

**REPORT  
OF THE  
INTERNATIONAL COURT  
OF JUSTICE**

---

**1 August 1988 – 31 July 1989**

**GENERAL ASSEMBLY**

OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 4 (A/44/4)



**UNITED NATIONS**

New York, 1989

**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

|   | <u>Paragraphs</u> | <u>Page</u> |
|---|-------------------|-------------|
| I. COMPOSITION OF THE COURT .....   | 1 - 7             | 1           |
| II. JURISDICTION OF THE COURT .....   | 8 - 14            | 2           |
| A. Jurisdiction of the Court in contentious cases .....   | 8 - 12            | 2           |
| B. Jurisdiction of the Court in Advisory Proceedings .....  | 13 - 14           | 3           |
| III. JUDICIAL WORK OF THE COURT .....   | 15 - 67           | 4           |
| A. Contentious cases before the Court .....   | 19 - 43           | 4           |
| 1. Military and paramilitary activities in and against<br>Nicaragua (Nicaragua v. United States of America) . | 19 - 23           | 4           |
| 2. Border and transborder armed actions (Nicaragua v.<br>Honduras) .....                                      | 24 - 32           | 5           |
| 3. Maritime delimitation in the area between Greenland<br>and Jan Mayen (Denmark v. Norway) .....             | 33 - 36           | 6           |
| 4. Aerial incident of 3 July 1988 (Islamic Republic<br>of Iran v. United States of America) .....             | 37 - 39           | 7           |
| 5. Certain phosphate lands in Nauru<br>(Nauru v. Australia) .....   | 40 - 43           | 8           |
| B. Contentious cases before a Chamber .....   | 44 - 62           | 8           |
| 1. Land, island and maritime frontier dispute<br>(El Salvador/Honduras) .....                                 | 44 - 54           | 8           |
| 2. Case concerning Elettronica Sicula S.p.A. (ELSI)<br>(United States of America v. Italy) .....              | 55 - 62           | 9           |
| C. Request for advisory opinion .....   | 63 - 67           | 11          |
| IV. INTERNATIONAL CONFERENCES .....   | 68 - 70           | 12          |
| V. VISITS .....   | 71 - 73           | 13          |
| A. Visit of a Head of State .....   | 71                | 13          |
| B. Other visits .....   | 72 - 73           | 13          |

CONTENTS (continued)

|   | Paragraphs | Page |
|---|------------|------|
| VI. LECTURES ON THE WORK OF THE COURT .....         | 74         | 14   |
| VII. ADMINISTRATIVE QUESTIONS .....                 | 75 - 76    | 15   |
| VIII. PUBLICATIONS AND DOCUMENTS OF THE COURT ..... | 77 - 83    | 16   |

## I. COMPOSITION OF THE COURT

1. The present composition of the Court is as follows: President, José María Ruda; Vice-President, Kéba Mbaye; Judges: Manfred Lachs, Taslim Olawale Elias, Shigeru Oda, Roberto Ago, Stephen M. Schwebel, Sir Robert Jennings, Mohammed Bedjaoui, Ni Zhengyu, Jens Evensen, Nikolai K. Tarassov, Gilbert Guillaume, Mohamed Shahabuddeen and Raghunandan Swarup Pathak.
2. The Court records with deep sorrow the death in office, on 11 December 1988, of Judge and former President Nagendra Singh.
3. On 18 April 1989, the General Assembly and the Security Council, to fill the vacancy left by the death of Judge Nagendra Singh, elected Raghunandan Swarup Pathak as a Member of the Court for a term ending 5 February 1991. At a public sitting of the Court on 18 July 1989, Judge Pathak made the solemn declaration provided for in Article 20 of the Statute.
4. The Registrar of the Court is Mr. Eduardo Valencia-Ospina. The Deputy-Registrar is Mr. Bernard Noble.
5. In accordance with Article 29 of the Statute, the Court forms annually a Chamber of Summary Procedure. On 10 February 1989, this Chamber was constituted as follows:

### Members

President, José María Ruda;

Vice-President, Kéba Mbaye;

Judges Sir Robert Jennings, Ni Zhengyu and Jens Evensen.

### Substitute members

Judges Gilbert Guillaume and Mohamed Shahabuddeen.

