

## (b) Constitutional and Institutional Developments

### 1. THE INTERNATIONAL COURT OF JUSTICE REVISES ITS WORKING METHODS TO EXPEDITE THE EXAMINATION OF CONTENTIOUS CASES

The Court has revised its working methods to expedite the examination of contentious cases brought before it. The revision was necessary owing to the major increase of activity of the Court in recent years and to the budgetary constraints it faces as a result of the financial crisis of the United Nations. The outlines of these decisions were reported by the President of the Court when he addressed the United Nations General Assembly at its 52nd Session on 27 October 1997.<sup>1</sup>

#### 1.1. Measures concerning the Court

1. It has been the longstanding practice for each Judge, upon the conclusion of the oral proceedings of a case, to prepare a written Note analysing the key issues in the case. These Notes are translated and circulated for study before the Judges meet to deliberate on a case. The Court has now determined that it may proceed without written Notes where it considers it necessary, in suitable cases concerning preliminary phases of the proceedings on the merits (e.g. objections to the jurisdiction of the Court or the admissibility of an Application). This is already the practice in the case of urgent requests for interim measures of protection. This departure will be on an experimental basis. The traditional practice regarding the preparation of written Notes will be maintained in cases in which the Court is to decide on the merits.
2. When the Court has to adjudicate on two cases concerning its jurisdiction, it will be able to hear them “back to back” (that is to say, in immediate succession), so that work may then proceed on them concurrently. This innovation will be undertaken on an experimental basis, where there are appropriate cases and a pressing need to proceed rapidly.
3. The Court confirmed its recent practice of trying to give the parties notice of its intended schedule for the next three cases, believing that such “forward planning” assists both states and their counsel, and the Court.

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1. UN Doc. A/52/PV, at 1-5. *See also* ICJ Communiqué No. 98/14 of 6 April 1998. The full text of the Note is also available on the Website of the Court, at: <http://www.icj-clj.org>.

## 1.2. Measures concerning the parties

These measures aim to reduce the length of both the written and oral proceedings, as well as the time that elapses between the end of the written proceedings and the opening of hearings. To that end, a Note will be given to the agents representing the parties to new cases at their first meeting with the Registrar.

1. In cases submitted by two states before the Court by mutual consent (Special Agreement), the Court will permit written pleadings to be filed consecutively by the parties, and not simultaneously as provided in principle by the Rules of the Court. Such a procedure could, in that type of case, moderate the number of exchanges of written pleadings.
2. With regard to the written proceedings in general, the Court has asked the parties to see to it that the content of memorials is clear and that the annexes are more strictly selected. The parties are also asked to supply all or part of any available translations of the written pleadings.
3. The Court drew the attention of the parties to the succinctness required of the hearings, especially when dealing with preliminary phases to the proceedings on the merits.