadings were filed within the time-limit thus fixed.

203. By an Order dated 17 January 2018, the Court authorized the submission of a Reply by India and a Rejoinder by Pakistan. It fixed 17 April and 17 July 2018 as the respective time-limits for the filing of those written pleadings. The pleadings were filed within the time-limits thus fixed.

204. Public hearings on the merits of the case were held from 18 to 21 February 2019.

205. At the close of those hearings, the parties' Agents made the following submissions to the Court:

For India:

> "(1) The Government of India requests this Court to adjudge and declare that, Pakistan acted in egregious breach of Article 36 of the Vienna Convention on Consular Relations, 1963 (Vienna Convention) in:
>
> (i) Failing to inform India, without delay, of the detention of Jadhav;
>
> (ii) Failing to inform Jadhav of his rights under Article 36 of the Vienna Convention on Consular Relations, 1963;
>
> (iii) Declining access to Jadhav by consular officers of India, contrary to their right to visit Jadhav, while under custody, detention or in prison, and to converse and correspond with him, or to arrange for his legal representation.
>
> And that pursuant to the foregoing,
>
> (2) Declare that:
>
> (a) [T]he sentence by Pakistan's Military Court arrived at, in brazen defiance of the Vienna Convention rights under Article 36, particularly Article 36 paragraph 1 (b), and in defiance of elementary human rights of Jadhav, which are also to be given effect as mandated under Article 14 of the 1966 International Covenant on Civil and Political Rights (ICCPR), is violative of international law and the provisions of the Vienna Convention;
>
> (b) India is entitled to *restitutio in integrum*;
>
> (3) Annul the decision of the Military Court and restrain Pakistan from giving effect to the sentence or conviction in any manner; and
>
> (4) [D]irect it to release the Indian National, Jadhav, forthwith, and to facilitate his safe passage to India;
>
> (5) In the alternative, and if this Court were to find that Jadhav is not to be released, then
>
> (i) Annul the decision of the Military Court and restrain Pakistan from giving effect to the sentence awarded by the Military Court,
>
> or in the further alternative,
>
> (ii) [D]irect it to take steps to annul the decision of the military court, as may be available to it under the laws in force in Pakistan,
>
> and in either event,
>
> (iii) [D]irect a trial under the ordinary law before civilian courts, after excluding his confession that was recorded without affording consular access, and in strict conformity with the provisions of the ICCPR, with full consular access and with a right to India to arrange for his legal representation."

For Pakistan:

> "The Islamic Republic of Pakistan respectfully requests the Court, for the reasons set out in Pakistan's written pleadings and in its oral submissions made in the course of these hearings, to declare India's claim inadmissible. Further or

in the alternative, the Islamic Republic of Pakistan respectfully requests the Court to dismiss India's claim in its entirety."

206. On 17 July 2019, the Court rendered its Judgment, the operative part of which reads as follows:

"For these reasons,

The Court,

(1) Unanimously,

Finds that it has jurisdiction, on the basis of Article I of the Optional Protocol concerning the Compulsory Settlement of Disputes to the Vienna Convention on Consular Relations of 24 April 1963, to entertain the Application filed by the Republic of India on 8 May 2017;

(2) By fifteen votes to one,

Rejects the objections by the Islamic Republic of Pakistan to the admissibility of the Application of the Republic of India and finds that the Application of the Republic of India is admissible;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(3) By fifteen votes to one,

Finds that, by not informing Mr. Kulbhushan Sudhir Jadhav without delay of his rights under Article 36, paragraph 1 (b), of the Vienna Convention on Consular Relations, the Islamic Republic of Pakistan breached the obligations incumbent upon it under that provision;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(4) By fifteen votes to one,

Finds that, by not notifying the appropriate consular post of the Republic of India in the Islamic Republic of Pakistan without delay of the detention of Mr. Kulbhushan Sudhir Jadhav and thereby depriving the Republic of India of the right to render the assistance provided for by the Vienna Convention to the individual concerned, the Islamic Republic of Pakistan breached the obligations incumbent upon it under Article 36, paragraph 1 (b), of the Vienna Convention on Consular Relations;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(5) By fifteen votes to one,

Finds that the Islamic Republic of Pakistan deprived the Republic of India of the right to communicate with and have access to Mr. Kulbhushan Sudhir Jadhav, to visit him in detention and to arrange for his legal representation, and

thereby breached the obligations incumbent upon it under Article 36, paragraph 1 (a) and (c), of the Vienna Convention on Consular Relations;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(6) By fifteen votes to one,

Finds that the Islamic Republic of Pakistan is under an obligation to inform Mr. Kulbhushan Sudhir Jadhav without further delay of his rights and to provide Indian consular officers access to him in accordance with Article 36 of the Vienna Convention on Consular Relations;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(7) By fifteen votes to one,

Finds that the appropriate reparation in this case consists in the obligation of the Islamic Republic of Pakistan to provide, by the means of its own choosing, effective review and reconsideration of the conviction and sentence of Mr. Kulbhushan Sudhir Jadhav, so as to ensure that full weight is given to the effect of the violation of the rights set forth in Article 36 of the Convention, taking account of paragraphs 139, 145 and 146 of this Judgment;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani;

(8) By fifteen votes to one,

Declares that a continued stay of execution constitutes an indispensable condition for the effective review and reconsideration of the conviction and sentence of Mr. Kulbhushan Sudhir Jadhav.

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa;

Against: Judge *ad hoc* Jillani."

Judge Cançado Trindade appended a separate opinion to the Judgment of the Court; Judges Sebutinde, Robinson and Iwasawa appended declarations to the Judgment of the Court; Judge *ad hoc* Jillani appended a dissenting opinion to the Judgment of the Court.

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

207. On 29 March 2018, Guyana filed an Application instituting proceedings against the Bolivarian Republic of Venezuela.

208. In its Application, Guyana requested the Court "to confirm the legal validity and binding effect of the Award Regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899". The Applicant claimed that the 1899 Award was "'a full, perfect, and final settlement' of all questions

relating to determining the boundary line between the colony of British Guiana and Venezuela".

209. Guyana asserted that between November 1900 and June 1904, a joint Anglo-Venezuelan Boundary Commission had "identified, demarcated and permanently fixed the boundary established by the ... Award" before the signing of a Joint Declaration by the Commissioners on 10 January 1905 (referred to as "the 1905 Agreement").

