



**United Nations**

# **Report of the International Court of Justice**

**1 August 2020–31 July 2021**

**General Assembly  
Official Records  
Seventy-sixth Session  
Supplement No. 4**





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**1 August 2020–31 July 2021**



United Nations • New York, 2021

*Note*

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

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## Chapter I

### Summary

#### 1. Overview of the judicial work of the Court

1. During the period under review, the International Court of Justice once again experienced a particularly high level of activity, including the handing down of four judgments. On 11 December 2020, the Court delivered its judgment on the merits in the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)* (see paras. 115–125), and on 18 December 2020, its judgment on the question of the jurisdiction of the Court in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 140–146). On 3 February 2021, the Court rendered its judgment on the preliminary objections raised by the United States of America in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* (see paras. 157–166) and, on 4 February, its judgment 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. 147–156).

2. The Court, or its President, also handed down nine orders (listed below in chronological order):

- (a) By an order dated 8 September 2020, the Court decided to arrange for an expert opinion, in accordance with Article 50 of its Statute and article 67, paragraph 1, of the Rules of Court, in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* (see paras. 73–83);
- (b) By an order dated 12 October 2020, the Court appointed four experts in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)* (see paras. 73–83);
- (c) By an order dated 20 January 2021, the Court extended the time limit for the filing of the counter-memorial of the Russian Federation in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* (see paras. 133–139);
- (d) By an order dated 28 January 2021, the Court fixed the time limit within which the Gambia could submit a written statement of its observations and submissions on the preliminary objections raised by Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (the Gambia v. Myanmar)* (see paras. 174–180);
- (e) By an order dated 3 February 2021, the Court fixed a new time limit for the filing of 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. 157–166);
- (f) By an order dated 8 March 2021, the Court fixed the time limits for the filing of the memorial of Guyana and the counter-memorial of the

Bolivarian Republic of Venezuela in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 140–146);

- (g) By an order dated 7 April 2021, the Court fixed the time limits for the filing of the memorial of Equatorial Guinea and the counter-memorial of Gabon in the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)* (see paras. 181–184);
  - (h) By an order dated 28 June 2021, the President of the Court extended the time limit for the filing of the counter-memorial of the Russian Federation in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)* (see paras. 133–139);
  - (i) By an order dated 21 July 2021, the Court extended the time limit for the filing of 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. 157–166).
3. During the period under review, the Court held public hearings by video link or in hybrid format in the following four cases (in chronological order):
- (a) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, hearings on the preliminary objections raised by the United Arab Emirates held between 31 August and 7 September 2020 (see paras. 147–156);
  - (b) *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, hearings on the preliminary objections raised by the United States held between 14 and 21 September 2020 (see paras. 157–166);
  - (c) *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, hearings on the merits of the case held between 15 and 18 March 2021 (see paras. 101–108);
  - (d) *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, hearings on the question of reparations held between 20 and 30 April 2021 (see paras. 73–83).
4. During the period under review, the Court was seized of one new contentious case, namely, *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)* (see paras. 181–184).
5. As at 31 July 2021, the number of cases entered in the Court’s General List stood at 14:
- (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) *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*;
- (h) *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)*;
- (i) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*;
- (j) *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*;
- (k) *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*;
- (l) *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*;
- (m) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (the Gambia v. Myanmar)*;
- (n) *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*.

6. The pending contentious cases concern three States from the Group of Asia-Pacific States, eight from the Group of Latin American and Caribbean States, seven from the Group of African States, four from the Group of Eastern European States and one from the Group of Western European and other States. The diverse geographical spread of cases is illustrative of the universal character of the jurisdiction of the principal judicial organ of the United Nations.

7. Cases submitted to the Court involve a wide variety of subjects, such as territorial and maritime delimitation, diplomatic missions, human rights, reparation for internationally wrongful acts, interpretation and application of international treaties and conventions, and environmental protection. This diversity of subject matter illustrates the general character of the Court's jurisdiction.

8. The cases that States entrust to the Court for settlement frequently involve a number of phases, as a result of the introduction of incidental proceedings, such as the 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.

9. During the period under review, the Court received no requests for advisory opinions.

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

10. Over the past 20 years, the Court's workload has grown considerably. The flow of new and settled cases reflects the great vitality of the institution. In addition to working on pending cases, the Court has actively reviewed its procedures and working methods.

11. As part of that process, during the period under review, the Court adopted a new article 11 of the Resolution concerning the Internal Judicial Practice of the Court. This article provides for the establishment of an ad hoc committee, composed of three judges, which will assist the Court in monitoring the implementation of the

provisional measures that the Court indicates. The committee will examine the information supplied by the parties in that regard, report periodically to the Court and recommend potential options for it. The Court also amended one provision of its Practice Directions adopted in 2001 for use by States appearing before it, with a view to addressing the proliferation and protraction of annexes to written pleadings. It is specified in the amended version of Practice Direction III that the number of pages of annexes attached by a party to its written pleadings should not exceed 750 in total, unless the Court decides, upon request of a party, that a number in excess of that limit is warranted, in the particular circumstances of the case.

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

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

### **3. Promotion of the rule of law**

14. The Court once again takes the opportunity offered by the submission 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 75/141 of 15 December 2020. The Court notes with appreciation that, in that resolution, the Assembly once again 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.

### **4. Judicial Fellowship Programme**

15. The Court has a particular interest in improving young people's understanding of international law and the Court's procedures. Its annual Judicial Fellowship Programme enables interested universities to nominate and sponsor recent law graduates to pursue their training in a professional context at the Court for a period of about 10 months, from early September to June or July of the following year.

16. The Court welcomes the adoption by consensus, on 14 December 2020, of General Assembly resolution 75/129, in which the Assembly requested the Secretary-General to establish and administer a trust fund for the Judicial Fellowship Programme of the Court. As stated in the terms of reference of the trust fund, which are annexed to the resolution, the purpose of the fund is to grant fellowship awards to selected candidates who are nationals of developing countries from universities based in developing countries, thereby guaranteeing the geographical and linguistic diversity of the participants in the Programme. The fund will enhance the geographical and linguistic diversity of the participants in the Programme and provide a training opportunity that would otherwise not be available to certain young jurists from developing countries.

17. The trust fund, administered by the Secretary-General, was established in 2021 and is open to contributions by States, international financial institutions, donor agencies, intergovernmental and non-governmental organizations and natural and juridical persons. In order to preserve its impartiality and independence, the Court will not directly engage with individual States Members of the United Nations to mobilize contributions to the trust fund, nor will it be directly involved in the

administration of the financial resources collected. In the light of the generous contributions received to date, the fund is off to a promising start.

## **5. Seventy-fifth anniversary of the Court**

18. In April 2021, the Court commemorated the seventy-fifth anniversary of its inaugural sitting, which took place on 18 April 1946 in the Great Hall of Justice of the Peace Palace in The Hague. While the Court had initially planned to celebrate that milestone by holding a solemn sitting at the Peace Palace in the presence of distinguished guests, owing to the coronavirus disease (COVID-19) pandemic, it was decided to postpone the event until it could be held in a safe and fitting manner. The Court was nevertheless able to mark its anniversary through a number of initiatives (see paras. 185–190).