6. On 2 March 1987, the Court constituted a Chamber to deal with the case of Elektronika Sicula S.p.A. (ELSI) (United States of America v. Italy). The composition of the Chamber was as follows: Judge Nagendra Singh, President of the Chamber; Judges: Shigeru Oda, Roberto Ago, Stephen M. Schwebel and Sir Robert Jennings. Following the death of Judge Nagendra Singh, the Court elected its President, Judge José María Ruda, to replace him as President of the Chamber.
7. On 8 May 1987, the Court constituted a Chamber to deal with the case concerning the Land, island and maritime frontier dispute (El Salvador/Honduras). The composition of that Chamber was as follows: President, José Sette-Camara; Judges: Shigeru Oda and Sir Robert Jennings; Judges ad hoc: Nicolas Valticos and Michel Virally. The Court deeply regrets the death, on 27 January 1989, of Judge ad hoc Michel Virally, chosen by Honduras in this case.

## II. JURISDICTION OF THE COURT

### A. Jurisdiction of the Court in contentious cases

8. On 31 July 1989, the 159 States Members of the United Nations, together with Liechtenstein, Nauru, San Marino and Switzerland, were parties to the Statute of the Court.
9. There are now 50 States which have made declarations (a number of them with reservations) recognizing the jurisdiction of the Court as compulsory, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Canada, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Gambia, Haiti, Honduras, India, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Senegal, Somalia, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire. The declaration of Zaire was deposited with the Secretary-General of the United Nations during the 12 months under review, on 8 February 1989, and was the first such declaration made by that State. The texts of the declarations filed by those States appear in chapter IV, section II, of the I.C.J. Yearbook 1988-1989.
10. In pursuance of earlier statements on an expanded role for the International Court of Justice, the Government of the Union of Soviet Socialist Republics, by a letter dated 28 February 1989 from the Minister for Foreign Affairs, informed the Secretary-General of the United Nations of the withdrawal of its reservations concerning the jurisdiction of the Court in respect of the following treaties: the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1952 Convention on the Political Rights of Women, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
11. The Government of the Byelorussian Soviet Socialist Republic and the Government of the Ukrainian Soviet Socialist Republic informed the Secretary-General of the United Nations, in communications which were received by him on 19 and 20 April 1989, respectively, of the withdrawal of their reservations concerning the jurisdiction of the Court to the above-mentioned six conventions.
12. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in chapter IV, section II, of the I.C.J. Yearbook 1988-1989. 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**

13. In addition to the 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), the following organizations are at present authorized to request advisory opinions of the Court on legal questions:

International Labour Organisation;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

International Civil Aviation Organization;

World Health Organization;

World Bank;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Telecommunication Union;

World Meteorological Organization;

International Maritime Organization;

World Intellectual Property Organization;

International Fund for Agricultural Development;

United Nations Industrial Development Organization;

International Atomic Energy Agency.

14. 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 1988-1989.

### III. JUDICIAL WORK OF THE COURT

15. During the period under review, the court was seized of four new cases, three contentious cases and one Advisory Opinion.

16. The Court held two public sittings and 21 private meetings. It made Orders in the contentious cases concerning Maritime delimitation in the area between Greenland and Jan Mayen (Denmark v. Norway) and concerning Certain phosphate lands in Nauru (Nauru v. Australia). It delivered a Judgment on its jurisdiction and the admissibility of the Application in the contentious case concerning Border and transborder armed actions (Nicaragua v. Honduras), in which the President further made one Order. In the contentious case concerning Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy), the Court made an Order on the composition of the Chamber. The President made an Order in the advisory case concerning the Applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

17. The President of the Chamber constituted to deal with the contentious case concerning the Land, island and maritime frontier dispute (El Salvador/Honduras) made an Order extending time-limits.

18. The Chamber constituted to deal with the contentious case of Elettronica Sicula S.p.A. (ELSI) (United States v. Italy) held 13 public sittings and 13 private meetings. It delivered a Judgment.

#### A. Contentious cases before the Court

##### 1. Military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America)

19. In its Judgment of 27 June 1986 on the merits of this case, the Court found, inter alia, that the United States of America was under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States. It further decided "that the form and amount of such reparation, failing agreement between the Parties, [would] be settled by the Court", reserving for that purpose the subsequent procedure.

20. In a letter of 7 September 1987, the Agent of Nicaragua stated that no agreement had been reached between the Parties as to the form and amount of the reparation and that Nicaragua requested the Court to make the necessary orders for the further conduct of the case.