210. Guyana contended that, in 1962, for the first time, Venezuela had contested the Award as "arbitrary" and "null and void". This, according to the Applicant, had led to the signing of the Agreement to resolve the controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the frontier between Venezuela and British Guiana at Geneva on 17 February 1966, which "provided for recourse to a series of dispute settlement mechanisms to finally resolve the controversy".

211. Guyana further submitted that the Geneva Agreement had authorized the United Nations Secretary-General to decide which appropriate dispute resolution mechanism to adopt for the peaceful settlement of the dispute, in accordance with Article 33 of the United Nations Charter. According to the Applicant:

> "On 30 January 2018, ... Secretary-General [H.E.] António Guterres determined that the good offices process had failed to achieve a peaceful settlement of the controversy. He then took a formal and binding decision, under Article IV, paragraph 2 of the Agreement, to choose a different means of settlement under Article 33 of the Charter. In identical letters to both Parties, he communicated the terms of his decision that, pursuant to the authority vested in him by the Geneva Agreement, the controversy shall be settled by recourse to the International Court of Justice."

212. In its Application, filed "pursuant to the Secretary-General's decision", Guyana requested the Court to adjudge and declare that:

"(a) The 1899 Award [was] valid and binding upon Guyana and Venezuela, and the boundary established by that Award and the 1905 Agreement [was] valid and binding upon Guyana and Venezuela;

(b) Guyana enjoy[ed] full sovereignty over the territory between the Essequibo River and the boundary established by the 1899 Award and the 1905 Agreement, and Venezuela enjoy[ed] full sovereignty over the territory west of that boundary; Guyana and Venezuela [were] under an obligation to fully respect each other's sovereignty and territorial integrity in accordance with the boundary established by the 1899 Award and the 1905 Agreement;

(c) Venezuela [had to] immediately withdraw from and cease its occupation of the eastern half of the Island of Ankoko, and each and every other territory which [was] recognized as Guyana's sovereign territory in accordance with the 1899 Award and 1905 Agreement;

(d) Venezuela [had to] refrain from threatening or using force against any person and/or company licensed by Guyana or engage in economic or commercial activity in Guyanese territory as determined by the 1899 Award and 1905 Agreement, or in any maritime areas appurtenant to such territory over which Guyana ha[d] sovereignty or exercise[d] sovereign rights, and shall not interfere with any Guyanese or Guyanese-authorised activities in those areas;

(e) Venezuela [was] internationally responsible for violations of Guyana's sovereignty and sovereign rights, and for all injuries suffered by Guyana as a consequence."

213. By an Order dated 19 June 2018, the Court decided that the written pleadings in the case must first address the question of the jurisdiction of the Court and fixed 19 November 2018 and 18 April 2019 as the respective time-limits for the filing of a Memorial by Guyana and a Counter-Memorial by the Bolivarian Republic of Venezuela.

214. The Court took this decision following a meeting held on 18 June 2018 with representatives of the parties.

215. The Memorial of Guyana was filed within the time-limit thus fixed.

13. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar* v. *United Arab Emirates)*

216. On 11 June 2018, Qatar instituted proceedings against the United Arab Emirates with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, to which both States are parties.

217. In its Application, Qatar asserted that "[t]he UAE ha[d] enacted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin … that remain in effect to this day", resulting in alleged human rights violations.

218. According to the Applicant, on and following 5 June 2017, the United Arab Emirates had expelled all Qataris within its borders; prohibited them from entering or passing through the United Arab Emirates; closed United Arab Emirates airspace and seaports to Qatar and Qataris; interfered with the rights of Qataris who own property in the United Arab Emirates; limited the rights of Qataris to any speech deemed to be in support of Qatar or opposed to the actions against Qatar; and shut down the local offices of Al Jazeera Media Network, and blocked the transmission of Al Jazeera and other Qatari media outlets.

219. As basis for the Court's jurisdiction, the Applicant invoked Article 36, paragraph 1, of the Statute of the Court and Article 22 of the Convention.

220. The Applicant requested the Court "to adjudge and declare that the UAE, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, ha[d] violated its obligations under Articles 2, 4, 5, 6, and 7 of the [Convention]".

221. Accordingly, Qatar requested the Court "to order the UAE to take all steps necessary to comply with its obligations under [the Convention] and, *inter alia*:

(a) Immediately cease and revoke the discriminatory measures, including but not limited to the directives against 'sympathizing' with Qataris, and any other national laws that discriminate *de jure* or *de facto* against Qataris on the basis of their national origin;

(b) Immediately cease all other measures that incite discrimination (including media campaigns and supporting others to propagate discriminatory messages) and criminalize such measures;

(c) Comply with its obligations under the [Convention] to condemn publicly racial discrimination against Qataris, pursue a policy of eliminating racial discrimination, and adopt measures to combat such prejudice;

(d) Refrain from taking any further measures that would discriminate against Qataris within its jurisdiction or control;

(e) Restore rights of Qataris to, *inter alia*, marriage and choice of spouse, freedom of opinion and expression, public health and medical care, education and training, property, work, participation in cultural activities, and equal treatment before tribunals, and put in place measures to ensure those rights are respected;

(f) Provide assurances and guarantees of non-repetition of the UAE's illegal conduct; and

(g) Make full reparation, including compensation, for the harm suffered as a result of the UAE's actions in violation of the [Convention]."

222. On 11 June 2018, Qatar also filed a request for the indication of provisional measures to protect against further, irreparable harm the rights of Qataris and their families under the Convention and to prevent aggravation or extension of the dispute, pending final judgment in the case (see A/73/4).

223. Public hearings on the request for the indication of provisional measures were held from 27 to 29 June 2018.

224. At the end of the second round of oral observations, Qatar confirmed its request for the indication of provisional measures, while the Agent of the United Arab Emirates concluded as follows on behalf of his Government:

"For the reasons explained during these hearings, the United Arab Emirates requests the Court to reject the request for the indication of provisional measures submitted by the State of Qatar".

225. On 23 July 2018, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

"For these reasons,

The Court,

Indicates the following provisional measures:

(1) By eight votes to seven,

The United Arab Emirates must ensure that

(i) Families that include a Qatari, separated by the measures adopted by the United Arab Emirates on 5 June 2017, are reunited;

(ii) Qatari students affected by the measures adopted by the United Arab Emirates on 5 June 2017 are given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wish to continue their studies elsewhere; and

(iii) Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 are allowed access to tribunals and other judicial organs of the United Arab Emirates;

In favour: President Yusuf; Vice-President Xue; Judges Abraham, Bennouna, Cançado Trindade, Sebutinde, Robinson; Judge ad hoc Daudet;

Against: Judges Tomka, Gaja, Bhandari, Crawford, Gevorgian, Salam; Judge ad hoc Cot;

(2) By eleven votes to four,

Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson; Judge *ad hoc* Daudet;

Against: Judges Crawford, Gevorgian, Salam; Judge *ad hoc* Cot."