## **6. Response to the COVID-19 pandemic**

19. As indicated in the report of the Court for the period from 1 August 2019 to 31 July 2020 (A/75/4), in response to the COVID-19 pandemic, the Court adopted a series of measures to contain the spread of the virus and to protect the health and well-being of its judges and Registry staff and of their families, while ensuring the continuity of activities within its mandate. In spring 2020, the Court decided to temporarily suspend all official travel by members of the Court and Registry staff, cancel all visits and introduce teleworking, so as to minimize the physical presence of staff at the Peace Palace, the seat of the Court. Members of the Court and staff members of the Registry were also requested to avoid private travel outside their duty station (The Hague).

20. At the same time, the Court made the arrangements necessary to adapt its working methods to enable it to continue to perform its judicial functions during this public health crisis. Such arrangements include the amendment of its Rules to clarify that hearings and readings of the Court's judgments may be held by video link when this is necessary for health, security or other compelling reasons. In that connection, the Court also issued "Guidelines for the parties on the organization of hearings by video link".

21. In June 2020, the Court began holding its public sittings by video link and, subsequently, in hybrid format. During hybrid hearings before the Court, some judges are physically present in the Great Hall of Justice, while others participate remotely by video link. A small number of representatives of the parties and their counsel are also permitted to join the proceedings in person, while others address the Court remotely using dedicated videoconferencing technology. Arrangements were put in place for counsel to display demonstrative exhibits on screen, as they would at an in-person hearing, with those exhibits being visible to all judges, wherever they were located. A rigorous procedure for technical testing by all participants in advance of each hearing was also implemented.

22. With those measures in place, during the period under review, the Court delivered four judgments by video link (see para. 1) and held hearings by video link or in hybrid format in four cases (see para. 3).

## **7. Budget of the Court**

### **(a) Budget for 2020**

23. The holding of hybrid sittings during the COVID-19 pandemic has required specific arrangements to be put in place with respect to virtual simultaneous interpretation, data processing services and the rental of equipment used for hybrid sessions of the Court. Despite the increased resources required for such arrangements,

the Registry was able to carry out its activities within the approved budget by postponing certain expenditure and redeploying funds from budget lines under which expenses were temporarily decreased (such as official travel).

**(b) Budget for 2021**

24. By its resolution [75/252](#) of 31 December 2020, the General Assembly approved the programme budget of the Court for 2021. The Court is pleased to note that the Assembly approved both the establishment of a new post of Translator/Reviser (P-4) in the Department of Linguistic Matters and the reclassification of a post of Legal Officer from P-3 to P-4 in the Department of Legal Matters. The Assembly also approved resources for the implementation of the first phase of the replacement of the audiovisual equipment in the Great Hall of Justice and for the celebration of the seventy-fifth anniversary of the Court.

**(c) Budget for 2022**

25. In early 2021, the Court submitted its proposed programme budget for 2022 to the United Nations Controller. In preparing its budget proposals for 2022, the Court focused on the financial resources essential for the discharge of its judicial functions, in particular costs directly connected with the organization and management of oral and written proceedings in cases submitted to it. The proposed budget for 2022 amounts to \$30,786,500 before recosting, representing a marginal net increase of \$7,700 compared with the approved budget for 2021.

**8. Renovation of the Peace Palace**

26. Following the discovery of asbestos in the Peace Palace (old building), works were undertaken to decontaminate and seal off parts of the building where asbestos was detected. In addition, regular inspections have since been carried out by specialists hired by the Carnegie Foundation, owner and manager of the Peace Palace, to check the condition of materials containing asbestos in the building.

27. In 2019, the host country announced that it had made significant budgetary resources available to decontaminate and renovate the building. It also informed the Court that the Peace Palace would close temporarily during the renovation works and that its occupants would be fully or partially relocated to other premises. Early in 2020, the host country further announced its intention to begin consultations with the Court to prepare for the temporary relocation of its offices in advance of the renovation of the Peace Palace. Preparatory meetings with the host country authorities were held during the period under review to start assessing the precise needs of the Court with a view to preparing concrete plans for the renovation and temporary relocation. The scope and extent of the relocation and its schedule have not yet been determined and are currently the subject of consultations between the Court and the host country.

## Chapter II

### Role and jurisdiction of the Court

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

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

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

#### 1. Jurisdiction in contentious cases

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

32. In that respect, it should be noted that, as at 31 July 2021, 193 States were parties to the Statute of the Court by virtue of their membership of the United Nations, and thus had access to it. In addition, on 4 July 2018, the State of Palestine filed a declaration with the Registry, which reads as follows:

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

33. Of the States parties to the Statute, 74 have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated under 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, Latvia, 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 aforementioned States are available on the Court's website (under the heading "Jurisdiction").

34. 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. Lastly, when submitting a dispute to the Court, a State may propose to found the Court’s jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, 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 consent is given (this situation is known as *forum prorogatum*).

## 2. Jurisdiction in advisory proceedings

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

- International Labour Organization
- Food and Agriculture Organization of the United Nations
- United Nations Educational, Scientific and Cultural Organization
- International Civil Aviation Organization
- World Health Organization
- International Bank for Reconstruction and Development
- International Finance Corporation
- International Development Association
- International Monetary Fund
- International Telecommunication Union
- World Meteorological Organization
- International Maritime Organization
- World Intellectual Property Organization
- International Fund for Agricultural Development
- United Nations Industrial Development Organization
- International Atomic Energy Agency

36. A list of the international instruments that make provision for the advisory jurisdiction of the Court is published, for information purposes, in the Court’s *Yearbook* (see *Yearbook 2018–2019*, annex 19).

## Chapter III

### Organization of the Court

#### A. Composition

37. The Court consists of 15 judges, who are each elected by the General Assembly and the Security Council for a nine-year term of office, and may be re-elected. One third of the Court's membership is renewed every three years. On 12 November 2020, four of its members, Judges Peter Tomka (Slovakia), Xue Hanqin (China), Julia Sebutinde (Uganda) and Iwasawa Yuji (Japan) were re-elected, and Judge Georg Nolte (Germany) was elected as a new member of the Court, with effect from 6 February 2021. On 8 February 2021, the Court in its new composition elected Judge Joan E. Donoghue (United States) as its President and Judge Kirill Gevorgian (Russian Federation) as its Vice-President, each for a term of three years.

38. Judge James Richard Crawford, who had been a member of the Court since 6 February 2015 and whose term in office was due to expire in February 2024, passed away on 31 May 2021. On 29 June 2021, the Security Council adopted resolution 2583 (2021), whereby it decided, in accordance with Article 14 of the Statute of the Court, that the election to fill the vacancy for the remaining term of office of the late Judge Crawford would be held on 5 November 2021 at a meeting of the Council and at a meeting of the General Assembly at its seventy-sixth session.

39. As at 31 July 2021, the composition of the Court was thus as follows: President: Joan E. Donoghue (United States); Vice-President: Kirill Gevorgian (Russian Federation); Judges: Peter Tomka (Slovakia), Ronny Abraham (France), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Abdulqawi Ahmed Yusuf (Somalia), Xue Hanqin (China), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), Nawaf Salam (Lebanon), Iwasawa Yuji (Japan) and Georg Nolte (Germany).

