

Canadian legislation, in so 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 prejudice 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 continued 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 was September 29, 1995. Canada had to file its Counter-Memorial by February 29, 1996. Both deadlines were met.

On April 17, 1996, the President of the Court convened the Agent for Spain and the Agent for Canada to a meeting in The Hague to discuss the next steps of the procedure. At this meeting, Spain asked for a second round of written pleadings. Canada was of the view that a new round of pleadings was not necessary. By an Order dated May 8, 1996, the Court concluded that it was "sufficiently informed, at this stage, of the contentions of fact and law on which the Parties rely with respect to its jurisdiction in the case and...the presentation, by them, of other written pleadings on that question therefore does not appear necessary". The Court thus decided, by fifteen votes to two (Vereshchetin and Torres Bernárdez dissenting), not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of jurisdiction.

The written proceedings in the jurisdictional phase have come to an end. The Registry of the Court has indicated informally that, given the other cases on the Court's list, this case (jurisdictional phase) will not come up for hearing until 1998, at the earliest.