

MINQUIERS AND ECREHOS
(FRANCE / UK)

Special Agreement, December 1950

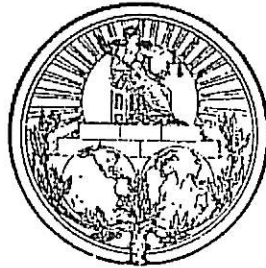
INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

THE MINQUIERS
AND ECREHOS CASE

(UNITED KINGDOM / FRANCE)

JUDGMENT OF NOVEMBER 17th, 1953



PRINTED IN THE NETHERLANDS

PART I

SPECIAL AGREEMENT AND
PLEADINGS

PREMIÈRE PARTIE

COMPROMIS ET PIÈCES ÉCRITES

SECTION A.—SPECIAL AGREEMENT

THE BRITISH AMBASSADOR TO THE NETHERLANDS
TO THE REGISTRAR OF THE COURT

BRITISH EMBASSY, THE HAGUE.

5th December, 1951.

Sir,

I have the honour, upon the instructions of His Majesty's Principal Secretary of State for Foreign Affairs, to transmit to you, with reference to paragraph 1 of Article 40 of the Statute of the Court and to paragraph 1 of Article 32 of the Rules of Court, the enclosed certified copy of a Special Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic signed on the twenty-ninth day of December, 1950, the instruments of ratification in respect of which were exchanged at Paris on the twenty-fourth day of September, 1951, to submit to the Court a dispute which has arisen between them as a result of claims by each of them to sovereignty over the islets and rocks in the Minquiers and Écréhous groups, and to request you to bring the above-mentioned Agreement before the Court.

I have also the honour to inform you, in conformity with paragraph 1 of Article 35 of the Rules of Court, that Mr. R. S. B. Best, Third Legal Adviser to the Foreign Office, has been appointed Agent of the Government of the United Kingdom for the purposes of this case and that this Embassy is the permanent address at the seat of the Court to which notices and communications intended for the Agent of the Government of the United Kingdom in regard to this case should be sent.

I am, etc.

(Signed) PHILIP NICHOLS.

"A"

SPECIAL AGREEMENT FOR SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF DIFFERENCES BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FRENCH REPUBLIC CONCERNING SOVEREIGNTY OVER THE MINQUIERS AND ECREHOS ISLETS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic ;

Considering that differences have arisen between them as a result of claims by each of them to sovereignty over the islets and rocks in the Minquiers and Ecrehos groups ;

Desiring that these differences should be settled by a decision of the International Court of Justice determining their respective rights as regards sovereignty over those islets and rocks ;

Desiring to define the issues to be submitted to the International Court of Justice ;

Have agreed as follows :

ARTICLE I

The Court is requested to determine whether the sovereignty over the islets and rocks (in so far as they are capable of appropriation) of the Minquiers and Ecrehos groups respectively belongs to the United Kingdom or the French Republic.

ARTICLE II

Without prejudice to any question as to the burden of proof, the Contracting Parties agree, having regard to Article 37 of the Rules of Court, that the written proceedings should consist of

- (1) a United Kingdom memorial to be submitted within three months of the notification of the present Agreement to the Court in pursuance of Article III below ;
- (2) a French counter-memorial to be submitted within three months of delivery of the United Kingdom memorial ;
- (3) a United Kingdom reply followed by a French rejoinder to be delivered within such times as the Court may order.

ARTICLE III

Upon the entry into force of the present Agreement, it may be notified to the Court under Article 40 of the Statute of the Court by either of the Contracting Parties.

ARTICLE IV

(a) The present Agreement shall be subject to ratification.

(b) The instruments of ratification shall be exchanged as soon as possible in Paris and the present Agreement shall enter into force immediately upon the exchange of ratifications.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done in duplicate in London, the 29th day of December, 1950, in English and French, both texts being equally authoritative.

(L.S.) W. E. BECKETT.

(L.S.) ANDRÉ GROS.

I HEREBY CERTIFY THAT the text of the instrument hereto annexed and marked "A" is a TRUE and COMPLETE COPY of a Special Agreement for submission to the International Court of Justice of differences between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning sovereignty over the Minquiers and Ecrehos islets.

Signed at London on the 29th December, 1950, and that it includes all reservations made by the Parties thereto.

I FURTHER CERTIFY that the instrument came into force on the 24th September, 1951, by instruments of ratification exchanged at Paris in accordance with the terms of Article IV (b) of the SAID Agreement.

(Signed) E. J. PASSANT,
Librarian and Keeper of the
Papers for the Secretary of
State for Foreign Affairs.

London, 27 Nov. 1951.

[Seal]

**NORTH SEA CONTINENTAL SHELF
(GERMANY / DENMARK)**

Special Agreement, February 1967

SECTION A. SPECIAL AGREEMENTS



SECTION A. COMPROMIS

THE MINISTER OF FOREIGN AFFAIRS OF THE
NETHERLANDS TO THE REGISTRAR OF THE
INTERNATIONAL COURT OF JUSTICE

The Hague, 16 February 1967.

Sir,

On behalf of the Government of the Kingdom of the Netherlands and with reference to Article 40, paragraph 1, of the Statute of the Court, I have the honour to present to you:

- (a) an original copy, signed at Bonn on 2 February 1967 for the Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany, of a Special Agreement for the submission to the International Court of Justice of a difference between the Kingdom of Denmark and the Federal Republic of Germany concerning the delimitation, as between the Kingdom of Denmark and the Federal Republic of Germany, of the continental shelf in the North Sea;
- (b) an original copy, signed at Bonn on 2 February 1967 for the Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands, of a Special Agreement for the submission to the International Court of Justice of a difference between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the delimitation, as between the Federal Republic of Germany and the Kingdom of the Netherlands, of the continental shelf in the North Sea.

