
HAGUE INTERNATIONAL TRIBUNALS

This section consists of the following subsections:

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Subsections are, in principle, divided into the categories (a) List of Current Proceedings, (b) Constitutional and Institutional Developments, and (c) Commentary.

I. INTERNATIONAL COURT OF JUSTICE

(a) List of Current Proceedings: Update*

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1. CONTENTIOUS CASES BEFORE THE COURT

1.1. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)

1.1.1. History of the Case

On 8 July 1991, Qatar filed an application instituting proceedings against Bahrain in respect of certain disputes between the two states relating to sovereignty over the Hawar Islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two states.¹

In its first Judgment, on jurisdiction and admissibility, of 1 July 1994,² the Court decided that the exchange of letters between the King of Saudi Arabia and

* This *List of Current Proceedings* is an update of the List of Current Proceedings as published in 13 LJIL (2000) at 53-78. It describes the course of proceedings in pending cases up to 31 May 2000. See, generally, the website of the Court: <http://www.icj-cij.org>.

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1. 1991 ICJ Rep. 50.

2. 1994 ICJ Rep. 112.

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the Emir of Bahrain and the document headed 'Minutes' and signed by the Ministers for Foreign Affairs of Bahrain, Qatar, and Saudi Arabia were international agreements creating rights and obligations for the parties. As such the Court could be seised of the entire dispute.

On 15 February 1995, the Court found that it had jurisdiction to adjudicate upon the dispute submitted to it. The Court also found the application of Qatar of 30 November 1994 to be admissible.³

A Memorial on the merits was filed by the parties within the extended time-limit of 30 September 1996. By an Order of 30 October 1996, the Court has fixed 31 December 1997 as the time-limit for the filing by each of the parties of a Counter-Memorial on the merits.⁴ By an Order of 30 March 1998, the Court decided on a further round of written pleadings and directed the submission, by each of the parties of a Reply on the merits by 30 March 1999. The Court also noted that Bahrain had challenged the authenticity of several documents produced by Qatar and decided that Qatar should file an interim report on this question by 30 September 1998.⁵

In the interim report Qatar decided to disregard, for purposes of the case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (*Qatar v. Bahrain*), the 82 documents annexed to its written pleadings which had been challenged by Bahrain. On 17 February 1999 the Court, taking into account the views of the Parties, accordingly decided that the Replies yet to be filed by Qatar and by Bahrain would not rely on these documents. The Court granted a two-month extension of the time-limit for the submission of these Replies.⁶

1.1.2. Latest Developments

Public hearings will open on Monday 29 May 2000 at 10 a.m. before the International Court of Justice. The hearings, which will last five weeks, will be dedicated to the merits of the dispute between the Parties. They will constitute the final phase of the proceedings in this case, which will have been the longest in the Court's history.⁷

3. 1995 ICJ Rep. 6.

4. ICJ Communiqué No. 96/30 of 22 November 1996.

5. ICJ Communiqué No. 98/12 of 1 April 1998.

6. ICJ Communiqué No. 99/05 of 18 February 1999.

7. ICJ Communiqué No. 00/13 of 14 April 2000.

1.2. Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)

1.2.1. History of the Case

Indonesia and Malaysia jointly seized the Court on 2 November 1998 of their dispute concerning sovereignty over Pulau Ligitan and Pulau Sipadan, two islands in the Celebes Sea. They did so by notifying the Court of a Special Agreement, which was signed between them on 31 May 1997 at Kuala Lumpur and entered into force on 14 May 1998. In the Special Agreement, the Parties request the Court “to determine on the basis of the treaties, agreements and any other evidence furnished by [them], whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia”. They express the wish to settle their dispute “in the spirit of friendly relations existing between [them] as enunciated in the 1976 Treaty of Amity and Co-operation in Southeast Asia” and declare in advance that they will “accept the Judgment of the Court given pursuant to [the] Special Agreement as final and binding upon them.”⁸

On 16 September 1999, the Court extended until 2 July 2000 the time-limit for the filing of a Counter-Memorial by each of the Parties in the case. Taking into account the provisions of the Special Agreement between the Parties by which they submitted the case, the Court had initially fixed 2 March 2000 as the time-limit for the filing of the two Counter-Memorials. However, in a joint letter of 18 August 1999, the Agents of Indonesia and of Malaysia asked the Court for a four-month extension of the above-mentioned time-limit, stating that it did not leave them sufficient time to address issues that might be raised in their respective Memorials. The Parties stressed that, apart from this modification, the Special Agreement remained unchanged, including the time-limit fixed for the filing of Memorials (2 November 1999). Taking account of the agreement of the Parties, the Court granted the requested extension by an Order of 14 September 1999. The subsequent procedure has been reserved for further decision.⁹

1.2.2. Latest Developments

In a joint letter of 8 May 2000, the Agents of Indonesia and of Malaysia asked the Court to extend by an extra month the time-limit for the filing of the Counter-Memorials, in order to allow their Governments sufficient time to address the issues raised in their respective Memorials. The Parties stressed that the Special Agreement otherwise remained unchanged. In an Order of 11 May 2000, the

8. ICJ Communiqués Nos. 98/35 of 2 November 1998 and 98/37 of 11 November 1998.

9. ICJ Communiqué No. 99/40 of 16 September 1999.

President of the International Court of Justice extended the time-limit for the filing of a Counter-Memorial by each of the Parties until 2 August 2000.¹⁰

10. ICJ Communiqué No. 00/14 of 12 May 2000.