21. By a letter dated 13 November 1987, the Deputy-Agent of the United States informed the Registrar that the United States remained of the view that the Court was without jurisdiction to entertain the dispute and that the Nicaraguan Application was inadmissible, and that, accordingly, the United States would not be represented at a meeting, to be held in accordance with Article 31 of the Rules of Court, for the purpose of ascertaining the views of the Parties in the procedure to be followed.



22. After having ascertained the views of the Government of Nicaragua and having afforded the Government of the United States of America an opportunity of stating its views, the Court, by an Order of 18 November 1987 (I.C.J. Reports 1987, p. 188), fixed 29 March 1986 as the time-limit for a Memorial of the Republic of Nicaragua and 29 July 1988 as the time-limit for a Counter-Memorial of the United States of America.

23. The Memorial of the Republic of Nicaragua was duly filed on 29 March 1988. The United States of America did not file a Counter-Memorial within the prescribed time-limit.

2. Border and transborder armed actions (Nicaragua v. Honduras)

24. On 28 July 1986, the Government of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras. Nicaragua founded the jurisdiction of the Court on Article XXXI of the Pact of Bogotá of 30 April 1948 and on the declarations of the Parties accepting the jurisdiction of the Court under Article 36, paragraphs 1 and 2, of the Statute of the Court.

25. The matters referred to by Nicaragua in its Application included alleged, border and transborder armed actions organized by contras on its territory from Honduras, the giving of assistance to the contras by the armed forces of Honduras, direct participation by the latter in military attacks against its territory, and threats of force against it emanating from the Government of Honduras. It requested the Court to adjudge and declare:

"(a) That the acts and omissions of Honduras in the material period constitute breaches of the various obligations of customary international law and the treaties specified in the body of this Application for which the Republic of Honduras bears legal responsibility;

"(b) That Honduras is under a duty immediately to cease and to refrain from all such acts as may constitute breaches of the foregoing legal obligations;

"(c) That Honduras is under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by the breaches of obligations under the pertinent rules of customary international law and treaty provisions."

26. In its Application, Nicaragua reserved the right to present to the Court a request for the indication of interim measures of protection. By a letter of 29 August 1986, Honduras informed the Court that, in its Government's view, the Court had no jurisdiction over the matters raised by the Application.

27. By an Order dated 22 October 1986 (I.C.J. Reports 1986, p. 551), the Court decided that the first pleadings should deal exclusively with the issues of jurisdiction and admissibility, and fixed as time-limits for the filing of those pleadings: 23 February 1987 for the Memorial of Honduras, and 22 June 1987 for the Counter-Memorial of Nicaragua.

28. Both the Memorial of Honduras and the Counter-Memorial of Nicaragua were filed within the prescribed time-limits, but the oral proceedings on jurisdiction and admissibility were temporarily adjourned, by agreement of the Parties and with the approval of the Court, following the signing on 7 August 1987 of the "Procedure for the establishment of a firm and lasting peace in Central America" (the "Esquipulas II Agreement") by the Presidents of the five States of Central America.

29. On 21 March 1988, Nicaragua filed a request for the indication of interim measures of protection. By a letter of 31 March 1988, however, Nicaragua withdrew its request. The President of the Court, on that same day, made an Order recording the withdrawal (I.C.J. Reports 1988, p. 9).

30. At the request of Honduras, and with the agreement of Nicaragua, 6 June 1988 was fixed for the opening of the oral proceedings on the issues of jurisdiction and admissibility. At six public sittings, held between 6 and 15 June 1988, statements were made on behalf of Honduras and of Nicaragua.

31. At a public sitting held on 20 December 1988, the Court delivered a Judgment on its jurisdiction and the admissibility of the Application (I.C.J. Reports 1988, p. 69), the operative provisions of which are as follows:

"The Court,

"(1) Unanimously,

"Finds that it has jurisdiction under Article XXXI of the Pact of Bogotá to entertain the Application filed by the Government of the Republic of Nicaragua on 28 July 1986;

"(2) Unanimously,

"Finds that the Application of Nicaragua is admissible."

Judge Lachs appended a declaration to the Judgment (ibid., p. 108). Judges Oda, Schwebel and Shahabuddeen appended separate opinions to the Judgment (ibid., pp. 109-156).

