

Oxford Reports on International Law

Legal Status of the South-Eastern Territory of Greenland, Norway v Denmark, Order, (1932) PCIJ Series A/B no 48, ICGJ 297 (PCIJ 1932), 2nd August 1932, League of Nations (historical) [LoN]; Permanent Court of International Justice (historical) [PCIJ]

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Jurisdiction: League of Nations (historical) [LoN]; Permanent Court of International Justice (historical) [PCIJ]

Parties: Norway
Denmark

Judges/Arbitrators: MM Adatci (President); M Guerrero (Vice-President); Baron Rolin-Jaequemyns; Count Rostworowski; MM Fromageot; De Bustamante; Altamira; Anzilotti; Urrutia; Sir Cecil Hurst; Schücking; Negulesco; Jhr Van Eysinga; M Wang; MM Vogt (Judge ad hoc); Zahle (Judge ad hoc)

Procedural Stage: Order

Subsequent Development(s):

Interim Measures of Protection, Order; *Legal Status of the South-Eastern Territory of Greenland, Norway v Denmark*, PCIJ Series A/B no 48; ICGJ 298 (PCIJ 1932), 3 August 1932

Order; *Legal Status of the South-Eastern Territory of Greenland, Norway v Denmark*, PCIJ Series A/B no 55; ICGJ 305 (PCIJ 1933), 11 May 1933

Subject(s):

International courts and tribunals, procedure

Core Issue(s):

Whether the two suits concerning the legal status of certain parts of South-Eastern Greenland brought on July 18th, 1932, by the Norwegian Government and by the Danish Government should be joined.

Whether the time-limit for further submissions in the proceedings should be fixed.

Decision - full text

Paragraph numbers have been added to this decision by OUP

Before : MM. Adatci, *President* ; Guerrero, *Vice-President* ; Baron Rolin-Jaequemyns, Count Rostworowski, Mm. Fromageot, De Bustamante, Altamira, Anzilotti, Urrutia, Sir Cecil Hurst, MM. Schücking, Negulesco, Jhr. Van Eysinga, M. Wang, *Judges*; MM. Vogt and Zahle, *Judges ad hoc*.

The Court,

composed as above,

after deliberation,

Delivers the following Order :

- 1** Having regard to Articles 40 and 48 of the Statute of the Court ;
- 2** Having regard to Articles 32, 33, 34, 35 and 39 of the Rules of Court ;
- 3** Whereas, by a letter dated July 18th, 1932, the Norwegian Chargé d'affaires at The Hague transmitted an application to the Registrar of the Court, together with a request for interim measures of protection, instituting proceedings against the Danish Government in regard to the legal status of certain parts of South-Eastern territory of Greenland ;
- 4** Whereas the application, which bears the same date, is signed by the said Chargé d'affaires ;
- 5** Whereas the latter informed the Registrar that he possessed full powers as Agent of the Norwegian Government before the Court in the case in question ;
- 6** Whereas the application mentions the address selected by the Norwegian Government at the seat of the Court for all notices and communications relating to the case ;
- 7** Whereas the application states the subject of the dispute and the facts which have given rise to it, and indicates the claim ;
- 8** Whereas, in consequence, the said application fulfils the formal requirements of the Statute and Rules of the Court ;
- 9** Whereas the application cites te declarations whereby Norway and Denmark have acceded to the optional clause referred to in Article 36, paragraph 2, of the Court's Statute, regarding the acceptance of the compulsory jurisdiction of the Court ;
- 10** Whereas, according to the application, the subject of the dispute is the situation arising from the fact that by the Royal Decree of July 12th, 1932, the Royal Norwegian Government has placed the South-Eastern territory of Greenland, between latitudes 63° 40' and 60° 30' North, under the sovereignty of Norway ;
- 11** Whereas, on the other hand, by a letter dated July 18th, 1932, the Minister of Denmark at The Hague transmitted an application to the Registrar of the Court, instituting

proceedings against the Norwegian Government in regard to the legal status of certain parts of South-Eastern Greenland ;

12 Whereas the application, which bears the same date, is signed by the said Minister ;

13 Whereas, according to the application, the Danish Government intends to make a subsequent communication to the Court with regard to the appointment of its Agent ;

