Modernising the General Business of the International Court of Justice: A Critical Evaluation

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This commentary concerns the mundane matters of how the International Court of Justice goes about its business and how efficient it is at doing so. Australia's continuous and close, and sometimes anxious, participation in four diverse matters before the Court since 1989[1] enables at least a person in my position, who was its agent to speak as a better informed, if not wise, recent consumer of the Court's services. The task is briefly to review and assess how the Court goes about exercising its jurisdiction in the substantive cases and in the various other matters of preliminary objections, interventions, advisory opinions, applications for provisional measures, and even (in the invented phrase) the recent "Request for an Examination of the Situation" by New Zealand in relation to the *Nuclear Tests* case.[2]

First some statistics. In 1996 there is a perception that the Court now carries a docket of cases unprecedented in its history. This is the position for the International Court of Justice (ICJ), but reference to the earlier work of the Permanent Court of International Justice (PCIJ) is interesting. Bare numbers certainly are not equated to weight or quality, but there is some use in comparisons of output of world courts. Annexure I summarises the output of the PCIJ and, its successor, the ICJ, divided by decades (the PCIJ commencing 1923). It is accepted that the cases and advisory opinions of the PCIJ occurred when international law was less developed and complex, and pleadings and judgments were shorter. Indeed, the PCIJ was essentially a European oriented body, and almost all of its judges were fluent in one of the working languages of French or English. However, when analysis is confined to the ICJ itself, Annexure I also exposes the surprising fact that at the slowest point of its history in the late 1960s and 1970s (whilst the ICJ, and to some extent Australia, was in the international penalty box as a result of the casting vote of Sir Percy Spender

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1 *East Timor (Portugal v Australia)*, ICJ Rep 1995, p 90; *Certain Phosphate Lands in Nauru (Nauru v Australia), Preliminary Objections*, ICJ Rep 1992, p 240; *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* (requested by the General Assembly of the United Nations) (1996) 35 ILM 809; *Advisory Opinion on the Legality of the Use by a State of Nuclear Weapons in Armed Conflict* (requested by the World Health Organisation).

2 *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's 1974 Judgment in the Nuclear Tests Case (New Zealand v France)*, ICJ Rep 1995, p 288.

on jurisdiction in the *South West Africa* case, Second Phase)[3] the Court was not all that much less productive than it has been in the 1990s. The relevant and practical difference for an efficiency audit is that, in contrast to the earlier decades, over the last ten years or so the Court has had a docket of cases in the course of preparation and, critically, ready for hearing.

To supplement the raw facts in the Annexures, after our continuous participation over some eight years in the Court we identify the point of tension in the Court's procedures as the period of delay between the closing of pleadings (usually two or three years or so after the originating application) and the hearing date. Hearings have come to be fixed after much delay after the case is ready for hearing. The further time for elaboration and delivery of judgment means that a further two years or so elapses between a substantive matter being ready for hearing and its final determination. The *Hungary/Slovakia* case[4] will wait some 21 months for hearing, with judgment to be expected within 9 months after that.

What is disappointing about this analysis is that, notwithstanding the demands of a standing list of matters ready for hearing, over the last decade until only the last 12 months or so the Court's annual rate of disposition has remained at only one or so substantive matter. There may be differences of definition. In my analysis I put on one side applications for interim measures and the like which, loosely, may be equated to an application for interlocutory injunction. (Others might disagree with this dichotomy of characterisation even to the extent of saying it is uninformed, but it is here adopted as a rough guide.) The docket has declined by four cases over the last 12 months, but as much by natural attrition than by decision. It is the case that over the last 9 months the Court has been as busy as it ever has. It dealt quickly with the New Zealand application in the *Nuclear Tests* matter. The Court also rendered the *Nuclear Weapons, Advisory Opinions* on 8 July 1996[5] after long oral proceedings during November and December 1995, and gave a judgment on preliminary objections in the *Genocide Convention* case on 11 July 1996.[6] This most recent increase in the rate of concurrent activity in response to the demands of business is to be very much welcomed.

To consider this underlying issue of delays in disposition of cases one must briefly examine the Court's working methods and procedures. On this issue I acknowledge and refer to the 1996 Report of the Study Group, established by the British Institute of International and Comparative Law as its contribution to the UN Decade of International Law, on the efficiency of procedures and

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3 *South West Africa, Second Phase, Judgment,* ICJ Rep 1966, p 6.