The aforesaid Special Agreements entered into force, pursuant to their Articles 3, on the date of their signature, i.e., on 2 February 1967.

In addition, I have the honour to present to you:

- (c) an original copy, signed at Bonn on 2 February 1967 for the Governments of the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands, of a Protocol relating to certain procedural questions arising from the Special Agreements referred to under (a) and (b) above.

As stated in section 1 of this Protocol, the three Governments parties to it have agreed that the Government of the Kingdom of the Netherlands shall file the two Special Agreements and the Protocol with the International Court of Justice. Consequently, I would request you to submit the aforementioned instruments to the Court.

With reference to paragraphs 1 and 5 of Article 35 of the Rules of Court, I would also inform you that Professor W. Riphagen, Legal Adviser to the Ministry of Foreign Affairs, has been appointed Agent of the Kingdom of the Netherlands for the case relating to the Special Agreement referred to under (b). My Ministry constitutes his address for service at the seat of the Court to which all communications relating to the case should be sent.

Please accept, Sir, the assurance of my high consideration.

(Signed) J. M. A. H. LUNS,
Minister of Foreign Affairs.

SPECIAL AGREEMENT

FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF A DIFFERENCE BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION, AS BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY, OF THE CONTINENTAL SHELF IN THE NORTH SEA.

The Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany,

Considering that the delimitation of the coastal continental shelf in the North Sea between the Kingdom of Denmark and the Federal Republic of Germany has been laid down by a Convention concluded on 9 June 1965,

Considering that in regard to the further course of the boundary disagreement exists between the Danish and German Governments, which could not be settled by detailed negotiations,

Intending to settle the open questions in the spirit of the friendly and good-neighbourly relations existing between them,

Recalling the obligation laid down in Article 1 of the Danish-German Treaty of Conciliation and Arbitration of 2 June 1926 to submit to a procedure of conciliation or to judicial settlement all controversies which cannot be settled by diplomacy,

Bearing in mind the obligation assumed by them under Articles 1 and 28 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957 to submit to the judgment of the International Court of Justice all international legal controversies to the extent that no special arrangement has been or will be made,

By virtue of the fact that the Kingdom of Denmark is a party to the Statute of the International Court of Justice, and of the Declaration of acceptance of the jurisdiction of the International Court of Justice made by the Federal Republic of Germany on 29 April 1961 in conformity with Article 3 of the Convention of 29 April 1957 and with the Resolution adopted by the Security Council of the United Nations on 15 October 1946 concerning the "Condition under which the International Court of Justice shall be open to States not Parties to the Statute of the International Court of Justice",

Have agreed as follows:

Article 1

(1) The International Court of Justice is requested to decide the following question:

What principles and rules of international law are applicable to the delimitation as between the Parties of the areas of the continental shelf in the North Sea which appertain to each of them beyond the partial boundary determined by the above-mentioned Convention of 9 June 1965?

(2) The Governments of the Kingdom of Denmark and of the Federal Republic of Germany shall delimit the continental shelf in the North Sea as between their countries by agreement in pursuance of the decision requested from the International Court of Justice.

Article 2

(1) The Parties shall present their written pleadings to the Court in the order stated below:

1. a Memorial of the Federal Republic of Germany to be submitted within six months from the notification of the present Agreement to the Court;
2. a Counter-Memorial of the Kingdom of Denmark to be submitted within six months from the delivery of the German Memorial;
3. a German Reply followed by a Danish Rejoinder to be delivered within such time-limits as the Court may order.

(2) Additional written pleadings may be presented if this is jointly proposed by the Parties and considered by the Court to be appropriate to the case and the circumstances.

(3) The foregoing order of presentation is without prejudice to any question of burden of proof which might arise.

Article 3

The present Agreement shall enter into force on the day of signature thereof.

Done at Bonn on 2 February 1967 in triplicate in the English language.

For the Government of the
Kingdom of Denmark,
(Signed) K. KNUTH-WINTERFELDT,

For the Government of the
Federal Republic of Germany,
(Signed) SCHÜTZ.

SPECIAL AGREEMENT

FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF A DIFFERENCE BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE DELIMITATION, AS BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS, OF THE CONTINENTAL SHELF IN THE NORTH SEA.

The Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands,

Considering that the delimitation of the coastal continental shelf in the North Sea between the Federal Republic of Germany and the Kingdom of the Netherlands has been laid down by a Convention concluded on 1 December 1964,

Considering that in regard to the further course of the boundary disagreement exists between the German and the Netherlands Governments, which could not be settled by detailed negotiations,

Intending to settle the open questions in the spirit of the friendly and good-neighbourly relations existing between them,

Recalling the obligation laid down in Article 1 of the German-Netherlands Treaty of Conciliation and Arbitration of 20 May 1926 to submit to a procedure of conciliation or to judicial settlement all controversies which cannot be settled by diplomacy,

Bearing in mind the obligation assumed by them under Articles 1 and 28 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957 to submit to the judgment of the International Court of Justice all international legal controversies to the extent that no special arrangement has been or will be made,

By virtue of the fact that the Kingdom of the Netherlands is a party to the Statute of the International Court of Justice, and of the Declaration of acceptance of the jurisdiction of the International Court of Justice made by the Federal Republic of Germany on 29 April 1961 in conformity with Article 3 of the Convention of 29 April 1957 and with the Resolution adopted by the Security Council of the United Nations on 15 October 1946 concerning the "Conditions under which the International Court of Justice shall be open to States not Parties to the Statute of the International Court of Justice",

Have agreed as follows:

Article 1

(1) The International Court of Justice is requested to decide the following question:

What principles and rules of international law are applicable to the delimitation as between the Parties of the areas of the continental shelf in the North Sea which appertain to each of them beyond the partial boundary determined by the above-mentioned Convention of 1 December 1964?