32. By an Order dated 21 April 1989, the President of the Court fixed the time-limits for the written proceedings on the merits: 19 September 1989 for the Memorial of Nicaragua and 19 February 1990 for the Counter-Memorial of Honduras. The subsequent procedure has been reserved for further decision.

3. Maritime delimitation in the area between Greenland and Jan Mayen (Denmark v. Norway)

33. On 16 August 1988, the Government of Denmark filed in the Registry of the Court an Application instituting proceedings against Norway.

34. In its Application, Denmark explained that, despite negotiations conducted since 1980, it had not been possible to find an agreed solution to a dispute with regard to the delimitation of Denmark's and Norway's fishing zones and continental shelf areas in the waters between the east coast of Greenland and the Norwegian

island of Jan Mayen, where there is an area of some 72,000 square kilometres to which both Parties lay claim.

35. It therefore requested the Court:

"to decide, in accordance with international law, where a single line of delimitation shall be drawn between Denmark's and Norway's fishing zones and continental shelf areas in the waters between Greenland and Jan Mayen".

36. By an Order of 14 October 1988 (I.C.J. Reports 1988, p. 66), the Court, taking into account the views expressed by the Parties, fixed 1 August 1989 as the time-limit for the Memorial of Denmark and 15 May 1990 for the Counter-Memorial of Norway. The Memorial was filed within the prescribed time-limit.

4. Aerial incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)

37. On 17 May 1989, the Government of the Islamic Republic of Iran filed in the Registry of the Court an Application against the Government of the United States of America.

38. In its Application, the Islamic Republic of Iran referred to:

"The destruction of an Iranian aircraft, Iran Air Airbus A-300B, flight 655, and the killing of its 290 passengers and crew by two surface-to-air missiles launched from the USS Vincennes, a guided-missile cruiser on duty with the United States Persian Gulf/Middle East Force in the Iranian airspace over the Islamic Republic's territorial waters in the Persian Gulf on 3 July 1988".

It contended that, "by its destruction of Iran Air flight 655 and taking 290 lives, its refusal to compensate the Islamic Republic for damages arising from the loss of the aircraft and individuals on board and its continuous interference with the Persian Gulf aviation", the Government of the United States had violated certain provisions of the Chicago Convention on International Civil Aviation (7 December 1944), as amended, and in the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971), and that the Council of the International Civil Aviation Organization (ICAO) had erred in its decision of 17 March 1989 concerning the incident.

39. The Government of the Islamic Republic of Iran requested, in its Application, the Court to adjudge and declare:

"(a) That the ICAO Council decision is erroneous in that the Government of the United States has violated the Chicago Convention, including the Preamble, Articles 1, 2, 3 bis and 44 (a) and (h) and Annex 15 of the Chicago Convention as well as Recommendation 2.6/1 of the Third Middle East Regional Air Navigation Meeting of ICAO;

"(b) That the Government of the United States has violated Articles 1, 3 and 10 (1) of the Montreal Convention; and

"(c) That the Government of the United States is responsible to pay compensation to the Islamic Republic, in the amount to be determined by the Court, as measured by the injuries suffered by the Islamic Republic and the bereaved families as a result of these violations, including additional financial losses which Iran Air and the bereaved families have suffered for the disruption of their activities."

5. Certain phosphate lands in Nauru (Nauru v. Australia)

40. On 19 May 1989, the Republic of Nauru filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning the rehabilitation of certain phosphate lands mined under Australian administration before Nauruan independence.

41. In its Application, Nauru claimed that Australia had breached the trusteeship obligations it accepted under Article 76 of the Charter of the United Nations and under articles 3 and 5 of the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law.

42. The Republic of Nauru requested the Court to adjudge and declare:

"That Australia has incurred an international legal responsibility and is bound to make restitution or other appropriate reparation to Nauru for the damage and prejudice suffered"; and further

"That the nature and amount of such restitution or reparation should, in the absence of agreement between the Parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings."

43. By an Order of 18 July 1989 (I.C.J. Reports 1989, p. 12), the Court, having ascertained the views of the Parties, fixed 20 April 1990 as the time-limit for the Memorial of Nauru and 21 January 1991 for the Counter-Memorial of Australia.

