

1995. The Agreed Minute provided that Canada and the EU would submit joint proposals to that end to NAFO, which were finally adopted on September 15, 1995.

While negotiations between Canada and the EU were proceeding, on March 28, 1995, Spain filed an application with the International Court of Justice alleging that Canadian actions were contrary to international law. Both Spain and Canada had made declarations pursuant to Article 36(2) of the Statute of the Court accepting its compulsory jurisdiction. However, the Canadian declaration contains a reservation that is pertinent to the present dispute, in that it excludes from the Court's jurisdiction

"disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures."

Spain has asked that the Court declare (i) that the Canadian legislation, as far as it presumes to exercise jurisdiction over vessels of another flag State on the high seas outside of Canada's fisheries jurisdiction, is not opposable to Spain; (ii) that Canada must refrain from repeating its enforcement actions on the high seas and must give Spain reparation, in an amount that will cover all the damages and prejudices suffered; and (iii) that the enforcement actions on the high seas against the Estai constituted a violation of the principles and norms of international law.

Spain has stated its intention to continue this case in spite of the agreement reached between the EU and Canada.

Canada has consistently argued that the previously quoted reservation to its declaration accepting the Court's compulsory jurisdiction clearly excludes this dispute with Spain. As a result, on May 2, 1995, the President of the Court decided that the initial phase of the Court's proceedings will concern only the question of jurisdiction. The deadline for the submission of Spain's Memorial is September 29, 1995. Canada must file its Counter-Memorial by February 29, 1996.