(2) The Governments of the Federal Republic of Germany and of the Kingdom of the Netherlands shall delimit the continental shelf in the North

Sea as between their countries by agreement in pursuance of the decision requested from the International Court of Justice.

Article 2

(1) The Parties shall present their written pleadings to the Court in the order stated below:

1. a Memorial of the Federal Republic of Germany to be submitted within six months from the notification of the present Agreement to the Court;

2. a Counter-Memorial of the Kingdom of the Netherlands to be submitted within six months from the delivery of the German Memorial;

3. a German Reply followed by a Netherlands Rejoinder to be delivered within such time-limits as the Court may order.

(2) Additional written pleadings may be presented if this is jointly proposed by the Parties and considered by the Court to be appropriate to the case and the circumstances.

(3) The foregoing order of presentation is without prejudice to any question of burden of proof which might arise.

Article 3

The present Agreement shall enter into force on the day of signature thereof.

Done at Bonn on 2 February 1967 in triplicate in the English language.

For the Government of the
Federal Republic of Germany,
(Signed) SCHÜTZ,

For the Government of the
Kingdom of the Netherlands,
(Signed) G. E. VAN ITERSUM.

PROTOCOL

At the signature of the Special Agreement of today's date between the Government of the Federal Republic of Germany and the Governments of the Kingdom of Denmark and the Kingdom of the Netherlands respectively, on the submission to the International Court of Justice of the differences between the Parties concerning the delimitation of the continental shelf in the North Sea, the three Governments wish to state their agreement on the following:

1. The Government of the Kingdom of the Netherlands will, within a month from the signature, notify the two Special Agreements together with the present Protocol to the International Court of Justice in accordance with Article 40, paragraph 1, of the Statute of the Court.
2. After the notification in accordance with item 1 above the Parties will ask the Court to join the two cases.
3. The three Governments agree that, for the purpose of appointing a judge *ad hoc*, the Governments of the Kingdom of Denmark and the Kingdom of the Netherlands shall be considered parties in the same interest within the meaning of Article 31, paragraph 5, of the Statute of the Court.

DONE at Bonn on 2 February 1967 in four copies in the English language.

For the Government of the Kingdom
of Denmark

(Signed) K. KNUTH-WINTERFELDT

For the Government of the Federal Republic
of Germany

(Signed) SCHÜTZ

For the Government of the Kingdom of the
Netherlands

(Signed) G. E. VAN ITTERSUM

**CONTINENTAL SHELF
(TUNISIA / LIBYA)**

Special Agreement, June 1977

SPECIAL AGREEMENT

BETWEEN THE REPUBLIC OF TUNISIA AND THE SOCIALIST PEOPLES
LIBYAN ARAB JAMAHIRIYA

FILED BY THE GOVERNMENT OF THE LIBYAN ARAB JAMAHIRIYA

THE SECRETARY FOR FOREIGN AFFAIRS
OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR OF
THE INTERNATIONAL COURT OF JUSTICE

Tripoli, 14 February 1979.

I have the honour to acknowledge your letter No. 62325 dated 1 December 1978, with its accompanying documents, received by the Secretariat of Foreign Affairs of the Socialist People's Libyan Arab Jamahiriya in Tripoli on 10 January 1979.

I enclose a certified copy of the original in Arabic of the Special Agreement between the Socialist People's Libyan Arab Jamahiriya and the Republic of Tunisia, signed in Tunis on 10 June 1977 and ratified by both Parties.

I enclose an English translation of the original authentic Arabic text, certified as accurate by the Socialist People's Libyan Arab Jamahiriya. To the extent that there are discrepancies between this English translation of the Special Agreement and the French translation certified by the Minister for Foreign Affairs of the Republic of Tunisia on 25 November 1978, I reserve the position of my Government with regard to those discrepancies in the translations.

I further have the honour to inform you, pursuant to Article 40 of the Rules of Court, that the Agent and Co-Agent for the Socialist People's Libyan Arab Jamahiriya are Mr. Ambassador Kamel H. El Maghur and Mr. Suleiman A. Ateiga, Minister Plenipotentiary in the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya in Geneva.

I should be grateful if, pending the establishment of an address in The Hague, communications concerning the case were addressed to the Agent/Co-Agent at the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations Office in Geneva : 22 chemin François-Lehmann, 1218 Grand-Saconnex.

(Signed) Dr. Ali A. TREKI,
Secretary of Foreign Affairs
of the Socialist People's Libyan
Arab Jamahiriya.

SPECIAL AGREEMENT

BETWEEN THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA AND THE REPUBLIC OF TUNISIA FOR THE SUBMISSION OF THE QUESTION OF THE CONTINENTAL SHELF BETWEEN THE TWO COUNTRIES TO THE INTERNATIONAL COURT OF JUSTICE

The Secretariat of Foreign Affairs of the Socialist People's Libyan Arab Jamahiriya and the Ministry of Foreign Affairs of the Republic of Tunisia have agreed to have recourse to the International Court of Justice in accordance with the following :

Article 1

The Court is requested to render its judgement in the following matter :

What principles and rules of international law may be applied for the delimitation of the area of the continental shelf appertaining to the Socialist People's Libyan Arab Jamahiriya and to the area of the continental shelf appertaining to the Republic of Tunisia, and the Court shall take its decision according to equitable principles, and the relevant circumstances which characterize the area, as well as the new accepted trends in the Third Conference on the Law of the Sea.

