

**REPORT
OF THE
INTERNATIONAL COURT
OF JUSTICE**

1 August 1986-31 July 1987

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SECOND SESSION

SUPPLEMENT No. 4 (A/42/4)



UNITED NATIONS

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UNITED NATIONS

New York, 1987

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I. COMPOSITION OF THE COURT

1. The present composition of the Court is as follows: President, Nagendra Singh; Vice-President, Kéba Mbaye; Judges: Manfred Lachs, José Maria Ruda, Taslim Olawale Elias, Shigeru Oda, Roberto Ago, José Sette-Camara, Stephen M. Schwebel, Sir Robert Jennings, Mohammed Bedjaoui, Ni Zhengyu, Jens Evensen and Nikolai K. Tarasov.

2. The Court lamented the death in office, on 10 March 1987, of Vice-President Guy Ladreit de Lacharrière. It elected Judge Kéba Mbaye to replace him as Vice-President until the end of the current three-year term of office.

3. The Registrar of the Court is Mr. Eduardo Valencia-Ospina. The Deputy-Registrar is Mr. Bernard Noble.

4. In accordance with Article 29 of the Statute, the Court forms annually a Chamber of Summary Procedure. On 18 February 1987, this Chamber was constituted as follows:

Members

President, Nagendra Singh;
Vice-President, G. Ladreit de Lacharrière;
Judges J. M. Ruda, K. Mbaye and Ni Zhengyu.

Substitute members

Judges Sir Robert Jennings and J. Evensen.

5. On 3 April 1985, the Court constituted a Chamber to deal with the case of the Frontier Dispute (Burkina Faso/Republic of Mali) with the following composition: President, M. Bedjaoui; Judges: M. Lachs and J. M. Ruda; and Judges ad hoc F. Luchaire and G. Abi-Saab.

6. On 2 March 1987, the Court constituted a Chamber to deal with the case of Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy). The composition of this Chamber is as follows: President, Nagendra Singh; Judges: Shigeru Oda, Roberto Ago, Stephen M. Schwebel and Sir Robert Jennings.

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 this Chamber is as follows: President, José Sette-Camara; Judges: Shigeru Oda and Sir Robert Jennings; Judges ad hoc: Nicolas Valticos and Michel Virally.

II. JURISDICTION OF THE COURT

A. Jurisdiction of the Court in contentious cases

8. On 31 July 1987, the 159 Member States of the United Nations, together with Liechtenstein, San Marino and Switzerland, were parties to the Statute of the Court.

9. There are now 46 States which recognize (a number of them with reservations) the jurisdiction of the Court as compulsory in accordance with declarations filed under Article 36, paragraphs 2 and 5, 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, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Senegal, Somalia, Sudan, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed by these States appear in Chapter IV, section II, of the I.C.J. Yearbook 1986-1987.

10. 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 1986-1987. 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

11. 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 Judgments), 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.

12. 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 1986-1987.

III. JUDICIAL WORK OF THE COURT

13. The Court held a formal sitting in memory of its Vice-President, Judge Guy Ladreit de Lacharrière, who died in office.

14. It made two Orders in the contentious case concerning Border and Transborder Armed Actions (Nicaragua v. Costa Rica) and one Order in the contentious case concerning Border and Transborder Armed Actions (Nicaragua v. Honduras). It made an Order constituting a Chamber in the contentious case concerning Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy) and two Orders, one constituting a Chamber, in the contentious case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras).

15. It held one public and 13 private sittings in the case concerning the Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal. It delivered an Advisory Opinion in the case.

16. The Chamber constituted to deal with the contentious case concerning the Frontier Dispute (Burkina Faso/Republic of Mali) held one public and 11 private sittings. It delivered a Judgment in the case and made an Order nominating three experts.

17. The Chamber constituted to deal with the contentious case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras) held one private sitting. It made an Order fixing time-limits.