4 *Gabcïkovo-Nagymaros Project (Hungary/Slovakia).*

5 *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion* (1996) 35 ILM 809; *Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion.*

6 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovinia v Yugoslavia (Serbia and Montenegro)), Jurisdiction and Admissibility,* 11 July 1996.

working methods of the Court.[7] The report was signed off by Professors Bowett and Crawford and Knights Ian Sinclair and Arthur Watts, each counsel who practise in the Court. It constitutes an informed criticism of the Court's working methods and a constructive agenda as to how they may be improved.

The focal point for examination of the Court's procedures is its working methods derived from the decades when the Court had almost no business.

Written Pleadings

The originating process is the Application. This is followed by an exchange of written pleadings, the Memorial and Counter-Memorial, which is ordered by the Court after the agents consult with the President. The Memorials set out the relevant facts and legal argument (with volumes of documentary evidence filed as annexes). It is close to a universal practice to have a second round of pleadings, by a Reply and a Rejoinder. It follows that the exchange of pleadings ordinarily takes two to three years. Pleadings are in French or English.

It is sometimes suggested by those defending the rate of disposition of cases that the main factor of delay in bringing cases to hearing is the requests and requirements of parties for more time to prepare their written pleadings.[8] But this is not the target of complaints about delay. It is the case that to the close of pleadings the Court's procedures work quite efficiently. The President consults with the parties as to the times which should be fixed for the exchange of pleadings. They are more or less agreed and then ordered on the basis of equality between the parties. One or other or both parties sometimes request, and are granted, extensions of time. Indeed, as is noted in the Court's judgment in *East Timor*,[9] to its embarrassment Australia once asked what effectively was a four day extension after the Australian Embassy by clerical oversight neglected to lodge its pleading on the due date. That the period to close of pleadings may run for two or three years, or longer, is merely a function of the nature of litigation between States. The Court cannot be criticised for the time taken for the written pleadings.

It is in the period after the close of pleadings where a close examination of the Court's procedures is engaged.

The basic proposition which may fairly be made here is that where a case is ready for hearing the Court should be in a position to list the oral proceedings within 6 months thereafter.[10]

Australia was sufficiently anxious about the delay in fixing a date for hearing in the *East Timor* case for it to make a special application to the President for a fixture on a certain date some few months after the prior listed *Aerial*

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7 Study Group established by the British Institute of International and Comparative Law, "The International Court of Justice–Efficiency of Procedures and Working Methods" (1996) 45 *International and Comparative Law Quarterly* 51.

8 See Study Group, *ibid*, at 56 para 16.

9 *East Timor (Portugal v Australia)*, ICJ Rep 1995, p 90.

10 See also Study Group, n 7 above, at 58 para 19.

Incident,[11] matter was heard. We made reasoned application for the Court to consider listing our case whilst the judgment in the *Aerial Incident* case was in the course of final elaboration. The President refused our request. The Court could not then contemplate modifying its settled procedures of hearing and elaborating judgment in only one substantive case at a time.

One technical matter which has been conducive to delay in hearings is that the Court presently does not have the means (by this I mean money) to provide the mandatory translations into the other language. In the *East Timor* case Portugal's pleadings were in French and Australia's were in English. Each had to plead in answer to pleadings in the other language. As the documents have to be translated before trial in any event, the delays in this process were both inefficient and avoidable. At the recent Colloquium at The Hague in celebration of the 50th anniversary of the Court in April 1996 I made the suggestion, which it seems has been taken up, that the Court should request States able to afford the cost to file their documents in both languages. As well as inhibiting delay in translation and hearing, the adoption of a consensual practice by States to plead in both languages might have the useful effect of reducing filings of superfluous documents.

Oral Proceedings

To some extent the oral proceedings are formal. A round of initial pleadings by each party is followed by a shorter round in reply. The conventional difference between *civil law* and *common law* judges is that the former incline to protest against the length and irrelevance of oral proceedings and the latter regret the absence of robust interchange between counsel and the Bench. The practice in the Court is that questions are asked, if at all, at the end of the primary round of oral pleadings. Their use varies from case to case. Portugal and Australia would have welcomed questions from the bench in *East Timor*. But there were none. Questions may be answered orally at the reply stage, but more often the response is made later in writing.