226. By an Order dated 25 July 2018, the President of the Court, having taken into account the views of the parties, fixed 25 April 2019 and 27 January 2020 as the respective time-limits for the filing of a Memorial by Qatar and a Counter-Memorial by the United Arab Emirates.

227. The Memorial of Qatar was filed within the time-limit thus fixed.

228. On 22 March 2019, the United Arab Emirates filed in the Registry of the Court a request for the indication of provisional measures in order to preserve its procedural rights in this case and prevent Qatar from further aggravating or extending the dispute between the parties pending a final decision.

229. According to the United Arab Emirates, its rights to procedural fairness, to an equal opportunity to present its case and to proper administration of justice were threatened by Qatar's pursuing of parallel proceedings before the Court and the Committee on the Elimination of Racial Discrimination in respect of the same dispute.

230. The Respondent also claimed that Qatar "ha[d] severely aggravated and extended the dispute", by "referring the matter again" to the Committee on the Elimination of Racial Discrimination on 29 October 2018, "after it had abandoned those proceedings by its Application instituting proceedings before th[e] Court" submitted on 11 June of the same year; by "hampering the UAE's attempts to assist Qatari citizens, including by blocking within its territory access to the UAE Government website by which Qatari citizens [could] apply for a permit to return to the UAE"; and by "using its national institutions and State-owned, controlled and funded media outlets, including Al Jazeera, to disseminate false accusations regarding the UAE".

231. In its Request, the United Arab Emirates asked the Court to order that:

"(i) Qatar immediately withdraw its Communication submitted to the … Committee [on the Elimination of Racial Discrimination] pursuant to Article 11 of the [International Convention on the Elimination of all Forms of Racial Discrimination] on 8 March 2018 … and take all necessary measures to terminate consideration thereof by the … Committee;

(ii) Qatar immediately desist from hampering the UAE's attempts to assist Qatari citizens, including by un-blocking in its territory access to the website by which Qatari citizens can apply for a permit to return to the UAE;

(iii) Qatar immediately stop its national bodies and its State-owned, controlled and funded media outlets from aggravating and extending the dispute and making it more difficult to resolve by disseminating false accusations regarding the UAE and the issues in dispute before the Court; and

(iv) Qatar refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

232. On 30 April 2019, the United Arab Emirates raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application. Consequently, the proceedings on the merits of the case were suspended. By an Order dated 2 May 2019, the President of the Court fixed 30 August 2019 as the time-limit within which Qatar

might present a written statement of its observations and submissions on the preliminary objections raised by the United Arab Emirates.

233. Public hearings on the request of the United Arab Emirates for the indication of provisional measures were held from 7 to 9 May 2019.

234. At the close of those hearings, the United Arab Emirates confirmed the provisional measures that it had requested the Court to indicate, while the Agent of Qatar requested the Court "to reject the request for the indication of provisional measures submitted by the United Arab Emirates".

235. On 14 June 2019, the Court delivered its Order on the request for the indication of provisional measures submitted by the United Arab Emirates, the operative part of which reads as follows:

> "For these reasons,
>
> The Court,
>
> By fifteen votes to one,
>
> Rejects the Request for the indication of provisional measures submitted by the United Arab Emirates on 22 March 2019.
>
> In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Gaja, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa; Judge *ad hoc* Daudet;
>
> Against: Judge *ad hoc* Cot."

14. *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates* v. *Qatar)*

236. On 4 July 2018, Bahrain, Egypt, Saudi Arabia and the United Arab Emirates filed a joint Application constituting an appeal against the decision rendered by the Council of the International Civil Aviation Organization (ICAO) on 29 June 2018 in proceedings initiated by Qatar against these four States on 30 October 2017, pursuant to Article 84 of the Convention on International Civil Aviation (the Chicago Convention).

237. It is stated in the joint Application that in 2013 and 2014, following years of diplomatic activities, the Member States of the Gulf Cooperation Council adopted a series of instruments and undertakings referred to collectively as the Riyadh Agreements, under which Qatar "committed to cease supporting, financing or harbouring persons or groups presenting a danger to national security, in particular terrorist groups". The Applicants further stated that, on 5 June 2017, after Qatar had allegedly failed to abide by its commitments, they had adopted a range of countermeasures "with the aim of inducing compliance by Qatar". They noted that those measures included the airspace restrictions that formed the subject of the application against them submitted by Qatar to the ICAO Council, pursuant to Article 84 of the Chicago Convention ("Application (A)).

238. Bahrain, Egypt, Saudi Arabia and the United Arab Emirates further pointed out that, on 19 March 2018, they had raised two preliminary objections to Application (A) of Qatar, contending that the ICAO Council lacked jurisdiction to adjudicate the claims submitted by Qatar, or, in the alternative, that the claims were inadmissible. In their first preliminary objection, they argued that the dispute would require the ICAO Council "to determine issues that f[e]ll outside its jurisdiction[, since] to rule on the lawfulness of the countermeasures adopted by the Applicants, … the Council would be required to rule on Qatar's compliance with critical obligations under international

law entirely unrelated to, and outwith, the Chicago Convention". In their second preliminary objection, they contended, *inter alia*, that "Qatar had not complied with the necessary precondition to the existence of jurisdiction of the Council, contained in Article 84 of the Chicago Convention, of first attempting to resolve the disagreement ... through negotiations prior to submitting its claims to the Council".

239. The ICAO Council rendered its decision on 29 June 2018, rejecting these preliminary objections.

240. The Applicants contended that the decision had been issued "immediately following the close of oral submissions, and without asking any questions or undertaking any deliberations". In their view, despite their oral intervention to clarify that "there were in fact two separate preliminary objections", the ICAO Council decision "refer[red] to a singular 'preliminary objection' only" and "did not state any reasons for the rejection of the preliminary objections".

241. The Applicants advanced three grounds of appeal. Under the first ground of appeal, they contested the decision on the grounds that the procedure adopted by the ICAO Council was "manifestly flawed and in violation of fundamental principles of due process and the right to be heard". Under the second and third grounds of appeal, they claimed that "the ICAO Council [had] erred in fact and in law" in rejecting the first and second preliminary objections to its jurisdiction over the application of Qatar.

