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**REPORT
OF THE
INTERNATIONAL COURT
OF JUSTICE**

1 August 1979-31 July 1980

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FIFTH SESSION

SUPPLEMENT No. 4 (A/35/4)



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New York, 1980

NOTE

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

CONTENTS

	<i>Page</i>
I. COMPOSITION OF THE COURT	1
II. JURISDICTION OF THE COURT	1
A. Jurisdiction of the Court in Contentious Cases	1
B. Jurisdiction of the Court in Advisory Proceedings	1
III. JUDICIAL WORK OF THE COURT	2
A. Continental Shelf (Tunisia/Libyan Arab Jamahiriya)	2
B. United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)	2
C. Interpretation of the Agreement of 25 March 1951 between WHO and Egypt	3
IV. ADMINISTRATIVE QUESTIONS	4
V. PUBLICATIONS AND DOCUMENTS OF THE COURT	4

I. COMPOSITION OF THE COURT

1. The present composition of the Court is as follows: President Sir Humphrey Waldock; Vice-President T. O. Elias; Judges I. Forster, A. Gros, M. Lachs, P. D. Morozov, Nagendra Singh, J. M. Ruda, H. Mosler, S. Tarazi, S. Oda, R. Ago, A. El-Erian, J. Sette-Camara and R. Baxter.

2. In accordance with Article 29 of the Statute, the Court forms annually a chamber of summary procedure. On 14 February 1980 this chamber was constituted as follows:

Members:

President Waldock; Vice-President Elias; Judges Morozov, Nagendra Singh and Tarazi.

Substitute Members:

Judges Oda and Sette-Camara.

3. The Court records with sorrow the death on 28 December 1979 of Mr. L. M. Moreno Quintana, a Member of the Court from 1955 to 1964.

4. On 10 July 1980 the second term of office of Mr. S. Aquarone as Registrar expired; he had been in the service of the Court for 32 years. On 23 May 1980 the Court elected Mr. S. Torres Bernárdez to be its Registrar as from 11 July 1980. The Deputy-Registrar is Mr. A. Pillepich.

II. JURISDICTION OF THE COURT

A. JURISDICTION OF THE COURT IN CONTENTIOUS CASES

5. On 31 July 1980 the 152 Member States of the United Nations, together with Liechtenstein, San Marino and Switzerland, were parties to the Statute of the Court.

6. On 25 October 1979 and 1 August 1980, respectively, the Governments of Togo and of Barbados deposited with the Secretary-General declarations of acceptance of the compulsory jurisdiction of the Court under Article 36, paragraph 2, of the Statute.

7. There are thus now 47 States which recognize (a number of them with reservations) the jurisdiction of the Court as compulsory in accordance with declarations filed under Article 36, paragraph 2, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Canada, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Gambia, Haiti, Honduras, India, Israel, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Somalia, Sudan, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. The texts of the declarations filed by those States appear in chapter IV, section II, of the *I.C.J. Yearbook 1979-1980*.

8. Since 1 August 1979, the Court has been informed of the entry into force of five treaties providing for the jurisdiction of the Court in contentious cases and registered with the Secretariat of the United Nations: the Convention of 8 November 1968 on Road Traffic, the Convention of 23 May 1969 on the Law of

Treaties, the Convention of 21 February 1971 on Psychotropic Substances, the Consular Convention of 28 April 1972 between Belgium and Turkey, and the Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

9. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in chapter IV, section III, of the *I.C.J. Yearbook 1979-1980*. In addition, the jurisdiction of the Court extends to treaties or conventions in force providing for reference to the Permanent Court of International Justice (Statute, Art. 37).

B. JURISDICTION OF THE COURT IN ADVISORY PROCEEDINGS

10. The following organizations are at present authorized to request advisory opinions of the Court on legal questions:

United Nations (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, Committee on Applications for Review of Administrative Tribunal Judgements);

International Labour Organisation;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

World Health Organization;

International Bank for Reconstruction and Development;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Civil Aviation Organization;
International Telecommunication Union;
World Meteorological Organization;
Inter-Governmental Maritime Consultative Organization;
World Intellectual Property Organization;

International Fund for Agricultural Development;
International Atomic Energy Agency.

11. The international instruments which make provision for the advisory jurisdiction of the Court are listed in chapter IV, section I, of the *I.C.J. Yearbook 1979-1980*.

III. JUDICIAL WORK OF THE COURT

12. During the period under review the Court held six public sittings and 33 private meetings. It made an Order in the contentious case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*. It made two Orders and delivered a Judgement in the contentious case concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*. It made an Order in the advisory case concerning the *Interpretation of the Agreement of 25 March 1951 between WHO and Egypt*.

A. CONTINENTAL SHELF

(TUNISIA/LIBYAN ARAB JAMAHIRIYA)

13. On 1 December 1978 the Government of Tunisia notified to the Registrar of the Court a Special Agreement, drawn up in Arabic between Tunisia and the Libyan Arab Jamahiriya on 10 June 1977, which had come into force on the date of exchange of instruments of ratification, namely, 27 February 1978. A certified French translation of the Agreement was attached.

