

No. 2484

AUSTRALIA

Declaration recognizing as compulsory the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice. New York, 6 February 1954

Official text: English.

Registered ex officio on 6 February 1954.

AUSTRALIE

Déclaration reconnaissant comme obligatoire la juridiction de la Cour internationale de Justice, conformément au paragraphe 2 de l'Article 36 du Statut de la Cour internationale de Justice. New-York, 6 février 1954

Texte officiel anglais.

Enregistrée d'office le 6 février 1954.

No. 2484. DECLARATION¹ BY AUSTRALIA RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE, IN CONFORMITY WITH ARTICLE 36, PARAGRAPH 2, OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE. NEW YORK, 6 FEBRUARY 1954

WHEREAS by paragraph 5 of Article 36 of the Statute of the International Court of Justice a declaration² made under Article 36 of the Statute of the Permanent Court of International Justice² and still in force at the coming into operation of the Statute of the International Court of Justice is deemed, as between the parties to the latter Statute, to be an acceptance of the compulsory jurisdiction of the International Court of Justice for the period which it still has to run and in accordance with its terms ;

AND WHEREAS on the coming into operation of the Statute of the International Court of Justice there was still in force in respect of Australia a declaration made on 21 August 1940³ under Article 36 of the Statute of the Permanent Court of International Justice ;

AND WHEREAS that declaration accepted as compulsory the jurisdiction of the Court in respect of certain disputes for a period of five years from the date thereof and thereafter until such time as notice might be given to terminate the acceptance ;

AND WHEREAS the Government of Australia is desirous of terminating that acceptance and also of making a new declaration of acceptance in terms appropriate to contemporary circumstances ;

NOW THEREFORE I, William Douglass Forsyth, Head of the Australian Mission to the United Nations, acting on behalf of the Government of Australia and in accordance with instructions in that regard from The Right Honourable Richard Gardiner Casey, Minister of State for External Affairs,

- (1) give notice that I hereby terminate the acceptance by Australia of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 21 August 1940 under Article 36 of the Statute of the Permanent Court of International Justice and made applicable

¹ Deposited with the Secretary-General of the United Nations on 6 February 1954.

² League of Nations, *Treaty Series*, Vol. VI, p. 379 and 389 ; Vol. LXXXVIII, p. 281 ; Vol. C, p. 155, and Vol. CXCVII, p. 288.

³ League of Nations, *Treaty Series*, Vol. CC, p. 494 and 496, and p. 380 of this volume.

to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court ;

- (2) declare, under paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Government of Australia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, from the date of this declaration and thereafter until notice is given to terminate this declaration, in all legal disputes arising after 18 August 1930 with regard to situations or facts subsequent to that date and concerning :

- (a) the interpretation of a treaty ;
- (b) any question of international law ;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation ;

but this declaration does not apply to :

- (i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement ;
- (ii) disputes with the Government of any other member of the British Commonwealth of Nations, all of which disputes will be settled in such manner as the parties have agreed or shall agree ;
- (iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Australia ;
- (iv) disputes arising out of events occurring at a time when the Government of Australia was or is involved in hostilities ; and
- (v) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Australia—
 - (a) in respect of the continental shelf of Australia and the Territories under the authority of Australia, as that continental shelf is described or delimited in the Australian Proclamations of 10 September 1953 or in or under the Australian Pearl Fisheries Acts ;
 - (b) in respect of the natural resources of the sea-bed and subsoil of that continental shelf, including the products of sedentary fisheries ; or
 - (c) in respect of Australian waters, within the meaning of the Australian Pearl Fisheries Acts, being jurisdiction or rights claimed or exercised in respect of those waters by or under those Acts,

except a dispute in relation to which the parties have first agreed upon a *modus vivendi* pending the final decision of the Court in the dispute ;

And this declaration is subject to the condition that the Government of Australia reserves the right to require that proceedings in the Court shall be suspended in any dispute in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, provided that notice to suspend is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that the suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of the Security Council.

SIGNED AND SEALED by the said William Douglass Forsyth this sixth day of February one thousand nine hundred and fifty-four.

W. D. FORSYTH