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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**International Court of Justice's jurisdiction under selected
international treaties and agreements, situation concerning
the member States of the Council of Europe**

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Foreword

At its 31st meeting (Strasbourg, 23-24 March 2006), the CAHDI considered the ICJ's jurisdiction under selected international treaties and agreements and in particular the situation concerning the Council of Europe's member and observer States on the basis of document CAHDI (2006) 4. Since the 32nd meeting (Athens, 13-14 September 2006), the CAHDI pursued its consideration of this matter on the basis of a revised version of the above-mentioned document. For each meeting, the Secretariat revises the document in the light of developments published on <http://treaties.un.org/>, <http://conventions.coe.int/> and contributions from delegations.

The present document sets out the current state of play.

1. ICJ COMPULSORY JURISDICTION (ARTICLE 36)

Of the 47 Council of Europe member States (hereafter “**member States**”), the following 23 member States has recognised the ICJ compulsory jurisdiction: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, United Kingdom. Out of 6 observer States to CAHDI¹ (hereafter “**observers**”), 3 are parties: Canada, Japan and Mexico.

Article 36 “1. *The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.*

2. *The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:*

a. *the interpretation of a treaty;*

b. *any question of international law;*

c. *the existence of any fact which, if established, would constitute a breach of an international obligation;*

d. *the nature or extent of the reparation to be made for the breach of an international obligation.*

3. *The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.*

4. *Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.*

5. *Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.*

6. *In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.”*

2. PRINCIPAL HUMAN RIGHTS TREATIES

A. The International Covenant on Economic, Social and Cultural Rights, 1966

No provision on ICJ Jurisdiction.

Of the **member States**, 46 are parties (Andorra being the exception). Of the **observers**, 4 are parties: Canada, Israel, Japan and Mexico.

B. The International Covenant on Civil and Political Rights, 1966

No provision on ICJ Jurisdiction.

All **member States** are parties. Of the **observers**, 5 are parties (Holy See being the exception).

- Optional Protocol to the International Covenant on Civil and Political Rights, 1966

Of the **member States**, 44 are parties, namely: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine. Of the **observers**, 2 are parties, namely: Canada and Mexico.

¹ 6 active Observer States to CAHDI are taken into consideration in this document, namely: Canada, Holy See, Israel, Japan, Mexico and United States of America (USA).

C. The International Convention on the Elimination of all forms of Racial Discrimination, monitored by the Committee on the Elimination of Racial Discrimination, 1966

All **member States** are parties. All of the **observers** are parties.

Article 22 *“Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.”*

Israel, Turkey and USA are maintaining **reservations** on this provision.

D. The Convention on the Elimination of all forms of Discriminations against Women, monitored by the Committee on the Elimination of Discrimination against Women, 1979

All **member States** are parties. Of the **observers**, 4 are parties: Canada, Israel, Japan and Mexico.

Article 29 *“Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.”*

France, Israel, Monaco and Turkey are maintaining **reservations** on this provision.

- Optional Protocol to the Convention on the Elimination of all forms of Discriminations against Women, 1999

Of the **member States** 43 are parties, namely: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom. Of the **observers**, 2 are parties: Canada and Mexico.

E. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, monitored by the Committee against Torture, 1984

All **member States** are parties. All of the **observers** are parties.

Article 30 *“Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.”*

France, Israel, Monaco, Poland, Turkey and USA are maintaining **reservations** on this provision.

F. The Convention on the Rights of the Child, monitored by the Committee on the Rights of Children, 1989

The Convention does not have any provision on the jurisdiction of the ICJ, or that on the peaceful settlement of disputes relating to the interpretation or application of the Convention.

All **member States** are parties. Of the **observers**, 5 are parties (USA being the exception).

G. The International Convention on the Protection of the Rights of All Migrants workers and Members of their Families, 1990

Of the **member States**, 4 are parties: Albania, Azerbaijan, Bosnia and Herzegovina, Turkey. Of the **observers**, one is a party: Mexico.

Article 92 “1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.

3. Any State Party that has made a declaration in accordance with paragraph 2 of the present article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.”

No State has made a **reservation** on this provision.

H. Convention on the Prevention and Punishment of the Crime of Genocide, 1948

Of the **member States**, 45 are parties (Malta and San Marino being the exception). Of the **observers**, 4 are parties: Canada, Israel, Mexico and USA.

Article IX “Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

Montenegro, Serbia and USA are maintaining **reservations** on this provision.

I. Convention relating to the Status of Refugees, 1951

Of the 47 Council of Europe States, 45 are parties (Andorra and San Marino being the exception). Of the **observers** to CAHDI, 5 are parties (USA being the exception).

Article 38 “Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.”

No State has made a **reservation** on this provision.

