

**Case concerning *Armed Activities on the Territory of the Congo*
(*New Application: 2002*)
(*Democratic Republic of the Congo v. Rwanda*)**

**Statement to the press by President Shi Jiuyong
The Hague, 3 February 2006**

Ladies and Gentlemen,

The Court has just delivered its Judgment in the case concerning *Armed Activities on the territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*. It has found, by fifteen votes to two, that it has no jurisdiction to entertain the dispute. This is thus the end of the case, which has been removed from the Court's List.

As you all know, last December, the Court dealt with another dispute brought to it by the DRC concerning armed activities on its territory. That dispute was between the DRC and Uganda. The Court examined the case on the merits and made important findings in its Judgment of 19 December 2005, the text of which can be found on the Court's website.

The reason why the Court has declined to examine the dispute against Rwanda on the merits is because it differs from that against Uganda with respect to the consent of the Parties.

The Court cannot entertain a dispute unless the States concerned have consented to its jurisdiction. This is a fundamental principle governing the settlement of international disputes, States being sovereign and free to choose the means of resolving their disputes.

States may manifest their consent to the jurisdiction of the Court in different ways.

They may for example deposit with the Secretary-General of the United Nations a unilateral declaration recognizing the jurisdiction of the Court as compulsory, in relation to any other State accepting the same obligation. This system, called the optional clause system, is provided for by Article 36, paragraph 2, of the Statute of the Court. It has led to the creation of a group of over 60 States which can in principle bring cases against each other before the Court on the basis of those declarations.

States may also ratify treaties containing clauses (called jurisdictional clauses) by which they undertake in advance to accept the jurisdiction of the Court, should a dispute on the interpretation or application of the treaty arise in future with another State party.

In the case brought by the DRC against Uganda, the two States had made declarations under Article 36, paragraph 2, of the Statute of the Court. Since there was consent on both sides to the dispute being referred to the Court, the latter was able to examine it on the merits.

In the case brought by the DRC against Rwanda, the latter had not made a declaration under Article 36, paragraph 2, of the Statute of the Court. The DRC, in its Application, invoked a number of conventions as bases for the jurisdiction of the Court. In its Counter-Memorial and at the hearings, it submitted two additional grounds. Rwanda raised preliminary objections to the Court's jurisdiction and the admissibility of the Application, contending that it had never given its consent to the dispute being examined by the Court. The Court subsequently decided that those issues should be determined separately before any proceedings on the merits.

As you have just heard, the Court has come to the conclusion, after careful consideration of all the bases of jurisdiction put forward by the DRC in the case, that it cannot accept any of them. There is simply no evidence of Rwanda's consent to the dispute being examined by the Court.

I should stress that the Court has not considered or discussed any matter relating to the merits of the dispute at any moment. Since it has no jurisdiction, it is precluded by its Statute from taking any position on the merits of the claims made by the DRC.

However, let me point out, as the Court did in today's Judgment, that there is a fundamental distinction between the question of the acceptance by States of the Court's jurisdiction and the conformity of their acts with international law. Whether or not States have accepted the jurisdiction of the Court, they are required to fulfil their obligations under the United Nations Charter and the other rules of international law, including international humanitarian and human rights law. They remain responsible for acts attributable to them which are contrary to international law.

Thank you for your attention.
