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

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## **Compulsory jurisdiction of the International Court of Justice**

### **55<sup>th</sup> meeting**

Strasbourg (France), 22-23 March 2018

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Public International Law and Treaty Office Division  
Directorate of Legal Advice and Public International Law, DLAPIL

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## INTRODUCTION

### **Compulsory jurisdiction of the International Court of Justice (Article 36 of the Statute of the ICJ)**

Of the 47 Council of Europe member States (hereafter “**member States**”), the following 27 member States have recognised the compulsory jurisdiction of the ICJ: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, United Kingdom.

Out of 9 other States represented in the CAHDI<sup>1</sup> (hereafter “**other States**”), 5 have recognised the compulsory jurisdiction of the ICJ: Australia, Canada, Japan, Mexico and New Zealand.

#### **Article 36 of the Statute of the ICJ**

*“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.”*

<sup>1</sup> These other States are: Australia, Belarus, Canada, Holy See, Israel, Japan, Mexico, New Zealand and United States of America (USA).

## **PART I**

### **Declarations recognising ICJ jurisdiction as compulsory by member States of the Council of Europe**

#### **1. AUSTRIA**

19 May 1971

I hereby declare that the Republic of Austria recognizes as compulsory ipso facto and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) Franz JONAS,  
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,  
The Federal Chancellor.

(Signed) Rudolf KIRCHSCHLAEGGER,  
The Federal Minister for Foreign Affairs.

#### **2. BELGIUM**

17 June 1958

[Translation from the French]

I declare on behalf of the Belgian Government that I recognize as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.  
(Signed) V. LAROCK,  
Minister of Foreign Affairs.

#### **3. BULGARIA**

24 June 1992

[Translation from the Bulgarian]

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes 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 arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation,

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(Signed) S. GANEV,  
Minister of Foreign Affairs  
of the Republic of Bulgaria.

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Sofia, 27 November 2015

I have the honour to inform you that the National Assembly of the Republic of Bulgaria adopted on 5 November 2015 a Law which modifies the Declaration made by the Government of the Republic of Bulgaria on 24 June 1992 concerning the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute of the Court. The Law was published in the State Gazette No. 89 of 17 November 2015.

In accordance with the provisions of this Law, the Declaration made by the Government of the Republic of Bulgaria on 24 June 1992 is modified as follows:

After the expression "except for" the following text is to be inserted: "disputes arising under the United Nations Convention on the Law of the Sea or any other multilateral or bilateral treaty or agreement on the law of the sea, or customary international law on the sea, including but not limited to disputes concerning navigational rights, exploration and exploitation of living and nonliving natural resources, protection and preservation of the marine environment, delimitation of maritime boundaries and areas, and for ....".

Thereby, the consolidated text of the Declaration of the Republic of Bulgaria recognizing as compulsory the jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute of the Court should read as follows:

"In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes 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 arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;

2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation,

except for disputes arising under the United Nations Convention on the Law of the Sea or any other multilateral or bilateral treaty or agreement on the law of the sea, or customary international law on the sea, including but not limited to disputes concerning navigational rights, exploration and exploitation of living and non-living natural resources, protection and preservation of the marine environment, delimitation of maritime boundaries and areas, and for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Please accept, Your Excellency, the assurances of my highest consideration.

(Signed) Daniel Mitov

#### **4. CYPRUS**

3 September 2002

1. I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory ipso facto and without special agreement, on condition of reciprocity, the Jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(a) the interpretation of any treaty

I. to which the Republic of Cyprus became a party on or after 16 August 1960 or

II. which the Republic of Cyprus recognizes as binding on it by succession;

(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.

Provided that this declaration shall not apply:

i. To disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

ii. To disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus.

2. The Government of the Republic of Cyprus also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this Declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 3 September 2002.

(Signed) Ioannis KASOULIDES,  
Minister of Foreign Affairs.

## **5. DENMARK**

10 December 1956

[Translation from the French]

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory ipso facto and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,  
Ambassador Extraordinary and Plenipotentiary,  
Permanent Representative  
to the United Nations.

## **6. ESTONIA**

21 October 1991

I, Arnold Ruutel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RUUTEL,  
Chairman of the Supreme Council.

## **7. FINLAND**

25 June 1958

[Translation from the French]

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,  
Permanent Representative of Finland  
to the United Nations.

## **8. GEORGIA**

20 June 1995

I have the honour on behalf of the Republic of Georgia to declare that, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Republic of Georgia recognizes 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 referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

Tbilisi, 16 June 1995.