#### 1. President and Vice-President

40. 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 when the latter is absent or unable to exercise his or her duties, or in the event of a vacancy in the presidency. Among other things, the President:

- (a) Presides at all meetings of the Court, directs its work and supervises its administration;
- (b) In every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure; for this purpose, he or she summons the agents of the parties to a meeting as soon as possible after his or her appointment, and whenever necessary thereafter;
- (c) May call upon the parties to act in such a way as will enable any order that the Court may make on a request for provisional measures to have its appropriate effects;
- (d) May authorize the correction of a slip or error in any document filed by a party during the written proceedings;
- (e) When the Court decides, for the 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 member of the drafting committees unless he or she does not share the majority opinion of the Court, in which case his or her place is taken by the Vice-President or, failing that, by a third judge elected by the Court;
- (i) Is ex officio member of the Chamber of Summary Procedure formed annually by the Court;
- (j) Signs all judgments, advisory opinions and orders of the Court, as well as the minutes of meetings;
- (k) Delivers the judicial decisions of the Court at public sitting;
- (l) Chairs the Budgetary and Administrative Committee of the Court;
- (m) In the third quarter of every year, addresses the representatives of the Member States in New York during plenary meetings of the session of the General Assembly in order to present the report of the Court;
- (n) Receives, at the seat of the Court, Heads of State and Government and other dignitaries during official visits;
- (o) May be called upon to make procedural orders when the Court is not sitting.

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

41. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2021, was constituted as follows:

- (a) Members:
  - President Donoghue
  - Vice-President Gevorgian
  - Judges Abraham, Cançado Trindade and Sebutinde
- (b) Substitute member:
  - Judge Robinson

42. The Court also formed committees to facilitate the performance of its administrative tasks. Their composition as at 31 July 2021 was as follows:

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

### 3. Judges ad hoc

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

44. There were 14 cases that were pending during the period under review in which States parties chose judges ad hoc during the period under review, with those functions being carried out by 14 individuals.

45. The following individuals sat as judges ad hoc in cases during the period covered by the present report:

- (a) In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Yves Daudet, chosen by the Democratic Republic of the Congo;
- (b) 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)*, Leonid Skotnikov, chosen by Nicaragua, and Charles Brower, chosen by Colombia;
- (c) In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, Yves Daudet, chosen by Nicaragua, and Donald M. McRae, chosen by Colombia;
- (d) In the case concerning *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, Gilbert Guillaume, chosen by Kenya;
- (e) In the case concerning *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)*, Bruno Simma, chosen by Chile, and Yves Daudet, chosen by the Plurinational State of Bolivia;
- (f) In the case concerning *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, James Kateka, chosen by Equatorial Guinea;
- (g) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz, chosen by the Islamic Republic of Iran, and Charles Brower, chosen by the United States;
- (h) 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)*, Fausto Pocar, chosen by Ukraine, and Leonid Skotnikov, chosen by the Russian Federation;
- (i) In the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Hilary Charlesworth, chosen by Guyana;
- (j) In the case concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, Yves Daudet, chosen by Qatar, and Jean-Pierre Cot, chosen by the United Arab Emirates;
- (k) In the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz, chosen by the Islamic Republic of Iran, and Charles Brower, chosen by the United States;

- (l) In the case concerning the *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*, Gilbert Guillaume, chosen by the State of Palestine;
- (m) In the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, Philippe Couvreur, chosen by Guatemala;
- (n) In the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (the Gambia v. Myanmar)*, Navanethem Pillay, chosen by the Gambia, and Claus Kress, chosen by Myanmar.

## **B. Registrar and Deputy-Registrar**

46. The Registrar of the Court is Philippe Gautier. The Deputy-Registrar is Jean-Pelé Fomété.

## **C. Privileges and immunities**

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

48. 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 the King of the Netherlands.

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

50. In the same resolution, the General Assembly recommended that the authorities of Member States recognize and accept the laissez-passer issued by the Court to its members, Registrar and staff. 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 United Nations. Since February 2014, the Court has delegated the task of producing laissez-passer to the United Nations Office at Geneva. The new laissez-passer are modelled on electronic passports and meet the most recent International Civil Aviation Organization standards.

51. 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.

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**D. Seat**

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

53. 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 the premises and provides for the United Nations to pay an annual contribution to the Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951, 1958, 1997 and 2007. The annual contribution by the United Nations to the Foundation was €1,455,225 for 2020 and €1,473,894 for 2021.

## Chapter IV

### Registry

54. The Court is the only principal organ of the United Nations to have its own administration (Charter, Art. 98). The Registry is the permanent international secretariat of the Court. Since the Court is both a judicial body and an international institution, the role of the Registry includes providing judicial support and acting as a permanent administrative organ. The activities of the Registry are thus administrative, as well as judicial and diplomatic.

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

56. Registry officials are appointed by the Court on proposals by the Registrar or, for General Service staff, by the Registrar with the approval of the President of the Court. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations for the Registry adopted by the Court (Rules, art. 28, para. 4). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of United Nations Secretariat officials of equivalent category or grade.

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

58. As at 31 July 2021, the total number of posts in the Registry was 117, divided into 61 posts in the Professional category and above (all permanent posts) and 56 in the General Service category.

59. The President of the Court and the Registrar are each aided by a special assistant (grade P-3). The members of the Court are each assisted by a law clerk (grade P-2). Those 15 associate legal officers, who are assigned to individual judges, are members of the Registry staff, administratively attached to the Department of Legal Matters. The law clerks carry out research for the members of the Court and the judges ad hoc and work under their 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.

#### 1. Registrar

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

61. 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 the Registrar's authority, and he or she alone is authorized to direct the work of the Registry, of which he or she is the Head. In the discharge of his or her

functions, the Registrar reports to the Court. The Registrar's role is threefold: judicial, diplomatic and administrative.

62. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In that regard, the Registrar performs, inter alia, the following tasks:

- (a) Keeping the General List of all cases and being responsible for recording documents in the case files;
- (b) Managing the proceedings in the cases;
- (c) Being present in person, or represented by the Deputy-Registrar, at meetings of the Court and of chambers; providing any assistance required and being responsible for the preparation of reports or minutes of such meetings;
- (d) Countersigning all judgments, advisory opinions and orders of the Court and the minutes of meetings;
- (e) Maintaining relations with the parties to a case and having specific responsibility for the receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and all written pleadings;
- (f) Being responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case, and of such other documents as the Court may decide to publish;
- (g) Having custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the International Military Tribunal of Nuremberg).

63. In his or her diplomatic role, the Registrar:

- (a) Attends to the Court's external relations and acts as the channel of communication to and from the Court;
- (b) Manages external correspondence, including that relating to cases, and provides any consultations required;
- (c) 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) Maintains relations with the local authorities and with the press;
- (e) Is responsible for information concerning the Court's activities and for the Court's publications, including press releases.