14. The Special Agreement provided for the reference to the Court of a dispute between Tunisia and the Libyan Arab Jamahiriya concerning the delimitation of the continental shelf between them. *Inter alia*, it provided for the filing of Memorials and Counter-Memorials by both Parties.

15. On 19 February 1979 the Government of the Libyan Arab Jamahiriya likewise communicated to the Registry a copy in Arabic of the Special Agreement, together with a certified English translation.

16. Taking into account the agreement between the two States on the time-limits for the filing of the written pleadings, the Vice-President of the Court, by an Order of 20 February 1979, fixed 30 May 1980 as the time-limit for the filing of a Memorial by each Party (*I.C.J. Reports 1979*, p. 3). The agents of the Parties filed their respective Memorials within this time-limit and these were communicated to the other Party at a meeting with the President.

17. On 3 June 1980 the President, having regard to Article 46, paragraph 1, of the Rules of Court and to the periods specified by the Parties in the Special Agreement, made an Order fixing 1 December 1980 and 2 February 1981 as the respective time-limits for the filing of a Counter-Memorial by Tunisia and then by the Libyan Arab Jamahiriya (*I.C.J. Reports 1980*, p. 70).

18. Each State has chosen a judge *ad hoc* in accordance with Article 31 of the Statute of the Court. The Libyan Arab Jamahiriya designated Mr. E. Jiménez de Aréchaga, and Tunisia Mr. J. Evensen.

B. UNITED STATES DIPLOMATIC AND CONSULAR STAFF IN TEHRAN

(UNITED STATES OF AMERICA V. IRAN)

19. On 29 November 1979 the Government of the United States of America filed an Application instituting proceedings against Iran, together with a request for the indication of provisional measures, in respect of a dispute concerning the situation in the United States Embassy in Tehran and the seizure and holding as hostages of members of the United States diplomatic and consular staff in Iran.

20. On 9 December 1979 the Minister for Foreign Affairs of Iran, in a letter to the Court, expressed the opinion that the Court could not, and should not, take cognizance of the case submitted by the United States.

21. On 10 December 1979 the Court held a public sitting at which oral arguments were presented on behalf of the Government of the United States. The Iranian Government was not represented at the hearing.

22. On 15 December 1979 the Court made an Order indicating provisional measures to the effect that:

(a) (i) The Government of the Islamic Republic of Iran should immediately ensure that the premises of the United States Embassy, Chancery and Consulates be restored to the possession of the United States authorities under their exclusive control, and should ensure their inviolability and effective protection as provided for by the treaties in force between the two States, and by general international law;

(ii) The Government of the Islamic Republic of Iran should ensure the immediate release, without any exception, of all persons of United States nationality who are or have been held in the Embassy of the United States of America or in the Ministry of Foreign Affairs in Tehran, or have been held as hostages elsewhere, and afford full protection to all such persons, in accordance with the treaties in force between the two States, and with general international law;

(iii) The Government of the Islamic Republic of Iran should, as from that moment, afford to all the diplomatic and consular personnel of the United States the full protection, privileges and immunities to which they are entitled under the treaties in force between the two States, and under general international law, including immunity from any form of criminal jurisdiction and freedom and facilities to leave the territory of Iran;

(b) The Government of the United States of America and the Government of the Islamic Republic of Iran should not take any action and should ensure that no

action is taken which may aggravate the tension between the two countries or render the existing dispute more difficult of solution.

23. By an Order of 24 December 1979, the President fixed time-limits for the filing of written pleadings. The United States Government filed its Memorial within the time-limit thus appointed (15 January 1980). The Iranian Government did not file a Counter-Memorial within the allotted time-limit of 18 February 1980. In a letter of 16 March 1980 it reiterated its view that the Court could not and should not take cognizance of the case submitted by the United States.

24. From 18 to 20 March 1980 the Court held three public sittings at which oral arguments were presented on behalf of the Government of the United States. The Iranian Government was not represented at these hearings.

25. At a public sitting held on 24 May 1980 the Court delivered a Judgement, the operative part of which reads as follows (*I.C.J. Reports 1980*, pp. 44 f.):

“The Court,

“1. By thirteen votes to two,

“Decides that the Islamic Republic of Iran, by the conduct which the Court has set out in this Judgement, has violated in several respects, and is still violating, obligations owed by it to the United States of America under international conventions in force between the two countries, as well as under long-established rules of general international law;

“In favour: President Sir Humphrey Waldock; Vice-President Elias; Judges Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“Against: Judges Morozov and Tarazi.

“2. By thirteen votes to two,

“Decides that the violations of these obligations engage the responsibility of the Islamic Republic of Iran towards the United States of America under international law;

“In favour: President Sir Humphrey Waldock; Vice-President Elias; Judges Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“Against: Judges Morozov and Tarazi.

