

Reference: C.N.279.2023.TREATIES-I.4 (Depositary Notification)

DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF
THE INTERNATIONAL COURT OF JUSTICE UNDER ARTICLE 36,
PARAGRAPH 2, OF THE STATUTE OF THE COURT

CANADA: DECLARATION UNDER ARTICLE 36 (2) OF THE STATUTE ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The above action was effected on 28 August 2023.

.... In accordance with paragraph 4 of Article 36 of the Statute of the International Court of
Justice, the Secretary-General transmits herewith the text of the declaration.

13 September 2023



¹ Refer to depositary notification C.N.158.1994.TREATIES-3 of 24 June 1994 (Declaration:
Canada).

(Original: English)

“Note No. PRMNY-12403

The Permanent Mission of Canada to the United Nations in New York presents its compliments to the Secretary-General of the United Nations and, with reference to the Statute of the International Court of Justice, has the honour to notify the Secretary-General that Canada’s declaration under paragraph 2 of Article 36 of the Statute dated May 10, 1994, is hereby replaced, with immediate effect, by the attached declaration.

The Permanent Mission of Canada to the United Nations in New York avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, August 28, 2023

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 May 1994 in conformity with paragraph 2 of Article 36 of the Statute of the Court.

(2) I declare that the Government of Canada accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 10 May 1994, with regard to situations or facts subsequent to the same date, other than:

(a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes with the government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada;

(d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

(e) disputes or claims in respect of which the dispute or claim in question has not been notified to Canada by the State or States concerned in writing, including of an intention to submit the dispute or claim to the Court failing an amicable settlement, at least six months in advance of the submission of the dispute or claim to the Court; and

(f) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

Ottawa, August 28, 2023.

(Signed)

The Honourable Mélanie Joly, P.C., M.P.
Minister of Foreign Affairs"