

## **CORRESPONDENCE**

## 1. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

30 August 1971.

[See p. 3, *supra*.]

## 2. THE DEPUTY REGISTRAR TO THE MINISTER FOR EXTERNAL AFFAIRS OF PAKISTAN

*(telegram)*

30 August 1971.

Have honour inform you that on 30 August Application<sup>1</sup> was filed in Registry of Court on behalf of India appealing from decision rendered on 29 July 1971 by Council of International Civil Aviation Organization on Preliminary Objections raised by India concerning Application and Complaint of Pakistan dated 3 March 1971 filed under Rules of ICAO Council for Settlement of Differences. Application submits that aforesaid decision of ICAO Council is illegal, null and void, or erroneous, on following grounds or any others:

(a) Council has no jurisdiction to handle the matters presented by Respondent in its Application and Complaint, as Convention and Transit Agreement have been terminated or suspended as between the two States. (b) Council has no jurisdiction to consider Respondent's complaint since no action has been taken by Applicant under Transit Agreement; in fact no action could possibly be taken by Applicant under Transit Agreement since that Agreement has been terminated or suspended as between the two States. (c) Question of Indian aircraft overflying Pakistan and Pakistan aircraft overflying India is governed by Special Régime of 1966 and not by Convention or Transit Agreement. Any dispute between the two States can arise only under Special Régime, and Council has no jurisdiction to handle any such dispute.

Have honour draw your attention Article 35 of Rules of Court, paragraph 3 of which provides that party against whom application is made and to whom it is notified shall, when acknowledging receipt of Application, or as soon as possible, inform Court of name of its Agent, and Paragraph 5 of which provides that appointment of Agent must be accompanied by statement of address for service at seat of Court.

Full text of Application airmailed today with copy to Pakistan Embassy, The Hague.

## 3. THE DEPUTY REGISTRAR TO THE MINISTER FOR EXTERNAL AFFAIRS OF PAKISTAN

30 August 1971.

I have the honour to enclose herewith a confirmatory copy of a telegram which I have today addressed to Your Excellency, together with certified copies of the Application of the Government of India referred to therein and of the letter of transmittal of His Excellency the Ambassador of India

<sup>1</sup> See p. 4, *supra*.

at The Hague, who has been appointed Agent of the Government of India in this case.

I shall in due course transmit to Your Excellency printed copies of the Application in the English and French edition which will be prepared by the Registry.

The question of the fixing of time-limits for the filing of the pleadings in the case will form the subject of a later communication. In this connection, I would venture to draw attention to Article 37, paragraph 1, of the Rules of Court.

4. THE DEPUTY REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA

30 August 1971.

I have the honour to acknowledge the receipt of the letter of 30 August 1971 by which you submitted to the International Court of Justice, as Agent of the Government of India, an Application on behalf of the Government of India appealing from the decision rendered on 29 July 1971 by the Council of the International Civil Aviation Organization.

The Application has today been communicated to the Government of Pakistan.

The question of the fixing of time-limits for the filing of the pleadings in the case will form the subject of a later communication. In this connection, I would venture to draw attention to Article 37, paragraph 1, of the Rules of Court.

5. THE ADDITIONAL FOREIGN SECRETARY OF PAKISTAN TO THE REGISTRAR

1 September 1971.

I am directed by the President of Pakistan to designate His Excellency Mr. R. S. Chhatari, S.Q.A., P.F.S., Ambassador of Pakistan to the Netherlands, as Agent for Pakistan and Mr. S. T. Joshua, P.F.S., Third Secretary, Embassy of Pakistan, The Hague, as Deputy Agent for Pakistan, in the matter of application filed by India against the decision rendered on 29th July, 1971, by the Council of International Civil Aviation Organization on preliminary objections raised by India concerning application and complaint of Pakistan dated 3rd March, 1971.

2. The address of the Agent and the Deputy Agent is as follows:

Embassy of Pakistan;  
7, Van Stolkweg,  
The Hague.

*(Signed)* Mumtaz A. ALVIE.

6. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

9 September 1971.

I have the honour to transmit to you herewith for your information three

<sup>1</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

copies of the bilingual edition printed by the Registry of the Application of the Government of India in the *Appeal relating to the Jurisdiction of the Council of the International Civil Aviation Organization*.

7. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

9 September 1971.

I have the honour to refer to my cable of 30 August 1971, a copy of which is enclosed herewith<sup>1</sup>, and to inform you that I am forwarding to you under separate cover (by airmail printed matter, marked "Attention, Director, General Legal Division") 150 copies of the Application filed on 30 August 1971 on behalf of the Government of India instituting proceedings against the Government of Pakistan in an *Appeal relating to the Jurisdiction of the Council of the International Civil Aviation Organization*.

I should be grateful if, in accordance with Article 40, paragraph 3, of the Statute of the Court, you would be good enough to inform the Members of the United Nations of the filing of this Application.

8. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN<sup>2</sup>

9 septembre 1971.

Le 30 août 1971 a été déposée au Greffe de la Cour internationale de Justice, au nom du Gouvernement indien, une requête par laquelle ce gouvernement introduit contre le Gouvernement pakistanais une instance relative à un *Appel concernant la compétence du Conseil de l'Organisation de l'aviation civile internationale*.

J'ai l'honneur, à toutes fins utiles, de transmettre ci-joint à Votre Excellence un exemplaire de cette requête.

9. LE GREFFIER AU CHEF DU GOUVERNEMENT DU LIECHTENSTEIN<sup>3</sup>

9 septembre 1971.

Le 30 août 1971 a été déposée au Greffe de la Cour internationale de Justice, au nom du Gouvernement indien, une requête par laquelle ce gouvernement introduit contre le Gouvernement pakistanais une instance relative à un *Appel concernant la compétence du Conseil de l'Organisation de l'aviation civile internationale*.

