

## **Germany strengthens international law**

Germany has, with a declaration made in New York on 1 May 2008, recognized the compulsory jurisdiction of the International Court of Justice (ICJ) in accordance with Art. 36 (2) of the ICJ Statute. Germany may thus now be a party to any dispute before the Court brought by or against another state that has also declared its acceptance of the Court's compulsory jurisdiction. The ICJ in The Hague is the principal judicial organ of the United Nations. As a member of the United Nations, Germany is also a party to the Court's Statute.

Germany is the 66th state to recognize the compulsory jurisdiction of the ICJ. From now on, if Germany is involved in any international dispute over which the Court has jurisdiction, Germany may bring an action against or be sued by any other state that has made an equivalent declaration. This was previously only possible in the event of disputes based on international treaties that expressly named the ICJ as the competent court, or disputes that the parties thereto had especially agreed to submit to the ICJ. Germany has not accepted the compulsory jurisdiction of the court for disputes relating to military operations abroad or the use of German territory for military purposes.

When does the ICJ have jurisdiction?

The Court may only hear a case if all parties to the dispute in question recognize its jurisdiction. One way of expressing such recognition is for a state to make a declaration under Art. 36 (2), as Germany has now done. All states that have made such a declaration may ask the Court to adjudicate their disputes. In legal terms, by making this declaration, Germany has recognized "as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court".

States may also accept the Court's jurisdiction on an ad-hoc basis, i.e. just for one particular case. Disputes may furthermore be heard by the Court if jurisdiction has been established by an international agreement.

Germany's declaration thus increases the number of areas of international law in which Germany can seek adjudication by the Court. Nevertheless, some fields are still excluded from the Court's remit, for example disputes relating to military operations abroad or the use of German territory for military purposes.

Why did Germany make this declaration?

German policy in the field of international law seeks to strengthen international judicial mechanisms and the peaceful settlement of disputes. Accepting the compulsory jurisdiction of the ICJ is a further step in this direction. Germany has already recognized the Court's jurisdiction in a considerable number of international treaties. In addition, by taking this step, Germany joins the company of a clear majority of EU Member States. Other states such as Japan, Australia, New Zealand, Norway and Switzerland have also accepted the Court's compulsory jurisdiction.

Website of the International Court of Justice (ICJ) [www.icj-cij.org](http://www.icj-cij.org)