



ATTORNEY-GENERAL
THE HON. DARYL WILLIAMS AM QC MP

MINISTER FOR
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THE HON. ALEXANDER DOWNER MP

NEWS RELEASE

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CHANGES TO INTERNATIONAL DISPUTE RESOLUTION

The Attorney-General Daryl Williams and the Minister for Foreign Affairs Alexander Downer today announced changes to the terms upon which Australia accepts international dispute resolution mechanisms, particularly as they apply to maritime boundaries.

These changes relate particularly to the International Court of Justice (ICJ) and to dispute settlement under the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Australia has lodged a declaration accepting the ICJ and the International Tribunal for the Law of the Sea as venues for compulsory dispute settlement under the Law of the Sea Convention. Australia was an original party to the Convention and ratified it in 1994.

Australia remains one of only 61 countries out of the United Nations' 189 members that accept the compulsory jurisdiction of the ICJ. Of those, the majority have made various types of reservations to their acceptance of the Court's jurisdiction.

Under the Convention, Australia may choose the dispute resolution bodies it prefers and whether to exclude certain areas, such as maritime delimitation, from compulsory dispute resolution.

Australia has made a declaration excluding the setting of maritime boundaries from compulsory dispute resolution. Australia's strong view is that any maritime boundary dispute is best settled by negotiation rather than litigation.

Australia's maritime zones abut the maritime zones of Indonesia, New Zealand, Papua New Guinea, the Solomon Islands, France (New Caledonia, Kerguelen Island and Antarctica), East Timor and Norway. Australia is yet to resolve boundaries with France, New Zealand and Norway in the maritime area adjacent to Antarctica. Australia has negotiated treaties on permanent maritime boundaries with Indonesia, Papua New Guinea, the Solomon Islands and France (New Caledonia and Kerguelen Island). Negotiations are ongoing with New Zealand.

Australia has also amended its acceptance of the jurisdiction of the ICJ under the so-called 'optional clause' of the ICJ Statute. Under the changes announced today, Australia will continue to accept the jurisdiction of the Court, subject to the following exceptions:

- where the parties have agreed to other peaceful means of dispute resolution;
- where disputes involve maritime boundary delimitation or disputes concerning the exploitation of an area in dispute or adjacent to an area in dispute; and
- where a country has only accepted the compulsory jurisdiction of the court for a particular purpose or has accepted the compulsory jurisdiction of the court for a period of less than one year. This underpins Australia's view that actions relying on the compulsory jurisdiction of the ICJ should be undertaken on the basis of a long-term commitment to acceptance of that jurisdiction.

Australia is, and remains committed to the negotiated settlement of disputes. The ICJ and the dispute resolution mechanisms under the Convention on the Law of the Sea play an important role in the settlement of disputes.

The Government's view is that every endeavour should be made to reach an agreed resolution of disputes.

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