Judge DILLARD makes the following declaration:

I concur in the findings of the Court indicated in the first four subparagraphs of the *dispositif*. My reasons for concurrence are set out in my separate opinion in the companion case of the *United Kingdom of Great Britain and Northern Ireland* v. *Iceland*. I consider these reasons applicable *mutatis mutandis* to the present case.

While I concurred in the finding in the fifth subparagraph that the Court "is unable to accede to the fourth submission of the Federal Republic of Germany", I am impelled to add the following reservation [1].

The Court has held, in paragraph 72, that it is competent to entertain this particular submission. Although, for obvious reasons, the submission was not included in the Application filed on 5 June 1972 since the acts of harassment and interference occurred thereafter, it was included in the Memorial on the merits and in the final submissions. The delay therefore should not be a bar. The Court's construction of the nature and scope of the Exchange of Notes of 1961, revealed in its analysis of the other submissions, is clearly consistent with its finding that the compromissory clause is broad enough to cover this submission as well. In my view the conclusion that the Court is competent to entertain it, is thus amply justified.

The Court, however, has interpreted this submission as one asking the Court to adjudicate with definitive effect that Iceland is under an obligation *to pay full compensation* for *all* the damages suffered by the Applicant as a consequence of the acts of interference specified in the proceedings (para. 74). In keeping with this interpretation it considers the submission to fall outside its province under Article 53 of its Statute since it considers there is insufficient evidence to satisfy itself that *each concrete claim* is well founded in fact and law (para. 76). If the Court's interpretation of the submission were the only permissible one, I would concur without reservation in its conclusion.

But, in my view, it is not the only permissible one and it may not be the most desirable one. The Applicant both in its Memorial on the merits and in the oral proceedings has stressed the point that it is not at present submitting any claim for the payment of a certain amount of money. The submission itself only requests that the Court should declare that the acts of harassment and interference were unlawful and in consequence Iceland, as a matter of principle, is under a duty to make compensation. True the submission is couched in a form that is abstract but the question is whether this should deter the Court from passing upon it. I am not altogether persuaded that it is.

That Iceland's acts of harassment and interference (indicated in considerable detail in the proceedings) were unlawful hardly admits of doubt.

[1] All of the Applicant's submissions are set out in para. 12 of the Judgment and the fourth submission is also set out in para. 71.

They were committed *pendente lite* despite the obligations assumed by Iceland in the Exchange of Notes of 1961 which the Court had declared to be a treaty in force. That their unlawful character engaged the international responsibility of Iceland is also clear. In the *Phosphates in Morocco* case (*P.C.I.J., Series A/B, No. 74*, p. 28) the Court linked the creation of international responsibility with the existence of an "act being attributable to the State and described as contrary to the treaty right of another State". It is hardly necessary to marshal authority for so elementary a proposition. It follows that, in effect, the Court was merely asked to indicate the unlawful character of the acts and to take note of the consequential liability of Iceland to make reparation. It was not asked to assess damages.

The Court recognized this point in paragraph 74 of the Judgment but instead of stressing the limited nature of the submission it preferred to attribute to it a more extensive character. As indicated above, its interpretation led naturally to the conclusion that it could not accede to the submission in the absence of detailed evidence bearing on each concrete claim. While conceding the force of the Court's reasoning, I would have preferred the more restrictive interpretation.

I wish to add that on this matter I associate myself with the views expressed by Judge Sir Humphrey Waldock in his separate opinion.

Judge IGNACIO-PINTO makes the following declaration:

To my regret, I have been obliged to vote against the Court's Judgment. However, to my mind my negative vote does not, strictly speaking, signify opposition, since in a different context I would certainly have voted in favour of the process which the Court considered it should follow to arrive at its decision. In my view that decision is devoted to fixing the conditions for exercise of preferential rights, for conservation of fish species, and historic rights, rather than to responding to the primary claim of the Applicant, which is for a statement of the law on a specific point.

I would have all the more willingly endorsed the concept of preferential rights inasmuch as the Court has merely followed its own decision in the *Fisheries* case.

It should be observed that the Applicant has nowhere sought a decision from the Court on a dispute between itself and Iceland on the subject of the preferential rights of the coastal State, the conservation of fish species, or historic rights—this is apparent throughout the elaborate reasoning of the Judgment. It is obvious that considerations relating to these various needs, dealt with at length in the Judgment, are not subject to any dispute between the Parties. There is no doubt that, after setting