Me référant à l'article 40, paragraphe 3, du Statut de la Cour, j'ai l'honneur de transmettre ci-joint à Votre Excellence un exemplaire de cette requête.

<sup>1</sup> Not reproduced.

<sup>2</sup> La même communication a été adressée aux autres Etats Membres des Nations Unies.

<sup>3</sup> La même communication a été adressée aux autres Etats non membres des Nations Unies admis à ester devant la Cour.

10. THE DEPUTY REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

16 September 1971.

I have the honour to inform you that, in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*, the Vice-President of the International Court of Justice, Acting President in this case, has, by Order of today's date <sup>2</sup> fixed 16 December 1971 as the time-limit for the filing of the Memorial of the Government of India, and reserved the subsequent procedure for further decision. The official copy of the Order for your Government will be despatched to you in due course.

I have the further honour to enclose for your information a note concerning the printing of pleadings, together with a copy of the Registry's *Rules for the Preparation of Typed and Printed Texts*<sup>3</sup> referred to therein.

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*Note for the Parties concerning Printing of Pleadings*

1. Article 40, paragraph 1, of the Rules of Court provides that the original of every pleading shall be signed by the Agent and filed in the Registry, accompanied by the number of printed copies fixed by the President. In the present case the number so fixed is 125, but without prejudice to an increase in that number should the need arise later.

2. In a footnote to Article 40 the Agents of the parties are requested to ascertain from the Registry the usual format of the pleadings. The purpose is to secure a certain degree of uniformity in the presentation of the pleadings, thus facilitating their handling and study. Enclosed herewith is a copy of the Registry's *Rules for the Preparation of Typed and Printed Texts*, together with examples of past pleadings. The Court has instructed the Registrar to stress most particularly that pleadings sent to him should be in the format 19 × 26 cm. (7½" × 10¼").

3. In paragraph 4 of Article 40 it is provided that the Registrar may, at the request of a party and at the cost of that party, arrange for the printing of pleadings. Such printing, which is done under the responsibility of the party, is entrusted to one of the printers who habitually work for the Court and are thus fully familiar with the usual presentation and typography of the Court's documents.

4. After the termination of a case, the Registry reproduces the pleadings in the Court's *Pleadings, Oral Arguments, Documents* series of publications. If the arrangement described in paragraph 3 of this note is followed, the Registry is prepared to bear half the cost of simple typesetting of the pleading in question at the normal rate current between the Court and the printer selected. By cost of simple typesetting is to be understood the cost of typesetting proper, but excluding all supplementary charges such as for author's corrections, overtime, footnotes or marginal notes, setting in tables or columns, inset plates or engravings, etc.

<sup>1</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

<sup>2</sup> *I.C.J. Reports 1971*, p. 347.

<sup>3</sup> Not reproduced.

5. In respect of an annex which is not published in the *Pleadings, Oral Arguments, Documents* series the Registry does not share in the cost of typesetting. This applies *inter alia* to any text in a language other than English or French; similarly, if the same text is reproduced more than once as an annex by the parties in the course of the same proceedings, the Registry bears its part of the cost once only.

6. If a party considers that it is in its interest to avail itself of the possibility thus offered, it is for it to make its own arrangements with the printer direct, particularly as regards the date by which, having regard to the time-limit fixed by Order and the length of the text to be printed, the manuscript is to be delivered to the printer. The staff of the Registry are not concerned in these arrangements and do not undertake the proof reading or see to the insertion of author's corrections.

7. The amount due by the Registry is paid direct by it to the printer, after the invoice and the printed text have both been checked; the party concerned is kept informed. The type is kept at the printers at the Court's expense and is deemed to belong to the Court.

#### 11. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

22 September 1971.

I have the honour to refer to cable ICJ/44 of 30 August 1971 from the Deputy Registrar to the Secretary-General informing him that on 30 August 1971 an Application was filed by India appealing from a decision rendered on 29 July 1971, by the ICAO Council on preliminary objections raised by India concerning the application and complaint of Pakistan dated 3 March 1971 filed under ICAO's Council rules for settlement of differences, and to your letter of 9 September 1971 informing him of the transmission of 150 copies of the Application with the request that he inform Member States of its filing.

In accordance with Article 40, paragraph 3 of the Statute of the International Court of Justice, the Secretary-General has notified the Members of the United Nations of this Application. A copy of the circular note in English and French is enclosed<sup>1</sup>. It is my understanding that you will have notified directly the other States entitled to appear before the Court.

(Signed) Constantin A. STAVROPOULOS.

#### 12. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

29 September 1971.

I have the honour to inform that the Government of Pakistan has appointed Mr. S. Sharifuddin Pirzada, S.Pk., Attorney General of Pakistan and former Foreign Minister of Pakistan as the Chief Counsel for Pakistan in the appeal filed by India to International Court of Justice against I.C.A.O.'s decision.

(Signed) R. S. CHHATARI.

<sup>1</sup> Not reproduced.

13. THE SECRETARY TO THE MINISTRY OF EXTERNAL AFFAIRS OF INDIA TO THE REGISTRAR

22 November 1971.

I have the honour to invite your attention to my telegram<sup>1</sup> dated 22nd November, 1971, and to inform you that the Government of India have appointed as their Agent in *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* instituted by the Application filed by the Government of India on 30th August, 1971, Lt. General His Highness Yadavindra Singh, Maharaja of Patiala, Ambassador of India at The Hague, in place of Shri J. N. Dhamija. I enclose a certificate issued by the Minister of External Affairs to this effect.

(Signed) S. K. BANERJI.

22nd November, 1971.

I, Swaran Singh, Minister of External Affairs, Government of India, do certify that Lt. General His Highness Yadavindra Singh, Maharaja of Patiala, Ambassador of India at The Hague has been duly appointed as the Agent for the Government of India in *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

(Signed) Swaran SINGH.

14. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA<sup>2</sup>

9 December 1971.

I have the honour to send you herewith for your information the text of the Order of 3 December 1971<sup>3</sup> by which the Vice-President, Acting President in this case, extended to 22 December 1971 the time-limit for the filing of the Memorial of India in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*. The official copy for your Government, duly signed and sealed, will be transmitted to you in due course.

15. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

12 December 1971.

I have the honour to inform you that Mr. N. A. Palkhivala, Senior Advocate, Supreme Court of India, will be the Chief Counsel for India in *Appeal relating to the Jurisdiction of the Council of the International Civil Aviation Organisation (India v. Pakistan)* instituted by the Application filed by the Government of India on 30th August 1971. Names of other Counsel attending the hearing of the case will be communicated later.

I have also the honour to inform you that the Government of India have nominated as their Deputy Agent in the above case Mr. T. S. Ramamurti, First Secretary, Embassy of India at The Hague.

(Signed) YADAVINDRA SINGH.

<sup>1</sup> Not reproduced.

<sup>2</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

<sup>3</sup> *I.C.J. Reports 1971*, p. 350.

## 16. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

12 December 1971.

I have the honour to refer to the proceedings between India and Pakistan in *Appeal relating to the Jurisdiction of the Council of the International Civil Aviation Organisation* instituted by the Application filed by the Government of India on 30th August 1971.

I am instructed by the Government of India to notify you, in accordance with Article 3 of the Rules of Court, that the Government of India considers that it possesses the right to choose a Judge under Article 31 of the Statute of the Court and intends to exercise that right. The person chosen by the Government of India to sit as Judge is Dr. Nagendra Singh, Secretary to the President of India. Dr. Nagendra Singh is a member of the Permanent Court of Arbitration. He was nominated as candidate for election as Judge of the International Court of Justice in 1969. He has also been nominated by the National Group of the Permanent Court of Arbitration for election as a Judge of the International Court of Justice to be held in 1972. A Biographical Note about him will follow.

I should be grateful if you would please bring the contents of this letter to the attention of the members of the Court and of the Agent of the respondent party.

(Signed) YADAVINDRA SINGH.

## 17. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF PAKISTAN

14 December 1971.

I have the honour to inform you that by a letter dated 12 December the Agent of India has informed me that the Government of India considers that it possesses the right to choose a judge under Article 31 of the Statute of the Court to sit in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*, and intends to exercise that right; the Agent of India further states that his Government has chosen Dr. Nagendra Singh, Secretary to the President of India, to sit as such judge.

Under Article 3, paragraph 1, of the Rules of Court the Vice-President, Acting President in this case, has fixed 14 January 1972 as the time-limit within which the Government of Pakistan may submit its views on this notification.

A certified copy of the letter containing the notification is enclosed herewith.

## 18. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

22 December 1971.

I have the honour to submit herewith to the International Court of Justice a Memorial<sup>1</sup> on behalf of the Government of India in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* instituted by the Application filed by the Government of India on 30th August 1971. I would be grateful if you could kindly inform me in case there are any technical or

<sup>1</sup> See p. 25, *supra*.



formal defects in the Memorial which you would desire to be rectified. 125 copies of the Memorial are being sent to you separately.

(Signed) YADAVINDRA SINGH.

19. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

22 December 1971.

I acknowledge with thanks receipt of your letter No. 52113, dated the 22nd of December, 1971, and the five copies of the Memorial which were enclosed with it. I shall forward the Memorial to my Government just as soon as communications permit. You know that, at present, international flights are not overflying Pakistan and I do not, therefore, know by which date the publication will be able to reach my Government.

(Signed) R. S. CHHATARI.

20. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

24 December 1971.

Please refer to your letter No. 52069, dated the 14th of December, 1971. The Government of Pakistan has no objection to the appointment of Dr. Nagendra Singh, as an *ad hoc* judge to the Court in the *Appeal relating to the Jurisdiction of the ICAO Council*.

(Signed) R. S. CHHATARI.

21. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

5 January 1972.

In continuation of my letter No. Amb. 1/55/71, dated the 22nd of December, 1971, acknowledging receipt of your letter along with five printed copies of India's Memorial, I have the honour to state that the documents will be flown to the Government of Pakistan on Friday, the 7th of January, 1972.

(Signed) R. S. CHHATARI.

22. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

17 January 1972.

On behalf of my Government, I have the honour to request that time-limit for submission of Pakistan's counter-memorial in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* may be fixed at 29th February, 1972.

(Signed) R. S. CHHATARI.

23. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

19 January 1972.

I have the honour to inform Your Excellency that by an Order of today's date <sup>2</sup>, the Vice-President of the Court, Acting President in the *Appeal*

<sup>1</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

<sup>2</sup> *I.C.J. Reports 1972*, p. 3.

relating to the Jurisdiction of the ICAO Council (*India v. Pakistan*), has fixed the following time-limits, having regard to Article 48 of the Statute and Article 37 of the Rules, for the filing of the further pleadings in this case:

For the Counter-Memorial of Pakistan: 29 February 1972;

For the Reply of India: 30 March 1972;

For the Rejoinder of Pakistan: 28 April 1972.

The official copy of the Order in question will be sent to you as soon as possible.

24. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

11 February 1972.

I have the honour to invite your attention to your letter dated 19 January 1972 wherein you had informed me of the Order of the Acting President in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* regarding the filing of the further pleadings in this case. The Order fixed, *inter alia*, 30 March 1972 as the time-limit for the submission of the Reply of the Government of India to the Counter-Memorial of the Government of Pakistan to be filed on 29 February 1972.

