



INTERNATIONAL COURT OF JUSTICE

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Case concerning Fisheries Jurisdiction (Spain v. Canada)

Hearings to open on 9 June 1998 on the issue of the jurisdiction of the Court

THE HAGUE, 28 May 1998. Hearings in the case concerning Fisheries Jurisdiction between Spain and Canada will open on Tuesday 9 June 1998 at 10 a.m. before the International Court of Justice (ICJ), the principal judicial organ of the United Nations.

The hearings, which will last until Wednesday 17 June 1998, will exclusively address the question of the jurisdiction of the Court to deal with the case, a matter contested by Canada.

During a meeting held on 27 April 1995 between the then President of the Court, Judge Mohammed Bedjaoui, and the representatives of the Parties, it had been agreed that that question should be separately determined before any proceedings on the merits. The President consequently fixed by an Order of 2 May 1995 time-limits for the filing of written pleadings on the question of the jurisdiction of the Court: a Memorial by Spain and a Counter-Memorial by Canada. These were duly filed.

The programme of the hearings is as follows (each day from 10 a.m. to 1 p.m.):

First round of pleadings

Tuesday 9 June: Spain
Wednesday 10 June: Spain
Thursday 11 June: Canada
Friday 12 June: Canada

Second round of pleadings

Monday 15 June: Spain
Wednesday 17 June: Canada

The delegation from Spain will be led by Mr. José Antonio Pastor Ridruejo, Director of the International Legal Service of the Ministry of Foreign Affairs, agent, and the delegation from Canada by Mr. Philippe Kirsch, Legal Adviser of the Ministry of Foreign Affairs, agent.

History of the dispute

On 28 March 1995 Spain filed an application instituting proceedings against Canada with respect to a dispute relating to the Canadian Coastal Fisheries Protection Act (as amended on 12 May 1994), to the implementing regulations of that Act and to certain measures taken on the basis of that legislation. The dispute deals in particular with the boarding on the high seas, on 9 March 1995, of a fishing boat, the Estai, flying the Spanish flag and with a Spanish crew, by a Canadian patrol boat, the Cape Roger.

In its Application, Spain indicated that by this action Canada had violated the principles of general international law which proclaim freedom of navigation and freedom of fishing on the high seas, as well as the exclusive jurisdiction of the flag State over ships on the high seas. As a basis of the Court's jurisdiction, Spain referred to the declarations of both States by which they accept that jurisdiction as compulsory (Article 36, paragraph 2, of the Statute of the Court).

On 21 April 1995, Canada informed the Court that it lacked jurisdiction to deal with the case because of a reservation made in its Declaration recognizing the compulsory jurisdiction of the Court of 10 May 1994. In this Declaration, Canada said the Court had a compulsory jurisdiction "over all disputes . . . other than . . . disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area . . . and the enforcement of such measures".

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NOTE FOR THE PRESS

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace in The Hague, the Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily retained.

2. Members of the Press will be entitled to attend on presentation of an admission card, which may be obtained upon application. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Photographs may be taken for a few minutes at the opening and at the end of the hearings. Television crews may film, but advance notice should be given to the Information Office (see paragraph 7).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the Court's proceedings will be relayed through a loudspeaker.

5. The verbatim records of the hearings will be available on a daily basis on the Website of the Court (<http://www.icj-cij.org>).

6. Members of the Press who wish to make telephone calls may use the phone located in the Press Room for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

7. Mr. Arthur Witteveen, Secretary of the Court (tel: 31-70-302 2336), and Mrs. Laurence Blairon, Information Officer (tel: 31-70-302 2337), are available to deal with any requests for information and for making arrangements for television coverage.