

10 JULY 2014

ORDER

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

(MARSHALL ISLANDS *v.* PAKISTAN)

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

(ÎLES MARSHALL *c.* PAKISTAN)

10 JUILLET 2014

ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

YEAR 2014

**2014
10 July
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No. 159**

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The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and to Articles 44, paragraphs 1 and 4, 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 Islamic Republic of Pakistan 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 Pakistan 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; and whereas Pakistan appointed H.E. Mr. Moazzam Ahmad Khan and Mr. Ahmer Bilal Soofi as Co-Agents;

Whereas, by a Note Verbale dated 10 June 2014 and received in the Registry on the same day, the Embassy of Pakistan in the Kingdom of the Netherlands explained that, “due to some developments in Pakistan, [it] could not receive the final instructions” with regard to a meeting of the representatives of the Parties with the President of the Court initially scheduled for 11 June 2014, and requested the President to reschedule that meeting “to any time in July, 2014 or thereafter”; whereas the President rescheduled the said meeting for 9 July 2014;

Whereas, by a letter dated 9 July 2014 and received in the Registry on the same day, H.E. Mr. Moazzam Ahmad Khan, Co-Agent of Pakistan, transmitted to the Court a Note Verbale, also dated 9 July 2014, whereby the Pakistani Government indicated, *inter alia*, that “Pakistan is of the considered opinion that the ICJ lacks jurisdiction . . . and considers the [above-mentioned] Application inadmissible”, and requested the Court “to dismiss this Application *in limine*”; and whereas that communication was immediately transmitted to the Marshall Islands by the Registrar;

Whereas, at the meeting held, pursuant to Article 31 of the Rules of Court, by the President of the Court with the representatives of the Parties, later in the day on 9 July 2014, those representatives expressed the views of their respective Governments with regard to questions of procedure in the case, in the light, in particular, of the above-mentioned Note Verbale dated 9 July 2014;

Whereas, pursuant to Article 79, paragraph 2, of the Rules of Court, it is considered that, taking into account the views expressed by the Parties, it is necessary to resolve first of all the questions of the Court’s jurisdiction and the admissibility of the Application, and that these questions 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 in the matters of its jurisdiction and the admissibility of the Application;

Decides that the written pleadings shall first be addressed to the questions of the jurisdiction of the Court and the admissibility of the Application;

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

12 January 2015 for the Memorial of the Republic of the Marshall Islands;

17 July 2015 for the Counter-Memorial of the Islamic Republic of Pakistan; 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 tenth day of July, 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 Islamic Republic of Pakistan, respectively.

(Signed) Peter TOMKA,
President.

(Signed) Philippe COUVREUR,
Registrar.