14 Whereas, by letter of July 25th, 1932, from the Danish Minister at The Hague, the Court was informed of the appointment of MM. de Scavenius and K. Steglich-Petersen as the Danish Government's Agents with the Court for the suit in question ;

15 Whereas the Danish Government's application contains the address selected by that Government at the seat of the Court for all notices and communications relating to the case ;

16 Whereas the application states the subject of the dispute and the facts which have given rise to it, and indicates the claim ;

17 Whereas, in consequence, the said application fulfils the formal requirements of the Statute and Rules of Court ;

18 Whereas the Danish Government's application cites the declarations whereby Denmark and Norway have acceded to the optional clause of Article 36, paragraph 2, of the Statute of the Court ;

19 Whereas, according to the Danish application, the subject of the dispute is the fact that in a Royal Proclamation dated July 12th, 1932, the Norwegian Government announced that it had proceeded to occupy the territory on the Eastern coast of Greenland, situated between latitudes 63° 40' and 60° 30' North ;

20 Whereas it follows that both the Norwegian and Danish applications are directed to the same object ;

21 Whereas the situation with which the Court has to deal closely approximates, so far as concerns the procedure, to that which would arise if a special agreement had been submitted to it by the two Governments, parties to the dispute, indicating the subject of the dispute and the differing claims of the Parties ;

22 Whereas, in any case, the two applications should be joined and the two applicant Governments held to be simultaneously in the position of Applicant and Respondent ;

23 Whereas, by a letter to the Registrar of the Court dated July 22nd, 1932, the Danish Minister at The Hague has suggested, on behalf of his Government, that the Court should fix the time-limits for the proceedings instituted by the application of July 18th, 1932, independently of the time-limits fixed for the proceedings instituted by the application of July 11th, 1931, so that the Danish Government would not have to submit its Case in the new suit before the conclusion of the written proceedings in the suit now in progress ;

24 Whereas, by a letter dated July 20th, 1932, the Agent of the Norwegian Government has made an identical suggestion ;

25 Whereas, accordingly, having regard to the provisions of Article 32 of the Rules, the suit concerning the legal status of certain parts of South-Eastern Greenland brought on July 18th, 1932, should not, at least for the time being, be joined to the suit concerning the legal status of certain parts of Eastern Greenland brought on July 11th, 1931 ;

26 Whereas, in their concordant letters of July 22nd and 26th, 1932, the Agents of the Parties have expressed the hope that, in fixing the time-limits, the Court will bear in mind that the main question in issue has already been dealt with in the suit brought by the application of July 11th, 1931, a fact which may enable the two Parties to complete the exchange of their documents of the written proceedings in a fairly short space of time ;

27 Whereas the Parties have not made to the Court any joint proposal, under Article 32 of the Rules, regarding the number of written documents to be filed by each Party and the duration of the time-limits to be fixed for their submission ;

28 Whereas, however, in the circumstances indicated above, the possibility that the Parties may subsequently desire to waive their right to submit written replies and rejoinders must be reckoned with ;

29 Whereas the two applications have formed the subject of the communications prescribed by Article 40 of the Statute and Article 36 of the Rules,

30 The Court

(1) joins the two suits concerning the legal status of certain parts of South-Eastern Greenland brought on July 18th, 1932, by the Norwegian Government and by the Danish Government respectively ;

(2) fixes as follows the time-limits for the written proceedings in the case before it :

for the filing of a Case by each of the Parties, February 1st, 1933;

for the filing of a Counter-Case by each of the Parties, March 15th, 1933 ;

(3) will, if necessary, subsequently fix the time-limits for the submission of Replies and Rejoinders, if any.

Done in French and in English, the French text being authoritative,, at the Peace Palace, The Hague, this second day of August, one thousand nine hundred and thirty-two, in three copies, one of which shall be placed in the archives of the Court and the others delivered to the Agents of the Royal Norwegian Government and of the Royal Danish Government respectively.

(Signed) M. Adatci,

President of the Court.

(Signed) Å. Hammarskjöld,

Registrar of the Court.