Also, the Court is further requested to clarify the practical method for the application of these principles and rules in this specific situation, so as to enable the experts of the two countries to delimit these areas without any difficulties.

Article 2

Following the delivery of the judgement of the Court, the two Parties shall meet to apply these principles and rules in order to determine the line of delimitation of the area of the continental shelf appertaining to each of the two countries, with a view to the conclusion of a treaty in this respect.

Article 3

In case the agreement mentioned in Article 2 is not reached within a period of three months, renewable by mutual agreement from the date of delivery of the Court's judgement, the two Parties shall together go back to the Court and request any explanations or clarifications which would facilitate the task of the two delegations to arrive at the line separating the two areas of the continental shelf, and the two Parties shall comply with the judgement of the Court and with its explanations and clarifications.

Article 4

- (a) The proceedings shall consist of written pleadings and oral argument.
- (b) Without prejudice to any question which may arise relating to the means of proof, the written pleadings shall consist of the following documents :

First - Memorials to be submitted to the Court and exchanged between the two Parties, within a period not exceeding (18) eighteen months from the date of the notification of this Agreement to the Registrar of the Court.

Second - Counter-Memorials to be submitted to the Court by both Parties and exchanged between them as follows :

The Republic of Tunisia shall submit its Counter-Memorial within a period of (6) six months from the date on which it receives from the Court notification of the Memorial : the Socialist People's Libyan Arab Jamahiriya shall present its Counter-Memorial within a period of (8) eight months from the date on which it receives from the Court notification of the Memorial.

Third - If necessary, additional written pleadings to be submitted to the Court and exchanged within periods to be fixed by the Court, at the request of either Party, or, if the Court so decides, after consultation between the two Parties.

(c) The question of the order of speaking for the oral argument shall be decided by mutual agreement between the two Parties and whatever order of speaking is accepted it shall not prejudice any question relating to the presentation of proof.

Article 5

This Agreement shall enter into force on the date of exchange of the instruments of its ratification and shall be notified to the Registrar of the Court by the two Parties or by either of them.

Done in Tunis in two original copies in Arabic language this 23 Jumada Al-Thani 1397 H. corresponding to 10 June 1977:

(Signed) Dr. Ali A. TREKI,
Secretary of Foreign Affairs
of the Socialist People's Libyan Arab
Jamahiriya.

(Signed) Habib CHATTY,
Minister of Foreign Affairs
of the Government of the Republic
of Tunisia.

**DELIMITATION OF THE MARITIME
BOUNDARY IN THE GULF OF MAINE AREA
(CANADA / USA)**

Special Agreement, March 1979

LETTER FROM THE AMBASSADORS OF CANADA
AND THE UNITED STATES OF AMERICA TO THE NETHERLANDS
TO THE REGISTRAR

The Hague, 25 November 1981.

On behalf of the Government of Canada and the Government of the United States of America, and in accordance with Article 40, paragraph 1, of the Statute of the International Court of Justice, we have the honour to notify the Court of the Special Agreement¹ between the Government of Canada and the Government of the United States of America to submit to a Chamber of the International Court of Justice the Delimitation of the Maritime Boundary in the Gulf of Maine area, signed at Washington on 29 March 1979 and subsequently altered.

A certified copy of the Protocol of Exchange², dated 20 November 1981, recording the exchange of instruments of ratification on that date between Canada and the United States of America of the Treaty³ between the Government of Canada and the Government of the United States of America to submit to binding dispute settlement the Delimitation of the Maritime Boundary in the Gulf of Maine area, done at Washington, 29 March 1979 and subsequently altered is attached herewith. Together with the certified copy of the Protocol of Exchange is a certified copy of the Treaty and of the Special Agreement referred to above.

In notifying the Court of the Special Agreement, the two Governments wish to stress the importance that they attach to early consultations with the President of the Court under Article 17 of the Rules of Court, so that the President may be in a position to ascertain their views regarding the composition of the Chamber to which the two Governments hereby submit the question set out in Article II of the Special Agreement. It will be noted that the Special Agreement provides for a Chamber composed of five persons.

The two Governments also wish to stress the importance they attach to the formation of the Chamber prior to the commencement of the terms of office of those Members of the Court elected in the triennial election held this year.

In accordance with Article 35 of the Rules of Court, the Government of Canada hereby notifies the Court of its intention to exercise the power conferred by Article 31 of the Statute of the Court to choose a judge *ad hoc* in these proceedings.

In accordance with Article 40 of the Rules of Court, the Government of Canada and the Government of the United States of America hereby inform the Court of the names of their Agents for the proceedings herein :

For the Government of Canada :
Leonard H. Legault.

¹ See pp. 10-16, *infra*. [Note by the Registry.]

² See p. 6, *infra*. [Note by the Registry.]

³ See pp. 7-9, *infra*. [Note by the Registry.]

For the Government of the United States of America :
Davis R. Robinson.

The address for Service of the Agent for Canada is : Embassy of Canada to the Netherlands, Sophialaan 7, The Hague. The address for Service of the Agent for the United States of America is : Lange Voorhout 102, The Hague.

