



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: [www.icj-cij.org](http://www.icj-cij.org)

## Press Release

Unofficial

No. 2012/18  
18 May 2012

### Whaling in the Antarctic (Australia v. Japan)

#### Closure of written proceedings

THE HAGUE, 18 May 2012. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, has decided that the filing of a Reply by Australia and a Rejoinder by Japan in the case concerning Whaling in the Antarctic (Australia v. Japan) is not necessary. The written proceedings in the case are accordingly closed.

The subsequent procedure has been reserved for further decision.

\*

#### History of proceedings

On 31 May 2010, Australia instituted proceedings against Japan, alleging that “Japan’s continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic (‘JARPA II’) [is] in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling (‘ICRW’), as well as its other international obligations for the preservation of marine mammals and the marine environment”.

In its Application, Australia requests the Court to adjudge and declare that “Japan is in breach of its international obligations in implementing the JARPA II program in the Southern Ocean”, and to order that Japan: “(a) cease implementation of JARPA II; (b) revoke any authorisations, permits or licences allowing the activities which are the subject of this application to be undertaken; and (c) provide assurances and guarantees that it will not take any further action under the JARPA II or any similar program until such program has been brought into conformity with its obligations under international law.”

As the basis for the jurisdiction of the Court, the Applicant invokes the provisions of Article 36, paragraph 2, of the Court’s Statute, referring to the declarations recognizing the Court’s jurisdiction as compulsory made by Australia on 22 March 2002 and by Japan on 9 July 2007.

By an Order of 13 July 2010, the Court fixed 9 May 2011 as the time-limit for the filing of a Memorial by Australia and 9 March 2012 as the time-limit for the filing of a Counter-Memorial by Japan. Those written pleadings were filed within the time-limits thus fixed.

\*

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an institution founded in 1899, which is independent of the United Nations).

---

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)  
Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)  
Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)  
Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)