A. Contentious cases before the Court

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)

18. Although the Court delivered its Judgment on the merits of the case on 27 June 1986 (I.C.J. Reports 1986, p. 14), the case remains at present on the General List of the Court. In the aforementioned decision, the Court stated that the United States of America was under obligation to make reparation to the Republic of Nicaragua for all injury caused by the breaches of obligations under international law, and decided that "the form and amount of such reparation, failing agreement between the Parties, will be settled by the Court", reserving for that purpose the subsequent procedure.

2. Border and Transborder Armed Actions (Nicaragua v. Costa Rica)

19. On 28 July 1986, the Republic of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Costa Rica. Nicaragua bases its Application on Article XXXI of the Pact of Bogotá and on the declaration whereby Costa Rica accepted the jurisdiction of the Court under the circumstances contemplated in Article 36 of the Statute of the Court.

20. In its Application, Nicaragua records specific border and transborder armed actions, of increasing frequency and intensity since 1982, organized by contras on

its territory from Costa Rica. It mentions various attempts on its part to achieve a peaceful solution, attributing the failure of these to the attitude of the Costa Rican authorities. Subject to any possible alterations, it requests the Court to adjudge and declare:

"(a) that the acts and omissions of Costa Rica 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 Costa Rica bears legal responsibility;

(b) that Costa Rica 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 Costa Rica 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."

21. In its Application, Nicaragua reserves the right to present to the Court a request for the indication of interim measures of protection. Costa Rica has reserved the right to present a counter-claim.

22. By an Order dated 21 October 1986 the Court, taking into account the views expressed by the Parties, fixed the time-limits for the filing of the written pleadings at 21 July 1987 for the Memorial of Nicaragua and 21 April 1988 for the Counter-Memorial of Costa Rica. These two pleadings will deal with the merits of the case, since Costa Rica has raised no objection to the jurisdiction of the Court.

23. By an Order dated 21 July 1987, the Vice-President, in the absence of the President, extended to 10 August 1987 the time-limit for the filing of the Memorial of Nicaragua and to 2 June 1988 the time-limit for the filing of the Counter-Memorial of Costa Rica. The Order was made in response to a request by Nicaragua and after the views of Costa Rica had been ascertained.

3. 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 bases its Application on Article XXXI of the Pact of Bogotá and on the declaration whereby Honduras accepted the jurisdiction of the Court in accordance with the provisions of Article 36 of the Statute of the Court.

25. The matters referred to by Nicaragua in its Application include not only border and transborder armed actions - of increasing frequency and intensity since 1980 despite its reiterated protests - organized by contras on its territory from Honduras, but also 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. Subject to amendment, it requests 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 reserves the right to present to the Court a request for the indication of interim measures of protection. By 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 the Court, taking into account the agreement expressed by the Parties, decided that the first pleadings should deal exclusively with the issues of jurisdiction and admissibility, and fixed time-limits for the filing of those pleadings at 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. The hearings on jurisdiction and admissibility in this case will open on 20 October 1987.

B. Contentious cases before a Chamber

1. Frontier Dispute (Burkina Faso/Republic of Mali)

29. On 14 October 1983, the Governments of the Republic of Upper Volta (since renamed Burkina Faso) and the Republic of Mali jointly notified to the Registrar a Special Agreement concluded by them on 16 September 1983, having entered into force on that same day and registered with the United Nations Secretariat, by which they submitted to a Chamber of the Court the question of the delimitation of part of the land frontier between the two States.

30. The Special Agreement provided for the seisin of a Chamber under Article 26 paragraph 2, of the Statute of the Court. This Article states that the Court may form a Chamber for dealing with a particular case.

31. On 14 March 1985 the Parties, duly consulted by the President, indicated that they desired the formation of a Chamber of five members, of whom two would be judges ad hoc chosen by themselves in accordance with Article 31 of the Statute, and confirmed that they desired the Court to proceed immediately to the formation of the Chamber.