(Signed) Alexander CHIKVAIDZE,  
Minister of Foreign Affairs  
of the Republic of Georgia.

## **9. GERMANY**

1st May 2008

[Translation from the German]

With reference to Article 36 of the Statute of the International Court of Justice I have the honour to formulate on behalf of the Government of the Federal Republic of Germany the following declaration:

1. The Government of the Federal Republic of Germany declares that it recognizes as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing the declaration and with effect as from the moment of such notification, over all disputes arising after the present declaration, with regard to situations or facts subsequent to this date other than:

- (i) any dispute which the Parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement or which is subject to another method of peaceful settlement chosen by all the Parties.
- (ii) any dispute which
  - (a) relates to, arises from or is connected with the deployment of armed forces abroad, involvement in such deployments or decisions thereon,



or

- (b) relates to, arises from or is connected with the use for military purposes of the territory of the Federal Republic of Germany, including its airspace, as well as maritime areas subject to German sovereign rights and jurisdiction;
- (iii) any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the Federal Republic of Germany also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Berlin, 30 April 2008  
(Signed)  
Frank-Walter Steinmeier  
Minister for Foreign Affairs

## **10. GREECE**

10 January 1994

[Translation from the French]

I declare, on behalf of the Greek Government, that I recognize as compulsory ipso facto and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(Signed) Karolos PAPOULIAS,  
Minister for Foreign Affairs.

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14 January 2015

Whereas the Government of the Hellenic Republic made a Declaration under paragraph 2 of Article 36 of the Statute of the International Court of Justice on the tenth day of January one thousand ninety four, in force for a period of five years and effective thereafter until such time as notice may be given to terminate that Declaration.

The Government of the Hellenic Republic having considered the said Declaration, hereby gives notice effective immediately of the withdrawal of that Declaration and replaces the same with the following Declaration:

I have the honour to declare, on behalf of the Government of the Hellenic Republic, that I recognize as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice with respect to all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court, with the exception of:

- a) any dispute relating to military activities and measures taken by the Hellenic Republic for the protection of its sovereignty and territorial integrity, for national defense purposes, as well as for the protection of its national security;
- b) any dispute concerning State boundaries or sovereignty over the territory of the Hellenic Republic, including any dispute over the breadth and limits of its territorial sea and its airspace;
- c) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of that dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Hellenic Republic may however submit before the Court any dispute, which is hereby exempted, through the negotiation of a special agreement (*compromis*).

The Government of the Hellenic Republic further reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, to add to, amend or withdraw this Declaration.

Athens, 13 January 2015  
(Signed) Evangelos Venizelos

## **11. HUNGARY**

22 October 1992

The Republic of Hungary hereby recognizes as compulsory ipso facto and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

- a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- b) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;
- c) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;
- d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(Signed) Dr. GEZA JESZENSZKY,  
Minister for Foreign Affairs  
of the Republic of Hungary.

## **12. IRELAND**

15 December 2011

Ireland hereby declares that it recognises as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes as specified in Article 36, paragraph 2, with the exception of any legal dispute with the United Kingdom of Great Britain and Northern Ireland in regard to Northern Ireland.

The present Declaration shall take effect from the date of its receipt by the Secretary-General of the United Nations.

The Government of Ireland reserves the right at any time, by means of a notification addressed to Secretary-General of the United Nations and with effect from the date of such notification, either to amend or withdraw the present Declaration; or to add to, amend or withdraw the foregoing reservation or any other reservations which may subsequently be made.

Dublin, 8 December 2011.

(Signed) Eamon Gilmore, T.D.

Tánaiste and Minister for Foreign Affairs and Trade of Ireland

## **13. ITALY**

25 November 2014

Minister of Foreign Affairs and International Cooperation

Declaration under Article 36, paragraph 2, of the Statute of the International Court of Justice

1. The Government of Italy declares that it accepts as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance and with effect as from the moment of such notification, over all disputes arising after the present declaration, with regard to situations or facts subsequent to the same date, other than:

- (i) any dispute [in respect of] which the Parties thereto have agreed to have recourse exclusively to some other method of peaceful settlement;
- (ii) any dispute in respect of which the other Party, or any other Party to the dispute, has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of Italy also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any other reservation that may subsequently be added.

(Signed) Federica Mogherini

#### **14. LIECHTENSTEIN**

29 March 1950

[Translation from the French]

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950, declares by these presents that the Principality of Liechtenstein recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice 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.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of  
the Principality of Liechtenstein,  
(Signed) A. FRICK,  
The Head of Government.