64. The administrative work of the Registrar includes:

- (a) The Registry's internal administration;
- (b) Financial management, in accordance with the financial procedures of the United Nations, and in particular preparing and implementing the budget;
- (c) The supervision of all administrative tasks and of printing;

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

65. Pursuant to the exchange of letters and General Assembly resolution 90 (I) referred to in paragraphs 48 and 49, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions in The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

## **2. Deputy-Registrar**

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

67. 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

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

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

68. On 2 July 1993, Hungary and Slovakia jointly notified to the Court a special agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system. In its judgment of 25 September 1997, the Court, having ruled on the issues submitted by the parties, called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

69. On 3 September 1998, Slovakia filed in the Registry a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the judgment delivered by the Court in that case on 25 September 1997. Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

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

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

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

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

73. 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". In its counter-memorial, filed in the Registry on 20 April 2001, Uganda submitted counterclaims.

74. In the judgment that it rendered on 19 December 2005, the Court found in particular that, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying the district of Ituri and by actively

extending support to irregular forces having operated on the territory of the Democratic Republic of the Congo, Uganda had violated the principle of non-use of force in international relations and the principle of non-intervention. The Court also found that Uganda had violated its obligations under international human rights law and international humanitarian law by the conduct of its armed forces, as well as by its failure, as an occupying Power, to take measures to respect and ensure respect for human rights and international humanitarian law in Ituri District. In addition, Uganda had violated obligations owed to the Democratic Republic of the Congo under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of the Ugandan armed forces in the territory of the Democratic Republic of the Congo and by its failure, as an occupying Power in Ituri District, to prevent acts of looting, plundering and exploitation of Congolese natural resources. The Court also found that the Democratic Republic of the Congo had for its part violated obligations owed to Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected under said Convention. The Court therefore found that the parties were under obligation to make reparation to each other for the injury caused. It decided that, failing agreement between them, the question of reparations would be settled by the Court and reserved for that purpose the subsequent procedure in the case.

75. Thereafter, the parties transmitted to the Court certain information concerning the negotiations between them to settle the question of reparations.

76. By an order dated 1 July 2015, following a request by the Democratic Republic of the Congo, 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 that it considered to be owed to it by Uganda, and for the filing by Uganda of a memorial on the reparations that it considered to be owed to it by the Democratic Republic of the Congo.

77. 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. The memorials were filed within the time limit thus extended.

78. 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 submitted by the other party in its memorial. The counter-memorials were filed within the time limit thus fixed.

79. Public hearings on the question of reparations, initially scheduled to be held from 18 to 22 March 2019, were subsequently postponed until 18 November of the same year, following a request submitted by the Democratic Republic of the Congo. In November 2019, following a joint request by the parties, the Court decided to further postpone the hearings to allow them to make a fresh attempt to resolve the question of reparations through negotiations.

80. By an order dated 8 September 2020, in accordance with Article 50 of its Statute and article 67, paragraph 1, of its Rules, the Court decided to obtain an expert opinion to advise it on the reparations owed by Uganda for three heads of damage alleged by the Democratic Republic of the Congo, namely, the loss of human life, the loss of natural resources and property damage. By the same order, the Court decided that the expert opinion would be entrusted to four independent experts to be appointed by a subsequent order after hearing the parties.

81. By an order dated 12 October 2020, the Court appointed four experts. On 19 December 2020, the experts filed a written report of their findings. The report was subsequently communicated to the parties, which were given the opportunity to submit written observations on it, pursuant to article 67, paragraph 2, of the Rules of Court. On 1 March 2021, the Court-appointed experts provided their response to the written observations submitted by the parties on their report of 19 December 2020. The experts' response was communicated to the parties in advance of the hearings.

82. Public hearings on the question of reparations were held in a hybrid format between 20 and 30 April 2021. The four experts appointed by the Court appeared at the hearings to answer questions put by the parties and follow-up questions put by judges.

83. The case is currently under deliberation. The Court will deliver its decision at a public sitting, the date of which will be announced in due course.

**3. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)***

84. On 16 September 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia". In its application, Nicaragua requested the Court to adjudge and declare, "first, [t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*]" and, "second, [t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast". Nicaragua based the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948.

85. 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.

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

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

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

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

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

90. 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”. In its application, Nicaragua requested the Court to adjudge and declare that Colombia was in breach of several of its international obligations and that it was obliged to make full reparation for the harm caused by its internationally wrongful acts. 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”.

91. By an order dated 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. Nicaragua filed its memorial within the time limit thus fixed.

92. On 19 December 2014, Colombia raised preliminary objections to the jurisdiction of the Court.

93. In the judgment that it rendered on 17 March 2016 on the preliminary objections raised by Colombia, the Court found that it had jurisdiction, on the basis of article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by Colombia of the rights of Nicaragua in the maritime zones which, according to Nicaragua, the Court had declared in its judgment of 2012 to appertain to Nicaragua.

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

95. The counter-memorial of Colombia, which was filed within the time limit thus fixed, contained four counterclaims. The first was based on the alleged breach by Nicaragua of its duty of due diligence to protect and preserve the marine environment of the south-western Caribbean Sea; the second related to the alleged breach by Nicaragua 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 the alleged infringement by Nicaragua of the customary artisanal fishing rights of the local inhabitants of the San Andrés archipelago to have access to and exploit their traditional fishing grounds; and the fourth related to the adoption by Nicaragua of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight baselines and had the effect of extending the internal waters and maritime zones of Nicaragua beyond what is permitted by international law.

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

97. In its order dated 15 November 2017, the Court found that the first and second counterclaims submitted by Colombia were inadmissible as such and did not form part of the current proceedings, but that the third and fourth counterclaims submitted by Colombia were admissible as such and formed part of the current proceedings.

98. 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 and 15 November 2018 as the respective time limits for the filing of those pleadings. The written pleadings were filed within the time limits thus fixed.

99. By an order dated 4 December 2018, the Court authorized the submission by Nicaragua of an additional pleading relating solely to the counterclaims submitted by Colombia and fixed 4 March 2019 as the time limit for the filing of that pleading. The additional pleading was filed within the time limit thus fixed.

100. Public hearings on the merits of the case are scheduled to open on 20 September 2021.

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

101. 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. In its application, 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]”. As basis for the Court’s jurisdiction, the applicant invoked the provisions of Article 36, paragraph 2, of the 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. 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 both parties ratified in 1989.

102. By an order dated 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. Somalia filed its memorial within the time limit thus fixed.

103. On 7 October 2015, Kenya raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

104. On 2 February 2017, the Court rendered its judgment on the preliminary objections raised by Kenya. After it rejected those objections, 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”.

105. 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 of Kenya. The counter-memorial was filed within the time limit thus fixed.

106. 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, which were filed within the time limits thus fixed.

107. Public hearings on the merits of the case, initially scheduled to be held from 9 to 13 September 2019, were successively postponed to November 2019, June 2020 and March 2021, following requests for postponements made by Kenya. The hearings were held in a hybrid format between 15 and 18 March 2021, with the participation of the delegation of Somalia.

108. The case is currently under deliberation. The Court will deliver its decision at a public sitting, the date of which will be announced in due course.

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

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

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

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

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

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

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

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

115. 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 house[d] the Embassy of Equatorial Guinea in France”.

116. The applicant invoked, as bases for the Court’s jurisdiction, two instruments to which both States are parties: the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes of 18 April 1961, and the United Nations Convention against Transnational Organized Crime of 15 November 2000.