32. Both States chose a judge ad hoc under Article 31 of the Statute of the Court. Burkina Faso appointed Mr. F. Luchaire, and the Republic of Mali appointed Mr. G. Abi-Saab.

33. On 3 April 1985 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 frontier dispute between them (I.C.J. Reports 1985, p. 6). It declared that it had elected Judges Lachs, Ruda and Bedjaoui to form, with the judges ad hoc appointed by the Parties, the Chamber to be seized of the case.

34. The Chamber formed to deal with the case elected as its President Judge M. Bedjaoui. Its composition was as follows: President M. Bedjaoui; Judges M. Lachs and J. M. Ruda; Judges ad hoc F. Luchaire and G. Abi-Saab.

35. On 29 April 1985 the Chamber held its first public sitting at which Judges ad hoc Luchaire and Abi-Saab made the solemn declaration required by the Statute and the Rules of Court.

36. The Parties having confirmed the indications given in the Special Agreement, and the Chamber having been consulted, the President of the Court, by an Order made on 12 April 1985 (I.C.J. Reports 1985, p. 10) fixed 3 October 1985 as the time-limit for the filing of Memorials by both Parties. These pleadings were filed within the prescribed time-limit.

37. By an Order of 3 October 1985, the President of the Chamber fixed 2 April 1986 (I.C.J. Reports 1986, p. 189) as the time-limit for the filing of Counter-Memorials by the Parties.

38. Following grave incidents which brought the armed forces of Burkina Faso and the Republic of Mali into conflict in the frontier region at the end of 1985, the two Parties made parallel requests to the Chamber for the indication of provisional measures, the official texts of which reached the Registry on 2 January for Burkina Faso, and on 6 January 1986 for the Republic of Mali.

39. The Chamber held a hearing on 9 January 1986 to hear the oral observations of both Parties on the requests for the indication of provisional measures, and on 10 January 1986, at a public sitting, made an Order indicating provisional measures (I.C.J. Reports 1986, p. 3) the operative provisions of which are as follows:

"THE CHAMBER,

Unanimously,

1. Indicates, pending its final decision in the proceedings instituted on 20 October 1983 by the notification of the Special Agreement between the Government of the Republic of Upper Volta (now Burkina Faso) and the Government of the Republic of Mali, signed on 16 September 1983 and relative to the frontier dispute between the two States, the following provisional measures:

A. The Government of Burkina Faso and the Government of the Republic of Mali should each of them ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Chamber or prejudice the right of the other Party to compliance with whatever judgement the Chamber may render in the case;

B. Both Governments should refrain from any act likely to impede the gathering of evidence material to the present case;

C. Both Governments should continue to observe the ceasefire instituted by agreement between the two Heads of State on 31 December 1985;

D. Both Governments should withdraw their armed forces to such positions, or behind such lines, as may, within twenty days of the date of the present Order, be determined by an agreement between those Governments, it being understood that the terms of the troop withdrawal will be laid down by the agreement in question and that, failing such agreement, the Chamber will itself indicate them by means of an Order;

E. In regard to the administration of the disputed areas, the situation which prevailed before the armed actions that gave rise to the requests for provisional measures should not be modified;

2. Calls upon the Agents of the Parties to notify the Registrar without delay of any agreement concluded between their Governments within the scope of point 1 D above;

3. Decides that, pending its final judgment, and without prejudice to the application of Article 76 of the Rules, the Chamber will remain seized of the questions covered by the present Order."

40. Pursuant to Article 41, paragraph 2, of the Statute of the Court, the Registrar immediately notified the indication of these measures to the Parties in the case and to the Security Council.

41. In a letter dated 24 January 1986, and pursuant to Article 2 of the above Order for the indication of provisional measures, the Co-Agent of the Republic of Mali transmitted to the Registrar the final communiqué of the first Extraordinary Conference of the Heads of State and Government of the member countries of ANAD (Accord de non-aggression et d'assistance en matière de défense) disseminated on 28 January 1986. The communiqué reports the agreement reached between the two Heads of State on the withdrawal of their respective armed forces on either side of the disputed area.