As you are aware, I, as the Agent of the Government of India, have not been consulted by the Acting President, as envisaged in Article 37 of the Rules of Court, before he passed the aforementioned Order. The Government of India considers that the one-month period given by the Court for filing its Reply to Pakistan's Counter-Memorial may not be reasonable. We are not aware of the size and contents of Pakistan's Counter-Memorial, time will be required for getting it to Delhi, having it examined by the authorities concerned, getting the draft Reply settled by its Senior Counsel and approved by the Government, and having the Reply printed at The Hague. All this would certainly take much longer than one month.

I might also mention that the Court has in its past practice, in most cases, granted two to eight months period for filing Replies to Counter-Memorials. In fact, it appears that in only one case (*Colombia-Peru Asylum Case* in 1950) was a one-month period fixed by the Court for Colombia to file its Reply to Peru's Counter-Memorial.

You may, therefore, kindly inform the Court that, after seeing the size and contents of Pakistan's Counter-Memorial, and if considered necessary, the Government of India may move the Court for an appropriate extension of the time-limit for filing its Reply to Pakistan's Counter-Memorial.

(Signed) YADAVINDRA SINGH.

25. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

29 February 1972.

In pursuance of the Order made on the 19th of January, 1972, by the Vice-President, discharging the duties of the President under Article 13 of the Rules of Court, I have the honour to enclose herewith one signed copy of Pakistan's Counter-Memorial<sup>1</sup> in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

125 printed copies of the Counter-Memorial are also enclosed herewith.

(Signed) R. S. CHHATARI.

<sup>1</sup> See p. 369, *supra*.

## 26. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA

1 March 1972.

I have the honour to refer to your letter of 11 February, and to your observations on the Order made on 19 January 1972 by the Vice-President, Acting President in the *Appeal relating to the Jurisdiction of the ICAO Council*, whereby the time-limits were fixed for the filing of the Counter-Memorial, Reply and Rejoinder in that case.

Having communicated the contents of your letter to the Vice-President, I now have the honour to inform you that the Order in question was drawn up in the light of the information on procedural matters supplied earlier to the Vice-President by the Parties, as is in fact shown by the fact that provision was made for India to reply to the Counter-Memorial of Pakistan, as your Government had expressed a desire to do. The Vice-President considered that he was in possession of sufficient information to fix the time-limits for the further pleadings without there being any need to consult the Parties afresh.

As to the length of the time-limits so fixed, analogies with previous cases before the Court could be of only limited guidance. The Vice-President took into consideration the fact that the present case has come before the Court by way of appeal, that it has already been gone into at length before the ICAO Council, and that fresh points were unlikely to be raised with regard to the Council's jurisdiction. Furthermore, it was essential to take into account the need to ensure prompt administration of justice, by fixing for the second exchange of pleadings time-limits reasonably in proportion with those fixed for the first exchange.

The Vice-President therefore took the view that one month should be sufficient for each of the last two pleadings. Should the Counter-Memorial be such, by reason of its length or by its raising fresh issues, as to require particularly lengthy and careful study, it would of course be open to the Government of India to apply for extension of the time-limit, in accordance with Article 37, paragraph 4, of the Rules of Court.

## 27. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

9 March 1972.

I have the honour to refer to the Order of 19 January 1972 passed by the Vice-President of the International Court of Justice, Acting President under Article 13 of the Rules of Court, in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* whereby he fixed, *inter alia*, 30 March 1972, as the time-limit for the submission of the Reply of the Government of India to the Counter-Memorial of the Government of Pakistan.

After taking into account the contents of Pakistan's Counter-Memorial, the Government of India has decided to request the Court, under Article 37, paragraph 4, of the Rules of Court, for an extension of the time-limit for filing its Reply until 30 April 1972, for the reasons set out below.

Pakistan's Counter-Memorial was received in Delhi only on 6 March 1972. It is a lengthy document and raises several fresh issues of fact and law which need to be carefully examined by all authorities concerned. The draft reply prepared thereafter will have to be settled by the Chief Counsel of the Government of India who resides in Bombay. Further, the Court printers at The Hague would appear to require at least three to four weeks for printing the Reply.

The Government of India, therefore, requests the Court to revise its earlier Order and extend the time-limit for the filing of Reply as stated above.

(Signed) YADAVINDRA SINGH.

28. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

17 March 1972.

I have the honour to refer to your letter No. 52394, dated 5 March 1972 regarding the Government of India's request for extension of time-limit.

The Government of Pakistan is strongly opposed to the grant of any extension to the Government of India for the submission of her Reply. The grounds on which this extension is requested are totally invalid and dilatory, meant solely to delay proceedings in this case. In her Counter-Memorial the Government of Pakistan has raised no new points but only replied to the arguments put forward in the Government of India's Memorial.

Further the Government of Pakistan do not feel that the printing of India's Reply should take as long as has been stated by the Government of India, nor should this be a valid ground for extension of the time-limit.

Pakistan is suffering considerable inconvenience and hardship as a result of India's action, which is the subject of Pakistan's complaint to the ICAO, and is anxious that the hearing of the appeal should be proceeded with as early as possible. It trusts that oral hearings may be scheduled for early May 1972 as could have been envisaged under the original schedule laid out in the Order of the Vice-President of the Court of 19 January 1972.

(Signed) S. T. JOSHUA.

29. THE REGISTRAR TO THE SECRETARY-GENERAL OF ICAO

17 March 1972.

I have the honour to inform you that in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*, referred to the International Court of Justice under Article 67 of the Rules of Court by way of appeal against the decision rendered on 29 July 1971 by the Council of the International Civil Aviation Organization, one of the parties has advanced the contention that questions concerning the application and the interpretation of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, are in issue.

Article 34, paragraph 3, of the Statute of the Court provides as follows:

"3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings."