117. By an order dated 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.

118. On 29 September 2016, Equatorial Guinea filed in the Registry a request for the indication of provisional measures.

119. On 7 December 2016, the Court delivered its order on the request for the indication of provisional measures filed by Equatorial Guinea. In particular, it indicated that: “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”.

120. On 31 March 2017, France raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

121. On 6 June 2018, the Court rendered its judgment on the preliminary objections raised by France. The Court concluded that it lacked jurisdiction on the basis of the United Nations Convention against Transnational Organized Crime, but that it “ha[d] 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 ... in so far as it concern[ed] the status of the building located at 42 Avenue Foch in Paris as premises of the mission, and that th[at] part of the application [was] admissible”.

122. 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 of France. The counter-memorial was filed within the time limit thus fixed.

123. 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 and 24 July 2019 as the respective time limits for the filing of those written pleadings. Following a request from Equatorial Guinea, the Court, by an order dated 17 April 2019, extended to 8 May and 21 August 2019 the respective time limits for the filing of the reply of Equatorial Guinea and the rejoinder of France. The written pleadings were filed within the time limits thus extended.

124. Public hearings on the merits of the case were held between 17 and 21 February 2020.

125. On 11 December 2020, the Court delivered its judgment on the merits of the case, the operative paragraph of which reads as follows:

“For these reasons,

The Court

(1) By nine votes to seven,

Finds that the building at 42 avenue Foch in Paris has never acquired the status of “premises of the mission” of the Republic of Equatorial Guinea in the French Republic within the meaning of article 1 (i) of the Vienna Convention on Diplomatic Relations;

In favour: Judges Tomka, Abraham, Bennouna, Cançado Trindade, Donoghue, Crawford, Gevorgian, Salam, Iwasawa;

Against: President Yusuf; Vice-President Xue; Judges Gaja, Sebutinde, Bhandari, Robinson; Judge ad hoc Kateka;

(2) By twelve votes to four,

Declares that the French Republic has not breached its obligations under the Vienna Convention on Diplomatic Relations;

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

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

(3) By twelve votes to four,

Rejects all other submissions of the Republic of Equatorial Guinea.

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

Against: Vice-President Xue; Judges Bhandari, Robinson; Judge ad hoc Kateka.”

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

126. On 14 June 2016, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning “the adoption by the USA of a series of measures that, in violation of the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955, ... have had, and/or are having a serious adverse impact on the ability of the Islamic Republic of Iran and of Iranian companies (including Iranian State-owned companies) to exercise their rights to control and enjoy their property, including property located outside the territory of Iran/within the territory of the USA”. In particular, the Islamic Republic of Iran requested the Court to adjudge, order and declare that the United States had breached certain obligations under the Treaty of Amity and that it was under an obligation to make full reparation for the damage thus caused to the Islamic Republic of Iran. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty.

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

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

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

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

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

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

**9. *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)***

133. On 16 January 2017, Ukraine filed an application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965. Ukraine asserted in particular that, since 2014, the Russian Federation had “interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine's citizens, including, for all too many, their right to life”. Ukraine claimed that, in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considered that, by its actions, the Russian Federation had flouted fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism. Ukraine also claimed that, in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, the Russian Federation had created “a climate of violence and intimidation against non-Russian ethnic groups”. According to Ukraine, this “deliberate campaign of cultural erasure ... violate[d] the International Convention on the Elimination of All Forms of Racial Discrimination”. Ukraine requested the Court to adjudge and declare that the Russian Federation had violated its obligations under the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination, and that it must comply with those obligations and make reparation for the harm caused to Ukraine. As basis for the jurisdiction of the Court, the applicant invoked article 24 of the International Convention for the Suppression of the Financing of Terrorism and article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.

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

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

136. By an order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019, respectively, as the time limits for the filing of a memorial by

Ukraine and a counter-memorial by the Russian Federation. Ukraine filed its memorial within the time limit thus fixed.

137. On 12 September 2018, the Russian Federation raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

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

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

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

140. On 29 March 2018, Guyana filed an application instituting proceedings against the Bolivarian Republic of Venezuela. In its application, Guyana requested the Court “to confirm the legal validity and binding effect of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899”. As basis for the jurisdiction of the Court, the applicant invoked article IV, paragraph 2, of the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana signed at Geneva on 17 February 1966 (the “Geneva Agreement”), and the decision of 30 January 2018 of the Secretary-General of the United Nations, pursuant to the Geneva Agreement, choosing the Court as the means for the settlement of the dispute.

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

142. 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.

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

144. The public hearings on the question of jurisdiction, initially scheduled for 23 to 27 March 2020, were postponed owing to the COVID-19 pandemic. A public hearing

was subsequently held by video link on 30 June 2020, with judges participating in person or remotely and the delegation of Guyana participating remotely.

145. On 18 December 2020, the Court delivered its judgment on the question of jurisdiction. The operative part of the judgment reads as follows:

“For these reasons,

The Court,

(1) By twelve votes to four,

Finds that it has jurisdiction to entertain the application filed by the Co-operative Republic of Guyana on 29 March 2018 in so far as it concerns the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between the Co-operative Republic of Guyana and the Bolivarian Republic of Venezuela;

In favour: President Yusuf; Vice-President Xue; Judges Tomka, Cançado Trindade, Donoghue, Sebutinde, Bhandari, Robinson, Crawford, Salam, Iwasawa; Judge ad hoc Charlesworth;

Against: Judges Abraham, Bennouna, Gaja, Gevorgian;

(2) Unanimously,

Finds that it does not have jurisdiction to entertain the claims of the Co-operative Republic of Guyana arising from events that occurred after the signature of the Geneva Agreement.”

146. By an order dated 8 March 2021, the Court, after ascertaining the views of the parties, fixed 8 March 2022 and 8 March 2023 as the respective time limits for the filing of a memorial by Guyana and a counter-memorial by the Bolivarian Republic of Venezuela.

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

147. 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. In its application, Qatar asserted that “the United Arab Emirates ha[d] enacted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin – measures that remain[ed] in effect to th[at] day”, resulting in alleged human rights violations. The applicant requested the Court to adjudge and declare that the United Arab Emirates had violated its obligations under articles 2, 4, 5, 6, and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination and that it must take all steps necessary to fulfil those obligations. As basis for the jurisdiction of the Court, the applicant invoked article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.

148. On 11 June 2018, Qatar also filed a request for the indication of provisional measures.

149. On 23 July 2018, the Court delivered its order on the request, indicating in particular that the United Arab Emirates must ensure that: (a) Qatari-Emirati families separated by the measures adopted by the United Arab Emirates on 5 June 2017 were reunited; (b) Qatari students affected by the measures adopted by the United Arab Emirates on 5 June 2017 were given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wished to

continue their studies elsewhere; and (c) Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 were allowed access to tribunals and other judicial organs of the United Arab Emirates.

150. By an order dated 25 July 2018, the President of the Court 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. Qatar filed its memorial within the time limit thus fixed.

151. On 22 March 2019, the United Arab Emirates filed in the Registry a request for the indication of provisional measures.

