damage suffered. The Court, having found both parties to have been in breach, directed that the question of compensation should be dealt with in the negotiations as part of the overall settlement of the dispute.[42]

It is curious that the Court was upholding the parties to a bargain which both regarded as at an end, and no longer wanted applied in its original terms. Principle would suggest that a contract repudiated by both parties was a dead letter, and the Court should have been concerned only with delineating the legal consequences of its termination. The decision can only be defended as a pragmatic one. The very serious financial and political implications of a finding that the contractual regime had been frustrated was not lost on the Court. Slovakia had already expended huge sums of money on the project and did not want it abandoned. On the other hand, completion of the project in its original form was utterly unacceptable to Hungary and genuinely posed serious environmental threats. Yet by asking the parties to negotiate a solution, possibly with the help of a third party, it is arguable that the Court was abdicating the very responsibility that the parties had assigned to it.

PHOEBE N. OKOWA

II. CASES BEFORE THE COURT*

1. Maritime Delimitation and Territorial Questions Between Qatar and Bahrain (*Qatar* v. *Bahrain*).
2. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United Kingdom*).
3. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United States of America*).
4. Oil Platforms (*Islamic Republic of Iran* v. *United States of America*).
5. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina* v. *Yugoslavia*).
6. Land and Maritime Boundary between Cameroon and Nigeria (*Cameroon* v. *Nigeria*), Jurisdiction and Admissibility.
7. Fisheries Jurisdiction Case (*Spain* v. *Canada*), Jurisdiction.
8. Kasikili/Sedudu Island (*Botswana/Namibia*).
9. Vienna Convention on Consular Relations (*Paraguay* v. *United States of America*).

III. OTHER DEVELOPMENTS

1. In an Order of 17 December 1997 the Court held that counterclaims against

42. *Idem*, para.153.

* As at 31 May 1997. All cases listed are being considered on the merits, unless otherwise indicated.

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Bosnia and Herzegovina submitted by Yugoslavia in its Counter-Memorial of 22 July 1997 in the Case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina* v. *Yugoslavia*) were admissible and formed a part of the current proceedings.

2. In an Order of 27 February 1998 the Court determined that it had jurisdiction to deal with the merits in the Cases concerning Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United Kingdom*), (*Libyan Arab Jamahiriya* v. *United States of America*).
3. Oral hearings in the Case concerning Land and Maritime Boundary between Cameroon and Nigeria (*Cameroon* v. *Nigeria*), Jurisdiction and Admissibility, were held from 2 to 11 March 1998.
4. In an Order of 19 March 1998 the Court held that a counterclaim against Iran submitted by the United States in its Counter-Memorial of 23 June 1997 in the Case concerning Oil Platforms (*Islamic Republic of Iran* v. *United States of America*) was admissible and formed a part of the current proceedings.
5. On 3 April 1998 Paraguay requested an award of interim measures in connection with the application filed that day against the United States in the Case concerning the Vienna Convention on Consular Relations (*Paraguay* v. *United States of America*) and regarding Angel Fransisco Breard who was due to be executed in Virginia (US) on 14 April 1998. On 9 April the Court issued an Order calling on the United States to take measures to prevent the execution from taking place, pending a final decision, but the execution took place as planned.
6. An official Court website has been established, at http://www.icj-cij.org.

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