

#### APPENDIX 1

**Source:** Alexandrov, Stanimir A. 1995. *Reservations in Unilateral Declarations Accepting the Compulsory Jurisdiction of the International Court of Justice*. The Netherlands: Martinus Nijhoff Publishers.

#### **General Reservations:**

- 1 Repeat the text of article 36(2) "in relation to any other state accepting the same obligation"
- 2 Refer explicitly to reciprocity
- 3 Specify that declarations are or acceptance is made in conformity with article 36(2)
- 4 Repeat or refer to the four categories of disputes in article 36(2)

#### **Ratione Temporis:**

- 1 Object of exclusion
- 2 Exclusion date

#### **Ratione Materiae:**

- 1 Recourse to other method of peaceful settlement
- 2 Territorial dispute
- 3 Rights and status of adjacent sea areas, islands, delimitation of maritime boundaries, sea resources
- 4 Adjacent airspace
- 5 Matters exclusively within the domestic jurisdiction as determined by international law
- 6 Matters essentially within the domestic jurisdiction
- 7 Matters essentially within the domestic jurisdiction as determined by the state itself
- 8 Disputes relating to multilateral treaties unless all parties to the treaty are also parties to the case before the court
- 9 Relating to a treaty or treaties
- 10 Suspension of proceedings regarding a dispute under consideration by the council of the League of Nations or the United Nations Security
- 11 Subject to the right to submit the dispute to the council of the League of Nations
- 12 Excluding disputes arising out of events occurring at a time when the respective state was involved in hostilities
- 13 Excluding disputes relating to hostilities, armed conflict, individual and collective self-defense, resistance to aggression and occupation, fulfillment of obligations imposed by international bodies
- 14 National security reservation
- 15 Other reservations ratione materiae

**Ratione Personae:**

- 1 Excluding British Commonwealth countries
- 2 Excluding Arab states
- 3 Requiring recognition, diplomatic relations
- 4 Excluding non-sovereign states or territories
- 5 Only states party to the statute or members of the United Nations

**Others:**

- 1 Reserve the right to add, amend, withdraw reservations or declaration
- 2 The declaration of the other party should be deposited no less than 12 months prior to the filing of an application or the other party should not have accepted the compulsory jurisdiction exclusively for the purposes of the dispute
- 3 Declaration made for specific types of dispute
- 4 Modifications excluding disputes arising out of events occurring during WWII

## APPENDIX 2 Domestic Legal System Types, 2002

### Common Law Countries

United States of America, Canada, Bahamas, Jamaica, Trinidad and Tobago, Barbados, Dominica, Grenada, St. Lucia, St. Vincent and Grenadines, Antigua & Barbuda, St. Kitts-Nevis, Belize, Guyana, United Kingdom, Ireland, Cyprus, Liberia, Sierra Leone, Ghana, Uganda, Tanzania, Zambia, Zimbabwe, Malawi, Lesotho, India, Bhutan, Bangladesh, Myanmar, Nepal, Malaysia, Singapore, Philippines, Australia, Papua New Guinea, New Zealand, Solomon Islands, Kiribati, Tuvalu, Fiji, Tonga, Nauru, Marshall Islands, Palau, Federated States of Micronesia, Samoa

### Civil Law Countries

Cuba, Haiti, Dominican Republic, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Surinam, Ecuador, Peru, Brazil, Bolivia, Paraguay, Chile, Argentina, Uruguay, Netherlands, Belgium, Luxembourg, France, Monaco, Liechtenstein, Switzerland, Spain, Andorra, Portugal, Germany, Poland, Austria, Hungary, Czech Republic, Slovakia, Italy, San Marino, Albania, Macedonia, Croatia, Yugoslavia, Bosnia-Herzegovina, Slovenia, Greece, Bulgaria, Moldova, Romania, Russia, Estonia, Latvia, Lithuania, Ukraine, Belarus, Armenia, Georgia, Azerbaijan, Finland, Sweden, Norway, Denmark, Iceland, Cape Verde, Sao Tome and Principe, Guinea-Bissau, Equatorial Guinea, Mali, Benin, Ivory Coast, Guinea, Burkina Faso, Togo, Gabon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Burundi, Djibouti, Ethiopia, Angola, Mozambique, Swaziland, Madagascar, Mauritius, Turkey, Turkmenistan, Tajikistan, Kyrgyz Republic, Uzbekistan, Kazakhstan, Mongolia, Taiwan, North Korea, South Korea, Cambodia, Laos, Vietnam, Indonesia, East Timor

### Islamic Law Countries

Gambia, Nigeria, Namibia, Comoros, Morocco, Algeria, Tunisia, Libya, Sudan, Iran, Iraq, Egypt, Syria, Lebanon, Jordan, Saudi Arabia, Yemen, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Afghanistan, Pakistan, Maldives

### Countries with Mixed Legal Systems

Malta, Senegal, Niger, Cameroon, Kenya, Rwanda, Somalia, Eritrea, South Africa, Botswana, Seychelles, Israel, China, Japan, Myanmar, Sri Lanka, Thailand, Brunei, Vanuatu

### APPENDIX 3

#### Compliance with ICJ/PCIJ Decisions on Territorial, River, and Maritime Issues

Source: Mitchell and Hensel (2006)