(Signed) Georges H. BLOUIN,
Ambassador of Canada
to the Kingdom of The Netherlands.

(Signed) William J. DYESS,
Ambassador
of the United States of America
to the Kingdom of The Netherlands.

TREATY BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO SUBMIT TO BINDING DISPUTE SETTLEMENT THE DELIMITATION OF THE MARITIME BOUNDARY IN THE GULF OF MAINE AREA

The Government of Canada and the Government of the United States of America,

Recognizing that they have been unable to resolve by negotiation the differences between them concerning the delimitation of the continental shelf and the fisheries zones of Canada and the United States of America in the Gulf of Maine area,

Desiring to reach an early and amicable settlement of these differences,
Have agreed as follows :

Article I

The Parties shall, pursuant to Article 40 of the Statute of the International Court of Justice, notify the Court of the Special Agreement between the Government of Canada and the Government of the United States of America to Submit to a Chamber of the International Court of Justice the Delimitation of the Maritime Boundary in the Gulf of Maine Area annexed hereto. The Chamber of the International Court of Justice shall be deemed to have been constituted when the Registrar of the Court has been notified of the name or names of the judge or judges *ad hoc*.

Article II

If, for any reason, the Chamber referred to in Article I has not been constituted in accordance with the provisions of this Treaty and the Special Agreement by the end of the sixth full calendar month after the date of entry into force of this Treaty, either Party may at any time prior to the constitution of the Chamber, terminate the Special Agreement, whereupon the Agreement between the Government of Canada and the Government of the United States of America to Submit to a Court of Arbitration the Delimitation of the Maritime Boundary in the Gulf of Maine Area annexed hereto shall enter into force. In the event the Special Agreement is terminated the Parties shall jointly notify the International Court of Justice that the proceedings under the Special Agreement are discontinued.

Article III

If, at any time following the constitution of the Chamber, in accordance with the provisions of this Treaty and the Special Agreement, a vacancy on the Chamber is not filled in a manner acceptable to the Parties within four months of the date on which the vacancy occurred, either Party may within a further two months terminate the Special Agreement, whereupon the Agreement between the Government of Canada and the Government of the United States of America to Submit to a Court of Arbitration the Delimitation of the Maritime Boundary in the Gulf of Maine Area annexed hereto shall enter into force. In the event the Special Agreement is terminated, the Parties shall jointly notify the International Court of Justice that the proceedings under the Special Agreement are discontinued.

Article IV

This Treaty shall be ratified in accordance with the domestic requirements of the Parties and shall enter into force on the date instruments of ratification are exchanged and shall remain in force until terminated by agreement of the Parties.

TRAITÉ ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES
ÉTATS-UNIS D'AMÉRIQUE VISANT À SOUMETTRE AU RÈGLEMENT OBLIGATOIRE LE
DIFFÉREND RELATIF À LA DÉLIMITATION DE LA FRONTIÈRE MARITIME DANS LA
RÉGION DU GOLFE DU MAINE

Le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique,

Reconnaissant qu'ils n'ont pu résoudre par voie de négociation leurs différends en matière de délimitation du plateau continental et des zones de pêche du Canada et des Etats-Unis d'Amérique dans la région du golfe du Maine,

Désirant parvenir à un règlement amical de ces différends dans les meilleurs délais,

Sont convenus de ce qui suit :

Article I

En application de l'article 40 du Statut de la Cour internationale de Justice, les Parties notifient la Cour du compromis annexé aux présentes entre le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique visant à soumettre à une chambre de la Cour internationale de Justice la question de la délimitation de la frontière maritime dans la région du golfe du Maine. La chambre de la Cour internationale de Justice est réputée avoir été constituée lorsque le Greffier de la Cour a été notifié du nom du juge *ad hoc* ou des noms des juges *ad hoc*.

Article II

Si, pour une raison quelconque, la chambre visée à l'article I n'a pas été constituée conformément aux dispositions du présent traité et du compromis à la fin du sixième mois civil révolu suivant la date d'entrée en vigueur du présent traité, l'une ou l'autre Partie peut dénoncer le compromis à tout moment avant la constitution de la chambre, auquel cas le compromis entre le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique visant à soumettre à une cour d'arbitrage la question de la délimitation de la frontière maritime dans la région du golfe du Maine entre en vigueur. En cas de dénonciation du compromis, les Parties notifient conjointement la Cour internationale de Justice de la discontinuation de la procédure aux termes du compromis.

Article III

Si, à quelque moment que ce soit après la constitution de la chambre conformément aux dispositions du présent traité et du compromis, il n'est pas pourvu à une vacance à la chambre d'une manière que les Parties jugent acceptable dans les quatre mois suivant la date à laquelle s'est produite la vacance, l'une ou l'autre

Partie peut dénoncer le compromis dans les deux mois qui suivent le délai de quatre mois, auquel cas le compromis d'arbitrage annexé aux présentes entre le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique visant à soumettre à une cour d'arbitrage la question de la délimitation de la frontière maritime dans la région du golfe du Maine entre en vigueur. En cas de dénonciation du compromis, les Parties notifient conjointement la Cour internationale de Justice de la discontinuation de la procédure aux termes du compromis.

Article IV

Le présent traité sera ratifié en conformité avec les exigences nationales des Parties et entrera en vigueur à la date de l'échange des instruments de ratification. Il demeurera en vigueur jusqu'à son abrogation par voie d'accord entre les Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Washington this twenty-ninth day of March 1979, in the French and English languages, each text being equally authentic.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet par leurs gouvernements respectifs, ont signé le présent traité.