42. Each of the Parties filed a Counter-Memorial within the time-limit fixed by the Order of the President of the Chamber dated 3 October 1985, at 2 April 1986.

43. The oral proceedings took place between 16 and 26 June 1986. Statements were made during 12 public sittings on behalf of Burkina Faso and the Republic of Mali.

44. On 22 December 1986, at a public sitting, the Chamber delivered a Judgment, the operative provisions of which are as follows (I.C.J. Reports 1986, p. 554):

"THE CHAMBER,

Unanimously,

Decides

A. That the frontier line between Burkina Faso and the Republic of Mali in the disputed area, as defined in the Special Agreement concluded on 16 September 1983 between those two States, is as follows:

1. From a point with the geographical co-ordinates 1° 59' 01" W and 14° 24' 40" N (point A), the line runs in a northerly direction following the broken line of small crosses appearing on the map of West Africa on the scale 1:200,000 published by the French Institut géographique national (IGN) (hereinafter referred to as "the IGN line") as far as the point with the geographical co-ordinates 1° 58' 49" W and 14° 28' 30" N (point B).

2. At point B, the line turns eastwards and intersects the track connecting Dionouga and Diguel at approximately 7.5 kilometres from Dionouga at a point with the geographical co-ordinates 1° 54' 24" W and 14° 29' 20" N (point C).

3. From point C, the line runs approximately 2 kilometres to the south of the villages of Kounia and Oukoulourou, passing through the point with the geographical co-ordinates 1° 46' 38" W and 14° 28' 54" N (point D), and the point with the co-ordinates 1° 40' 40" W and 14° 30' 03" N (point E).

4. From point E, the line continues straight as far as a point with the geographical co-ordinates 1° 19' 05" W and 14° 43' 45" N (point F), situated approximately 2.6 kilometres to the south of the pool of Toussougou.

5. From point F, the line continues straight as far as the point with the geographical co-ordinates 1° 05' 34" W and 14° 47' 04" N (point G) situated on the west bank of the pool of Soum, which it crosses in a general west-east direction and divides equally between the two States; it then turns in a generally north/north-easterly direction to rejoin the IGN line at the point with the geographical co-ordinates 0° 43' 29" W and 15° 05' 00" N (point H).

6. From point H, the line follows the IGN line as far as the point with the geographical co-ordinates 0° 26' 35" W and 15° 05' 00" N (point I); from there it turns towards the south-east and continues straight as far as point J defined below.

7. Points J and K, the geographical co-ordinates of which will be determined by the Parties with the assistance of the experts nominated pursuant to Article IV of the Special Agreement, fulfil three conditions; they are situated on the same parallel of latitude; point J lies on the west bank of the pool of In Abao and point K on the east bank of the pool; the line drawn between them will result in dividing the area of the pool equally between the Parties.

8. At point K the line turns towards the north-east and continues straight as far as the point with the geographical co-ordinates 0° 14' 44" W and 15° 04' 42" N (point L), and J, from that point, continues straight to a point with the geographical co-ordinates 0° 14' 39" E and 14° 54' 48" N (point M), situated approximately 3 kilometres to the north of the Kabia ford.

B. That the Chamber will at a later date, by Order, nominate three experts in accordance with Article IV, paragraph 3, of the Special Agreement of 16 September 1983."

Separate opinions were appended to the Judgment by Judges ad hoc François Luchaire and Georges Abi-Saab.

45. By an Order dated 9 April 1987 (I.C.J. Reports 1987, p. 7) the Chamber, pursuant to Article IV, paragraph 3, of the Special Agreement, nominated three experts to assist the Parties in the operation of demarcation of their frontier in the disputed area. It authorized its President, in the event of a vacancy among these experts, to nominate a substitute to carry out or complete the demarcation.