Questioning from the bench has a truncated role. Judges clear their questions with the other judges before they are asked. Their colleagues sometimes dissuade them from asking them at all. There is no follow up with further questions. Hence the procedures do not enable any dialogue to develop between Bench and counsel. (Quite unusually, there were pointed questions made of some States in the *Nuclear Weapons, Advisory Opinion* and the subsequent written responses from various States were very useful.)[12]

Australia's experience is that the competent and experienced counsel (common law and civilian) in *East Timor* used oral arguments usefully and effectively. After three sessions each in reply, we left the Court with the firm impression, win or lose, that the hearings had had a decisive utility.

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11 *Aerial Incident of 3 July 1988 (Islamic Republic of Iran v United States of America).*

12 *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion,* (1996) 35 ILM 809 at 817 para 9.

The Study Group noted that little time of the Court is taken up in oral proceedings. By way of example, public sittings were held on 21 days in 1991. The duration of each day is a morning hearing of some 2 hours 40 minutes.[13] In reality this may not be a matter for criticism. The point to be made is merely that the Court is in the position conveniently to accommodate the needs of the parties to have a reasonable opportunity to plead in the face of the Court.

One observation by the Study Group was to note that experienced counsel (meaning themselves) had the impression that some of the judges had not studied the written pleadings so that they could not assume that the entire Court was so familiar with the written pleadings that oral submissions need only supplement or emphasise the main points already made in writing. The suggestion was made that parties confident that the written pleadings had been carefully read by the entire Court could be invited to curtail the length of oral argument.[14] Whether or not the parties are correct in their assumption that not all judges have a completely clear picture of the issues for determination, it certainly is the case that the parties appear to argue at the oral stage without any general indication having been given to them that the Court has engaged in any collective consideration or analysis of the issues for determination. This lack of connection must be inefficient. It is wasteful both of the efforts of counsel and the resources of the Court.

The Procedure for Elaborating Judgments

The 1976 Resolution on Practice provides for the stages of elaboration of judgments by the Court.[15] The procedure is time-consuming.

1. Current practice dispenses with the first stipulation that the judges should meet before oral argument to exchange views on the written pleadings and identify points on which explanations need to be solicited from the parties. This is a matter of regret for it follows that the oral proceedings commence without prior co-ordination by the Court to identify the relevant issues. The efficiency of the hearing processes is not thereby enhanced. However it is the practice to distribute a "President's Outline of Issues" (which usually contains input from the Registry) shortly before, or at the latest immediately after the oral proceedings. At the close of oral arguments the judges meet briefly, perhaps only for minutes.

2. The judges then disperse for 4 to 6 weeks or so to allow each judge to prepare a written note on the case.

The Study Group suggested that "Some opinion has it that it is only at this late stage that some judges give the written pleadings real attention".[16] Most judges would reject this comment as unfair and uninformed. Be that as it may, judges then prepare "Notes", expressing their opinions on the issues. These may run

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13 Study Group, n 7 above, at S9 para 23.

14 *Ibid,* n 7 above, at S9 para 21.

15 See Study Group, n 7 above, at S13–19; Resolution Concerning the International Judicial Practice of the Court ICJ Acts and Documents, No 3, 1977, p 153.

16 Study Group, n 7 above, at S15 para 49.

from 20 to 100 pages. With 15 to 17 judges, there may be 1,000 pages of Notes to be translated, distributed and read by each judge.[17] Given that the substantive part of the judgment may be short (in *East Timor* some 17 paragraphs over 9 pages) one must wonder the utility of having 1,000 pages or so of disparate essays covering the same ground. Most of the content must be lost unless embraced in separate assenting or dissenting opinions. (The Court dispenses with Notes in urgent, non-substantive matters, such as applications for interim measures or the recent application by New Zealand to re-open its *Nuclear Tests* case.)

3. Some weeks after the distribution of the translated Notes, the Court reconvenes at The Hague for deliberations on the judgment. Having read the Notes of the others, each judge gives his or her opinion on the case orally in reverse order of seniority.

4. A Drafting Committee is formed, normally the President (when in the majority) plus two judges elected by those joining the majority.

5. There follows "a three stage process for preparing the text of the Court's decision ... First, a preliminary draft is circulated on which judges may submit amendments"[18] which are considered by the Drafting Committee. In the second stage, the revised draft is circulated for "discussion by the Court"[19] at a first reading. "Judges who wish to deliver separate or dissenting opinions subsequently make their drafts available within a [fixed] time limit."[20] The third stage involves drafting a further revised text. This takes a few weeks. This draft is then put to the Court for a second reading. "Amendments may be proposed; and individual judges may amend their separate or dissenting opinions."[21]

6. The Court then proceeds to vote on the draft with the judges being allowed to demand a separate vote on each point. Judges in dissent participate fully in the drafting process for the majority judgment.