FAIT en double exemplaire à Washington ce vingt-neuvième jour de mars 1979, en français et en anglais, chaque texte faisant également foi.

For the Government of
Canada :
Pour le Gouvernement
du Canada :

(Signed) (Signé) Peter TOWE.
(Signed) (Signé) M. CADIEUX.

For the Government of the
United States of America :
Pour le Gouvernement
des Etats-Unis d'Amérique :

(Signed) (Signé) Cyrus R. VANCE.
(Signed) (Signé) Lloyd N. CUTLER.

SPECIAL AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA TO SUBMIT TO A CHAMBER
OF THE INTERNATIONAL COURT OF JUSTICE THE DELIMITATION OF THE MARITIME
BOUNDARY IN THE GULF OF MAINE AREA

The Government of Canada and the Government of the United States of
America,

Recognizing that they have been unable to resolve by negotiation the differ-
ences between them concerning the delimitation of the continental shelf and the
fisheries zones of Canada and the United States of America in the Gulf of Maine
area,

Desiring to reach an early and amicable settlement of these differences,
Have agreed as follows :

Article I

The Parties shall submit the question posed in Article II to a Chamber of the
International Court of Justice, composed of five persons, to be constituted after
consultation with the Parties, pursuant to Article 26 (2) and Article 31 of the
Statute of the Court and in accordance with this Special Agreement.

Article II

1. The Chamber is requested to decide, in accordance with the principles and
rules of international law applicable in the matter as between the Parties, the
following question :

What is the course of the single maritime boundary that divides the
continental shelf and fisheries zones of Canada and the United States of
America from a point in latitude $44^{\circ}11'12''N$, longitude $67^{\circ}16'46''W$ to a
point to be determined by the Chamber within an area bounded by straight
lines connecting the following sets of geographic coordinates : latitude
 $40^{\circ}N$, longitude $67^{\circ}W$; latitude $40^{\circ}N$, longitude $65^{\circ}W$; latitude $42^{\circ}N$,
longitude $65^{\circ}W$?

2. The Chamber is requested to describe the course of the maritime boundary
in terms of geodetic lines connecting geographic coordinates of points. The
Chamber is also requested, for illustrative purposes only, to depict the course of
the boundary on Canadian Hydrographic Service Chart No. 4003 and United
States National Ocean Survey Chart No. 13006, in accordance with Article
IV.

3. The Parties shall request the Chamber to appoint a technical expert nom-
inated jointly by the Parties to assist it in respect of technical matters and, in
particular, in preparing the description of the maritime boundary and the charts
referred to in paragraph 2. The Registrar is requested to provide the expert with
copies of each Party's pleadings when such pleadings are communicated to the
other Party. The expert shall be present at the oral proceedings and shall be
available for such consultations with the Chamber as it may deem necessary for
the purposes of this Article.

4. The Parties shall accept as final and binding upon them the decision of the Chamber rendered pursuant to this Article.

Article III

1. South and west of the maritime boundary to be determined by the Chamber in accordance with this Special Agreement Canada shall not, and north and east of said maritime boundary the United States of America shall not, claim or exercise sovereign rights or jurisdiction for any purpose over the waters or seabed and subsoil.

2. Nothing in this Special Agreement shall affect the position of either Party with respect to the legal nature and seaward extent of the continental shelf, of fisheries jurisdiction, or of sovereign rights or jurisdiction for any other purpose under international law.

Article IV

The Chamber and any technical expert or experts are requested to utilize, and the Parties in their presentations to the Chamber shall utilize, the following technical provisions :

- (a) All geographic coordinates of points referred to shall be rendered on the 1927 North American Datum.
- (b) All straight lines shall be geodetic lines. Curved lines, including parallels of latitude, if necessary for the judgment, shall be computed on the 1927 North American Datum.
- (c) Notwithstanding the fact that the Parties utilize different vertical datums in the Gulf of Maine area, the two datums shall be deemed to be common.
- (d) Should reference to the low water baseline of either Party be required, the most recent largest scale charts published by the Party concerned shall be utilized.
- (e) If a point or points on a particular chart are not on the 1927 North American Datum, the Chamber shall request the Agent of the appropriate Party to furnish the Chamber with the corrected datum points.
- (f) In recognition of the fact that the Parties do not utilize the same standard set of symbols on nautical charts, the Chamber, or any technical expert or experts shall, if necessary, confer with the Agents and their advisers to insure proper interpretation of the symbol or feature.
- (g) The Chamber, or any technical expert or experts, is requested to consult with the Parties as may be necessary concerning any common computer programs of the Parties for technical calculations, and to utilize such programs as appropriate.

Article V

1. Neither Party shall introduce into evidence or argument, or publicly disclose in any manner, the nature or content of proposals directed to a maritime boundaries settlement, or responses thereto, in the course of negotiations or discussions between the Parties undertaken since 1969.

2. Each of the Parties shall notify and consult the other prior to introducing into evidence or argument diplomatic or other confidential correspondence between Canada and the United States of America related to the issue of maritime boundaries delimitation.

Article VI

1. Without prejudice to any question as to burden of proof, the Parties shall request the Chamber to authorize the following procedure with regard to the written pleadings :

- (a) A Memorial to be submitted by each Party not later than seven months after the Registrar shall have received the notification of the name or names of the judge or judges *ad hoc* ;
- (b) a Counter-Memorial to be submitted by each Party not later than six months after the exchange of Memorials ; and
- (c) any further pleadings found by the Chamber to be necessary.