46. Following the delivery of the Judgement, on 22 December 1986, by the Chamber constituted by the International Court of Justice in the case concerning the Frontier Dispute (Burkina Faso/Republic of Mali), the President of Burkina Faso, Captain Thomas Sankara, and the President of the Republic of Mali, General Moussa Traoré, sent messages to the President of the Chamber, Judge Mohammed Bedjaoui, reiterating their acceptance of the Chamber's decision and undertaking to facilitate its implementation on the ground.

2. Land, Insular and Maritime Frontier Dispute (El Salvador/Honduras)

47. On 11 December 1986 the Government of the Republic of El Salvador and the Government of the Republic of Honduras notified the Registry by a joint letter 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, whereby they were submitting to a Chamber of the Court the Land, Insular and Maritime Frontier Dispute between the two States.

48. The Special Agreement contemplated the seisin of a Chamber under Article 26, paragraph 2, of the Statute, which provides that the Court will form a Chamber to deal with a specific case.

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

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

51. 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 dispute between them (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 to deal with the case.

52. The Chamber constituted in the case elected as its President Judge José Sette-Camara. Its composition is accordingly as follows: President José Sette-Camara; Judges Shigeru Oda and Sir Robert Jennings; Judges ad hoc Nicolas Valticos and Michel Virally.

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

54. The Chamber, by an Order of 29 May 1987 (I.C.J. Reports 1987, p. 176), taking into account the wishes 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 the Replies.

3. 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 100 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, having duly consulted the Parties, to accede to that request. It declared that it had elected as members of the Chamber: President Nagendra Singh; Judges Shigeru Oda, Roberto 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 has filed its Memorial within the prescribed time-limit.

C. Request for advisory opinion

Application for Review of Judgement No. 333 of the
United Nations Administrative Tribunal

59. On 10 September 1984 the Court received a request for an advisory opinion, submitted by the Committee on Applications for Review of Judgements of the Administrative Tribunal of the United Nations, in respect of Judgement No. 333, delivered at Geneva on 8 June 1984 by the Administrative Tribunal in the case of Yakimetz v. Secretary-General of the United Nations. On 23 August 1984, at the request of the interested party, the Committee had decided to request an advisory opinion from the Court, under Article 11 of the Statute of the Administrative Tribunal.

60. By an Order dated 13 September 1984 the President fixed 14 December 1984 as the time-limit for the submission of written statements by the United Nations and its member States, in accordance with Article 66, paragraph 2, of the Statute of the Court (I.C.J. Reports 1984, p. 212). By an Order of 30 November 1984, this time-limit was extended to 28 February 1985 (ibid., p. 639). Statements were submitted by the Governments of the Union of Soviet Socialist Republics, Italy, Canada and the United States of America, and on behalf of the Secretary-General of the United Nations. The latter also transmitted a statement on behalf of the person who was the subject of the judgement delivered by the Administrative Tribunal.

61. The President of the Court fixed 31 May 1985 as the time-limit within which States and the Organization which had filed written statements might submit written comments on the statements presented by others, in accordance with Article 66, paragraph 4, of the Statute. At the request of the Applicant, to which the Secretary-General raised no objection, the time-limit was extended by a decision of the President, to 1 July 1985.

62. Written comments were submitted by the Government of the United States of America and by the Secretary-General of the United Nations, who also transmitted the comments of the person who was the subject of the judgement delivered by the Administrative Tribunal.

63. The Court decided not to hold a hearing in the case. It informed the Secretary-General of the United Nations and the member States of the United Nations of its decision.

64. On 27 May 1987 the Court delivered its Advisory Opinion at a public sitting (I.C.J. Reports 1987, p. 18). The operative provisions are as follows:

"THE COURT,

A. Unanimously,

Decides to comply with the request for an advisory opinion;

B. Is of the opinion

(1) with regard to Question I.

Unanimously

That the United Nations Administrative Tribunal, in its Judgement No. 333 of 8 June 1984 (AT/DEC/333), did not fail to exercise jurisdiction vested in it by not responding to the question whether a legal impediment existed to the further employment in the United Nations of the Applicant after the expiry of his fixed-term contract on 26 December 1983;

(2) with regard to Question II.