7. The judgments are prepared, signed and sealed for delivery in each language. An original judgment is handed to each party upon formal delivery of the judgment in open Court.

In defence of the system of initial Notes by the judges, Judge Weeramantry has noted that it ensures that no judge "freewheels"[22] on the Court. But, however much it be put that this is the desirable or preferred mechanism for elaboration of judgments, obviously other and less protracted methods could be devised. Of course it is important that each judge should think through every issue. But each judge may express an independent view on each of the issues for decision and elaboration in other less cumbersome ways. For example, instead of opinions expressed in circulated Notes, the Court might first meet for judges to speak and vote separately on each issue identified for determination. The consensus of the majority could then be drafted for consideration by the

17 Study Group, n 7 above, at S16, para 50.
18 *Ibid*, at S18, para 60.
19 *Ibid.*
20 *Ibid.*
21 *Ibid.*
22 See Weeramantry this volume, p 8.

assenting judges. This would be to adapt the procedure of many municipal supreme courts.[23]

Apart from consideration of the efficiency of the elaboration process, when one reads recent judgments it cannot be said that the current processes have produced expositions of a quality proportional to the time devoted to their production. Recent judgments often confine conclusions to the point of becoming cryptic. This is "the lowest common denominator" approach spoken of by Judge Weeramantry.[24] It reflects the inclination of civil lawyers to confine operative parts of judgments to what is essential for disposition. Speaking generally of recent judgments, exposition of principle has come to be eschewed if it may be avoided.

The judgments in cases such as *Nauru* or *East Timor* are more dispositive than expository. The operative paragraphs are a very small part of the issued text. Apart from the formal points drafted by the Registry, they read much as the work of a committee of compromises, honed down to decide as little as possible. For example, in the *Nauru* case the operative part of the judgment was a single paragraph,[25] and the decision on the preliminary objection went off on an elusive articulation of a *Monetary Gold*[26] principle.[27] In *East Timor* the "working" parts of the judgment were some 17 paragraphs[28] running over only 9 pages. And this judgment was the substantial decision of the Court over a 12 months period. After the extensive argument in the pleadings and before the Court, it is a matter of regret that the judgment did not take up further the examination of the uncertain status of a State as an "administering power".[29]

Financial inhibitions have left the Court primitive in its resources and in its organisation. Judges must carry out their own research personally. They have no clerks or associates, a position the current generation of ambitious and brilliant students would kill for. Much could, and should, be done to improve working facilities, especially to assist those judges working in a non-mother tongue. They should have a clerk or assistant. Or at least qualified researchers. But until recent years (defined by the end of the Cold War) the Court did not wish to admit strangers to the chambers of a judge. Now there is support within the Court for associates or, at the least, collective research assistants. But there are no funds for this essential purpose. The current shortfall in physical and personnel resources is pressing. There is but one photocopy machine shared by the judges. There are no on-line research facilities, even in the Library. No supreme municipal or supra-national court could work effectively under such conditions. It is unreasonable to expect the ICJ to continue to do so.

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23 For further discussion of this issue see Study Group, n 7 above, at S16–17 paras 52–55.

24 See Weeramantry this volume, p 3.

25 See *Certain Phosphate Lands in Nauru (Nauru v Australia), Preliminary Objections*, ICJ Rep 1992, p 240 at 261 para 55.

26 *Monetary Gold Removed from Rome in 1943*, ICJ Rep 1954, p 19.

27 *Certain Phosphate Lands in Nauru (Nauru v Australia), Preliminary Objections*, ICJ Rep 1992, p 240 at 259–62 paras 50–55.

28 See *East Timor (Portugal v Australia)*, ICJ Rep 1995, p 90 at 98–106 paras 19–36.

29 See also Study Group, n 7 above, at S19 para 63.

The Court now works under unacceptable budgetary restraints to the point that is grossly underfunded. As the principal judicial organ of the United Nations it has been severely undermined by the mistake of creating the International Criminal Tribunal for the former Yugoslavia as a court of apparent (but not real) equal status. In the context of current political imperatives, the Court now operates in an atmosphere of restrained poverty compared with the large budget of the Criminal Tribunal at The Hague. Unfortunately the Court does not bask in the patronage of budgetary committees in New York. The financial pressures on the Court are now elevated to the level of crisis.