J. International Convention against the Taking of Hostages, 1979

Of the **member States**, 46 are parties (San Marino being the exception). Of the **observers**, 4 are parties: Canada, Japan, Mexico and USA.

Article 16 “1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General in the United Nations”

Moldova, Turkey and Ukraine are maintaining **reservations** on this provision.

3. TREATIES AGAINST TERRORISM

A. International Convention for the Suppression of Terrorist Bombings, 1997

All **member States** are parties. Of the **observers**, 5 are parties (Holy See being the exception).

Article 20 “Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court”

Moldova, Turkey, Israel and USA are maintaining **reservations** on this provision.

B. International Convention for the Suppression of the Financing of Terrorism, 1999

All the **member States** are parties. Of the **observers**, 5 are parties (Holy See being the exception).

Article 24 “Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.”

Andorra, Lithuania, Moldova, Turkey, Israel and USA are maintaining **reservations** on this provision.

C. International Convention for the Suppression of Acts of Nuclear Terrorism, 2005

Of the **member States**, 29 are parties, namely: Armenia, Austria, Azerbaijan, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Finland, Georgia, Germany, Hungary, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, the Netherlands, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland, “the former Yugoslav Republic of Macedonia”, Ukraine and the United Kingdom. Of the **observers**, 2 are parties: Japan and Mexico.

Article 23 “1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of

one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.”

Azerbaijan, Georgia and Turkey are maintaining **reservations** on this provision.

D. European Convention on the Suppression of Terrorism, 1977

Of the **member States**, 46 are parties (Andorra being the exception). None of the **observers** is a party.

Article 10 “Any dispute between Contracting States concerning the interpretation or application of this Convention, which has not been settled in the framework of Article 9, paragraph 2, shall, at the request of any Party to the dispute, be referred to arbitration. Each Party shall nominate an arbitrator and the two arbitrators shall nominate a referee. If any Party has not nominated its arbitrator within the three months following the request for arbitration, he shall be nominated at the request of the other Party by the President of the European Court of Human Rights. If the latter should be a national of one of the Parties to the dispute, this duty shall be carried out by the Vice-President of the Court or if the Vice-President is a national of one of the Parties to the dispute, by the most senior judge of the Court not being a national of one of the Parties to the dispute. The same procedure shall be observed if the arbitrators cannot agree on the choice of referee.”

No Parties have made a **reservation** on this provision.

E. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing Terrorism, 2005

Of the **member States**, 22 are parties: Albania, Armenia, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Hungary, Latvia, Malta, Moldova, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, “the former Yugoslav Republic of Macedonia” and Ukraine, and 11 other States have signed it. The European Union is also a signatory. However, none of the **observers** is a party.

Article 48.4 “In case of a dispute between Parties as to the interpretation or application of the Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the COP, to an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.”

No State has made a **reservation** on this provision.

F. Council of Europe Convention on the Prevention of Terrorism, 2005

Of the **member States**, 26 are parties: Albania, Andorra, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Latvia, Moldova, Montenegro, the Netherlands, Norway, Poland, Romania, the Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia” and Ukraine, and 17 have signed it. None of the **observers** is a party.

Article 29 “In the event of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to an arbitral tribunal whose decisions shall be binding upon the Parties to the dispute, or to the International Court of Justice, as agreed upon by the Parties concerned.”

No Parties have made a **reservation** on this provision.

G. Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, 1992

All **member States** are parties. Of the **observers**, 5 are parties (Israel being the exception).

Article XIV 2) *“When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.”*

No State has made a **reservation** on this provision.

H. Convention for the Suppression of Unlawful Seizure of Aircraft, 1970

Of the **member States**, 46 are parties (San Marino being the exception). Of the **observers**, 5 are parties (Holy See being the exception).

Article 12 “ 1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.”

Ukraine is maintaining **reservations** on this provision.

I. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971

Of the **member States**, 46 are parties (San Marino being the exception). Of the **observers**, 5 are parties (Holy See being the exception).

Article 14 “1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.”

France and Ukraine are maintaining **reservations** on this provision.

4. TREATIES OF CODIFICATION OF INTERNATIONAL LAW

A. Convention on the reduction of Statelessness, 1961

Of the **member States**, 19 are parties: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Latvia, Liechtenstein, the Netherlands, Norway, Romania, Slovakia, Sweden, and United Kingdom. Of the **observers**, one is a party: Canada.

Article 14 “Any dispute between Contracting States concerning the interpretation or application of this Convention which cannot be settled by other means shall be submitted to the International Court of Justice at the request of any one of the parties to the dispute.”

No State has made a **reservation** on this provision.

B. Vienna Convention on Diplomatic Relations 1961

All of the **member States** and **observers** are parties.

- Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning Acquisition of Nationality, 1961

Of the **member States**, 15 are parties: Belgium, Bosnia and Herzegovina, Denmark, Estonia, Finland, Germany, Iceland, Italy, Montenegro, the Netherlands, Norway, Serbia, Sweden, Switzerland, and “the former Yugoslav Republic of Macedonia”. None of the **observers** is a party.

- Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes, 1961

Of the **member States**, 26 are parties: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Romania, Serbia, Slovakia, Slovenia, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, United Kingdom. Of the **observers**, 2 are parties: USA and Japan.

C. Vienna Convention on Consular Relations, 1963

Of the **member States**, 46 are parties (San Marino being the exception). Of the **observers**, 5 are parties (Israel being the exception).

- Optional Protocol to the Vienna Convention on Consular Relations, concerning Acquisition of Nationality, 1963

Of the **member States**, 12 are parties: Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Iceland, Italy, the Netherlands, Norway, Sweden, and Switzerland. None of the **observers** is a party.

- Optional Protocol to the Vienna Convention on Consular Relations, concerning the Compulsory Settlement of Disputes, 1963

Of the **member States**, 20 are parties: Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Romania, Slovakia, Sweden, Switzerland, and United Kingdom. Of the **observers**, 2 are parties: Japan and Mexico.

D. Convention on Special Missions, 1969

Of the **member States**, 19 are parties: Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Liechtenstein, Lithuania, Montenegro, Poland, Serbia, Slovakia, Slovenia, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine. Of the **observers**, one is a party: Mexico.

- Optional Protocol to the Convention on Special Missions concerning the Compulsory Settlement of Disputes, 1969

Of the **member States**, 10 are parties: Austria, Bosnia and Herzegovina, Cyprus, Estonia, Liechtenstein, Montenegro, Serbia, Slovakia, Spain, and Switzerland. None of the **observers** is a party.

E. Vienna Convention on the Law of Treaties 1969

No provision on ICJ jurisdiction.

Of the **member States**, 38 are parties: Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Montenegro, the Netherlands, Poland, Portugal, Russia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine, United Kingdom. Of the **observers**, 4 are parties: Canada, Holy See, Japan and Mexico.

F. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973

Of the **member States**, 46 are parties (San Marino being the exception). Of the **observers**, 5 are parties (Holy See being the exception).

Article 13 *"Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court."*

Lithuania, Ukraine and Israel are maintaining **reservations** on this provision.

G. Vienna Convention on Succession of States in respect of Treaties, 1978

Of the **member States**, 12 are parties: Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Estonia, Moldova, Montenegro, Serbia, Slovakia, Slovenia, "the former Yugoslav Republic of Macedonia", Ukraine. None of the **observer** is a party.

Article 41 *"If a dispute regarding the interpretation or application of the present Convention arises between two or more Parties to the Convention, they shall, upon the request of any of them, seek to resolve it by a process of consultation and negotiation."*

Article 42 *"If the dispute is not resolved within six months of the date on which the request referred to in article 41 has been made, any party to the dispute may submit it to the conciliation procedure specified in the Annex to the present Convention by submitting a request to that effect to the Secretary-General of the United Nations and informing the other party or parties to the dispute of the request."*

Article 43 *"Any State at the time of signature or ratification of the present Convention or accession thereto or at any time thereafter, may, by notification to the depositary, declare that, where a dispute has not been resolved by the application of the procedures referred to in articles 41 and 42, that dispute may be submitted*

for a decision to the International Court of Justice by a written application of any party to the dispute, or in the alternative to arbitration, provided that the other party to the dispute has made a like declaration.”

Article 44 “Notwithstanding articles 41, 42 and 43, if a dispute regarding the interpretation or application of the present Convention arises between two or more Parties to the Convention, they may by common consent agree to submit it to the International Court of Justice, or to arbitration, or to any other appropriate procedure for the settlement of disputes.”

No State is maintaining a **reservation** to any of aforesaid provisions.

H. Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986

Of the **member States**, 20 are parties, namely: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Italy, Liechtenstein, the Netherlands, Moldova, Slovakia, Spain, Sweden, Switzerland, and United Kingdom. Of the **observers**, one is a party: Mexico.