242. Consequently, Bahrain, Egypt, Saudi Arabia and the United Arab Emirates requested the Court to adjudge and declare:

> "(1) That the Decision of the ICAO Council dated 29 June 2018 reflect[ed] a manifest failure to act judicially on the part of the ICAO Council, and a manifest lack of due process in the procedure adopted by the ICAO Council; and
>
> (2) That the ICAO Council [was] not competent to adjudicate upon the disagreement between the State of Qatar and the Applicants submitted by Qatar to the ICAO Council by Qatar's Application (A) dated 30 October 2017; and
>
> (3) That the Decision of the ICAO Council dated 29 June 2018 in respect of Application (A) [was] null and void and without effect."

243. As basis for the Court's jurisdiction, the Applicants invoked Article 84 of the Chicago Convention, in conjunction with Article 36, paragraph 1, and Article 37 of the Statute of the Court.

244. By an Order dated 25 July 2018, the President of the Court, having taken into account the views of the parties, fixed 27 December 2018 and 27 May 2019 as the respective time-limits for the filing of a Memorial by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates and a Counter-Memorial by Qatar. The Applicants' Memorial was filed on 27 December 2018 and the Respondent's Counter-Memorial was filed on 25 February 2019.

245. By an Order dated 27 March 2019, the Court, taking into account the views of the parties, directed the submission of a Reply by Bahrain, Egypt, Saudi Arabia and the United Arab Emirates and a Rejoinder by Qatar, and fixed 27 May and 29 July 2019 as the respective time-limits for the filing of those pleadings. They were filed within the time-limits thus fixed.

15. *Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates* v. *Qatar)*

246. On 4 July 2018, Bahrain, Egypt and the United Arab Emirates submitted a joint Application constituting an appeal against the decision rendered by the ICAO Council on 29 June 2018, in proceedings initiated by Qatar against these three States on 30 October 2017, pursuant to Article II, Section 2, of the International Air Services Transit Agreement.

247. It is stated in the joint Application that in 2013 and 2014, following years of diplomatic activities, the member States of the Gulf Cooperation Council adopted a series of instruments and undertakings referred to collectively as the Riyadh Agreements, under which Qatar "committed to cease supporting, financing or harbouring persons or groups presenting a danger to national security, in particular terrorist groups". The Applicants further stated that, on 5 June 2017, after Qatar allegedly failed to abide by its commitments, they adopted a range of counter-measures "with the aim of inducing compliance by Qatar". They noted that those measures included the airspace restrictions that formed the subject of the application against them submitted by Qatar to the ICAO Council, pursuant to Article II, Section 2, of the International Air Services Transit Agreement (Application (B)).

248. Bahrain, Egypt and the United Arab Emirates further pointed out that, on 19 March 2018, they had raised two preliminary objections to Application (B) of Qatar, contending that the ICAO Council lacked jurisdiction to adjudicate the claims submitted by Qatar, or, in the alternative, that the claims were inadmissible. In their first preliminary objection, they argued that the dispute would require the ICAO Council "to determine issues that f[e]ll outside its jurisdiction[, since] to rule on the lawfulness of the countermeasures adopted by the Applicants, … the Council would be required to rule on Qatar's compliance with critical obligations under international law entirely unrelated to, and outwith, the [International Air Services Transit Agreement]". In their second preliminary objection, they contended *inter alia* that "Qatar had not complied with the necessary precondition to the existence of jurisdiction of the Council, contained in Article II, Section 2, of the [Agreement], and by reference Article 84 of the Chicago Convention, of first attempting to resolve the disagreement ... through negotiations prior to submitting its claims to the Council".

249. The ICAO Council rendered its decision on 29 June 2018, rejecting these preliminary objections.

250. The Applicants contended that the decision had been issued "immediately following the close of oral submissions, and without asking any questions or undertaking any deliberations". In their view, despite their oral intervention to clarify that "there were in fact two separate preliminary objections", the ICAO Council decision "refer[red] to a singular 'preliminary objection' only" and "did not state any reasons for the rejection of the preliminary objections".

251. The Applicants advanced three grounds of appeal. Under the first ground of appeal, they contested the decision on the grounds that the procedure adopted by the ICAO Council was "manifestly flawed and in violation of fundamental principles of due process and the right to be heard". Under the second and third grounds of appeal, they claimed that "the ICAO Council [had] erred in fact and in law" in rejecting the first and the second preliminary objections to its jurisdiction over Qatar's application.

252. Consequently, Bahrain, Egypt and the United Arab Emirates requested the Court to adjudge and declare:

"(1) That the Decision of the ICAO Council dated 29 June 2018 reflect[ed] a manifest failure to act judicially on the part of the ICAO Council, and a manifest lack of due process in the procedure adopted by the ICAO Council; and

(2) That the ICAO Council [was] not competent to adjudicate upon the disagreement between the State of Qatar and the Applicants submitted by Qatar to the ICAO Council by Qatar's Application (B) dated 30 October 2017; and

(3) That the Decision of the ICAO Council dated 29 June 2018 in respect of Application (B) [was] null and void and without effect."

253. As basis for the Court's jurisdiction, the Applicants invoked Article II, Section 2, of the Agreement, and, by reference, Article 84 of the Chicago Convention, read in conjunction with Article 36, paragraph 1, and Article 37 of the Statute of the Court.

254. By an Order dated 25 July 2018, the President of the Court, having taken account of the views of the parties, fixed 27 December 2018 and 27 May 2019 as the respective time-limits for the filing of a Memorial by Bahrain, Egypt and the United Arab Emirates and a Counter-Memorial by Qatar. The Applicants' Memorial was filed on 27 December 2018 and the Respondent's Counter-Memorial was filed on 25 February 2019.

255. By an Order dated 27 March 2019, the Court, taking into account the views of the parties, directed the submission of a Reply by Bahrain, Egypt and the United Arab Emirates and a Rejoinder by Qatar, and fixed 27 May and 29 July 2019 as the respective time-limits for the filing of those pleadings. They were filed within the time-limits thus fixed.

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

256. On 16 July 2018, the Islamic Republic of Iran filed an Application instituting proceedings against the United States with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights, which was signed by the two States in Tehran on 15 August 1955 and entered into force on 16 June 1957.