The 1996 Anniversary Colloquium at The Hague confirmed that the judges were now concerned enough to enter debate on issues of productivity. Many now realise that the traditional references to the special position and requirements of the Court cannot disguise the imperative that procedures must be designed to determine cases more efficiently. Further, means must be found to alleviate the pressing constraints arising from financial stringencies.

Of course, there is some natural defensiveness to particularised criticism. This is understandable. For example, there has been a tendency to assert as dogma that the Court inherently has the capacity to consider only one matter at a time; also that the long-established protracted working methods are essential to preserve the integrity of the decision-making process. But there are welcome signs that these attitudes are changing. This year the Court heard oral argument on the preliminary objections in the *Genocide Convention* case during the pendency of its determination of the *Nuclear Weapons, Advisory Opinions*. Such flexibility was not the experience of even three years before. Most of the judges who attended working sessions held in London to discuss the Study Group Paper took up the opportunity for constructive discussion and review of working methods. Not all were enthusiastic about everything. This is to be expected. Judge Oda's comment was that "Dealing with two cases in parallel really goes against human nature". But the supreme courts of the United States, Australia and Canada each find ways of handling 100 or so cases each year, and some few of these matters are each as weighty as an *East Timor* case. Clearly the work of the ICJ is different, and direct comparisons are inappropriate. There are ample reasons to establish that there must be slower procedures than in a national court. And it must be accepted that judges not fluent in English or French have an added burden in dealing with the pleadings and issues before them for determination. But here we are merely suggesting that there should be an alteration of procedures to decide two or three substantive cases a year, as an improvement on a rate of one or two.

In my view there is a demarcation of responsibility. The States accepting the optional clause and other States which consent to the jurisdiction of the Court are entitled to expect that an action ready for hearing will be determined within a reasonable time. To this end, the Court is responsible to arrange its affairs for the timely elaboration and delivery of its judgments.

It does seem that the judges now are coming to admit that the demand (which I equate to a list of cases waiting for hearing) must be met by the adoption of processes for the elaboration of judgments which enable the Court to hear and dispose of the cases ready for hearing. During this Anniversary year,

the Study Group's Report and the recent Colloquium have been a catalyst for active consideration of these matters within the Court. A committee of judges chaired by Judge Guillaume has picked up procedural issues as matters for immediate attention. It is understood that the requirement of Notes is under active reconsideration. And, as observed, most recent practice in 1996, reveals that the Court now is prepared to consider more than one matter concurrently. This is real progress, and welcome news for friends of the Court.

Over recent years some judges have defended the extenuated delays as giving a useful opportunity to State parties to settle their disputes. This cannot be accepted. Matters come to the Court for determination. Without the consent of the parties, the Court has no mandate to insert a waiting time beyond that essential for proper pleading, hearing, and the elaboration of judgments.

Now that it is a busy place, States look to the Court to adopt procedures which enable the final disposition of matters as soon as may be. For example, the substance of the *Territorial Dispute* case[30] was in the Court as an alternative to war. The parties wanted a result, not delay. On any view, the Court will require more than three years for the disposition of most matters before it, even if there are timely hearings. This is long enough. If efficiency and unexpected settlements may result in the Court being completely up-to-date, so be it. One never knows when a case may go out of the list, as did *Nauru* and the *Aerial Incident* case. This was the common position in past decades. Now that the Court is popular, a revived ability to offer quick hearings and judgments would add much to the attractiveness of the jurisdiction. Thereby the Court also would re-establish its capacity to deal with references for advisory opinions, applications for interim measures and the like which may arise on short notice. The *Nuclear Weapons, Advisory Opinions* in themselves have disrupted the list with a delay to judgment of some 8 or 9 months (which effectively has meant almost one working year). There has been a knock-on delay in the hearing of the *Hungary v Slovakia* case.

The crucial issue is that the increase of the Court's business has made it impossible for the Court to maintain practices of dealing with one substantive matter only during the period between oral hearings and judgment. States accepting the jurisdiction are entitled to demand of the Court that matters are heard and disposed of within a reasonable time after they are ready for hearing. Means must be found which maintain the integrity of the Court. This is the present and urgent task for the Court. The 1976 Resolution on Practice must be revisited in a situation where it is no longer possible to make the case load fit the procedure for elaboration of judgments.

The encouraging sign is that in recent months judges of the Court have taken steps to engage in re-consideration of the procedures. We must expect that they will quickly adopt necessary solutions to adapt the procedures to meet the demand. The goals of balancing the requirement for efficient procedures with the retention of the highest standards of judicial method must be attainable.

