

DISSENTING OPINION OF JUDGE TORRES BERNÁRDEZ

[Translation]

I voted against the Order because I do not think that the Court has sufficient information on questions of fact and law raised by the objection regarding jurisdiction submitted by the Respondent, in view *inter alia* of the content of the Counter-Memorial of Canada. Furthermore, in that Counter-Memorial, the Respondent raised a fresh objection, this time of inadmissibility, which it did not announce in its letter of 21 April 1995 and which is also not mentioned in the Order of the Court of 2 May 1995. Consequently, Spain has not yet had any procedural opportunity to formally state its position in writing on Canada's second fresh objection.

This leads me to conclude that the written phase on jurisdiction initiated by the Order of 2 May 1995 is not yet ready for hearing. This being so, a second round of written pleadings, namely a Reply by Spain and a Rejoinder by Canada, was required and should have been authorized by the Court, especially as the timetable in no way prevented it from doing so. However, the Court took a different view, which I regret.

(Signed) Santiago TORRES BERNÁRDEZ.