152. On 30 April 2019, the United Arab Emirates raised preliminary objections to the jurisdiction of the Court and the admissibility of the application. By an order dated 2 May 2019, the President of the Court fixed 30 August 2019 as the time limit within which Qatar might submit a written statement of its observations and submissions on the preliminary objections raised by the United Arab Emirates.

153. On 14 June 2019, the Court delivered an order rejecting the request for the indication of provisional measures submitted by the United Arab Emirates.

154. On 30 August 2019, within the time limit fixed by the President of the Court, Qatar submitted a written statement containing its observations and submissions on the preliminary objections raised by the United Arab Emirates.

155. Public hearings on the preliminary objections were held by video link, with judges participating in person or remotely, between 31 August and 7 September 2020.

156. On 4 February 2021, the Court delivered its judgment on the preliminary objections. The operative part of the judgment reads as follows:

“For these reasons,

The Court,

(1) By eleven votes to six,

Upholds the first preliminary objection raised by the United Arab Emirates;

In favour: Vice-President Xue; Judges Tomka, Abraham, Bennouna, Donoghue, Gaja, Crawford, Gevorgian, Salam; Judges ad hoc Cot, Daudet;

Against: President Yusuf; Judges Cançado Trindade, Sebutinde, Bhandari, Robinson, Iwasawa;

(2) By eleven votes to six,

Finds that it has no jurisdiction to entertain the application filed by the State of Qatar on 11 June 2018.

In favour: Vice-President Xue; Judges Tomka, Abraham, Bennouna, Donoghue, Gaja, Crawford, Gevorgian, Salam; Judges ad hoc Cot, Daudet;

Against: President Yusuf; Judges Cançado Trindade, Sebutinde, Bhandari, Robinson, Iwasawa.”

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

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

1957. The Islamic Republic of Iran stated that its application related to the decision of the United States in May 2018 to impose a series of restrictive measures on the Islamic Republic of Iran and Iranian companies and nationals. The Islamic Republic of Iran requested the Court to adjudge, order and declare that, through those measures and through further measures that it announced, the United States had breached multiple obligations under the Treaty of Amity, that it must put an end to such breaches and that it must compensate the Islamic Republic of Iran for the harm caused. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty of Amity.

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

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

160. By an order dated 10 October 2018, the Court fixed 10 April and 10 October 2019, respectively, as the time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by the United States.

161. Following a request by the Islamic Republic of Iran, and in the absence of any objection from the United States, the President of the Court, by an order dated 8 April 2019, extended to 24 May 2019 and 10 January 2020 the respective time limits for the filing of the memorial of the Islamic Republic of Iran and the counter-memorial of the United States. The memorial of the Islamic Republic of Iran was filed within the time limit thus extended.

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

163. By an order dated 26 August 2019, the President of the Court fixed 23 December 2019 as the time limit within which the Islamic Republic of Iran might submit a written statement of its observations and submissions on the preliminary objections raised by the United States. That statement was submitted within the time limit thus fixed.

164. Public hearings on the preliminary objections were held by video link, with judges participating in person or remotely, between 14 and 21 September 2020.

165. On 3 February 2021, the Court delivered its judgment on the preliminary objections. The operative part of the judgment reads as follows:

“For these reasons,

The Court,

(1) Unanimously,

Rejects the preliminary objection to its jurisdiction raised by the United States of America according to which the subject matter of the dispute does not relate to the interpretation or application of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

(2) Unanimously,

Rejects the preliminary objection to its jurisdiction raised by the United States of America relating to the measures concerning trade or transactions

between the Islamic Republic of Iran (or Iranian nationals and companies) and third countries (or their nationals and companies);

(3) By fifteen votes to one,

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

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

Against: Judge ad hoc Brower;

(4) By fifteen votes to one,

Rejects the preliminary objection raised by the United States of America on the basis of article XX, paragraph 1 (b), of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

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

Against: Judge ad hoc Brower;

(5) Unanimously,

Rejects the preliminary objection raised by the United States of America on the basis of article XX, paragraph 1 (d), of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

(6) By fifteen votes to one,

Finds, consequently, that it has jurisdiction, on the basis of article XXI, paragraph 2, of the Treaty of Amity, Economic Relations, and Consular Rights of 1955, to entertain the application filed by the Islamic Republic of Iran on 16 July 2018, and that the said application is admissible.

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

Against: Judge ad hoc Brower.”

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

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

167. On 28 September 2018, the State of Palestine filed an application instituting proceedings against the United States with respect to a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations of 18 April 1961. It is recalled in the application that, on 6 December 2017, the President of the United States recognized Jerusalem as the capital of Israel and announced the relocation of its Embassy in Israel from Tel Aviv to Jerusalem. The Embassy of the United States in Jerusalem was inaugurated on 14 May 2018. The State of Palestine contended that it flowed from the Vienna Convention that the diplomatic mission of a sending State must be established on the territory of the receiving State. Thus, according to the State

of Palestine, in view of the special status of Jerusalem, “[t]he relocation of the United States Embassy in Israel to the Holy City of Jerusalem constitute[d] a breach of the Vienna Convention”. In its application, the State of Palestine requested the Court to recognize that violation and to order the United States to put an end to it, to take all steps necessary to comply with its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct. As basis for the Court’s jurisdiction, the applicant invoked article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes.

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

169. By an order dated 15 November 2018, the Court decided that the written pleadings in the case must first address the questions of the Court’s jurisdiction and the admissibility of the application. It fixed 15 May and 15 November 2019 as the respective time limits for the filing of the memorial of the State of Palestine and the counter-memorial of the United States. The memorial of the State of Palestine was filed within the time limit thus fixed.

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

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

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

172. 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.

173. By an order dated 22 April 2020, the Court, following a request by Guatemala seeking an extension of the time limit for the filing of its memorial, extended the respective time limits for the filing of the memorial of Guatemala and the counter-memorial of Belize to 8 December 2020 and 8 June 2022. The memorial of Guatemala was filed within the time limit thus extended.

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

174. On 11 November 2019, the Gambia filed in the Registry an application instituting proceedings against Myanmar, concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide of

9 December 1948. In its application, the Gambia requested, inter alia, that the Court adjudge and declare that Myanmar had breached its obligations under the Convention, that it must cease forthwith any internationally wrongful act, that it must perform the obligations of reparation in the interest of the victims of genocidal acts who were members of the Rohingya group, and that it must offer assurances and guarantees of non-repetition. As basis for the Court's jurisdiction, the applicant invoked article IX of the Convention.

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

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

177. By a further order dated 23 January 2020, the Court fixed 23 July 2020 and 25 January 2021 as the respective time limits for the filing of a memorial by the Gambia and a counter-memorial by Myanmar.

178. By an order dated 18 May 2020, the Court, following a request from the Gambia, extended the respective time limits for the filing of the memorial of the Gambia and the counter-memorial of Myanmar to 23 October 2020 and 23 July 2021. The memorial of the Gambia was filed within the time limit thus extended.

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

180. By an order dated 28 January 2021, the Court fixed 20 May 2021 as the time limit within which the Gambia might submit a written statement of its observations and submissions on the preliminary objections raised by Myanmar. The statement of the Gambia was submitted within the time limit thus fixed.

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

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

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

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

184. By an order dated 7 April 2021, the Court fixed 5 October 2021 and 5 May 2022 as the respective time limits for the filing of a memorial by Equatorial Guinea and a counter-memorial by Gabon.