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30 *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*, ICJ Rep 1994, p 6.

ATTACHMENT I

Permanent Court of International Justice and International Court of Justice Statistics

Permanent Court of International Justice

1920–30 **16 judgments**
16 advisory opinions

1930–40 **15 judgments**
11 advisory opinions

International Court of Justice

1940–50 **3 judgments**, all in *Corfu Channel*
2 advisory opinions

1950–60 **13 judgments**
9 advisory opinions
1 provisional measures

1960–70 **9 judgments**
2 advisory opinions

1970–80 **6 judgments** (or 9 if Australia and New Zealand *Nuclear Tests* are counted as 2 and if United Kingdom and Germany *Fisheries Jurisdiction* cases (jurisdiction and merits) are counted as 4)
3 advisory opinions
9 applications for provisional measures (includes 2 in *Nuclear Tests* cases, 4 in *Fisheries Jurisdiction* cases)

1980–90 **10 judgments**
5 advisory opinions
2 applications to intervene
2 applications for provisional measures

1990* **9 judgments**
2 Nuclear Weapons Advisory Opinions
1 application to intervene
8 applications for provisional measures (including the application by New Zealand against France "to examine the situation", and the applications against United Kingdom and United States in *Lockerbie* counting as 2)

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* Judgments to date — see Attachment II for details.

ATTACHMENT II

International Court of Justice Matters in the 1990s

Judgments

1. *Arbitral Award of 31 July 1989, (Guinea-Bissau v Senegal),* ICJ Rep 1991, p 53
2. *Certain Phosphate Lands in Nauru (Nauru v Australia), Preliminary Objections*, ICJ Rep 1992, p 240
3. *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening),* ICJ Rep 1992, p 351
4. *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v Norway),* ICJ Rep 1993, p 38
5. *Territorial Dispute (Libyan Arab Jamahiriya/Chad),* ICJ Rep 1994, p 6
6. *Maritime Delimitation and Territorial Questions between Qatar and Bahrain,* ICJ Rep 1994, p 112
7. *Maritime Delimitation and Territorial Questions between Qatar and Bahrain, (second judgment)*, ICJ Rep 1995, p 6
8. *East Timor (Portugal v Australia),* ICJ Rep 1995, p 90
9. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide,(Bosnia and Herzegovina v Yugoslavia (Serbia and Montenegro))*

Advisory Opinions

1. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict* (requested by the World Health Organisation), ICJ Rep 1995, p 66
2. *Legality of the Threat or Use of Nuclear Weapons* (requested by the General Assembly of the United Nations) (1996) 35 ILM 809

Applications to intervene

1. *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras),* ICJ Rep 1990, p 92

Applications for provisional measures

1. *Arbitral Award of 31 July 1989 (Guinea Bissau v Senegal),* ICJ Rep 1990, p 64
2. *Passage through the Great Belt (Finland v Denmark),* ICJ Rep 1991, p 12
3. *Questions of Interpretation and Application of the 1971 Montreal Convention arising form the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom),* ICJ Rep 1992, p 3

4. *Questions of Interpretation and Application of the 1971 Montreal Convention arising form the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United States of America)*, ICJ Rep 1992, p 114
5. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Bosnia and Herzegovina v Yugoslavia (Serbia and Montenegro))* ICJ Rep 1993, p 3
6. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Bosnia and Herzegovina v Yugoslavia (Serbia and Montenegro)) (second order),* ICJ Rep 1993, p 325
7. *New Zealand Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v France) Case, Order of 22 September 1995,* ICJ Rep 1995, p 288
8. *Land and Maritime Boundary Between Cameroon and Nigeria (Cameroon v Nigeria)*

Cases presently in the Court's list

1. *Maritime Delimitation and Territorial Questions Between Qatar and Bahrain (Qatar v Bahrain)*
2. *Questions of Interpretation and Application of the 1971 Montreal Convention arising form the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom)*
3. *Questions of Interpretation and Application of the 1971 Montreal Convention arising form the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United States of America)*
4. *Oil Platforms (Islamic Republic of Iran v USA)*
5. *Genocide Convention (Bosnia and Herzegovina v Yugoslavia (Serbia and Montenegro))*
6. *Gabcikovo-Nagymaros Project (Hungary/Slovakia)*
7. *Land and Maritime Boundary Between Cameroon and Nigeria (Cameroon v Nigeria)*
8. *Fisheries Jurisdiction (Spain v Canada)*