2. The Chamber may extend these time-limits at the request of either Party.

3. The written pleadings submitted to the Registrar shall not be communicated to the other Party until the corresponding pleading of that Party has been received by the Registrar.

Article VII

1. Following the decision of the Chamber, either Party may request negotiations directed toward reaching agreement on extension of the maritime boundary as far seaward as the Parties may consider desirable.

2. If the Parties have not reached agreement on the extension of the maritime boundary within one year of the date of such a request, either Party may notify the other of its intention to submit the question of the seaward extension of the maritime boundary for decision by a binding third party settlement procedure.

3. If the Parties are unable to agree on the terms of such a submission within three months of such a notification, either Party may submit the question of the seaward extension of the maritime boundary to the Chamber of five judges constituted in accordance with this Special Agreement.

4. The provisions of this Special Agreement shall be applied, *mutatis mutandis*, to the proceedings under this Article, and the decision of the Chamber shall be final and binding upon the Parties.

Article VIII

This Special Agreement shall enter into force on the date of the entry into force of the Treaty between the Government of Canada and the Government of the United States of America to Submit to Binding Dispute Settlement the Delimitation of the Maritime Boundary in the Gulf of Maine Area signed this day. It shall remain in force unless and until it is terminated in accordance with the provisions of the said Treaty or until the said Treaty is terminated.

**CONTINENTAL SHELF
(LIBYA / MALTA)**

Special Agreement, May 1976

THE SECRETARY OF THE PEOPLE'S COMMITTEE FOR THE
PEOPLE'S FOREIGN LIAISON BUREAU OF THE SOCIALIST
PEOPLE'S LIBYAN ARAB JAMAHIRIYA AND THE MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC OF MALTA TO
THE REGISTRAR OF THE INTERNATIONAL COURT OF
JUSTICE

19 July 1982.

On behalf of the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta, and pursuant to Article 40, paragraph 1, of the Statute of the International Court of Justice and Article 39 of the Rules of Court, we have the honour to notify you of and to transmit to you a certified copy of the Arabic and English texts of a Special Agreement concluded

"between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta for the submission to the International Court of Justice of difference".

The Special Agreement was signed at Valletta on 23 May 1976, corresponding to 24 Jumada al-Ula 1396 A.H., and came into force in accordance with its Article IV on the date of the exchange of the instruments of ratification thereof, which took place at Valletta on 20 March 1982.

It was registered jointly by the two Parties with the United Nations Secretariat, in accordance with Article 102 of the Charter of the United Nations, on 19 April 1982.

We further have the honour to inform you, pursuant to Article 40 of the Rules of Court, that

- (i) Dr. Abdelrazeg El-Murtadi Suleiman, Professor of International Law at the University of Garyounis, Benghazi, has been appointed Agent for the Socialist People's Libyan Arab Jamahiriya for the purposes of the present case. Communications concerning the case could be addressed to the Agent at the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations, 47 Avenue Blanc, 1202 Geneva, Switzerland.
- (ii) Dr. Edgar Mizzi, Chairman, Malta Law Commission and Special Legal Adviser to the Government of Malta, has been appointed Agent of the Republic of Malta for the purposes of the present case and his address for service at the seat of the Court shall be Dr. Edgar Mizzi, Agent of Malta before the International Court of Justice, c/o Blackstone, Rueb and van Boeschoten, Koninginnegracht 27, 2514 AB 's-Gravenhage.

We request you to be so kind as to submit the above-mentioned Special Agreement to the Court.

For the Socialist People's
Libyan Arab Jamahiriya :

(Signed) Abdel-Ati Ibrahim EL OBEIDI,
Secretary of the People's
Committee for the People's
Foreign Liaison Bureau.

For the Government of
the Republic of Malta :

(Signed) Alex Sceberras TRIGONA,
Minister for
Foreign Affairs.

Enclosures:

1. Certified copy of the Arabic and English texts of the Special Agreement of 23 May 1976.
2. Two exchanged letters dated 23 May 1976 concerning the oral hearings.
3. Certified copy of the Arabic and English texts of the Procès-Verbal of exchange of instruments of ratification of the Special Agreement of 23 May 1976, which took place on 20 March 1982.
4. Certified copy and certified English translation of the instrument of ratification of the Special Agreement of 23 May 1976 by the Socialist People's Libyan Arab Jamahiriya.
5. Certified copy and certified Arabic translation of the instrument of ratification of the Special Agreement of 23 May 1976 by the Republic of Malta.

The Hague, 26 July 1982.

We, the Agent of the Socialist People's Libyan Arab Jamahiriya and the Agent of the Republic of Malta certify that the pages attached hereto and initialled by us constitute true and complete copies of the original documents.

(Signed) Abdelrazeg EL-MURTADI SULEIMAN

(Signed) Edgar MIZZI.

I. SPECIAL AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MALTA AND THE GOVERNMENT OF THE LIBYAN ARAB REPUBLIC FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF DIFFERENCE

The Government of the Republic of Malta and the Government of the Libyan Arab Republic agree to recourse to the International Court of Justice as follows:

Article I

The Court is requested to decide the following question:

What principles and rules of international law are applicable to the delimitation of the area of the continental shelf which appertains to the Republic of Malta and the area of continental shelf which appertains to the Libyan Arab Republic, and how in practice such principles and rules can be applied by the two Parties in this particular case in order that they may without difficulty delimit such areas by an agreement as provided in Article III.

