

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

OBLIGATIONS CONCERNING NEGOTIATIONS
RELATING TO CESSATION
OF THE NUCLEAR ARMS RACE
AND TO NUCLEAR DISARMAMENT

(MARSHALL ISLANDS *v.* INDIA)

ORDER OF 16 JUNE 2014

2014

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

OBLIGATIONS RELATIVES À DES NÉGOCIATIONS
CONCERNANT LA CESSATION
DE LA COURSE AUX ARMES NUCLÉAIRES
ET LE DÉSARMEMENT NUCLÉAIRE

(ÎLES MARSHALL *c.* INDE)

ORDONNANCE DU 16 JUIN 2014

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RELATING TO CESSATION
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(MARSHALL ISLANDS *v.* INDIA)

ORDER

Present: President TOMKA; *Vice-President* SEPÚLVEDA-AMOR; *Judges* OWADA, ABRAHAM, KEITH, BENNOUNA, SKOTNIKOV, CANÇADO TRINDADE, YUSUF, GREENWOOD, XUE, DONOGHUE, GAJA, SEBUTINDE, BHANDARI; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 44, 48 and 79, paragraphs 2 and 3, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 24 April 2014, whereby the Republic of the Marshall Islands instituted proceedings against the Republic of India with regard to alleged breaches of obligations relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament;

Whereas an original of the Application was communicated to India on the day it was filed;

Whereas, in its Application, the Marshall Islands founded the jurisdiction

of the Court on the declarations made by the two Parties in accordance with Article 36, paragraph 2, of the Statute;

Whereas, in its Application, the Marshall Islands appointed H.E. Mr. Tony A. deBrum and Mr. Phon van den Biesen as Co-Agents for the purposes of the case; whereas India was invited to appoint an Agent in the case, in accordance with Article 40, paragraph 2, of the Rules of Court; and whereas it has not appointed an Agent to date;

Whereas, by a letter dated 28 April 2014, the Registrar invited the representatives of the Parties to a meeting with the President of the Court to be held on 11 June 2014, pursuant to Article 31 of the Rules of Court, in order for the President to ascertain the views of the Parties with regard to questions of procedure in the case;

Whereas, by a letter dated 6 June 2014, the Ambassador of India to the Kingdom of the Netherlands informed the Court, *inter alia*, that “India . . . considers that the International Court of Justice does not have jurisdiction in the alleged dispute”;

Whereas, by a letter dated 10 June 2014, the Ambassador of India to the Kingdom of the Netherlands indicated that “India regrets to inform [the Court] that it will not be able to participate in the proposed meeting” to be held by the President with the representatives of the Parties;

Whereas, on 11 June 2014, the President of the Court met with the representatives of the Marshall Islands; and whereas, at that meeting, the Marshall Islands expressed the view that, if the Court were to order a first round of written pleadings dedicated to the question of its jurisdiction, a time-limit of six months would be sufficient for the preparation of a pleading on that question;

Whereas the Court considers, pursuant to Article 79, paragraph 2, of its Rules, that, in the circumstances of the case, it is necessary to resolve first of all the question of the Court’s jurisdiction, and that this question should accordingly be separately determined before any proceedings on the merits;

Whereas it is necessary for the Court to be informed of all the contentions and evidence on facts and law on which the Parties rely on the matter of its jurisdiction;

Decides that the written pleadings shall first be addressed to the question of the jurisdiction of the Court;

Fixes the following time-limits for the filing of those pleadings:

16 December 2014 for the Memorial of the Republic of the Marshall Islands;

16 June 2015 for the Counter-Memorial of the Republic of India; 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 sixteenth day of June, two thousand and fourteen, 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 the Marshall Islands and the Government of the Republic of India, respectively.

(Signed) Peter TOMKA,
President.

(Signed) Philippe COUVREUR,
Registrar.

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