



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)

The Court finds that it has jurisdiction on the basis of Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination to entertain the Application filed by Azerbaijan

THE HAGUE, 12 November 2024. The International Court of Justice today handed down its Judgment on the preliminary objections raised by Armenia in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*.

It is recalled that, on 23 September 2021, Azerbaijan instituted proceedings against Armenia concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (see press release No. [2021/21](#)). As basis for the Court's jurisdiction, Azerbaijan invoked Article 36, paragraph 1, of the Statute of the Court and Article 22 of CERD, to which both States are parties. On 21 April 2023, Armenia raised three preliminary objections to the jurisdiction of the Court and the admissibility of the Application (see press release No. [2023/23](#)). Public hearings on those preliminary objections were held from 22 to 26 April 2024 (see press release No. [2024/35](#)).

In its Judgment rendered today, the Court upholds the first and third preliminary objections raised by Armenia and rejects the second.

In its first preliminary objection, Armenia argued that the Court lacked jurisdiction over Azerbaijan's claims concerning alleged acts that occurred between 23 July 1993 and 15 September 1996, the period during which Armenia was a State party to CERD while Azerbaijan was not. Armenia contended that the Court lacked jurisdiction *ratione temporis* over those claims or, alternatively, that they were inadmissible.

In its Judgment, the Court considers that, in the present case, the temporal scope of its jurisdiction under Article 22 of CERD must be linked to the date on which obligations under CERD took effect between the Parties, i.e. 15 September 1996, and not the date on which Armenia became bound by the Convention. It concludes that it lacks jurisdiction *ratione temporis* to entertain Azerbaijan's claims based on alleged acts that occurred during the interval between 23 July 1993 and 15 September 1996. The Court upholds Armenia's first preliminary objection to its jurisdiction and does not see any need to consider the arguments of the Parties in relation to the question of admissibility.

In its second preliminary objection, Armenia contended that the Court lacked jurisdiction *ratione materiae* under CERD “with respect to Azerbaijan’s claims concerning the alleged placement of landmines and booby traps”.

In its Judgment, the Court rejects Armenia’s second preliminary objection, finding that since Azerbaijan does not claim that the alleged laying of landmines and booby traps is itself a breach of Armenia’s obligations under CERD, Armenia’s second preliminary objection is without object.

In its third preliminary objection, Armenia claimed that the Court lacked jurisdiction *ratione materiae* with respect to Azerbaijan’s claims concerning alleged environmental harm.

In its Judgment, the Court finds that even if the alleged acts that caused the environmental harm were established and attributable to Armenia, they would fall outside the scope of CERD, since they are not capable of constituting a differentiation of treatment based on a prohibited ground under Article 1, paragraph 1, of the Convention. The Court concludes that it lacks jurisdiction *ratione materiae* to entertain Azerbaijan’s claims relating to environmental harm and upholds Armenia’s third preliminary objection.

In the operative clause of its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

“(1) By fourteen votes to three,

Upholds the first preliminary objection raised by the Republic of Armenia;

IN FAVOUR: *President* Salam; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Aurescu, Tladi; *Judge ad hoc* Daudet;

AGAINST: *Judges* Yusuf, Cleveland; *Judge ad hoc* Koroma;

(2) By sixteen votes to one,

Rejects the second preliminary objection raised by the Republic of Armenia;

IN FAVOUR: *President* Salam; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi; *Judge ad hoc* Daudet;

AGAINST: *Judge ad hoc* Koroma;

(3) By twelve votes to five,

Upholds the third preliminary objection raised by the Republic of Armenia;

IN FAVOUR: *President* Salam; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Brant, Gómez Robledo, Aurescu; *Judge ad hoc* Daudet;

AGAINST: *Judges* Nolte, Charlesworth, Cleveland, Tladi; *Judge ad hoc* Koroma;

(4) Unanimously,

Finds that it has jurisdiction, on the basis of Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, subject to points 1 and 3 of the present operative clause, to entertain the Application filed by the Republic of Azerbaijan on 23 September 2021.”

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Judge TOMKA appends a separate opinion to the Judgment of the Court; Judge YUSUF appends a declaration to the Judgment of the Court; Judge IWASAWA appends a separate opinion to the Judgment of the Court; Judges NOLTE, CHARLESWORTH, CLEVELAND and TLADI append a joint dissenting opinion to the Judgment of the Court; Judge CHARLESWORTH appends a separate opinion to the Judgment of the Court; Judge CLEVELAND appends a dissenting opinion to the Judgment of the Court; Judge TLADI appends a dissenting opinion to the Judgment of the Court.

A summary of the Judgment appears in the document entitled “[Summary 2024/10](#)”, to which the summaries of the opinions and declaration are annexed. This summary and the full text of the Judgment are available on the [case page](#) on the Court’s website.

Earlier [press releases](#) relating to this case are also available on the Court’s website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The French version of this press release will be issued in due course.

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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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