



Strasbourg, 22/06/07

CAHDI (2007) 8 rev Add
Anglais seulement

**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**34th meeting
Strasbourg, 10-11 September 2007**

**PRELIMINARY DRAFT RECOMMENDATION REC(2007)... OF THE COMMITTEE OF
MINISTERS TO MEMBER STATES ON THE ACCEPTANCE OF THE JURISDICTION OF
THE INTERNATIONAL COURT OF JUSTICE**

COMMENTS FROM DELEGATIONS

Document prepared by
the Secretariat of the CAHDI

GREECE

Concerning the 'Model Clauses' appended to Recommendation of the Committee of Ministers to Member States on the acceptance of the jurisdiction of the ICJ we would like to note that the non inclusion of a termination clause does not deprive the declaring State of the possibility to withdraw its acceptance of the jurisdiction of the ICJ. Similarly the declaring State may amend its declaration even if it had not made a reservation to this effect in its declaration.

We are not proposing that this note should be inserted in the text of the Model Clauses. Some mention of it could be made however at some other place (eg.Foreword, footnote).

RUSSIAN FEDERATION

1) After paragraph 11 of the preamble of the draft Recommendation add a new paragraph worded as follows: "Notes that the list of possible clauses in the Model Clauses appended to this Recommendation is in no way exclusive and does not call in question other clauses (for instance, excluding a certain type of disputes or disputes arising in relation to particular countries) that States may decide to include in their declarations accepting the compulsory jurisdiction of the International Court of Justice";

2) At the end of the item "B" of the Model Clauses ("Clause excluding stale disputes") add an alternative model clause worded as follows: "other than any dispute arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to facts or situations which occurred prior to that date, even if such facts or situations may continue to have effects thereafter". The proposed clause is formulated on the basis of a number of declarations recognizing *ipso facto* jurisdiction of the Court containing *ratione temporis* clause (e.g. declarations of India, Spain, Poland).

UNITED KINGDOM

The United Kingdom wishes to make the following observation to members of the CAHDI:

"As a state which has made a declaration under article 36(2) of the ICJ Statute, the United Kingdom fully supports the Draft Recommendation, and commends the Model Clauses for possible inclusion in such optional clause declarations. In case this may give added comfort to a state which is contemplating making a declaration for the first time, the United Kingdom simply notes that there is scope to add such other clauses to a declaration which would be reasonable, save only to the extent that any additional clauses should not effectively render nugatory the declaration accepting the jurisdiction of the ICJ."