

DISSENTING OPINION OF JUDGE GROS

[Translation]

As the Court's Order in the case of the *Federal Republic of Germany v. Iceland* is virtually a replica of the Order of the same date in *United Kingdom v. Iceland*, I feel it would be gratuitous for me to repeat the reasons for my dissent, which are the same.

I would only add that, in the case of the Federal Republic of Germany, it is even more obvious that the Court should have examined the situation before proceeding to a decision, for the request addressed to the Court on 22 June 1973 contained three paragraphs of submissions which went farther than a mere request that the interim measures indicated by the Court on 17 August be confirmed. That same letter from the Agent of the Federal Republic of Germany describes the situation with precision, particularly in paragraphs 4, 5 and 6 (and Annex A, which gives a list of incidents), thus providing the necessary bases for the Court to examine the prevailing circumstances. Paragraph 5 points out how force has been used against vessels of the Federal Republic of Germany, and at the end of paragraph 6 the Applicant submits that the acts directed against the vessels of the Federal Republic of Germany have aggravated the dispute.

These indications are the equivalent of those found in the United Kingdom White Book (Cmnd. 5341, June 1973) and in the letter addressed on 29 May 1973 to the Security Council by the Permanent Delegation of the United Kingdom (S/10936).

The present Order of the Court, in paragraph 3, takes the Icelandic Government's telegram of 2 July 1973 as a reply to the Federal Republic's request, even though the text only refers to the United Kingdom; there is thus no direct reply, but it would not be straining probability to assume that Iceland's protest also applies to the continuance of the interim measures indicated by the Order of 17 August 1972 in its dispute with the Federal Republic of Germany.

It appears to me that the situation as described in the letter of 22 June 1973 from the Agent of the Federal Republic would have warranted an examination by the Court of the prevailing circumstances, with the assistance of the Applicant, on the basis of Article 41 of the Statute and Article 61 of the Rules, as well as of the question of the time-limit for the further procedure, as I argued in my dissenting opinion appended to the Order made today in the United Kingdom case.

(Signed) André GROS.