



COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE LA COMPÉTENCE  
EN MATIÈRE DE PÊCHERIES

(ESPAGNE c. CANADA)

ORDONNANCE DU 8 MAI 1996

**1996**

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

FISHERIES JURISDICTION CASE

(SPAIN v. CANADA)

ORDER OF 8 MAY 1996

Mode officiel de citation:

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## INTERNATIONAL COURT OF JUSTICE

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## FISHERIES JURISDICTION CASE

(SPAIN *v.* CANADA)

## ORDER

*Present: President* BEDJAOUI; *Vice-President* SCHWEBEL; *Judges* ODA, GUILLAUME, SHAHABUDEEN, WEERAMANTRY, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, FERRARI BRAVO, HIGGINS, PARRA-ARANGUREN; *Judges ad hoc* LALONDE, TORRES BERNÁRDEZ; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44 and 45, paragraph 2, of the Rules of Court,

*Makes the following Order:*

Having regard to the Application filed in the Registry of the Court on 28 March 1995, whereby the Kingdom of Spain instituted proceedings against Canada with respect to a dispute concerning certain aspects of the jurisdiction exercised by Canada in relation to fisheries,

Having regard to the Order dated 2 May 1995, whereby, taking into account the agreement concerning the procedure reached between the Parties, the President of the Court decided that the written proceedings

would first be addressed to the question of the jurisdiction of the Court to entertain the dispute and fixed 29 September 1995 and 29 February 1996 as the time-limits for the filing, respectively, of the Memorial of Spain and the Counter-Memorial of Canada on that question,

Having regard to the Memorial and the Counter-Memorial duly filed by the Parties within those time-limits;

Whereas at a meeting between the President of the Court and the Agents of the Parties on 17 April 1996 the Agent of Spain expressed his Government's wish to be authorized to file a Reply and the Agent of Canada indicated that his Government opposed this; and whereas each of the Parties subsequently confirmed its views in this regard in writing, Canada in letters from its Agent dated 22 April and 3 May 1996, and Spain in letters from its Agent dated 25 April and 7 May 1996;

Whereas the Court is sufficiently informed, at this stage, of the contentions of fact and law on which the Parties rely with respect to its jurisdiction in the case and whereas the presentation, by them, of other written pleadings on that question therefore does not appear necessary;

THE COURT,

By fifteen votes to two,

*Decides* not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of the jurisdiction of the Court to entertain the dispute;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge ad hoc* Lalonde;

AGAINST: *Judge* Vereshchetin; *Judge ad hoc* Torres Bernárdez;

*Reserves* the subsequent procedure for further decision.

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

(*Signed*) Mohammed BEDJAOUÏ,  
President.

(*Signed*) Eduardo VALENCIA-OSPINA,  
Registrar.

Judge *ad hoc* TORRES BERNÁRDEZ appends a dissenting opinion to the Order.

*(Initialed)* M.B.

*(Initialed)* E.V.O.

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