257. The Islamic Republic of Iran stated that its Application related to the decision of the United States of 8 May 2018 "to re-impose in full effect and enforce" sanctions and restrictive measures targeting, directly or indirectly, the Islamic Republic of Iran and Iranian companies and/or nationals, which the United States had previously decided to lift in connection with the Joint Comprehensive Plan of Action (an agreement on the nuclear programme of the Islamic Republic of Iran reached on 14 July 2015 by the Islamic Republic of Iran, the five permanent members of the United Nations Security Council, plus Germany and the European Union).

258. The Applicant claimed that, through the "8 May sanctions" and further sanctions that had been announced, the United States "ha[d] violated and continue[d] to violate multiple provisions" of the Treaty of Amity.

259. The Islamic Republic of Iran therefore requested the Court "to adjudge, order and declare that:

(a) The USA, through the 8 May and announced further sanctions referred to in the present Application, with respect to Iran, Iranian nationals and companies, ha[d] breached its obligations to Iran under Articles IV (1), VII (1), VIII (1), VIII (2), IX (2) and X (1) of the Treaty of Amity;

(b) The USA [had to], by means of its own choosing, terminate the 8 May sanctions without delay;

(c) The USA [had to] immediately terminate its threats with respect to the announced further sanctions referred to in the present Application;

(d) The USA [had to] ensure that no steps [were] taken to circumvent the decision to be given by the Court in the present case and … give a guarantee of non-repetition of its violations of the Treaty of Amity;

(e) The USA [had to] fully compensate 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 reserve[d] the right to submit and present to the Court in due course a precise evaluation of the compensation owed by the USA."

260. As basis for the jurisdiction of the Court, the Applicant invoked Article XXI, paragraph 2, of the Treaty of Amity.

261. On 16 July 2018, the Islamic Republic of Iran also filed a request for the indication of provisional measures, in order to preserve its rights under the Treaty of Amity pending the judgment of the Court on the merits of the case (see A/73/4).

262. According to the Islamic Republic of Iran, the United States has already started to enforce some elements of the "8 May sanctions", while it announced that others would be implemented between 90 and 180 days from 8 May 2018. The Applicant maintained that, in view of the above, there was "a real and imminent risk that irreparable prejudice" would be caused to its rights which formed the subject of the dispute before the Court gave its final decision.

263. Public hearings on the request for the indication of provisional measures submitted by the Islamic Republic of Iran were held from 27 to 30 August 2018.

264. At the end of the second round of oral observations, the Islamic Republic of Iran confirmed the provisional measures that it had requested the Court to indicate, while the Agent of the United States requested the Court to "reject the request for provisional measures filed by the Islamic Republic of Iran".

265. On 3 October 2018, the Court delivered an Order, the operative part of which reads as follows:

"For these reasons,

The Court,

Indicates the following provisional measures:

(1) Unanimously,

The United States of America, in accordance with its obligations under the 1955 Treaty of Amity, Economic Relations, and Consular Rights, shall remove, by means of its choosing, any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of

(i) medicines and medical devices;

(ii) foodstuffs and agricultural commodities; and

(iii) spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation;

(2) Unanimously,

The United States of America shall ensure that licences and necessary authorizations are granted and that payments and other transfers of funds are not subject to any restriction in so far as they relate to the goods and services referred to in point (1);

(3) Unanimously,

Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

The Court was composed as follows: President Yusuf, Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa; Judges *ad hoc* Brower, Momtaz; Registrar Couvreur.

266. By an Order dated 10 October 2018, the Court fixed 10 April and 10 October 2019 as the respective time-limits for the filing of a Memorial by the Islamic Republic of Iran and a Counter-Memorial by the United States of America.

267. By a letter dated 1 April 2019, the Co-Agent of the Islamic Republic of Iran requested the Court, for reasons set out in the letter, to extend by one and a half months the time-limit for the filing of the Memorial. In the absence of any objection from the United States to this request, the President of the Court, by Order dated 8 April 2019, extended to 24 May 2019 and 10 January 2020 the respective time-limits for the filing of the Memorial by the Islamic Republic of Iran and the Counter-Memorial by the United States. The Memorial of the Islamic Republic of Iran was filed within the time-limit thus extended.

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

268. On 28 September 2018, the State of Palestine filed an Application instituting proceedings against the United States with respect to a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations.

269. It is recalled in the Application that, on 6 December 2017, the President of the United States recognized Jerusalem as the capital of Israel and announced the relocation of the United States Embassy in Israel from Tel Aviv to Jerusalem. The United States Embassy in Jerusalem was then inaugurated on 14 May 2018. The State of Palestine contended that it flowed from the Vienna Convention on Diplomatic Relations that the diplomatic mission of a sending State must be established on the territory of the receiving State. According to the State of Palestine, in view of the special status of Jerusalem, "[t]he relocation of the United States Embassy in Israel to the Holy City of Jerusalem constitutes a breach of the Vienna Convention".

270. As basis for the Court's jurisdiction, the Applicant invoked Article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes. It noted that Palestine had acceded to the Convention on 2 April 2014 and to the Optional Protocol on 22 March 2018, whereas the United States had been a party to both these instruments since 13 November 1972.

271. The Applicant further stated that, on 4 July 2018, "in accordance with Security Council Resolution 9 (1946) and Article 35 (2) of the Statute of the Court, [it had submitted] a 'Declaration recognizing the Competence of the International Court of Justice' for the settlement of all disputes that [might] arise or that ha[d] already arisen covered by Articles I and II of the Optional Protocol [to the Vienna Convention]".

272. At the end of its Application, the State of Palestine requested the Court to "declare that the relocation, to the Holy City of Jerusalem, of the United States Embassy in Israel [was] in breach of the Vienna Convention". It further requested the Court "to order the United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem and to conform to the international obligations flowing from the Vienna Convention". Finally, the Applicant asked the Court to "order the United States of America to take all necessary steps to comply with its obligations, to

refrain from taking any future measures that would violate its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct".

273. By an Order dated 15 November 2018, the Court decided that the written pleadings would first be addressed to the question of the jurisdiction of the Court and that of the admissibility of the Application. It fixed 15 May and 15 November 2019 as the respective time-limits for the filing of a Memorial by the State of Palestine and a Counter-Memorial by the United States. The Memorial of the State of Palestine was filed within the time-limit thus fixed.