B. Contentious cases before a Chamber

1. Land, island and maritime frontier dispute  
(EL Salvador/Honduras)

44. On 11 December 1986, the Government of the Republic of El Salvador and the Government of the Republic of Honduras jointly notified the Registry of a Special Agreement concluded between them on 24 May 1986, entering into force on 1 October 1986 and registered with the Secretariat of the United Nations, submitting to the decision of the Court a dispute, referred to as the land, island and maritime frontier dispute, between the two States.

45. The Special Agreement provided that the Parties should submit the questions in dispute to a Chamber which they requested the Court to form under Article 26, paragraph 2, of the Statute, which provides that the Court may form a Chamber to deal with a specific case.

46. On 17 February 1987, the Parties, having been consulted by the President, confirmed the indication given in the Special Agreement that they approved the number of judges to form the Chamber being fixed at five, including two judges ad hoc chosen by the Parties pursuant to Article 31 of the Statute.

47. Each of the two States chose a judge ad hoc under Article 31 of the Statute. El Salvador chose Mr. Nicolas Valticos and Honduras chose Mr. Michel Virally.

48. On 8 May 1987, the Court unanimously adopted an Order whereby it acceded to the request of the two Governments to form a special Chamber of five judges to deal with the case (I.C.J. Reports 1987, p. 10). It declared that it had elected Judges Shigeru Oda, José Sette-Camara and Sir Robert Jennings to form, with the judges ad hoc chosen by the Parties, the Chamber.

49. The Chamber so constituted elected as its President Judge José Sette-Camara. Its composition was accordingly as follows: President: José Sette-Camara; Judges: Shigeru Oda and Sir Robert Jennings; Judges ad hoc: Nicolas Valticos and Michel Virally (deceased).

50. By an Order of 27 May 1987 (I.C.J. Reports 1987, p. 15), the Court, having ascertained the views of the Parties, fixed 1 June 1988 as the time-limit for the filing of a Memorial by each of the Parties.

51. The Chamber, by an Order of 29 May 1987 (I.C.J. Reports 1987, p. 176), taking into account the views of the Parties, fixed 1 February 1989 as the time-limit for the filing of a Counter-Memorial by each of the Parties and 1 August 1989 for the filing of Replies.

52. On 9 November 1987, the inaugural public sitting of the Chamber was held, at which Judges ad hoc Valticos and Virally made the solemn declaration required by the Statute and Rules of Court.

53. Each of the Parties filed a Memorial within the time-limit of 1 June 1988 fixed by the Court in its Order of 27 May 1987.

54. By an Order of 12 January 1989 (I.C.J. Reports 1989, p. 3), the President of the Chamber, taking into account a request jointly made by the two Parties, extended the time-limit for the filing by each of the Parties of a Counter-Memorial to 10 February 1989 and for the filing of a Reply to 15 December 1989. Each of the Parties filed a Counter-Memorial within the prescribed time-limit.

## 2. Case concerning Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy)

55. On 6 February 1987, the United States of America filed an Application instituting proceedings against the Republic of Italy concerning a dispute arising from the requisition by the Government of Italy of the plant and related assets of Elettronica Sicula S.p.A. (ELSI), an Italian company which was stated to have been 10 per cent owned by two United States corporations.

56. By a letter dated 6 February 1987, the United States requested that a Chamber of five judges be formed to hear and determine the case, pursuant to Article 26 of

the Statute. By a telegram dated 13 February 1987, Italy informed the Court that it accepted the proposal.

57. The Court, thus having before it a request by the two Parties concerning the constitution of a Chamber, unanimously decided by an Order of 2 March 1987 (I.C.J. Reports 1987, p. 3), to accede to that request. It declared that it had elected as members of the Chamber: President Nagendra Singh (deceased, replaced by Judge José María Ruda, President); Judges Shigeru Oda, Rober Ago, Stephen M. Schwebel and Sir Robert Jennings.

58. In the same Order of 2 March 1987, the Court, taking account of the views of the Parties, fixed the time-limits for the initial pleadings at 15 May 1987 for the Memorial of the United States, and 16 November 1987 for the Counter-Memorial of Italy. The United States filed its Memorial, and Italy its Counter-Memorial, within the prescribed time-limits.