By eleven votes to three.

That the United Nations Administrative Tribunal, in the same Judgement No. 333, did not err on any question of law relating to the provisions of the Charter of the United Nations.

IN FAVOUR: President Nagendra Singh; Vice-President Mbaye, Judges Lachs, Ruda, Elias, Oda, Ago, Sett Camara, Bedjaoui, Ni and Tarassov.

AGAINST: Judges Schwebel, Sir Robert Jennings and Evensen."

Judge Lachs appended a declaration. Judges Elias, Oda and Ago appended separate opinions. Dissenting opinions were appended by Judges Schwebel, Sir Robert Jennings and Evensen.

IV. FORTIETH ANNIVERSARY OF THE COURT

65. The Court's anniversary was celebrated in New York on 15 October 1986, at a ceremony during which the emblem of the Court was presented to the United Nations. The Secretary-General, Mr. Pérez de Cuéllar, accepted on behalf of the United Nations the gift presented to him on the Court's behalf by President Nagendra Singh. The President delivered a speech to which the Secretary-General replied. The Presidents of the other principal organs of the United Nations were present, namely Mr. Humayun Rasheed Choudhury (Bangladesh), President of the General Assembly (forty-first session); Mr. Mohamed Hussein Al-Shaali (United Arab Emirates), President of the Security Council; Mr. Manuel dos Santos (Mozambique), President of the Economic and Social Council; Mr. Laurent Rapin (France), President of the Trusteeship Council.

66. As stated in the previous report (A/41/4), the Court commemorated the fortieth anniversary of its inaugural sitting in 1946 by holding a special sitting on 29 April 1986, in the presence of Her Majesty Queen Beatrix and His Royal Highness Prince Claus of the Netherlands.

67. For several months the United Nations postal administration and the Netherlands Post Office used special postmarks to commemorate the fortieth anniversary of the Court.

V. LECTURES ON THE WORK OF THE COURT

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

VI. ADMINISTRATIVE QUESTIONS

69. To facilitate the performance of its administrative tasks, the Court has constituted the following committees, which met several times during the period under review:

(a) the Budgetary and Administrative Committee, composed of the President, the Vice-President and Judges T. O. Elias, J. Sette-Camara and S. M. Schwebel;

(b) the Rules Committee, composed of Judges K. Lachs, S. Oda, R. Ago, J. Sette-Camara, Sir Robert Jennings, K. Mbaya and N. K. Tarassov;

(c) the Committee on Relations, composed of Judges M. Bedjaoui, Ni Zhenqun and J. Evensen;

(d) the Library Committee, composed of Judges J. M. Ruda, S. Oda, Sir Robert Jennings and Ni Zhenqun.

VII. PUBLICATIONS AND DOCUMENTS OF THE COURT

70. 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 these 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: 1984) is, with its annual addenda, distributed free of charge. The question of ensuring easier and speedier availability of the publications of the Court throughout the world is receiving the particular attention of the Registry.

71. The publications of the Court include at present three annual series: Reports of Judgements, 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 1986 and I.C.J. Bibliography No. 38.

72. 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. The most recent volume issued in this series relates to the case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya).

73. In the volume Acts and Documents concerning the Organization of the Court, the Court also publishes the instruments governing its functioning and practice. The latest edition appeared after the revision of the Rules adopted by the Court on 14 April 1978. The Court has recently entrusted to the Registrar the task of assembling, in view of a possible publication, the travaux préparatoires relating to the revised version of the Rules.

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

75. 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 its third edition appeared at the end of 1986 in French and English. Translations into Arabic, Chinese, Spanish and Russian are expected.

76. More comprehensive information on the work of the Court during the period under review is contained in the I.C.J. Yearbook 1986-1987, to be issued subsequently.

President.

The Hague, 10 August 1987

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