18. *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*

274. On 7 June 2019, the Court was seised of a dispute between Guatemala and Belize by way of special agreement.

275. On 8 December 2008, the two States concluded a Special Agreement between Guatemala and Belize to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice, which was subsequently amended by a Protocol concluded on 25 May 2015. Under the terms of Articles 1 and 2 of the Agreement, the parties requested the Court to determine in accordance with applicable rules of international law as specified in Article 38 (1) of the Statute of the Court any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to these territories, to declare the rights therein of both parties, and to determine the boundaries between their respective territories and areas.

276. Article 5 of the Agreement contains the following undertaking:

"The Parties shall accept the decision of the Court as final and binding, and undertake to comply with and implement it in full and in good faith. In particular, the Parties agree that, within three months of the date of the Judgment of the Court, they will agree on the composition and terms of reference of a Bi-national Commission to carry out the demarcation of their boundaries in accordance with the decision of the Court. If such agreement is not reached within three months, either Party may request the Secretary General of the Organization of American States to appoint the members of the Bi-national Commission and to prescribe its Terms of Reference, after due consultation with the Parties."

277. In accordance with Article 7 of the Agreement, Guatemala and Belize held referendums on the following question:

"Do you agree that any legal claim of Guatemala against Belize relating to land and insular territories and to any maritime areas pertaining to these territories should be submitted to the International Court of Justice for final settlement and that it determine finally the boundaries of the respective territories and areas of the Parties?"

278. By a referendum held on 15 April 2018, the Guatemalan population approved the submission of the dispute to the Court. By a letter dated 21 August 2018, Guatemala officially notified the Court of the Agreement and its Protocol.

279. By a referendum held on 8 May 2019, the population of Belize approved the submission of the dispute to the Court. By a letter dated 7 June 2019, Belize officially notified the Court of the Agreement and its Protocol.

280. With these two official notifications, the Court is now seised of the matter.

281. By an Order dated 18 June 2019, the Court fixed 8 June 2020 and 8 June 2021 as the respective time-limits for the filing of a Memorial by Guatemala and a Counter-Memorial by Belize.

B. Pending advisory proceedings during the period under review

Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (request for an advisory opinion)

282. On 22 June 2017, the General Assembly adopted resolution 71/292, in which, referring to Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

"(a) Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?;

(b) What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?"

283. By a letter dated 23 June 2017, the Secretary-General transmitted the request for an advisory opinion to the Court.

284. By letters dated 28 June 2017, the Registrar of the Court then gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute.

285. By an Order dated 14 July 2017, the Court decided "that the United Nations and its Member States, which [were] likely to be able to furnish information on the question submitted to the Court for an advisory opinion, [might] do so within the time-limits fixed in th[e] Order". It fixed 30 January 2018 as the time-limit within which written statements on the question could be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and 16 April 2018 as the time-limit within which States and organizations having presented written statements could submit written comments on the other written statements, in accordance with Article 66, paragraph 4, of the Statute.

286. By an Order dated 17 January 2018, the Court decided that the African Union, which was "likely to be able to furnish information on the question submitted to the Court for an advisory opinion, [might] do so within the time-limits fixed by the Court". It also extended to 1 March 2018 the time-limit within which all written statements on the question could be submitted to it and to 15 May 2018 the time-limit within which States and organizations having presented written statements could submit written comments on the other written statements. This Order followed a letter dated 10 January 2018, by which the Legal Counsel of the African Union requested that this organization be permitted to furnish information, in writing and orally, on the question submitted to the Court for its advisory opinion and be granted an extension of one month for the filing of its written statement.

287. Within the time-limit extended by the Court, written statements were filed, in order of their receipt, by: Belize, Germany, Cyprus, Liechtenstein, Netherlands, United Kingdom, Serbia, France, Israel, Russian Federation, United States, Seychelles, Australia, India, Chile, Brazil, Republic of Korea, Madagascar, China, Djibouti, Mauritius, Nicaragua, African Union, Guatemala, Argentina, Lesotho, Cuba, Viet Nam, South Africa, Marshall Islands and Namibia.

288. On 14 March 2018, the Court decided to accept the written statement filed by Niger, submitted on 6 March 2018, after the expiry of the relevant time-limit.

289. Within the time-limit extended by the Court, written comments were filed, in order of their receipt, by: African Union, Serbia, Nicaragua, United Kingdom, Mauritius, Seychelles, Guatemala, Cyprus, Marshall Islands, United States and Argentina.

290. By communications dated 26 March 2018, the Court requested the United Nations and its Member States, as well as the African Union, to inform it, by 15 June 2018 at the latest, if they intended to take part in the oral proceedings.

291. Public hearings on the request for an advisory opinion on the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* were held from 3 to 6 September 2018. Twenty-two States and the African Union participated in the oral proceedings. Those States were: Argentina, Australia, Belize, Botswana, Brazil, Cyprus, Germany, Guatemala, India, Israel, Kenya, Marshall Islands, Mauritius, Nicaragua, Nigeria, Serbia, South Africa, Thailand, United Kingdom, United States, Vanuatu and Zambia.

292. On 25 February 2019, the Court gave its Advisory Opinion. It responded to the General Assembly's request as follows:

"For these reasons,

The Court,

(1) Unanimously,

Finds that it has jurisdiction to give the advisory opinion requested;

(2) By twelve votes to two,

Decides to comply with the request for an advisory opinion;

In favour: President Yusuf; Vice-President Xue; Judges Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian, Salam, Iwasawa;

Against: Judges Tomka, Donoghue;

(3) By thirteen votes to one,

Is of the opinion that, having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian, Salam, Iwasawa;

Against: Judge Donoghue;

(4) By thirteen votes to one,

Is of the opinion that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian, Salam, Iwasawa;

Against: Judge Donoghue;

(5) By thirteen votes to one,

Is of the opinion that all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius.

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Gevorgian, Salam, Iwasawa;

Against: Judge Donoghue.”

Chapter VI

Visits to the Court and other activities

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

294. On 11 December 2018, the President of Cabo Verde, Mr. Jorge Carlos Fonseca, accompanied by a high-level delegation, paid a visit to the Court. Mr. Fonseca and his delegation were received by the President of the Court, other Members of the Court and the Registrar. The meeting focused in particular on the importance of international law, the role of the Court in resolving disputes between States, and the support of States, in particular Cabo Verde, for the world's highest court. At the end of the meeting, Mr. Fonseca signed the Court's Visitors' Book.