Article 66.2 “With respect to a dispute concerning the application or the interpretation of article 53 or 64:

- (a) if a State is a party to the dispute with one or more States, it may, by a written application, submit the dispute to the International Court of Justice for a decision;
- (b) if a State is a party to the dispute to which one or more international organizations are parties, the State may, through a Member State of the United Nations if necessary, request the General Assembly or the Security Council or, where appropriate, the competent organ of an international organization which is a party to the dispute and is authorized in accordance with Article 96 of the Charter of the United Nations, to request an advisory opinion of the International Court of Justice in accordance with Article 65 of the Statute of the Court;
- (c) if the United Nations or an international organization that is authorized in accordance with Article 96 of the Charter of the United Nations is a party to the dispute, it may request an advisory opinion of the International Court of Justice in accordance with Article 65 of the Statute of the Court;
- (d) if an international organization other than those referred to in subparagraph (c) is a party to the dispute, it may, through a Member State of the United Nations, follow the procedure specified in subparagraph (b);
- (e) the advisory opinion given pursuant to subparagraph (b), (c) or (d) shall be accepted as decisive by all the parties to the dispute concerned;
- (f) if the request under subparagraph (b), (c) or (d) for an advisory opinion of the Court is not granted, any one of the parties to the dispute may, by written notification to the other party or parties, submit it to arbitration in accordance with the provisions of the Annex to the present Convention.”

No State is maintaining **reservation** to this provision.

5. MISCELLANEOUS – TREATIES FORESEEING THE JURISDICTION OF ICJ

A. European Convention for the Peaceful Settlement of Disputes, 1957

Of the **member States**, 14 are parties: Austria, Belgium, Denmark, Germany, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Slovakia, Sweden, Switzerland, and United Kingdom. None of the **observers** is a party.

B. Revised General Act for the Pacific Settlement of Disputes, 1949

Of the **member States**, 7 are parties: Belgium, Denmark, Estonia, Luxembourg, the Netherlands, Norway and Sweden. None of the **observers** is a party.

Article 41 “Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the International Court of Justice.”

No State is maintaining a **reservation** to this provision.

C. Single Convention on Narcotic drugs, 1961

Of the **member States**, 39 are parties: Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom. All of the **observers** are parties.

Article 48 *“If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.*

Any such dispute which cannot be settled in the manner prescribed shall be referred to the International Court of Justice for decision.”

No State has entered a **reservation** to this provision.

D. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

All **member States** are parties. Of the **observers**, 5 are parties (Holy See being the exception).

Article 32 *“1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.*

2. Any such dispute which cannot be settled in the manner prescribed in paragraph 1 of this article shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.

3. If a regional economic integration organization referred to in article 26, subparagraph c) is a Party to a dispute which cannot be settled in the manner prescribed in paragraph 1 of this article, it may, through a State Member of the United Nations, request the Council to request an advisory opinion of the International Court of Justice in accordance with Article 65 of the Statute of the Court, which opinion shall be regarded as decisive.

4. Each State, at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, or each regional economic integration organization, at the time of signature or deposit of an act of formal confirmation or accession, may declare that it does not consider itself bound by paragraphs 2 and 3 of this article. The other Parties shall not be bound by paragraphs 2 and 3 with respect to any Party having made such a declaration.

5. Any Party having made a declaration in accordance with paragraph 4 of this article may at any time withdraw the declaration by notification to the Secretary-General.”

Andorra, France, Lithuania, Turkey, Israel and USA are maintaining **reservation** to this provision.

E. United Nations Framework Convention on Climate Change, 1992

Of the **member States**, 46 are parties (Andorra being the exception). Of the **observers**, 5 are parties (Holy See being the exception).

Article 14 *“1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.*

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it

recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.”

The Netherlands have made such a **declaration**.

F. Convention on Biological Diversity, 1992

Of the **member States**, 46 are parties, (Andorra being the exception). Of the **observers**, 4 are parties: Canada, Israel, Japan and Mexico.

Article 27 “ 1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
- (b) Submission of the dispute to the International Court of Justice.

4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.”

Austria, Georgia and Latvia have made such **declaration**.

San Marino	●	●	●	●	●	●	●	●	○		●	●	●	●	●	●	○	●					●													●	●	●	●													
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Slovenia	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●		●			●		●										●	●	●											
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"The former Yugoslav Republic of Macedonia"		●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●	●			●		●												●	●	●	●									
Turkey		●	●	●	®	®	●	®	●	●	●	®	®	®	●	○	○	●	●	●	®	●			●														○	●	®	●	●									
Ukraine		●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	®	®	®	●			●			●												®	●			●	●	●	●					
United Kingdom	●	●	●		●	●	●	●	●		●	●	●	●	●	●		○	●	●	●	●	●	●		●	●		●	○	○	●	●								●	●	●	●								
Canada.	●	●	●	●	●	●	●	●		●	●	●	●	○				●	●	●	●	●	●		●																		●	●	●	●						
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Mexico	●	●	●	●	●	●	●	●	●	●	●	●	●	●				●	●	●	●	●		●		●	●		●	●															●	●	●	●				
USA		○	●		®	○		®	○		®		®	®	○			●	●	●	●	●		●	●																		○	●		○			●	®	●	○

● Party to the Treaty ○ Signed ® Party has made a reservation regarding the ICJ's compulsory jurisdiction ■: Party has made a declaration accepting the ICJ's compulsory jurisdiction