In these circumstances, the Vice-President of the Court, Acting President, in this case in accordance with Article 13 of the Rules of Court, has instructed me to communicate to the International Civil Aviation Organization copies of all the written proceedings. This instruction was given pursuant to Article 57, paragraph 5, of the Rules, which is in the following terms:

"5. In the circumstances contemplated by Article 34, paragraph 3, of the Statute, the Registrar, on the instructions of the Court, or of

the President if the Court is not sitting, shall proceed as prescribed in that paragraph. The Court, or the President if the Court is not sitting, shall, as from the date on which the Registrar has communicated copies of the written proceedings, fix a time-limit within which the public international organization concerned may submit to the Court its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.”

I accordingly have the honour to enclose herewith copies of the Application instituting proceedings, the Memorial submitted by the Government of India, and the Counter-Memorial submitted by the Government of Pakistan. By an Order made by the Vice-President on 19 January 1972, 30 March 1972 and 28 April 1972 have been fixed as the time-limits for the filing of a Reply by India and a Rejoinder by Pakistan. Upon the filing of these pleadings I shall not fail to transmit copies to you.

30. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

20 March 1972.

I have the honour to refer to your letter of 9 March 1972, reference No. HAG/103/3/71—Vol. II, whereby the Government of India requested an extension of the time-limit fixed by the Order of 19 January 1972 for the filing of the Reply of India in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

I now have the honour to inform you that by an Order of today's date <sup>2</sup>, the Vice-President of the Court, Acting President in the case, has extended that time-limit to 17 April 1972, and has consequently extended the time-limit for the filing of the Rejoinder of Pakistan to 16 May 1972.

The official copy of the Order will be sent to you as soon as possible.

31. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

27 March 1972.

I have the honour to acknowledge receipt of your letter No. 52444, dated the 20th of March, 1972, conveying the Order of the Vice-President, Acting President in the case, extending the time-limit for India's Reply to 17th April, 1972, and the time-limit for the filing of the Rejoinder of Pakistan to 16th May, 1972.

While noting these decisions, the Government of Pakistan wishes to state that pending receipt and study of India's Reply, the Government of Pakistan wishes to reserve its right to submit a Rejoinder. Subject to this reservation, the Government of Pakistan would deal with the points raised in India's Reply in the course of its oral submissions.

The Government of Pakistan is most anxious that, in view of the nature of the proceedings and of the interests involved, the Court may be pleased to determine that, subject to the reservation made above, oral hearings may be opened not later than 10th May, 1972. This intimation would ensure that

<sup>1</sup> A similar communication was sent to the Agent for the Government of Pakistan.

<sup>2</sup> *I.C.J. Reports 1972*, p. 6.

Parties would have sufficient time to prepare themselves for the opening of oral hearings early in May.

(Signed) S. T. JOSHUA.

32. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN <sup>1</sup>

28 mars 1972.

J'ai l'honneur de vous faire connaître que, dans l'affaire de l'*Appel concernant la compétence du Conseil de l'OACI (Inde c. Pakistan)* qui a été portée devant la Cour internationale de Justice par une requête du 30 août 1971 dont copie vous a été adressée par le Secrétaire général de l'Organisation des Nations Unies aux termes de l'article 40, paragraphe 3, du Statut de la Cour, l'une des Parties a fait valoir que des questions concernant l'application et l'interprétation de la Convention relative à l'aviation civile internationale et de l'Accord relatif au transit des services aériens internationaux, tous deux signés à Chicago le 7 décembre 1944, sont en jeu.

Dans ces conditions, je vous prie de considérer la présente lettre comme constituant l'avertissement prévu à l'article 63 du Statut.

33. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DU BRÉSIL <sup>2</sup>

28 mars 1972.

J'ai l'honneur de vous faire connaître que, dans l'affaire de l'*Appel concernant la compétence du Conseil de l'OACI (Inde c. Pakistan)* qui a été portée devant la Cour internationale de Justice par une requête du 30 août 1971 dont copie vous a été adressée par le Secrétaire général de l'Organisation des Nations Unies aux termes de l'article 40, paragraphe 3, du Statut de la Cour, l'une des Parties a fait valoir que des questions concernant l'application et l'interprétation de la Convention relative à l'aviation civile internationale, signée à Chicago le 7 décembre 1944, sont en jeu.

Dans ces conditions, je vous prie de considérer la présente lettre comme constituant l'avertissement prévu à l'article 63 du Statut.

34. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

17 April 1972.

I have the honour to submit herewith to the International Court of Justice the Reply <sup>3</sup> on behalf of the Government of India to the Counter-Memorial submitted by the Government of Pakistan in the *Appeal relating to the Jurisdiction of the I.C.A.O. Council (India v. Pakistan)*. I would be grateful if you could inform me in case there are any technical and formal defects in the reply which you would desire to be rectified.

(Signed) YADAVINDRA SINGH.

<sup>1</sup> Une communication analogue a été adressée aux autres Etats parties à la Convention et à l'Accord de transit de 1944.

<sup>2</sup> Une communication analogue a été adressée aux autres Etats parties à la Convention de 1944.

<sup>3</sup> See p. 405, *supra*.

## 35. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

21 April 1972.

I have the honour to invite your attention to our letter No. Amb. 1/55/72, dated the 27th of March, 1972, regarding further pleadings in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

The Government of Pakistan have decided that they would submit a written Rejoinder on the 16th of May, 1972, the date fixed by the Vice-President, Acting President in this case, *vide* his Order dated the 20th of March, 1972.

(Signed) S. T. JOSHUA.

## 36. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

15 May 1972.

In pursuance of order made on the 20th March 1972 by the Vice-President, discharging the functions of the President of the Court, under Article 13 of the Rules of the Court, I have the honour to submit herewith one signed copy of Pakistan's Rejoinder<sup>1</sup> in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

125 copies of the Rejoinder are also enclosed.

(Signed) S. T. JOSHUA.