“3. Unanimously,

“Decides that the Government of the Islamic Republic of Iran must immediately take all steps to redress the situation resulting from the events of 4 November 1979 and what followed from these events, and to that end:

“(a) must immediately terminate the unlawful detention of the United States Chargé d'affaires and other diplomatic and consular staff and other United States nationals now held hostage in Iran, and must immediately release each and every one and entrust them to the protecting Power (Article 45 of the 1961 Vienna Convention on Diplomatic Relations);

“(b) must ensure that all the said persons have the necessary means of leaving Iranian territory, including means of transport;

“(c) must immediately place in the hands of the protecting Power the premises, property, archives and documents of the United States Embassy in Tehran and of its Consulates in Iran;

“4. Unanimously,

“Decides that no member of the United States diplomatic or consular staff may be kept in Iran to be subjected to any form of judicial proceedings or to participate in them as a witness;

“5. By twelve votes to three,

“Decides that the Government of the Islamic Republic of Iran is under an obligation to make reparation to the Government of the United States of America for the injury caused to the latter by the events of 4 November 1979 and what followed from these events;

“In favour: President Sir Humphrey Waldock; Vice-President Elias; Judges Forster, Gros, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“Against: Judges Lachs, Morozov and Tarazi.

“6. By fourteen votes to one,

“Decides that the form and amount of such reparation, failing agreement between the Parties, shall be settled by the Court, and reserves for this purpose the subsequent procedure in the case.

“In favour: President Sir Humphrey Waldock; Vice-President Elias; Judges Forster, Gros, Lachs, Nagendra Singh, Ruda, Mosler, Tarazi, Oda, Ago, El-Erian, Sette-Camara and Baxter.

“Against: Judge Morozov.”

Judge Lachs appended a separate opinion to the Judgment of the Court (*ibid.*, pp. 47-50). Judges Morozov and Tarazi appended dissenting opinions (*ibid.*, pp. 51-57 and 58-65).

C. INTERPRETATION OF THE AGREEMENT OF 25 MARCH 1951 BETWEEN WHO AND EGYPT

26. On 20 May 1980 the Assembly of the World Health Organization requested the Court to give an advisory opinion on the following questions:

“1. Are the negotiation and notice provisions of section 37 of the Agreement of 25 March 1951 between the World Health Organization and Egypt applicable in the event that either party to the agreement wishes to have the regional office transferred from the territory of Egypt?

“2. If so, what would be the legal responsibilities of both the World Health Organization and Egypt, with regard to the regional office in Alexandria, during the two-year period between notice and termination of the Agreement?”

27. The Director-General of the Organization, pursuant to Article 65, paragraph 2, of the Statute, transmitted to the Court a dossier of documents likely to throw light upon these questions.

28. In accordance with Article 66, paragraph 2, of the Statute, the World Health Organization and the States members of WHO which are entitled to appear

before the Court were informed that the Court would be prepared to receive from them written or oral statements furnishing information on the questions submitted.

29. By an Order of 6 June 1980 the President of the Court fixed 1 September 1980 as the time-limit for the submission of written statements (*I.C.J. Reports 1980*, p. 67).

IV. ADMINISTRATIVE QUESTIONS

30. The Registry is pursuing, at the direction of the President and under the supervision of the Rules Committee, a full analytical study of the application of its statute and rules in order to provide a systematic account of its practice.

31. Among the administrative questions dealt with

by the Court was the election of a Registrar (see para. 4 above), as the second term of office of the incumbent was due to expire during the period under consideration. Under the prescribed procedure, the Court elects its Registrar by secret ballot from among candidates proposed by its Members. The term of office is seven years.

V. PUBLICATIONS AND DOCUMENTS OF THE COURT

32. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court and the major law libraries of the world. The sale of the Court's publications is organized by the Sales Sections of the United Nations Secretariat, which are in touch with specialized booksellers and distributors throughout the world. A catalogue (latest edition: 1975) is, with its annual addenda, distributed free of charge. The question of ensuring an easier and speedier availability of the Court's publications throughout the world is receiving the particular attention of the Registry.

33. The publications of the Court include three annual series: *Reports of Judgments, Advisory Opinions and Orders*, a *Bibliography* of works and documents relating to the Court, and a *Yearbook*. The most recent publications in the first two series are *I.C.J. Reports 1979* and *I.C.J. Bibliography No. 32*.

34. The documentation of each case is published by the Court after the end of the proceedings, under the title *Pleadings, Oral Arguments, Documents*,

However, even before the termination of a case, the Court may, after ascertaining the views of the parties, make the pleadings and documents available on request to the Government of any State entitled to appear before the Court; the Court may also, after ascertaining the views of the parties, make them accessible to the public on or after the opening of oral proceedings.

35. The Court distributes press communiqués, background notes and a handbook to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction.

36. More comprehensive information on the work of the Court during the period under review is contained in the *I.C.J. Yearbook 1979-1980*, published concurrently with the issue of the present report.

(Signed) Humphrey WALDOCK
President of the International Court of Justice
The Hague, 1 August 1980

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