

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

**Order of 12 July 1973**

By Orders made on 12 July 1973 in each of the two Fisheries Jurisdiction cases (United Kingdom v. Iceland and Federal Republic of Germany v. Iceland) the Court, by 11 votes to 3, confirmed that the provisional measures indicated in operative paragraph 1 of the Orders of 17 August 1972 should, subject to the power of revocation or modification conferred on the Court by paragraph 7 of Article 61 of its 1946 Rules, remain operative until the Court has given final judgment in each case.

In making these two Orders the Court was composed as follows:

President Lachs; Vice-President Ammoun; Judges Forster, Gros, Bengzon, Petrán, Onyeama, Ignacio-Pinto, de Castro, Morozov, Jiménez de Aréchaga, Sir Humphrey Waldock, Nagendra Singh and Ruda.

To each of the two Orders Judge Ignacio-Pinto appended a declaration and Judges Gros and Petrán appended dissenting opinions, indicating their reasons for casting a negative vote.

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In the considerations the Court mentions in each Order, it recalls:

—that negotiations have taken place or are taking place between the States concerned with a view to reaching an interim arrangement pending final settlement of the disputes;

—that the provisional measures indicated by the Court do not exclude an interim arrangement which may be agreed

upon by the Governments concerned, based on catch-limitation figures different from those indicated as maxima by the Court and on related restrictions concerning areas closed to fishing, number and type of vessels allowed and forms of control of the agreed provisions;

—that the Court, pending the final decision, and in the absence of such interim arrangement, must remain concerned to preserve, by the indication of provisional measures, the rights which may subsequently be adjudged by the Court to belong respectively to the Parties.

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It may be recalled that, in its Orders of 17 August 1972, made by 14 votes to 1, the Court, in operative paragraph 1, had indicated interim measures of protection to the effect, *inter alia*, that the Parties should each of them ensure that no action of any kind was taken which might aggravate or extend the disputes, that Iceland should refrain from taking any measures to enforce the new regulations promulgated on the subject of the limits of its exclusive fishery zone against vessels registered in the United Kingdom or in the Federal Republic of Germany, and that the vessels in question should not take annual catches of more than 170,000 or 119,000 metric tons respectively. The two Orders in question also contained an operative paragraph 2 in the following terms:

“Unless the Court has meanwhile delivered its final judgment in the case, it shall, at an appropriate time before

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15 August 1973, review the matter at the request of either Party in order to decide whether the foregoing measures shall continue or need to be modified or revoked.”

On 2 February 1973 the Court delivered two Judgments finding that it possessed jurisdiction to deal with each of the two cases and, on 15 February 1973, it made two Orders fixing the time-limits for the written proceedings on the merits in each case.

On 22 June 1973 the Agent for the United Kingdom requested the Court to confirm that the interim measures of protection indicated by the Court would continue until the Court had given final judgment in the case or until further order, and the Agent for the Federal Republic requested the

Court to confirm the opinion of his Government that the Order of 17 August 1972 would continue to be operative after 15 August 1973.

By a telegram of 2 July 1973 the Government of Iceland (which has not appointed an agent or recognized the competence of the Court) submitted observations on these requests, protested against the continuation of the measures indicated, maintained that highly mobile fishing fleets should not be allowed to inflict a constant threat of deterioration of the fish stocks and endanger the viability of a one-source economy, and concluded that to freeze the present dangerous situation might cause irreparable harm to the interests of the Icelandic nation.