## 37. THE REGISTRAR TO THE SECRETARY-GENERAL OF ICAO

15 May 1972.

I have the honour to refer to my letter of 17 March 1972 and to inform you that I have today despatched to you a copy of the Rejoinder filed by the Agent for Pakistan in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

This is the final pleading in this case and has been communicated to you, as were the previous written proceedings, pursuant to Article 34, paragraph 3, of the Statute of the Court, one of the parties having advanced the contention that questions concerning the construction of the constituent instrument of the International Civil Aviation Organization, namely the Convention on International Civil Aviation of 7 December 1944, and of the international convention adopted thereunder, namely the International Air Services Transit Agreement of 7 December 1944, are in issue in the case.

The Vice-President, Acting President under Article 13 of the Rules of Court, has directed me to inform you that he has fixed 6 June 1972 as the time-limit within which the International Civil Aviation Organization may submit to the Court, should it so intend, observations on these questions, in accordance with Article 57, paragraph 5, of the Rules.

## 38. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

22 May 1972.

In continuation of my letter No. HAG/103/3/71-Vol. II of December 12,

<sup>1</sup> See p. 457, *supra*.

1971, I have the honour to inform you that the Government of India have nominated as their Deputy Agent in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*, Dr. S. P. Jagota, Director, Legal and Treaties Division, Ministry of External Affairs, in addition to Mr. T. S. Ramamurti, First Secretary, Embassy of India at The Hague. Dr. S. P. Jagota's address is as follows:

Dr. S. P. Jagota,  
Director,  
Legal and Treaties Division,  
Ministry of External Affairs,  
C/o. Embassy of India,  
The Hague.

(Signed) YADAVINDRA SINGH.

**39. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR**

31 May 1972.

I have the honour to refer to our letter No. Amb. 1/55/71, dated September 29, 1971 and to say that the Government of Pakistan has decided to appoint Mr. Yahya Bakhtiar, Attorney General of Pakistan as their Chief Counsel in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*. Mr. Yahya Bakhtiar replaces Mr. S. Sharifuddin Pirzada in this capacity.

(Signed) S. T. JOSHUA.

**40. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR**

31 May 1972.

I have the honour to state that the Government of Pakistan requests that the Court may be pleased to schedule oral hearings in the *Appeal relating to the Jurisdiction of the ICAO Council* to begin by the 12th of June, 1972.

(Signed) S. T. JOSHUA.

**41. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR**

5 June 1972.

I have the honour to recall the submissions made by me to the Acting President of the International Court of Justice at the hearing held in his Chamber on 23rd May 1972 to the effect that the oral proceedings in the *Appeal relating to the Jurisdiction of the ICAO Council* should begin after the summit talks are held between India and Pakistan which commence on 28th June 1972 and to state that if the Honourable Court are inclined, at its sitting on 6th June 1972, not to accede to our request, they may kindly fix the date of oral proceedings as convenient to them.

However, I have been directed by the Government of India to state that the Honourable Court may be pleased to give a minimum of twenty days' notice to Parties so that arrangements may be made for our Counsel to reach The Hague with books and materials to present their cases. Because of the time difference, the decision taken by the Court at its sitting on 6th June 1972



will not reach New Delhi until 7th June 1972 and commencement of oral proceedings on 12th June 1972 would not give adequate time to our team of Counsel to reach The Hague in time.

(Signed) YADAVINDRA SINGH.

42. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

6 June 1972.

I have the honour to refer to Article 47, paragraph 1, of the Rules of Court, and to inform you that the Court has today fixed Monday, 19 June 1972, as the date for the commencement of the oral proceedings <sup>2</sup>, in the *Appeal relating to the Jurisdiction of the ICAO Council*. The opening sitting will be held at 3 p.m. on that day.

43. THE SECRETARY-GENERAL OF ICAO TO THE REGISTRAR

6 June 1972.

I have the honour to acknowledge the receipt of your letter No. 52696 dated 15 May 1972 on the subject of the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*. I have taken note that one of the Parties has stated that questions concerning the construction of the constituent instrument of the International Civil Aviation Organization, namely, the Convention on International Civil Aviation of 7 December 1944, and of an international convention, namely, the International Air Services Transit Agreement, are in issue in the case. Thank you for informing me that the Vice-President of the Court, Acting President, has fixed 6 June 1972 as the time-limit within which the International Civil Aviation Organization may submit to the Court, should it so intend, observations on these questions.

In considering the matter, I have noted that the case brought before the International Court of Justice is an appeal against the decision of the Council of the International Civil Aviation Organization, and also that copies of all the relevant proceedings in the Council have already been submitted to the Court. Taking these considerations into account, I have the honour to inform you that the International Civil Aviation Organization does not intend to submit observations on the above-mentioned questions.

(Signed) Assad KOTAITE.

44. LE GREFFIER AU SECRÉTAIRE GÉNÉRAL DE L'OACI

12 juin 1972.

Me référant à mes lettres des 17 mars, 17 avril <sup>3</sup> et 15 mai 1972, j'ai l'honneur de vous faire connaître que la Cour a fixé au lundi 19 juin 1972 à 15 heures la date d'ouverture des audiences publiques au cours desquelles les conseils de l'Inde et du Pakistan présenteront l'argumentation de leurs gouvernements en l'affaire de l'*Appel concernant la compétence du Conseil de l'OACI*.

<sup>1</sup> A communication in the same terms was sent to the Deputy Agent for the Government of Pakistan.

<sup>2</sup> See p. 502, *supra*.

<sup>3</sup> Non reproduite.

Je ne manquerai pas de vous communiquer régulièrement par avion, en original et en traduction, deux exemplaires des comptes rendus de chacune des audiences publiques que tiendra la Cour pendant cette procédure orale.