#### **15. LITHUANIA**

*Declaration recognizing as compulsory the jurisdiction of the international court of justice:  
Done at Vilnius, 21 September 2012*

With reference to Article 36 of the Statute of the International Court of Justice, I have the honour to formulate on behalf of the Republic of Lithuania the following declaration:

1. The Republic of Lithuania declares that it recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing the declaration and with effect as from the moment of such notification, over all disputes arising after the present declaration, with regard to situations or facts subsequent to this date, other than:

- (i) any dispute which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement or which is subject to another method of peaceful settlement chosen by all the parties;
- (ii) any dispute relating to any matter excluded from compulsory adjudication or arbitration under any treaty, to which the Republic of Lithuania is a party, or other instrument imposing international obligations to the Republic of Lithuania;
- (iii) any dispute which arises from or is connected with a military operation carried out in accordance with a decision taken by consensus or unanimity by international security and defence organisation or organisation implementing common security and defence policy, to which the Republic of Lithuania is a member;
- (iv) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the

dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Republic of Lithuania also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added."

(Signed)  
Dalia GRYBAUSKAITĖ  
Minister for Foreign Affairs  
of the Republic of Lithuania

## **16. LUXEMBOURG**

15 September 1930

[Translation from the French]

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, ipso facto and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(Signed) BECH.

## **17. MALTA**

6 December 1966

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

- (i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
- (iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;
- (iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;
- (v) disputes arising under multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;
- (vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a party;
- (vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

- (viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(Signed) G. FELICE  
Acting Minister of Commonwealth  
and Foreign Affairs.

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2 September 1983.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

- (1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and  
(2) the following categories of disputes, that is to say: Disputes with Malta concerning or relating to:
- (a) its territory, including the territorial sea, and the status thereof,
  - (b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
  - (c) the determination or delimitation of any of the above,
  - (d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex SCEBERAS TRIGON,  
Minister for Foreign Affairs.

## **18. NETHERLANDS**

The Hague, 21 February 2017

The Minister for Foreign Affairs of the Kingdom of the Netherlands presents his compliments to the Secretary-General of the United Nations and, with reference to the Statute of the International Court of Justice, concluded at San Francisco on 26 June 1945, has the honour to inform the Secretary-General of the following.

The Kingdom of the Netherlands hereby declares that it recognizes as compulsory the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, until such time as notice may be given to terminate this acceptance, over all disputes arising out of situations or facts that took place no earlier than one hundred years before the dispute is brought before the said Court.

This declaration replaces, with effect from 1 March 2017, the previous declaration of the Kingdom of the Netherlands of 1 August 1956.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration

The Minister of Foreign Affairs,  
(Signed) Bert Koenders

## **19. NORWAY**

24 June 1996

I hereby declare on behalf of the Royal Norwegian Government that Norway recognises as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable at any given time to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 4 December 1995 for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, shall apply to all disputes concerning the law of the sea.

It is requested that this notification be communicated to the governments of all the States that have accepted the Optional clause and to the Registrar of the International Court of Justice.

New York, 24 June 1996.

(Signed) Hans Jacob BJORN LIAN,  
Permanent Representative of  
Norway to the United Nations.

## **20. POLAND**

25 March 1996

On behalf of the Government of the Republic of Poland I hereby declare that the Republic of Poland withdraws its consent to the compulsory jurisdiction of the International Court of Justice communicated on 25 September 1990 in light of Article 36, par. 2 of the Statute of the Court. At the same time, I hereby declare that the Republic of Poland shall recognize with the effect as of 25 September 1996, in accordance with the provisions of the aforementioned article, as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

- a) disputes prior to 25 September 1990 or disputes arisen out of facts or situations prior to the same date,
- b) disputes with regard to the territory and State boundaries,
- c) disputes with regard to environmental protection,
- d) disputes with regard to foreign liabilities or debts,
- e) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than twelve months prior to the filing of the application bringing the dispute before the Court,
- f) disputes in respect whereof the parties have agreed or shall agree to have recourse to other method of peaceful settlement,
- g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the Republic of Poland.

The Government of the Republic of Poland reserves its right to withdraw or modify the present Declaration at any time and by means of a notification addressed to the Secretary-General of the United Nations, taking effect after six months from the moment whereof.

25 March 1996.

(Signed) Dariusz ROSATI,  
Minister for Foreign Affairs.