59. On 17 November 1987, the inaugural public sitting of the Chamber was held.

60. By an Order of the same date (I.C.J. Reports 1987, p. 185), the Chamber fixed 18 March 1988 as the time-limit for the filing of Reply by the United States and 18 July 1988 for the filing of a Rejoinder by Italy. Both the Reply and the Rejoinder were filed within the prescribed time-limits.

61. The oral proceedings took place between 13 February and 2 March 1989. During 12 public sittings, statements were made on behalf of the United States and of Italy. Three witnesses and an expert called by the United States and one expert called by Italy gave evidence before the Chamber. Questions were put to the Parties, and to the witnesses and experts, by the President and Members of the Chamber.

62. On 20 July 1989, at a public sitting, the Chamber delivered its Judgment (I.C.J. Reports 1989, p. 15), the operative provisions of which are as follows:

"The Chamber,

"(1) Unanimously,

"Rejects the objection presented by the Italian Republic to the admissibility of the Application filed in this case by the United States of America on 6 February 1967;

"(2) By four votes to one,

"Finds that the Italian Republic has not committed any of the breaches, alleged in the said Application, of the Treaty of Friendship, Commerce and Navigation between the Parties signed at Rome on 2 February 1948, or of the Agreement Supplementing that Treaty signed by the Parties at Washington on 26 September 1951.

"IN FAVOUR: President Ruda; Judges Oda, Ago and Sir Robert Jennings.

"AGAINST: Judge Schwebel.

"(3) By four votes to one,

"Rejects, accordingly, the claim for reparation made against the Republic of Italy by the United States of America.

"IN FAVOUR: President Ruda; Judges Oda, Ago and Sir Robert Jennings.

"AGAINST: Judge Schwebel."

### C. Request for advisory opinion

63. On 24 May 1989, the Economic and Social Council of the United Nations adopted resolution 1989/75, whereby it requested, on a priority basis, the International Court of Justice to give an advisory opinion

"on the legal question of the applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission"

on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights.

64. The letter from the Secretary-General, transmitting to the Court the request for advisory opinion and certified copies of the English and French texts of the said resolution, was received in the Registry on 13 June 1989.

65. By an Order of 14 June 1989 (I.C.J. Reports 1989, p. 9), the President of the Court decided that the United Nations and the States which are parties to the Convention on the Privileges and Immunities of the United Nations were considered likely to be able to furnish information on the question, in accordance with Article 66, paragraph 2, of the Statute, and, bearing in mind that the request was expressed to be made "on a priority basis", fixed 31 July 1989 as the time-limit for the submission of written statements and 31 August 1989 for the submission of subsequent written comments on those statements.

66. In accordance with Article 65, paragraph 2, of the Statute, the Secretary-General of the United Nations transmitted to the Court a dossier of documents likely to throw light upon the question.

67. Written statements were filed, within the time-limit fixed, by the United Nations and by Canada, the Federal Republic of Germany, Romania and the United States of America.

#### IV. INTERNATIONAL CONFERENCES

68. In the first half of 1989, two international conferences were held in the Peace Palace, both of which, in their final declarations, called for an expanded role of the Court.

69. On 11 March 1989, a conference of heads of State and Government on the problems created by the warming of the global atmosphere and the deterioration of the ozone layer adopted the Declaration of The Hague. The signatories acknowledged and undertook to promote - among other principles - the principle of developing within the framework of the United Nations, new institutional authority to preserve the Earth's atmosphere and "the principle of appropriate measures to promote the effective implementation of and compliance with the decisions of the new institutional authority, decisions which will be subject to control by the International Court of Justice" (A/44/340-E/1989/120, annex).

70. The Movement of Non-Aligned Countries held a ministerial meeting from 26 to 29 June 1989 on peace and the rule of law in international affairs. The Hague Declaration adopted by the meeting stressed the supremacy of international law in the preservation of peace and the promotion of justice and called upon the United Nations General Assembly to declare a decade of international law, to begin in 1990 and conclude in 1999, in a third Peace Conference, which would mark the centennial of the first International Peace Conference, held at The Hague. It was proposed that the decade should emphasize:

"The promotion and enhancement of peaceful methods for the settlement of disputes between States, including resort to the International Court of Justice and compliance with its Judgments; [and that the] third peace conference to be convened at the end of the decade of international law should consider and adopt appropriate international instruments for the enhancement of international law and the strengthening of methods for the peaceful settlement of international disputes, including the role of the International Court of Justice" (A/44/191, annex, appendix).