J'ai également l'honneur de vous faire connaître que, se fondant sur l'article 44, paragraphe 3, de son Règlement, la Cour, avec l'assentiment des Parties, a autorisé que les pièces de la procédure écrite dans l'affaire dont il s'agit soient rendues accessibles au public à partir de la date d'ouverture de la procédure orale. En conséquence, conformément à la pratique habituelle du Greffe, je ferai envoyer un jeu de ces pièces à des bibliothèques de La Haye, ainsi qu'à plusieurs bibliothèques des Nations Unies. En outre je me permettrai d'en envoyer à la bibliothèque du siège de l'OACI et à celles des offices régionaux de cette organisation pour l'Europe et pour l'Extrême-Orient. Je leur enverrai également au fur et à mesure le compte rendu des audiences publiques.

45. THE DEPUTY AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

13 June 1972.

I have the honour to refer to our letter No. Amb. 5/9/71, dated the 2nd of September, 1971, and to state that in succession to H.E. Mr. R. S. Chhatari, the Government of Pakistan have decided to appoint H.E. Mr. J. G. Kharas, Ambassador of Pakistan to the Netherlands as their Agent in the *Appeal relating to the Jurisdiction of the I.C.A.O. Council (India v. Pakistan)* before the International Court of Justice.

(Signed) J. T. JOSHUA.

46. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

14 June 1972.

Article 60, paragraph 3, of the Rules of Court provides, with reference to speeches and statements made during the oral proceedings, that:

"A transcript of speeches or declarations made by agents, counsel or advocates shall be made available to them for correction or revision, under the supervision of the Court."

This transcript is usually made available to each speaker on the same day as the sitting on which he has spoken, with the exception of the transcript of Monday's sitting, which will be made available at the end of Tuesday morning.

In order to facilitate any supervision which the Court may feel it proper to exercise, the Court has decided that any correction or revision which Agents, counsel or advocates may wish to make to the transcript should be handed in to the Registry by 6 p.m. on the working day following the sitting at which the speech or declaration has been made, with the exception of corrections or revisions to the transcript of Monday's sitting, which should be handed in by 6 p.m. on Wednesday.

I should therefore be greatly obliged if you would be good enough to arrange for any such corrections to reach the Registrar's office in conformity

<sup>1</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

with the above decision. A copy of each transcript, incorporating all corrections, is kept in the Registrar's office for consultation by the representatives of the Parties.

I should also explain, with reference to corrections to the verbatim record, that it is the practice of the Registry, when preparing the record, to examine for this purpose all quotations from earlier speeches in the case contained in later speeches; when, as not infrequently happens, the later speaker quotes the original version of a passage which has been corrected under Article 60, paragraph 3, of the Rules, the Registry is accustomed, by previous agreement with the speakers, to include the corrected version of the quotation in the record, in place of the quotation as actually read out in court. I trust that this practice will meet with the approval of those addressing the Court on behalf of your Government, and I shall be obliged if you will confirm that they will all be agreeable to the practice being followed in the present proceedings.

47. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

15 June 1972.

In accordance with our usual practice and in order to facilitate the course of the proceedings for the Court and for the Parties, I have the honour to draw the attention of the Agents in the *Appeal relating to the Jurisdiction of the ICAO Council* to the provisions of the Statute and Rules concerning the deposit of documents which the Parties wish to produce in support of their respective cases.

Under Article 43 of the Statute, it is provided that the procedure shall consist of two parts: written and oral. It is specified that the written proceedings shall consist, on the one hand, of the actual written pleadings—Memorial, Counter-Memorial and Replies—and on the other, of all documents in support; and that the oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents and advocates.

The presentation of documents after the closure of the written part of the proceedings is, however, not absolutely excluded. Article 48 of the Rules provides for this possibility and lays down the procedure to be followed: the document shall be filed in the Registry; the Registry will be responsible for communicating it to the other party and will inform the Court; should the other party decline to consent to the production, the Court will decide. But this procedure is entirely exceptional. Indeed, as is evident from the term in which it is drafted, Article 48 is based on the principle laid down in the Statute that documents belong to the written part of the proceedings in a case.

Any Agent who considers it necessary to submit a further document after the closure of the written proceedings is hereby requested, when filing the original or certified copy, as required by Article 48 of the Rules, to accompany it with the same number of copies as that fixed for the pleadings under Article 40 of the Rules of Court, i.e., in this case 125 copies. In this way, the exceptional procedure laid down in Article 48 will operate rapidly and in a manner that will exclude the possibility of an Agent or Counsel relying at a public hearing upon a document which has not previously been placed before Members of the Court.

<sup>1</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

## 48. THE AGENT FOR THE GOVERNMENT OF INDIA TO THE REGISTRAR

19 June 1972.

Sir,

In the Rejoinder submitted to the Honourable Court on 16 May 1972 in connection with the *Appeal Relating to Jurisdiction of the ICAO Council (India v. Pakistan)*, the Respondent has made several wrong assertions of facts. The Government of India has considered it necessary to place the true facts in this regard before the Honourable Court, and has accordingly instructed me to file the enclosed documents<sup>1</sup> in accordance with the procedure set out in Article 48 of the Rules of Court. The Chief Counsel of India intends to rely on these documents in the course of the oral proceedings in the case before this Honourable Court.

These documents have been organised into Groups A to G, each Group dealing with a specific aspect of the matter with reference to the relevant paragraphs of the Rejoinder. The documents have been serially numbered in each Group. This number has been superimposed on the document in question before the document was photostated/cyclostyled.

I hereby certify that these documents conform fully to the original documents.

With a view to making these documents available to the Court and the Respondent before the commencement of the oral proceedings, I enclose herewith 20 copies each of the documents. In addition, 105 copies will be supplied to the Registry very shortly.

(Signed) YADAVINDRA SINGH.

## 49. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

20 June 1972.

I have the honour to refer to your letter dated the 19th of June, 1972, forwarding therewith a copy of the letter from the Agent of the Government of India together with a copy of the letter referred to therein.