295. The following dignitaries were also received at the Court: the Minister of Justice and Security of the Netherlands, Mr. Ferdinand Grappenhaus, on 27 August 2018; the Minister of Justice of Tunisia, Mr. Mohamed Karim Jamoussi, on 6 February 2019; the Secretary for Justice of Hong Kong (China), Ms. Teresa Cheng, on 16 April; the Minister of Justice of China, Mr. Fu Zhenghua, on 25 April; the Attorney General of Ireland, Mr. Seamus Woulfe, on 19 June; and the Minister of Justice of Yemen, Mr. Ali Haitham Ali Abdullah, on 21 June.

296. On 12 April 2019, the Court received a large delegation from the Court of Justice of the Economic Community of West African States (ECOWAS), led by the President of that Court, Mr. Edward Amoako Asante. Views were exchanged between the delegation, Judge Cançado Trindade and the Registrar on the work of the two international judicial institutions and their role in the peaceful settlement of disputes.

297. The President, the other Members of the Court, the Registrar and certain 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 these visits. In addition, the President, other Members of the Court and the Registrar gave a number of talks while visiting various countries, at the invitation of Governments and legal, academic and other institutions.

298. On 8 April 2019, a delegation from the Court led by its President paid a working visit to the Court of Justice of the European Union in Luxembourg. The delegation was received by the President of the Court of Justice of the European Union, Mr. Koen Lenaerts, and the other members of that Court. Two round tables on matters of mutual interest took place during the visit. The delegation also received detailed information on the activities of the Court of Justice of the European Union and had the opportunity to attend a public hearing.

299. On 16 October 2018, the Court, in collaboration with the Embassy of El Salvador, held an event to commemorate the sixtieth anniversary of the death of José Gustavo Guerrero, the last President of the Permanent Court of International Justice and first President of the International Court of Justice. The President, the Registrar and members of the Guerrero family gave speeches describing Mr. Gustavo Guerrero's contribution to the functioning of the Court and the development of international law. On behalf of his Government, the Ambassador of El Salvador to the Netherlands, Mr. Agustín Vásquez Gómez, presented the Court with the "Doctor José Gustavo Guerrero" Medal of Diplomatic Merit.

300. On Sunday 23 September 2018, the Court welcomed numerous visitors as part of The Hague International Day. This was the eleventh time that it had taken part in this event, which is organized in conjunction with the Municipality of The Hague and is aimed at introducing the general public to the international organizations based in

the city and surrounding area. The Information Department gave presentations on the Court and answered visitors' questions.

301. From 22 May 2019 to 6 June 2019, the Court participated in the ninth Ibero-American Week of International Justice, held in conjunction with the International Criminal Court, the Ibero-American Institute of The Hague and other institutions. Among other things, the Court hosted the opening ceremony in the Great Hall of Justice of the Peace Palace on 24 May.

Chapter VII

Publications and presentation of the Court to the public

1. Publications

302. 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 has been published and is available on the Court's website under the heading "Publications".

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

304. The two bound volumes of *Reports 2018* were published while the present report was in preparation. The *Yearbook* was given a completely new layout for its 2013–2014 edition, when it was produced for the first time in a bilingual version. The *Yearbook 2017–2018* came out in 2019, and the *Yearbook 2018–2019* is due to be published during the first half of 2020.

305. 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, requests for provisional measures and requests for advisory opinions that it receives. In the period under review, two new contentious cases were submitted to the Court (see para. 5); the corresponding applications instituting proceedings have been published.

306. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings, in the series *Pleadings, Oral Arguments, Documents*. The volumes of this series, which 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-eight volumes were published in this series in the period covered by the present report.

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

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

309. A special, lavishly illustrated book entitled *The Permanent Court of International Justice* was published in 2012. This book – available 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 published on the occasion of the Court's seventieth anniversary.

310. The Court also produces a handbook intended to facilitate a better understanding of its history, organization, jurisdiction, procedures and jurisprudence. The seventh

edition of this handbook will come out in the second half of 2019, in the Court's two official languages.

311. In addition, the Court produces a general information booklet in the form of questions and answers. During the period under review, a fully updated version of the booklet was printed in the two official languages of the Court by the Registry. Printing in-house means that the content can be updated as needed and produced at a low cost in the quantities required.

312. A photographic booklet entitled "70 years of the Court in pictures" was also published to mark the Court's seventieth anniversary.

313. During the period under review, the flyer about the Court became available in the six official languages of the United Nations, as well as in Dutch. The reporting period also saw the introduction of information sheets for journalists on the cases brought before the Court.

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

2. Film about the Court

315. With a view to the Court's seventieth anniversary celebrations, the Registry updated its film about the Court. This film, which is free for non-commercial use, is readily available online, in the six official United Nations languages, on the Court's new website and on United Nations Web TV. It is also available in a large number of other languages on the Court's YouTube channel.

3. Online resources and services

316. Since it was launched in June 2017, the Court's new website has been regularly updated to reflect changes in the composition of the Court, judicial developments in the cases before it, the schedule of public sittings and publicly available resources, such as publications. During the period under review, the website received over three million visitors.

317. In December 2018, the Court launched an interactive basic toolkit on its website. This new multimedia product provides basic information on the Court, enabling the general public to familiarize itself with the institution's history, role and functioning.

318. In May 2019, the Court launched a mobile device app. The free app, called "CIJ-ICJ", allows users to keep abreast of developments at the Court in its two official languages, by providing essential information on the Court, including on pending and concluded cases, decisions, press releases and the Court's judicial calendar. It also allows users to receive real-time notifications as soon as a new decision or press release is published, and enables members of the media to register for accreditation for the Court's public hearings and readings.

319. As in the past, the Court continues to provide full live and on-demand coverage of its public sittings on its website, as well as on United Nations Web TV.

320. The Court also continues to use its Twitter account, launched in November 2015, to raise awareness of its work. As at 31 July 2019 the account had over 39,000

followers, more than double the number it had at the same date the previous year (18,500 followers at the end of July 2018).

321. At the end of July 2019, the Court's YouTube channel, launched in December 2017, had approximately 3,850 subscribers, more than eight times as many as it had a year previously (441 subscribers at the end of July 2018).

322. Vacancy announcements, press releases and other information continue to be posted on the Court's LinkedIn page, which was launched in May 2018 and had 18,177 followers as at 31 July 2019, a more than threefold increase since 2018 (from 4,800 followers at the end of July 2018).

4. Museum

323. The Museum of the International Court of Justice was officially inaugurated in 1999 by the then Secretary-General, Mr. Kofi Annan. Following its refurbishment and the installation of a multimedia exhibit, the Museum was reopened on 20 April 2016 by his successor, Mr. Ban Ki-moon, on the occasion of the Court's seventieth anniversary.

