

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

FISHERIES JURISDICTION CASE
(FEDERAL REPUBLIC OF GERMANY v. ICELAND)

ORDER OF 18 AUGUST 1972

1972

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE RELATIVE À LA COMPÉTENCE
EN MATIÈRE DE PÊCHERIES
(RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE c. ISLANDE)

ORDONNANCE DU 18 AOÛT 1972

Official citation:

*Fisheries Jurisdiction (Federal Republic of Germany v. Iceland),
Order of 18 August 1972, I.C.J. Reports 1972, p. 188.*

Mode officiel de citation:

*Compétence en matière de pêcheries République fédérale d'Allemagne c.
Islande), ordonnance du 18 août 1972, C.I.J. Recueil 1972, p. 188.*

Sales number N° de vente :	370
-------------------------------	------------

18 AUGUST 1972

ORDER

FISHERIES JURISDICTION CASE
(FEDERAL REPUBLIC OF GERMANY v. ICELAND)

AFFAIRE RELATIVE À LA COMPÉTENCE
EN MATIÈRE DE PÊCHERIES
(RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE c. ISLANDE)

18 AOÛT 1972

ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

1972
18 August
General List
No. 56

YEAR 1972

18 August 1972

FISHERIES JURISDICTION CASE
(FEDERAL REPUBLIC OF GERMANY v. ICELAND)

ORDER

Present: President Sir Muhammad ZAFRULLA KHAN; *Vice-President* AMMOUN; *Judges* Sir Gerald FITZMAURICE, PADILLA NERVO, FORSTER, GROS, BENZON, PETRÉN, LACHS, ONYEAMA, DILLARD, IGNACIO-PINTO, DE CASTRO, MOROZOV, JIMÉNEZ DE ARÉCHAGA; *Registrar* AQUARONE.

The International Court of Justice,
Composed as above,
After deliberation,
Having regard to Article 48 of the Statute of the Court,
Having regard to Article 37 of the Rules of Court,

Makes the following Order:

Having regard to the Application by the Federal Republic of Germany filed in the Registry of the Court on 5 June 1972, instituting proceedings against the Republic of Iceland in the dispute which has arisen between the two Governments relating to the proposed extension by the Government of Iceland of its fisheries jurisdiction around Iceland;

Whereas the Government of Iceland was notified immediately of the filing of the Application, and a copy thereof was transmitted to it by air mail;

Having regard to the letter dated 27 June 1972 from the Minister for Foreign Affairs of Iceland, received in the Registry on 4 July 1972, the

telegram from the said Minister dated 28 July 1972 received in the Registry on 29 July 1972, the telegram from the said Minister dated 11 August 1972, received in the Registry the same day, and repeated and confirmed by letter from the said Minister of 11 August 1972, in each of which communications it was asserted that there was no basis under the Statute of the Court for exercising jurisdiction in the case;

Having regard to the refusal by the Government of Iceland, in its letter of 27 June 1972, to appoint an Agent, and to the fact that the Government of Iceland, which had been duly notified by telegram and letter of 21 July 1972 that the Court would hold hearings, opening on 2 August 1972, to give the Parties the opportunity of presenting their observations on the request for the indication of provisional measures, was not represented at the hearing held on that date;

Having regard to the Order of 17 August 1972, by which, following the request of the Government of the Federal Republic dated 21 July 1972, the Court indicated interim measures of protection in the case, which indication in no way prejudices the jurisdiction of the Court to consider the merits of the dispute;

Whereas, in these circumstances, it is necessary to resolve first of all the question of the Court's jurisdiction,

THE COURT

Decides, by 9 votes to 6, that the first pleadings shall be addressed to the question of the jurisdiction of the Court to entertain the dispute;

Fixes as follows the time-limits for the written proceedings:

13 October 1972 for the Memorial of the Government of the Federal Republic of Germany,

8 December 1972 for the Counter-Memorial of the Government of Iceland;

And reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighteenth day of August, one thousand nine hundred and seventy-two, in three copies, one of which will be placed in the archives of the Court, and the others transmitted to the Government of the Federal Republic of Germany and the Government of Iceland, respectively.

(Signed) ZAFRULLA KHAN,
President.

(Signed) S. AQUARONE,
Registrar.

Judges BENGZON and JIMÉNEZ DE ARÉCHAGA append a joint dissenting opinion to the Order of the Court.

(Initialed) Z. K.

(Initialed) S. A.
