

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING
CERTAIN PHOSPHATE LANDS IN NAURU

(NAURU *v.* AUSTRALIA)

ORDER OF 25 JUNE 1993

1993

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE CERTAINES TERRES
À PHOSPHATES À NAURU

(NAURU *c.* AUSTRALIE)

ORDONNANCE DU 25 JUIN 1993

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25 June 1993

CASE CONCERNING
CERTAIN PHOSPHATE LANDS IN NAURU

(NAURU v. AUSTRALIA)

ORDER

Present: President Sir Robert JENNINGS; *Vice-President* ODA; *Judges* AGO, SCHWEBEL, BEDJAOU, NI, EVENSEN, TARASSOV, GUILLAUME, SHAHABUDEEN, AGUILAR MAWDSLEY, RANJEVA, AJIBOLA, HERCZEGH; *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 Article 45, paragraph 2, and Article 49, paragraph 3, of the Rules of Court,

Having regard to the Judgment delivered by the Court on 26 June 1992 by which it upheld a preliminary objection filed by Australia to the admissibility of a particular claim, but rejected the other preliminary objections, to jurisdiction and admissibility, filed by Australia,

Having regard to the Order made by the President of the Court on 29 June 1992 by which 29 March 1993 was fixed for the filing of the Counter-Memorial of Australia;

Whereas the Counter-Memorial of Australia was duly filed on 29 March 1993;

Whereas by a letter dated 3 May 1993 the Agent of Nauru stated that, having studied the Counter-Memorial, his Government considered that a

second round of pleadings was necessary, and requested leave to submit a Reply;

Whereas the Agent of Australia, by a letter of 17 May 1993, gave the views of his Government on this request, and the Agent of Nauru commented thereon by a letter of 24 May 1993; whereas the Agent of Australia, by a further letter, dated 27 May 1993, suggested that the President of the Court might regard it as appropriate to direct a further meeting with the Agents;

Whereas the President of the Court held a meeting with the Agents on 4 June 1993 to ascertain more fully the views of the Parties on the procedure to be followed;

Whereas the Court, having thus ascertained the views of the Parties, is satisfied that the filing of a Reply by Nauru and a Rejoinder by Australia is necessary, and makes this Order under Article 45, paragraph 2, of the Rules of Court;

Whereas the Parties agreed at the meeting held on 4 June 1993 that, if the Court found it appropriate to authorize the filing of further pleadings, time-limits therefor, giving an equal period for each Party, should be calculated from the date of filing of the Counter-Memorial, but the time-limit for the Reply should be a date not less than six months after the Court's decision;

Taking into account the views of the Parties,

Decides that the filing of a Reply by the Republic of Nauru and a Rejoinder by the Commonwealth of Australia is necessary, and *directs* that such pleadings be filed;

Fixes as follows the time-limits for those pleadings:

22 December 1993 for the Reply of Nauru;

14 September 1994 for the Rejoinder of Australia; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-fifth day of June, one thousand nine hundred and ninety-three, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Nauru and the Government of the Commonwealth of Australia, respectively.

(Signed) R. Y. JENNINGS,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.