324. Through a combination of archive material, art works and audio-visual presentations, the exhibition traces the major stages in the development of the international organizations – including the International Court of Justice – seated in the Peace Palace and whose mission it is to ensure the peaceful settlement of international disputes.

325. Taking the two Hague Peace Conferences of 1899 and 1907 as its starting point, the exhibition first 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 finishes 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.

326. The Museum is increasingly being used by Members of the Court and certain Registry staff members to welcome groups of visitors and to present the Court's role and work.

Chapter VIII
Finances of the Court

1. Method of covering expenditure

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

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

2. Drafting of the budget

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

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

3. Budget implementation

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

332. 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.

Revised budget of the Court for the biennium 2018–2019

(United States dollars)

Programme		
Members of the Court		
0393902	Emoluments	7 192 300
0311025	Allowances for various expenses	1 047 400
0311023	Pensions	4 756 800
0393909	Duty allowance: judges ad hoc	1 165 600
2042302	Travel on official business	52 000
1410000	Experts for cases/consultants	286 600
Subtotal		**14 500 700**
Registry		
0110000	Permanent posts	16 611 000
0200000	Common staff costs	7 787 100
1540000	After-service medical and associated costs	578 800
0211014	Representation allowance	7 200
1210000	Temporary assistance for meetings	1 319 600
1310000	General temporary assistance	355 800
1410000	Consultants	249 400
1510000	Overtime	94 400
2042302	Official travel	43 000
0454501	Hospitality	23 400
3010000	Training and retraining	267 300
Subtotal		**27 337 000**
Programme Support		
3030000	External translation	463 900
3050000	Printing	568 900
3070000	Data-processing services	1 063 700
4010000	Rental and maintenance of premises	3 128 900
4030000	Rental of furniture and equipment	301 300
4040000	Communications	158 500
4060000	Maintenance of furniture and equipment	168 200
4090000	Miscellaneous services	82 600
5000000	Supplies and materials	408 000
5030000	Library books and supplies	287 400
6000000	Furniture and equipment	501 700
6025041	Acquisition of office automation equipment	30 800
6025042	Replacement of office automation equipment	65 400
6040000	Transportation equipment	72 200
Subtotal		**7 301 500**
Total		**49 139 200**

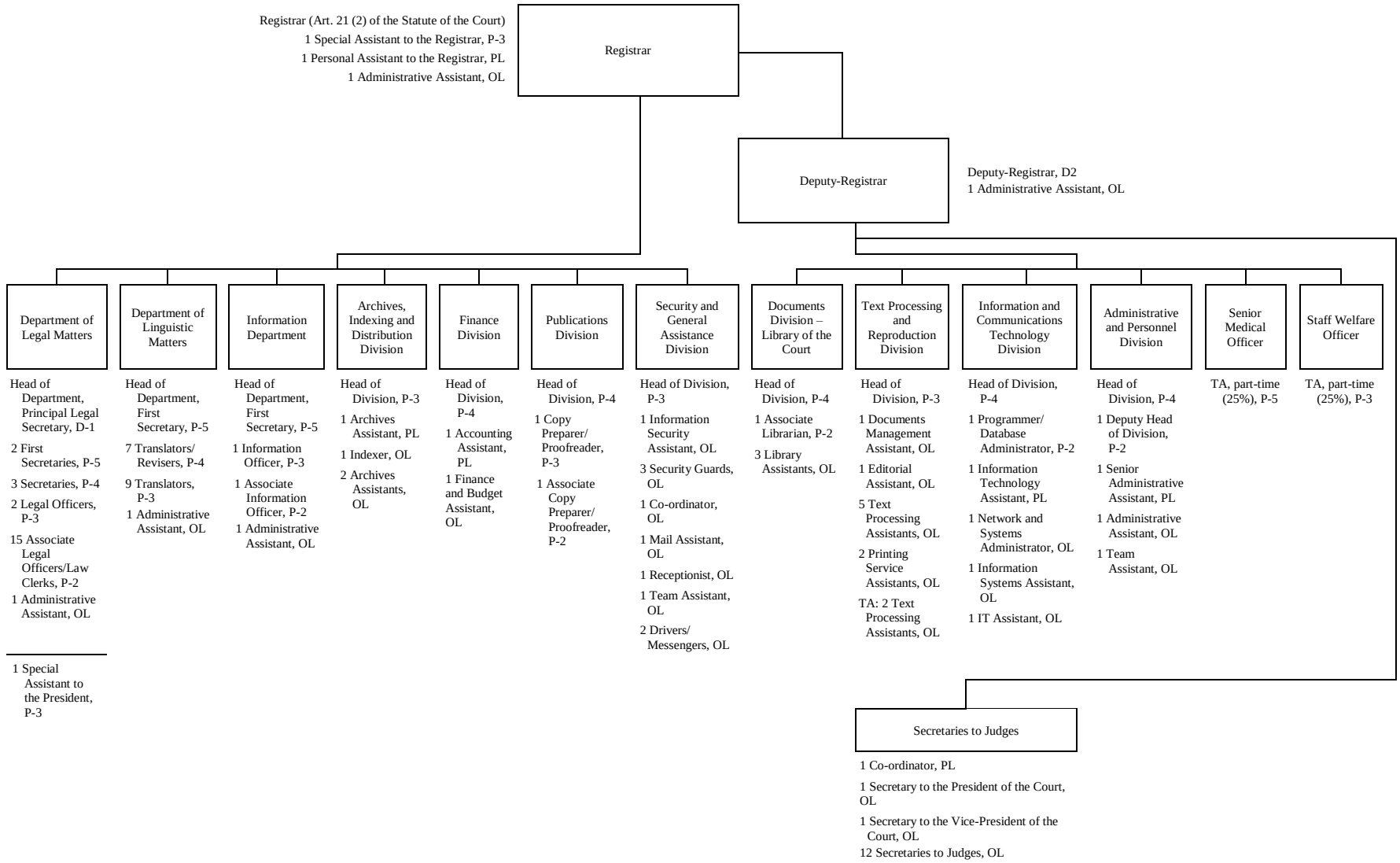
333. More comprehensive information on the work of the Court during the period under review is available on its website, as well as in the *Yearbook 2018–2019*, to be published in due course.

(*Signed*) Abdulqawi Ahmed **Yusuf**
President of the International
Court of Justice

The Hague, 1 August 2019

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2019



Abbreviations: PL: Principal Level; OL: Other Level; TA: Temporary Assistance.