## Chapter VI

### Commemorative events

#### 1. Seventy-fifth anniversary of the Court

185. During the period under review, the Court commemorated the seventy-fifth anniversary of its inaugural sitting, which took place on 18 April 1946.

186. On that occasion, the President of the Court made a video statement, in which she noted that, since the establishment of the Court, States had submitted more than 140 disputes to it, adding that the Court had also received over 25 requests for advisory opinions referred to it by United Nations organs and specialized agencies. She spoke of her confidence that the institution and procedures established in the Statute of the Court and in its Rules would continue to provide fertile ground for the peaceful settlement of inter-State disputes. The President's statement can be viewed on United Nations Web TV, and its text is available on the Court's website.

187. In addition to her video statement, the President of the Court wrote an article that was published in the *UN Chronicle*, the flagship online magazine of the United Nations, to mark the Court's seventy-fifth anniversary. In that article, entitled "Reflections on the 75th anniversary of the International Court of Justice", the President took stock of the Court's achievements to date and highlighted some of the challenges ahead, including with regard to the question of diversity and representation. She welcomed, in particular, the establishment of the trust fund for the Judicial Fellowship Programme as an important initiative in that field.

188. As part of the Court's seventy-fifth anniversary celebrations, the Registry produced a new film about the Court, which introduces viewers to the Court's mission, explaining its role, composition and functioning, and highlights its contribution to the peaceful settlement of international legal disputes over its 75 years of existence, offering personal insights from members of the Court and Registry officials. The film, which is available for non-commercial use, currently exists in English and French; versions in the other official languages of the United Nations, as well as Dutch, will be produced in due course. The film can be viewed on the Court's website, on United Nations Web TV and on the Court's YouTube channel.

189. In April 2021, the Registry also launched a virtual tour, which provides online visitors with information on the Court's activities and guides them through the Peace Palace rooms used by the Court. The virtual tour is available in English and French on the Court's website and on United Nations Web TV.

190. A new illustrated book about the work and achievements of the "World Court" will be published later in 2021 to mark the Court's seventy-fifth anniversary. This special commemorative book, produced entirely by the Registry, has been designed specifically with the general public in mind. Using clear and accessible language, it describes the Court and its activities, with the aim of fostering a better understanding of the Court's role and providing answers to the most frequently asked questions about the Court.

#### 2. Other events

191. On 21 September 2020, the President of the Court delivered a video statement during the high-level meeting organized by the General Assembly to commemorate the seventy-fifth anniversary of the United Nations.

192. On 24 October 2020, the President of the Court and the Registrar, together with the Minister for Foreign Affairs of the Netherlands, Stephanus Blok, participated in an event commemorating the seventy-fifth anniversary of the United Nations. Entitled

“Shaping the future together”, the event was organized by the Ministry of Foreign Affairs of the Netherlands in collaboration with the Court. The President of the Court and the Minister for Foreign Affairs each delivered a short speech and engaged in a dialogue with students and young professionals. The Secretary-General of the United Nations addressed the participants through a pre-recorded video message.

193. On 26 October 2020, the President of the Court addressed the Sixth Committee of the General Assembly on the occasion of the International Law Day organized by the Committee to mark the seventy-fifth anniversary of the United Nations. Joining the event virtually from The Hague, the President made a statement on the topic “International law and the future we want”, discussing the role played by the Court in the development of international law, in addition to its main mission of the peaceful settlement of disputes among States.

194. On 10 December 2020, the Court organized a commemorative event to mark the 100th anniversary of the adoption of the Statute of the Permanent Court of International Justice, the predecessor of the International Court of Justice. Held in a hybrid format, the event brought together presidents, judges and registrars from several international judicial institutions, as well as the Supreme Court of the Netherlands (*Hoge Raad*) for a dialogue on the legacy of the Statute of the Permanent Court of International Justice and its influence on the evolution of the law and practice of international adjudication.

195. On 5 May 2021, the President of the General Assembly organized an interactive dialogue to commemorate and promote the International Day of Multilateralism and Diplomacy for Peace in the General Assembly Hall at United Nations Headquarters. Joining the interactive dialogue remotely from The Hague, the President of the Court explored the importance of multilateralism in the light of the specific mandate of the Court and the ways in which its Statute and Rules promoted multilateralism.

196. An official ceremony to bid farewell to the late Judge Crawford was held on 7 June 2021 at the Peace Palace in the presence of the Judge’s family, members of the Court, the Registrar and the Deputy-Registrar of the Court, the Ambassador of Australia and senior representatives of the Dutch authorities. The coffin, covered with the United Nations flag, was placed in the Great Hall of Justice, with guards of honour stationed next to it. After signing the register of condolences, members of the Court and other attendees offered their condolences to his widow and family. The President of the Court delivered a speech in the Judge’s honour, praising his great human qualities, his illustrious career and his important contribution to the work of the Court. After the ceremony, the register of condolences was also signed by ambassadors, senior representatives of international organizations and members of the Registry.

197. On 22 July 2021, the President of the Court addressed the International Law Commission on the occasion of its seventy-second session, following the long-standing tradition of the annual exchange of views between the President and the Commission. Appearing remotely from The Hague, the President discussed the Court’s response to the COVID-19 pandemic, provided a brief account of the Court’s recent judicial activities and discussed some issues common to both institutions.

## Chapter VII

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

198. The Court endeavours to ensure that its work and activities are well understood and publicized as widely as possible, through its publications, multimedia platforms, its website, social media and various outreach activities, and by cooperating with the Secretariat regarding public information.

#### 1. Publications

199. 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 these publications, which is produced in English and French, is available on the Court's website under the heading "Publications". A revised and updated version of the catalogue will be published in the second half of 2021.

200. The publications of the Court consist of several series. The following two series are published annually: the *Reports of Judgments, Advisory Opinions and Orders (I.C.J. Reports)* and the *C.I.J. Annuaire-I.C.J. Yearbook*. The decisions delivered by the Court between January and July 2020 have been published in separate fascicles as part of the *I.C.J. Reports* series. The *C.I.J. Annuaire-I.C.J. Yearbook* was completely redesigned and published for the first time in bilingual format with the 2013–2014 issue. The *C.I.J. Annuaire-I.C.J. Yearbook 2018–2019* was published in 2021, and the *C.I.J. Annuaire-I.C.J. Yearbook 2019–2020* will be published in the first half of 2022.

201. The Court also publishes bilingual print versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of the applications for permission to intervene, declarations of intervention, requests for provisional measures and requests for advisory opinions that it receives. During the period under review, one new contentious case was submitted to the Court (see para. 4); the related special agreement was prepared in-house and will be published by the Registry in the course of 2021.

202. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings, in the series *Pleadings, Oral Arguments, Documents*. The volumes of that series, which contain the full texts of the written pleadings, including annexes, as well as the verbatim records of the public hearings, give practitioners a complete view of the arguments put forward by the parties. Two volumes were published in the series in the period covered by the present report.