## **21. PORTUGAL**

25 February 2005

On behalf of the Portuguese Republic, I declare and give notice that Portugal, continuing to accept the jurisdiction of the International Court of Justice, amends its declaration made on 19 December 1955, replacing its terms by the following:

1. Under Article 36, paragraph 2, of the Statute of the International Court of Justice, the Portuguese Republic recognizes the jurisdiction of the Court as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation (and to the extent it accepts it), until such time as notice may be given to terminate the acceptance, in all legal disputes other than:

- (i) any dispute which Portugal has agreed or shall agree with the other party or parties thereto to settle by some other method of peaceful settlement;
- (ii) any dispute with any State that has deposited or ratified the acceptance of the Court's compulsory jurisdiction or an amendment thereto so that the dispute became included in its scope less than twelve months prior to the filing of the application bringing the dispute before the Court;
- (iii) any dispute, unless it refers to territorial titles or rights or to sovereign rights or jurisdiction, arising before 26 April 1974 or concerning situations or facts prior to that date;
- (iv) any dispute with a party or parties to a treaty regarding which the jurisdiction of the International Court of Justice has, under the applicable rules, been explicitly excluded, irrespective of whether the scope of the dispute refers to the interpretation and application of the treaty provisions or to other sources of international law.

2. The Portuguese Republic also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added,"

Lisbon, 18 February 2005.

(Signed) Antonio Victor Martins MONTEIRO,  
Minister For Foreign Affairs.

## **22. ROMANIA**

23 June 2015

Romania declares that it recognises as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, meaning on the condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36 (2) of the Statute of the Court, in relation to all legal disputes related to facts or situations arising after this declaration is made, other than:

- (a) any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement for its final and binding decision;
- (b) any dispute with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36 (2) of the Statute less than twelve months prior to filing an application



bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute;

(c) any dispute regarding to the protection of the environment;

(d) any dispute relating to, or connected with, hostilities, war, armed conflict, individual or collective self-defence or the discharge of any functions pursuant to any decision or recommendation of the United Nations, the deployment of armed forces abroad, as well as decisions relating thereto;

(e) any dispute relating to, or connected with, the use for military purposes of the territory of Romania, including the airspace and territorial sea, or maritime zones subject to its sovereign rights and jurisdiction;

(f) any dispute relating to matters which by international law fall exclusively within the domestic jurisdiction of Romania.

This Declaration shall remain in force until such time as notice may be given to the Secretary- General of the United Nations withdrawing or modifying this declaration, and with effect from the moment of such notification.

(Signed) Bogdan Aurescu  
Minister of Foreign Affairs

### **23. SLOVAKIA**

28 May 2004

On behalf of the Slovak Republic I have the honour to declare that the Slovak Republic recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court over all legal disputes arising after the date of signature of the present declaration with regard to situations or facts subsequent to the same date.

This declaration does not apply to disputes:

- (1) Which the parties have agreed to settle by some other method of peaceful settlement;
- (2) in respect of which any other Party to the dispute has accepted the jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or when the declaration recognizing the jurisdiction of the Court on behalf of any other Party to the dispute was deposited less than twelve months prior to the filing of the unilateral application bringing the dispute before the Court;
- (3) with regard to the protection of environment;
- (4) with regard to questions which by international law fall exclusively within the domestic jurisdiction of the Slovak Republic.

The Slovak republic reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the date of a receipt of such notification, to amend or withdraw this declaration.

Done at Bratislava on 11 May 2004.

(Signed) Rudolf SCHUSTER  
President of the Slovak Republic.

## **24. SPAIN**

29 October 1990

[Translation from the Spanish]

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory ipso facto and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

- (a) Disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;
- (b) Disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;
- (c) Disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;
- (d) Disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(Signed) Francisco FERNANDEZ ORDONEZ,  
Minister for Foreign Affairs.

## **25. SWEDEN**

6 April 1957

[Translation from the French]

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,

Permanent Representative a.i.  
of Sweden to the United Nations.

## **26. SWITZERLAND**

28 July 1948

[Translation from the French]

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948, Hereby declares that the Swiss Confederation recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice 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.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:  
(Signed) CELIO,  
The President of the Confederation.

(Signed) LEIMGRUBER,  
The Chancellor of the Confederation.

## **27. UNITED KINGDOM**

22 February 2017

Dear Secretary-General,

I have the honour, by directions of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to notify you, on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, that the United Kingdom's declaration under paragraph 2 of Article 36 of the Statute of the International Court of Justice dated 30 December 2014 is hereby replaced, with immediate effect, by the attached declaration.

