

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE AMBATIOLOS

(GRÈCE / ROYAUME-UNI)

ORDONNANCE DU 18 MAI 1951

1951

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

AMBATIOLOS CASE

(GREECE / UNITED KINGDOM)

ORDER OF MAY 18th, 1951

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La présente ordonnance doit être citée comme suit :

« *Affaire Ambatielos,*
Ordonnance du 18 mai 1951 : C. I. J. Recueil 1951, p. II. »

This Order should be cited as follows :

“*Ambatielos case,*
Order of May 18th, 1951 : I.C.J. Reports 1951, p. II.”

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INTERNATIONAL COURT OF JUSTICE

YEAR 1951

Order made on May 18th, 1951

1951
May 18th
General List :
No. 15AMBATIELOS CASE
(GREECE / UNITED KINGDOM)

The International Court of Justice,
having regard to Article 48 of the Statute,
having regard to Article 37 of the Rules of Court,
Makes the following Order :

Whereas, by a letter dated April 9th, 1951, filed in the Registry of the Court on the same day, the Minister of Greece at The Hague deposited in the Registry of the Court an Application bearing the same date, instituting proceedings against the United Kingdom of Great Britain and Northern Ireland ;

Whereas, by this Application, the Court is requested, having first declared that it has jurisdiction :

to adjudge and declare :

1. That the arbitral procedure referred to in the Final Protocol of the Greco-Britannic Treaty of Commerce and Navigation of 1886 must receive application in the present case ;
2. That the Commission of Arbitration provided for in the said Protocol shall be constituted within a reasonable period, to be fixed by the Court ;

Whereas the Application states further that the Hellenic Government reserves its right, in case His Britannic Majesty's Government should have failed to designate its arbitrator, or arbitrators, within the time-limit fixed by the Court, to seize the Court of the merits of the dispute ;

Whereas the Application, which is signed by M. Nicolas G. Lély, Minister of Greece at The Hague, Agent of the Hellenic Government, invokes the combined provisions of the Treaty of Commerce and Navigation between Greece and Great Britain, dated November 10th, 1886, of the Final Declaration of the Greco-Britannic Treaty of Commerce and Navigation of July 16th, 1926, and also of Article 29 of the latter treaty, whence it would follow "that the Permanent Court of International Justice has jurisdiction in the case, and that it has been duly seized by means of an Application", His Britannic Majesty's Government having, according to the said Application, declined the repeated proposals of the Hellenic Government to submit the present dispute to the arbitral procedure provided by the Final Protocol of the Treaty of 1886 ;

Whereas the Application states that the means for a direct and amicable settlement have been exhausted in this case, and that the dispute now turns on the interpretation and application of the Treaty of 1886, in particular of Article 15, paragraph 3 ;

Whereas the Application thus specifies the provisions on which the applicant founds the jurisdiction of the Court ;

Whereas the Application also states the precise nature of the claim and gives a succinct statement of the facts and grounds on which the claim is based ;

Whereas, therefore, the Application fulfils the formal conditions laid down by the Rules of Court ;

Whereas, on April 9th, 1951, the Government of the United Kingdom of Great Britain and Northern Ireland was duly informed by telegram of the filing of the Application, of which a certified true copy was despatched to it on the same day and whereas receipt of the said true copy was acknowledged by a letter, dated April 11th, 1951, and signed by Sir Eric Beckett, Legal Adviser to the Foreign Office ;

Whereas, in a letter dated May 7th, 1951, the British Ambassador at The Hague notified the Court that it was the intention of his Government to contest the grounds on which it is contended in the Application of the Hellenic Government that the Court has jurisdiction in the case ;

Whereas, in the same letter, the British Ambassador notified the Court that his Government had appointed as Agent Mr. Vincent Evans, an Assistant Legal Adviser of the Foreign Office :

The President having ascertained the views of the Parties upon questions of procedure, the Court fixes as follows the time-limits for the filing by the Parties of the pleadings :

for the Memorial of the Hellenic Government: July 30th, 1951;
for the Counter-Memorial of the United Kingdom Government:
October 15th, 1951.

And reserves the rest of the procedure for further decision.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this eighteenth day of May, one thousand nine hundred and fifty-one, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Hellenic Government and to the Government of the United Kingdom respectively.

(Signed) BASDEVANT,
President.

(Signed) E. HAMBRO,
Registrar.