The Government of Pakistan repudiates the allegations of the Government of India that the assertions of facts made by the Government of Pakistan in its Rejoinder are "false" merely because the Government of India places a different interpretation on them.

Since the Government of India has submitted "Notes" controverting the contentions of Pakistan in its Rejoinder, and has annexed certain documents therewith, these notes are tantamount to fresh written pleadings, after written proceedings in the case have been closed. They are, therefore, inadmissible in principle<sup>2</sup>.

Most of the documents primarily consist of letters and signals from Pakistan International Airlines which is an independent statutory body. We are, however, trying to collect the necessary information from the Pakistan International Airlines in Karachi with regard to these documents.

(Signed) J. H. KHARAS.

<sup>1</sup> See p. 719, *supra*.

<sup>2</sup> See p. 590, *supra*.

## 50. THE AGENT FOR THE GOVERNMENT OF PAKISTAN TO THE REGISTRAR

28 June 1972.

I have the honour to refer to your letters No. 52898 and No. 52942, dated the 15th and 19th of June, 1972, respectively and our letter No. Amb. 1/55/72, dated the 20th of June, 1972, and to say that the Government of Pakistan consider it necessary to deposit the following documents <sup>1</sup>, received here now, in support of their case in the *Appeal relating to the Jurisdiction of the ICAO Council* <sup>2</sup>:

- (1) Letter No. E 1/8-65/192, dated the 17th September, 1965, from the Secretary-General, International Civil Aviation Organization (alongwith its attachment—copy of letter dated 9th September, 1965, from the Secretary to the Government of India to the President of International Civil Aviation Organization).
- (2) Letter No. E 1/8-71/243, dated the 9th of December, 1971, from the Secretary-General, International Civil Aviation Organization to the D.G.C.A., Government of Pakistan (with attachment).
- (3) (a) Letter dated 12th September, 1964, from the Manager, Air India International, to D.G.C.A., Pakistan.
  - (b) Letter dated 27th April, 1965 from the Manager, Air India International to D.G.C.A. Pakistan.
  - (c) Letter dated 4th September, 1965, from the Manager, Air India International to D.G.C.A. Pakistan.
  - (d) Schedule of Passengers' Services to and overflying Pakistan effective 1st April, 1965 submitted by Indian Airlines Corporation.
  - (e) Letter No. 5/10/65-IR, dated 29th January, 1965, from D.G.C.A., India to D.G.C.A., Pakistan.

I am enclosing herewith one certified copy each of the aforementioned documents alongwith 125 copies each of the same.

Herewith I am also forwarding a certified copy of the Award given by Professor Pierre A. Lalive, Arbitrator between Dalmia Cement Limited, New Delhi (India) and the National Bank of Pakistan, Karachi (Pakistan) in December, 1967. 125 copies of the same Award are also enclosed.

(Signed) J. G. KHARAS.

51. THE REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>3</sup>

11 August 1972.

I have the honour to confirm the information communicated today by telephone, namely that in accordance with Article 58 of the Statute, the International Court of Justice will hold a public sitting <sup>4</sup> at the Peace Palace, The Hague on Friday, 18 August 1972 at 10 a.m. for the reading of the decision in the case of the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

<sup>1</sup> See p. 743, *supra*.

<sup>2</sup> See p. 698, *supra*.

<sup>3</sup> A communication in the same terms was sent to the Agent for the Government of Pakistan.

<sup>4</sup> See p. 716, *supra*.

52. THE ACTING REGISTRAR TO THE AGENT FOR THE GOVERNMENT OF INDIA <sup>1</sup>

30 August 1972.

I have the honour to transmit to you herewith 6 printed copies of the Judgment <sup>2</sup> given by the International Court of Justice on 18 August 1972 in the *Appeal relating to the Jurisdiction of the ICAO Council (India v. Pakistan)*.

53. LE GREFFIER EN EXERCICE AU MINISTRE DES AFFAIRES ÉTRANGÈRES  
D'AFGHANISTAN <sup>3</sup>

30 août 1972.

Le Greffier en exercice de la Cour internationale de Justice a l'honneur de transmettre, sous ce pli, un exemplaire de l'arrêt rendu par la Cour le 18 août 1972 dans l'affaire de l'*Appel concernant la compétence du Conseil de l'OACI (Inde c. Pakistan)*.

D'autres exemplaires seront expédiés ultérieurement par la voie ordinaire.

<sup>1</sup> A communication in the same terms was sent to the Agent of the Government of Pakistan.

<sup>2</sup> *I.C.J. Reports 1972*, p. 46.

<sup>3</sup> La même communication a été adressée aux autres États Membres des Nations Unies et aux États non membres des Nations Unies admis à ester devant la Cour.

### TABLE OF CONCORDANCE OF THE ORAL STATEMENTS

The following table indicates the relationship between the pagination of the present volume and that of the provisional verbatim record (stencil-duplicated) of the speeches made in Court, issued to Members of the Court during the hearings, carrying the reference C.R. 72/. A number of references to the C.R. appear in the separate and dissenting opinions of Members of the Court annexed to the Advisory Opinion of 18 August 1972 (*I.C.J. Reports 1972*, pp. 76-179); the passages so referred to can be identified by means of this table.

### TABLE DE CONCORDANCE DES EXPOSÉS ORAUX

On trouvera ci-après une table de concordance entre la pagination des exposés oraux dans la présente édition imprimée et leur pagination dans le texte polycopié provisoire distribué aux membres de la Cour pendant la procédure orale sous la cote C.R. 72/. Plusieurs des opinions individuelles ou dissidentes jointes à l'avis consultatif du 18 août 1972 (*C.I.J. Recueil 1972*, p. 76-179) ayant cité les exposés oraux selon la pagination du texte polycopié provisoire, la table ci-après permettra de retrouver aisément dans la présente édition imprimée les passages ainsi cités.

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