203. 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 newly revised edition of that publication, *I.C.J. Acts and Documents No. 7*, which was produced and printed in-house, includes the updated Rules of Court, as amended on 21 October 2019 and 25 June 2020, and the updated Practice Directions of the Court, as amended on 11 December 2019 and 20 January 2021. This seventh edition will be available in a bilingual print version and digitally on the Court's website, under the heading "Publications", in the course of 2021. In addition, unofficial translations of the Rules of Court in the other official languages of the United Nations can be found on the Court's website.

204. The Registry publishes a *Bibliography* listing such works and documents relating to the Court as have come to its attention. *Bibliographies Nos. 1–18* formed Chapter IX of the relevant *Yearbook* or *Annuaire* up to the 1963–1964 issues. *Bibliographies Nos. 19–57* were issued annually as separate fascicles from 1964 to

2003. Since 2004, *Bibliographies* have been prepared in-house for print on demand in multi-year volumes. The most recent volume, *No. 60*, was issued in 2020 and covers the years 2014 to 2016.

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

206. The Court also produces a handbook intended to facilitate a better understanding of its history, organization, jurisdiction, procedures and jurisprudence. A new edition of the handbook, in the Court's two official languages, was published in 2019 and is available on the Court's website under the heading "Publications".

207. In addition, the Court produces a general information booklet in the form of questions and answers, an updated version of which is available in English and French, along with a leaflet on the Court in the six official languages of the United Nations and in Dutch. Printing in-house means that the content of the booklet and leaflet can be updated as needed and produced at a low cost in the quantities required.

## **2. Online resources and services**

208. The Court website contains the entire jurisprudence of the Court and that of its predecessor, the Permanent Court of International Justice, and provides first-hand information for States and international organizations wishing to make use of the procedures open to them at the Court.

209. In addition to regular updates made to the Court's website during the period under review in order to, inter alia, reflect changes in the composition of the Court, judicial developments in the cases before it and the schedule of public sittings, the Registry launched a new section entitled "Latest news" in September 2020. Accessible from the home page, this section enables visitors to stay informed of the latest news concerning the Court and its activities.

210. 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.

211. As in the past, the Court continues to provide full live and recorded webcast coverage of its public sittings on its website; viewers can follow sittings in their original language or listen to the interpretation into the other official language of the Court. Those videos are also broadcast on United Nations Web TV.

212. To increase the visibility of its work, the Court has, over the past five years, continued to develop and strengthen its social media profile, launching its own LinkedIn, Twitter and YouTube accounts.

## **3. Outreach activities and presentations**

213. The President of the Court, other members of the Court, the Registrar and various members of the Registry staff regularly give presentations, in The Hague and abroad, on the functioning, procedure and jurisprudence of the Court. Such presentations enable diplomats, academics, representatives of judicial authorities, students and the general public to gain a better understanding of the role and activities of the Court. In the light of the COVID-19 pandemic, the presentations were given predominantly online during the period under review.

## **4. Museum**

214. The Museum of the International Court of Justice, inaugurated in 1999, has been refurbished and equipped with a multimedia exhibit. The new museum was inaugurated

on 20 April 2016 by the then Secretary-General of the United Nations, Ban Ki-moon, on the occasion of the Court's seventieth anniversary.

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

216. In recent years, the museum has been used by members of the Court and certain Registry staff members to welcome groups of visitors and to give presentations on the Court's role and work.

## **5. Cooperation with the Secretariat regarding public information**

217. In October 2018, the decision was made to increase cooperation between the Court and the Secretariat in the field of public information, in order to enable Member States to become better acquainted with the role and work of the principal judicial organ of the Organization. Cooperation between the Department of Global Communications of the Secretariat and the Information Department of the Court has since been strengthened.

218. The Information Department regularly provides to the relevant services in New York publication-ready information on the Court's activities, including its calendar of public hearings, announcements on the delivery of decisions, brief summaries of the Court's judgments and orders, and background information. The Spokesperson for the Secretary-General uses that information in daily briefings and the press releases that result from those briefings, as well as in the *Journal of the United Nations*, the *Week Ahead at the United Nations* and posts published on the social media platforms of the Organization. The teams responsible for managing the United Nations website and United Nations Web TV also provide the Information Department with substantial support by disseminating information on the Court's activities and broadcasting live and recorded coverage of its public hearings. The Information Department continues to cooperate with United Nations Photo and the United Nations Audiovisual Library with regard to photographic and archival materials. Members of the Information Department also continue to work in close cooperation with their colleagues at the United Nations Regional Information Centre for Western Europe, in Brussels.

219. On 30 October 2020, the Office of the Spokesperson for the Secretary-General held a press conference by video link with the President of the Court and the Registrar on the occasion of the Court's presentation of its annual report for 2019/20 ([A/75/4](#)).

220. On the occasion of the Court's seventy-fifth anniversary, the Secretariat posted the video statement of the President of the Court on United Nations Web TV and published in the *UN Chronicle* an article that she had written (see paras. 186 and 187). The anniversary was also promoted on United Nations social media platforms using materials supplied by the Court's Registry.

## Chapter VIII

### Finances of the Court

#### 1. Method of covering expenditure

221. In accordance with Article 33 of the Statute of the Court, the expenses of the Court are to be borne by the United Nations in such a manner as is 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.

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

#### 2. Budget formulation

223. 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.

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

#### 3. Budget implementation

225. Responsibility for the implementation of the budget is assigned to the Registrar, assisted in this by 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. The Registrar alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, the Registrar regularly communicates a statement of accounts to the Court's Budgetary and Administrative Committee.

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

## Budget for the Court for 2020 (appropriations), as adopted by the General Assembly

(United States dollars)

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*Budget class*

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### Members of the Court

Non-staff compensation	7 357 700
Travel	23 700
<b>Subtotal</b>	<b>7 381 400</b>

### Registry

Posts	15 138 300
Other staff costs	1 284 800
Hospitality	11 300
Consultants	68 300
Travel of staff	35 600
Contractual services	103 900
Grants and contributions	124 500
<b>Subtotal</b>	<b>16 766 700</b>

### Programme support

Contractual services	1 276 100
General operating expenditure	1 994 100
Supplies and materials	326 200
Furniture and equipment	401 000
<b>Subtotal</b>	<b>3 997 400</b>

<b>Total</b>	<b>28 145 500</b>
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## Budget for the Court for 2021 (appropriations), as adopted by the General Assembly

(United States dollars)

<i>Budget class</i>	
<b>Members of the Court</b>	
Non-staff compensation	8 044 200
Experts	73 100
Travel	17 300
<b>Subtotal</b>	<b>8 134 600</b>
<b>Registry</b>	
Posts	16 465 500
Other staff costs	1 643 700
Hospitality	22 500
Consultants	16 200
Travel of staff	23 700
Contractual services	121 300
Grants and contributions	153 600
<b>Subtotal</b>	<b>18 446 500</b>
<b>Programme support</b>	
Contractual services	1 341 000
General operating expenditure	2 270 000
Supplies and materials	376 800
Furniture and equipment	209 900
<b>Subtotal</b>	<b>4 197 700</b>
<b>Total</b>	<b>30 778 800</b>

## Chapter IX

### Judges' pension scheme

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

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

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

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

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

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

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

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

235. 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 2020–2021*, to be published in due course.

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

The Hague, 1 August 2021

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2021