Award Date Complied?	Claimants, Subject	Both
<i>Territorial Issues</i>		
12/2002	Indonesia / Malaysia, Pulau Ligitan & Pulau Sipadan	Yes
10/2002	Nigeria / Cameroon, Bakassi Peninsula & Maritime	Yes
03/2001	Qatar / Bahrain, Maritime & Territorial Questions	Yes
12/1999	Botswana / Namibia, Kasikili / Sedudu Island	Yes
02/1994	Libya / Chad, Aozou Strip	Yes
09/1992	El Salvador / Honduras, Land-Island-Maritime Questions	Yes*
12/1986	Burkina Faso / Mali, Frontier	Yes
10/1975	Mauritania / Morocco, Western Sahara	Advisory**
06/1962	Cambodia / Thailand, Preah Vihear	Yes
11/1960	Honduras / Nicaragua, Border	Yes
06/1959	Belgium / Netherlands, Zondereygen	Yes
11/1953	UK / France, Minquiers & Ecrehos	Yes
04/1933	Norway / Denmark, Eastern Greenland	Yes
11/1925	UK / Turkey, Mosul	Yes
09/1924	Yugoslavia / Albania, Saint-Naoum Monastery	Yes
12/1923	Poland / Czechoslovakia, Jaworzina / Spisz	Yes
<i>River Issues</i>		
09/1997	Hungary / Slovakia, Gabcikovo-Nagymaros Project	No***
06/1937	Belgium / Netherlands, Meuse Diversion	Yes
09/1929	Germany et al. / Poland, Oder River Jurisdiction	Yes
<i>Maritime Issues</i>		
06/1993	Denmark / Norway, Jan Mayen Delimitation	Yes
11/1991	Guinea-Bissau / Senegal, Maritime Award	Yes****
06/1985	Libya / Malta, Continental Shelf	Yes
10/1984	Canada / United States, Gulf of Maine	Yes
02/1982	Tunisia / Libya, Continental Shelf	Yes*****
07/1974	UK / Iceland, Fisheries Jurisdiction	Yes
07/1974	West Germany / Iceland, Fisheries Jurisdiction	Yes
02/1969	West Germany / Denmark, North Sea	Yes
02/1969	West Germany / Netherlands, North Sea	Yes
12/1951	UK / Norway, Fisheries	Yes

\* The 1992 ICJ decision in the El Salvador-Honduras case has generally been accepted and carried out by both sides. A decade after the award, El Salvador appealed to the ICJ on the basis of newly discovered documents that might have affected a small portion of the overall award, but the ICJ rejected this appeal in December 2003 and upheld the original award.

\*\* The 1975 ICJ decision in the Western Sahara case did not award the territory to either Morocco or Mauritania. Instead, it was an advisory opinion, which indicated the Court's decision that before Spain occupied the territory its residents had ties to both Morocco and Mauritania. Thus, there is no award that the two sides could have complied with (although had the Court decided differently, there might have been such an award).

\*\*\*The 1997 ICJ ruling in the Gabčíkovo-Nagymaros case found both Hungary and Slovakia at fault, as both Hungary's unilateral withdrawal from the 1977 agreement over the dam project and Slovakia's unilateral decision to go ahead with Variant C of the project were ruled illegal. Compliance is coded as no rather than pending because it has been more than five years since the award was issued, although talks have occurred between the claimants over a mutually satisfactory way to execute the ICJ ruling.

\*\*\*\*Guinea-Bissau initially pressed its case over the maritime question following the November 1991 ICJ decision, through both bilateral negotiations and a further ICJ case. Both sides are considered to have complied with this decision, though, as Guinea-Bissau withdrew its objections and successfully requested the discontinuance of further ICJ proceedings in 1985.

\*\*\*\*\*The 1982 ICJ decision in the Libya-Tunisia case is considered to be complied with by both sides. A Tunisian request for revision and interpretation was addressed by a follow-up ICJ ruling in December 1985, which rejected the request for revision and issued the requested interpretation and clarification, and the matter has subsequently been considered resolved.

### Notes

- This table lists every ICJ (1947-present) and PCIJ (1920-1946) decision over territorial sovereignty issues, cross-border river issues, or maritime issues that would qualify as territorial, river, or maritime claims under ICOW coding rules. Qualifying cases are identified using the documents on the ICJ web site: <<http://www.icj-cij.org/icjwww/idecisions.htm>> for the ICJ and <<http://www.icj-cij.org/icjwww/idecisions/icpij/>> for the PCIJ.
- This table excludes cases over associated questions, such as minority rights or indemnities after the transfer of territory between states. It also excludes cases where the Court ruled that it did not have jurisdiction or otherwise could not hear the case, or where the Court granted a request for discontinuance, because such cases produced no award with which the claimant states could comply.
- Compliance with each decision is determined based on news sources such as the *New York Times*, *Facts on File*, *Keesing's Contemporary Archives*, Lexis-Nexis Academic Universe, diplomatic histories of the involved countries or regions, and reference works such as the *Encyclopedia of International Boundaries* (Biger 1995) and *Jane's Exclusive Economic Zones of the World* (Pratt 2000). The claimants are coded as complying with a decision when both sides accept and implement the terms of the decision, which typically involve the end of the territorial, river, or maritime claim in question. Coding of compliance is not based on
- Four relevant cases are currently pending: the Benin-Niger frontier dispute, the Malaysia-Singapore claim over Pedra Branca/Pulau Batu Puteh, and the Nicaragua-Honduras and Nicaragua-Colombia claims over the Caribbean Sea. Slovakia is also currently pressing for further action in the Gabčíkovo-Nagymaros case with Hungary, which is coded here as noncompliance because it has been more than five years since the original award was made.