



# INTERNATIONAL COURT OF JUSTICE

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**Communiqué**  
unofficial  
for immediate release

No. 98/40  
27 November 1998

## **Case concerning Fisheries Jurisdiction** **(Spain v. Canada)**

### **Court to announce on Friday 4 December 1998 whether it has** **jurisdiction to deal with the merits of the case**

THE HAGUE, 27 November 1998. The International Court of Justice (ICJ) will announce on Friday 4 December 1998 whether it has jurisdiction to deal with the merits of the case brought by Spain against Canada concerning Fisheries Jurisdiction. The Court's jurisdiction in the case has been challenged by Canada.

A public sitting will take place at 10.00 a.m. in the Peace Palace in The Hague during which the President of the Court, Judge Stephen M. Schwebel, will read the Court's Judgment on jurisdiction.

The Parties have presented their arguments in writing and during public hearings which were held between 9 and 17 June 1998.

#### **Background information**

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.

In its Application, Spain maintained that by this action Canada had violated the principles of 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 its ships on the high seas. As a basis of the Court's jurisdiction, Spain relied upon 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 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".

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 the question of the jurisdiction of the Court should be separately determined before any proceedings on the merits. The President fixed, by an Order of 2 May 1995, time-limits for the filing of written pleadings on that question: a Memorial by Spain and a Counter-Memorial by Canada. These were duly filed.

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#### NOTE TO THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, 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 sitting. Television crews may film, but advance notice should be given to the Information Office (see paragraph 8).

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

5. At the end of the sitting, a press release, a summary of the Judgment and its full text will be distributed in the Press Room.

6. All the above-mentioned documents will be simultaneously available on the Website of the Court (<http://www.icj-cij.org>).

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

8. 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.

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