(Signed) Matthew Rycroft

### Declaration of the United Kingdom of Great Britain and Northern Ireland under Article 36(2) of the Statute of the International Court of Justice

1. The Government of the United Kingdom of Great Britain and Northern Ireland accept as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 1 January 1987, with regard to situations or facts subsequent to the same date, other than:

- (i) any dispute which the United Kingdom has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement;

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- (ii) any dispute with the government of any other country which is or has been a Member of the Commonwealth;
  - (iii) any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;
  - (iv) any claim or dispute which is substantially the same as a claim or dispute previously submitted to the Court by the same or another Party;
  - (v) any claim or dispute in respect of which the claim or dispute in question has not been notified to the United Kingdom by the State or States concerned in writing, including of an intention to submit the claim or dispute to the Court failing an amicable settlement, at least six months in advance of the submission of the claim or dispute to the Court;
  - (vi) any claim or dispute that arises from or is connected with or related to nuclear disarmament and/or nuclear weapons, unless all of the other nuclear-weapon States Party to the Treaty on the Non-Proliferation of Nuclear Weapons have also consented to the jurisdiction of the Court and are party to the proceedings in question.

22 February 2017

## **PART II**

### **Declarations recognising ICJ jurisdiction as compulsory by other States represented in the CAHDI**

#### **1. AUSTRALIA**

22 March 2002

WHEREAS on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations, of which the Statute of the International Court of Justice is an integral part; and

WHEREAS the Government of Australia deposited for and on behalf of Australia on the first day of November one thousand nine hundred and forty-five its instrument of ratification to the Statute of the International Court of Justice done at San Francisco on the twenty-sixth day of June, one thousand nine hundred and forty-five; and

WHEREAS Australia made a declaration under paragraph 2 of Article 36 of the said Statute on the thirteenth day of March one thousand nine hundred and seventy-five effective until such time as notice may be given to withdraw that declaration;

THE GOVERNMENT OF AUSTRALIA, having considered the said declaration, hereby gives notice effective immediately of the WITHDRAWAL of that declaration and REPLACES the same with the following declaration:

The Government of Australia declares that it recognises as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration is effective immediately.

This declaration does not apply to:

- (a) any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (b) any dispute concerning or relating to the delimitation of maritime zones, including the territorial sea, the exclusive economic zone and the continental shelf, or arising out of, concerning, or relating to the exploitation of any disputed area of or adjacent to any such maritime zone pending its delimitation;
- (c) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than 12 months prior to the filing of the application bringing the dispute before the Court.

IN WITNESS WHEREOF, I, ALEXANDER JOHN GOSSE DOWNER, Minister for Foreign Affairs, have hereunto set my hand and affixed my seal.

DONE at Canberra this 21st day of March, two thousand and two.

(Signed) A.J.G. DOWNER,  
Minister for Foreign Affairs of Australia.

## **2. CANADA**

10 May 1994

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985 in conformity with paragraph 2 of Article 36 of the Statute of the Court.

(2) I declare that the Government of Canada accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:

- (a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (b) disputes with the government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
- (c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and
- (d) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(Signed) Louise FRECHETTE,  
Ambassador and  
Permanent Representative.

## **3. JAPAN**

9 July 2007

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan that, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes arising on and after 15 September 1958 with regard to situations or facts subsequent to the same date and being not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration does not apply to any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or notified less than twelve months prior to the filing of the application bringing the dispute before the Court.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

9 July 2007.

(Signed) Kenzo Oshima  
Permanent Representative of Japan  
to the United Nations.

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6 October 2015

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan that, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes arising on and after 15 September 1958 with regard to situations or facts subsequent to the same date and being not settled by other means of peaceful settlement.

This declaration does not apply to:

- (1) any dispute which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement;
- (2) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or notified less than twelve months prior to the filing of the application bringing the dispute before the Court;
- (3) any dispute arising out of, concerning, or relating to research on, or conservation, management or exploitation of, living resources of the sea.

The Government of Japan reserves the right at any time, by means of a written notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to amend or terminate the present declaration.

(Signed)  
Motohide Yoshikawa  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Japan to the United Nations

#### **4. MEXICO**

28 October 1947

[Translation from the Spanish]

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory ipso facto, and without any special agreement being required therefore, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET, Secretary of State for External Relations.

## **5. NEW ZEALAND**

22 September 1977

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940 under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, ipso facto, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

- (1) Disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;
- (2) Disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;
- (3) Disputes arising out of, or concerning the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,  
Permanent Representative of  
New Zealand to the United Nations.