

Note to Mr. Feltman and Mr. de Serpa Soares

Encouraging States to accept the compulsory jurisdiction of the
International Court of Justice

1. As a follow-up to recent meetings, the President of the International Court of Justice has written to the Secretary-General with a list of States which have not yet recognised the Court's compulsory jurisdiction. There are presently 123 such States. Those who may be particularly amenable to recognizing compulsory jurisdiction have been identified by the Court and are highlighted in bold text in the attached list.
2. I would be grateful if you would include messaging in talking points for meetings with senior officials of these States to encourage them to accept the compulsory jurisdiction of the Court, as you deem appropriate.


Jan Eliasson
17 December 2013

cc: Ms. Malcorra

Annex: List of States that have not accepted the jurisdiction of the International Court of Justice.

13-11220

LEG/23/010



COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

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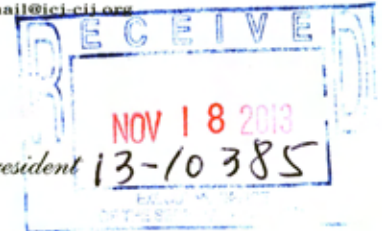
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Le Président

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The President



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(Rel Carlos: 13-10358)

7 November 2013

Excellency, dear Mr. Deputy Secretary-General,

I write to extend my warm gratitude following our meeting of 31 October 2013 at United Nations Headquarters in New York. I found our exchanges to be enriching and helpful in both providing context and clarity on the Court's recent work, and identifying ways forward in further strengthening the potential contributions of the Court in maintaining international peace and security and promoting the rule of law.

One such avenue canvassed during our meeting is to bolster efforts to enhance the compulsory jurisdiction of the Court. In particular, we agreed that more must be done in order to increase the number of States making declarations recognizing as compulsory the jurisdiction of the Court in all legal disputes, pursuant to Article 36(2) of the Court's Statute. In this regard, I am most grateful that you have volunteered to take on a leadership role in bringing this mechanism to the attention of States that have not yet made such declarations, as a way to further strengthen the pacific settlement of disputes on the international plane.

This course of action on your part will no doubt constitute a fruitful and forward-looking means of implementing the call the Secretary-General issued to those States that have not yet recognized the compulsory jurisdiction of the Court in his 2012 Report prepared for the High Level event on the Rule of Law. I am convinced that your tireless efforts on this front will result in broader recognition of the Court's jurisdiction. To that end, I enclose a list of States which have not made an Article 36(2) declaration, highlighting those that may be amenable to envisage such prospect. I would be grateful if you could encourage their Foreign Ministers, when you receive or meet them, to actively pursue the possibility of strengthening the rule of law by making declarations under Article 36(2) of the Court's Statute.

I very much look forward to our future cooperation on this matter.

Please accept, Mr. Deputy Secretary-General, the assurances of my highest consideration.

With warm regards and all good wishes,

Encls.

LEG/03/010

Peter Tomka

His Excellency Mr. Jan Eliasson
Deputy Secretary-General
United Nations

States that have not accepted the jurisdiction of the International Court of Justice pursuant to article 36(2) of the Statute of the International Court of Justice, listed according to regional grouping¹

African Group

Algeria Angola Benin Burkina Faso Burundi Cabo Verde Central African Republic Chad Comoros Congo Equatorial Guinea	Eritrea Ethiopia Gabon Ghana Libya Mali Mauritania Morocco Mozambique Namibia Niger	Rwanda São Tomé and Príncipe Seychelles Sierra Leone South Africa South Sudan Tunisia United Republic of Tanzania Zambia Zimbabwe
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Asia-Pacific Group

Afghanistan Bahrain Bangladesh Bhutan Brunei Darussalam China Democratic People's Republic of Korea Fiji Indonesia Iran (Islamic Republic of) Iraq Jordan Kazakhstan Kuwait	Lao People's Republic Lebanon Malaysia Maldives Micronesia (Federated States of) Mongolia Myanmar Nauru Nepal Oman Palau Papua New Guinea Qatar Republic of Korea	Samoa Saudi Arabia Singapore Solomon Islands Sri Lanka Syrian Arab Republic Tajikistan Thailand Tonga Turkmenistan Tuvalu United Arab Emirates Uzbekistan Vanuatu Vietnam Yemen
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¹ The complete regional groupings list, together with the notes on special cases, was taken from the website of the UN Department for General Assembly and Conference Management, available at: <http://www.un.org/depts/DGACM/RegionalGroups.shtml>. The information as to the acceptance of the Court's jurisdiction pursuant to article 36(2) of the Court's Statute has been taken from the website of the International Court of Justice, available at: <http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3>.

Kyrgyzstan		
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Eastern European Group

Albania Armenia Azerbaijan Belarus Bosnia and Herzegovina Croatia	Czech Republic Latvia Montenegro Republic of Moldova Romania Russian Federation	Serbia Slovenia The former Yugoslav Republic of Macedonia Ukraine
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Latin American and Caribbean Group (GRULAC)

Antigua and Barbuda Argentina Bahamas Belize Bolivia (Plurinational State of) Brazil Chile	Colombia Cuba Ecuador El Salvador Grenada Guatemala Guyana Jamaica	Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Trinidad and Tobago Venezuela (Bolivarian Republic of)
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Western European and Others Group (WEOG)

Andorra France Iceland	Israel* Italy Monaco	San Marino Turkey* United States of America*
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*The starred categories denote "special cases", described on the UN Department for General Assembly and Conference Management website as follows:

"Israel"

In May 2000 Israel became a WEOG full member, on a temporary basis (subject to renewal), in WEOG's headquarters in the US, thereby enabling it to put forward candidates for election to various UN General Assembly bodies. In 2004 Israel obtained a permanent renewal to its membership.

Kiribati

As of 2010, Kiribati (geographically in Oceania) is not a member of any regional group, despite other

Oceania nations belonging to the Asian group. Despite its membership in the United Nations, Kiribati has never delegated a permanent representative to the UN.

Turkey

Turkey participates fully in both WEOG and Asian Group, but for electoral purposes is considered a member of WEOG only.

United States of America

The United States of America is not a member of any regional group, but attends meetings of the Western Europe and Other States Group (WEOG) as an observer and is considered to be a member of that group for electoral purposes.”