

indication of provisional measures, the rights which may subsequently be adjudged by the Court to belong respectively to the Parties;

Accordingly,

THE COURT,

by 11 votes to 3,

Confirms that the provisional measures indicated in operative paragraph (1) of the Order of 17 August 1972 should, subject to the power of revocation or modification conferred on the Court by paragraph 7 of Article 61 of the 1946 Rules, remain operative until the Court has given final judgment in the case.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twelfth day of July, one thousand nine hundred and seventy-three, in four copies, one of which will be placed in the archives of the Court, and the others transmitted respectively to the Government of the Republic of Iceland, to the Government of the Federal Republic of Germany and to the Secretary-General of the United Nations for transmission to the Security Council.

(Signed) Manfred LACHS,
President.

(Signed) S. AQUARONE,
Registrar.

Judge IGNACIO-PINTO makes the following declaration:

I concurred in the Court's Orders of 17 August 1972 granting the United Kingdom in one case, and the Federal Republic of Germany in the other, the interim measures of protection they had requested in their dispute with Iceland; but I am unable to concur in the present Order. I have voted against it for reasons based on the following considerations:

1. The Court, in confirming the interim measures indicated in the earlier Order of 17 August 1972, has not, in my view, taken sufficient account of the circumstances that have arisen since that Order was made.

In my view, bearing in mind Article 61, paragraph 7, of its Rules, the Court ought first to have ascertained with care whether the new aspects of the situation did not necessitate either the revocation or, at least, the modification of the terms of the Order of 17 August 1972.

The reason is that, as no-one can be unaware, there have been numerous clashes in the disputed fishery-zone between Icelandic coastguard vessels and trawlers flying the British or Federal German flag. Some of these incidents, such as collision between two vessels or the firing of shells by Icelandic coastguard vessels, were in my view grave enough to warrant the exercise by the Court of its right to modify the terms of its original decision.

2. Furthermore, these incidents, in my judgment, constitute so many flagrant violations on either side of the operative part of the Orders of 17 August 1972. The measures should therefore be reviewed, and others indicated concerning *inter alia* the presence of warships.

It is true that the present Order is made "subject to the power of revocation or modification" conferred on the Court by Article 61, paragraph 7, of its Rules, but the renewal of the interim measures indicated on 17 August 1972 until the Court has given final judgment in the case is fraught with risk, given the prevailing tension between the disputants. If other, much graver incidents were to occur before final judgment was given, the Court would be open to criticism for failure to exercise vigilance.

Such are the considerations which precluded me from joining the majority of the Court in voting for the present Order.

Judges GROS and PETRÉN append dissenting opinions to the Order of the Court.

(Initialled) M.L.

(Initialled) S.A.