## V. VISITS

### A. Visit of a Head of State

71. On 21 April 1989, the President of the Hellenic Republic, His Excellency Mr. Christos A. Sartzetakis, visited the Court. He was received in private by President José María Ruda and Members of the Court.

### B. Other visits

72. On 6 September 1988, the Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, visited the Court. He had a private meeting with the President and Members of the Court, after which he took leave to attend, with Mrs. Pérez de Cuéllar, the ceremony to celebrate the seventy-fifth anniversary of the Peace Palace. At that ceremony, which was honoured by the presence of Her Majesty Queen Beatrix and His Royal Highness Prince Claus of the Netherlands, speeches were made by the Secretary-General, the President of the Court, José María Ruda, and the President of the Board of Directors of the Carnegie Foundation, Mr. Max van der Stoep.

73. On 15 November 1988, the Director-General of UNESCO, Mr. Federico Mayor Zaragoza, visited the Court and was received in private by President Ruda and Members of the Court.

## VI. LECTURES ON THE WORK OF THE COURT

74. Many talks and lectures on the Court were given by the President, Members of the Court, the Registrar and officials of the Registry in order to improve public understanding of the judicial settlement of international disputes, the jurisdiction of the Court and its function in advisory cases.

## VII. ADMINISTRATIVE QUESTIONS

75. The committees constituted by the Court to facilitate the performance of its administrative tasks, which met several times during the period under review, were composed as follows as from 10 February 1989 (for their composition before that date, see the previous report):

(a) The Budgetary and Administrative Committee: the President, the Vice-President and Judges Taslim Olawale Elias, Stephen M. Schwebel, Mohammed Bedjaoui, Nikolai K. Tarassov and Gilbert Guillaume;

(b) The Committee on Relations: Judges Mohammed Bedjaoui, Ni Zhengyu and Jens Evensen;

(c) The Library Committee: Judges Shigeru Oda, Sir Robert Jennings and Ni Zhengyu.

76. The Rules Committee, constituted by the Court in 1979 as a standing body is, as at 10 February 1989, composed of Judges Manfred Lachs, Kéba Mbaye, Shigeru Oda, Roberto Ago, Sir Robert Jennings, Ni Zhengyu, Nikolai K. Tarassov and Mohamed Shahabuddeen.

VIII. PUBLICATIONS AND DOCUMENTS OF THE COURT

77. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court, and to the major law libraries of the world. The sale of those 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: 1988) is, with its annual addenda, distributed free of charge.

78. The publications of the Court include at present three annual series: Reports of Judgments, Advisory Opinions and Orders (which are also published separately when they are made), a Bibliography of works and documents relating to the Court, and a Yearbook (in the French version: Annuaire). The most recent publication in the first series is I.C.J. Reports 1987. Bibliography No. 40 (1986) will appear shortly.

79. 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 the oral proceedings. The documentation of each case is published by the Court after the end of the proceedings, under the title Pleadings, Oral Arguments, Documents. In that series, several volumes in the case concerning the Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) will be published shortly.

80. In the series Acts and Documents concerning the Organization of the Court, the Court also publishes the instruments governing its functioning and practice. The latest issue (No. 4) appeared after the revision of the Rules adopted by the Court on 14 April 1978.

81. The Rules of Court have been translated into unofficial Arabic, Chinese, German, Russian and Spanish versions.

82. The Court distributes press communiqués, background notes and a handbook in order to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction. The handbook was updated on the occasion of the Court's fortieth anniversary, and the third edition appeared at the end of 1986 in English and French. For the first time, editions in the remaining four official languages of the United Nations (Arabic, Chinese, Russian and Spanish) will be issued shortly.

83. More comprehensive information on the work of the Court during the period under review will be found in the I.C.J. Yearbook 1988-1989, to be issued in due course.

The Hague, 4 August 1989

(Signed) Kéba Mbaye  
Vice-President

---

### كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات والتوزيع في جميع أنحاء العالم. استلم منها من المكتبة التي تتعامل معها أو اكتب إلى: الأمم المتحدة، قسم البيع في نيويورك أو في جنيف.

#### 如何购取联合国出版物

联合国出版物在全世界各地的书店和经销处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

#### HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

#### COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à: Nations Unies, Section des ventes, New York ou Genève.

#### КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

#### COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.

---