Article II

1. The proceedings shall consist of written pleadings and oral hearings.
2. Without prejudice to any question of the burden of proof, the written pleadings shall consist of the following documents:
 - (a) Memorials to be submitted simultaneously to the Court by each Party and exchanged with one another within a period of nine months from the date of the notification of this agreement to the Registrar of the Court.
 - (b) Replies to be similarly submitted to the Court by each Party and exchanged with one another within four months after the date of the submissions of the memorials to the Registrar.
 - (c) Additional written pleadings may be presented and exchanged in the same manner within periods which shall be fixed by the Court at the request of one of the parties, or if the Court so decides after consultation with the two Parties.
3. The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties but in all cases the order of speaking adopted shall be without prejudice to any question of the burden of proof.

Article III

Following the final decision of the International Court of Justice the Government of the Republic of Malta and the Government of the Libyan Arab Republic shall enter into negotiations for determining the area of their respective continental shelves and for concluding an agreement for that purpose in accordance with the decision of the Court.

Article IV

This agreement shall enter into force on the date of exchange of instruments of ratification by the two Governments, and shall be notified jointly to the Registrar of the Court.

Done in two originals at Valletta, Malta, this 23rd day of May 1976 corresponding to 24 Joumada El Oula 1396 H in the English and Arabic languages both texts being equally authentic.

For the Government
of the Republic of Malta
(Signed) Wistin ABELA,
Minister of Development.

For the Government
of the Libyan Arab Republic
(Signed) Taha Sherif BEN AMER,
Minister of State for
Revolutionary Command Council Affairs.

4 AND 5. INSTRUMENTS OF RATIFICATION

I, Abdulati Ibrahim El-Obeidi, Secretary of the People's Committee of the Popular Bureau for Foreign Liaison of the Socialist People's Libyan Arab Jamahiriya, having regard to the ratification by the Basic Popular Congress in their Ordinary Session for the year 1980 of the Special Agreement between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta for the submission to the International Court of Justice of Difference signed in Valletta on 24 Jumadi Al-Ula 1396 H. corresponding to 23 May 1976.

I declare the Socialist People's Libyan Arab Jamahiriya's ratification of the above-mentioned Agreement.

In witness thereof, I have signed this instrument and affixed thereto the Seal of the People's Bureau for Foreign Liaison.

Done at Tripoli, 24 Jumadi Al-Ula 1391 P.D. corresponding to 19 March 1982.

(Signed) Abdulati Ibrahim EL-OBEIDI,
Secretary of the People's Committee
of the Popular Bureau for Foreign Liaison.

I, Dom Mintoff, Prime Minister and Minister of Commonwealth and Foreign Affairs of the Republic of Malta, declares that the Special Agreement between the Government of the Republic of Malta and the Government of the Libyan Arab Republic for the Submission to the International Court of Justice of Difference, signed at Valletta on the 23rd May, 1976, is ratified by the Government of the Republic of Malta as required by Article IV of the said Agreement.

Signed and sealed with the Seal of the Ministry of Commonwealth and Foreign Affairs in Valletta, Malta, this 28th day of May, one thousand nine hundred and seventy-six.

(Signed) Dom MINTOFF.

FRONTIER DISPUTE
(BURKINA FASO / MALI)
Special Agreement, September 1983

NOTIFICATION FROM THE MINISTERS FOR FOREIGN AFFAIRS
OF THE REPUBLIC OF MALI AND THE REPUBLIC OF THE
UPPER VOLTA TO THE REGISTRAR

[Translation by the Registry]

New York, 14 October 1983.

The Government of the Republic of Mali and the Government of the Republic of the Upper Volta have jointly decided to submit their dispute concerning the delimitation of their common frontier to a Chamber of the International Court of Justice. For that purpose, on 16 September 1983 at Bamako they signed an Agreement and a Special Agreement [*compromis*] enabling them to bring the said dispute before the Court.

Pursuant to Article 40 of the Statute of the Court, the Special Agreement is hereby transmitted to you in order to enable the Court to set the proceedings in train.

For the Government of
the Republic of Mali
(Signed) Alioune Blondin BÈYE
Minister for Foreign Affairs
and International Co-operation.

For the Government of
the Republic of the Upper Volta
(Signed) Hama Arba DIALLO,
Minister for Foreign Affairs.

SPECIAL AGREEMENT BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF THE UPPER VOLTA AND THE GOVERNMENT OF
THE REPUBLIC OF MALI FOR THE SUBMISSION TO A CHAMBER
OF THE INTERNATIONAL COURT OF JUSTICE OF THE FRONTIER
DISPUTE BETWEEN THE TWO STATES

[Translation]

The Government of the Republic of the Upper Volta and the Government of the Republic of Mali,

Desiring to achieve as rapidly as possible a settlement of the frontier dispute between them, based in particular on respect for the principle of the intangibility of frontiers inherited from colonization, and to effect the definitive delimitation and demarcation of their common frontier,

Referring to the Agreement concluded between them with a view to the settlement of the frontier dispute between them,

Have agreed as follows :

Article I

Subject of the Dispute

1. The question put before the Chamber of the International Court of Justice formed in accordance with Article II below is as follows :

“What is the line of the frontier between the Republic of the Upper Volta and the Republic of Mali in the disputed area as defined below ?”

2. The disputed area consists of a band of territory extending from the sector Koro (Mali) Djibo (Upper Volta) up to and including the region of the Beli.

Article II

Formation of a Chamber of the International Court of Justice

The Parties submit the question put in Article I to a chamber of the International Court of Justice (hereinafter called “the Chamber”) formed pursuant to Article 26, paragraph 2, of the Statute of the International Court of Justice (hereinafter called “the Court”) and to the provisions of the present Special Agreement.

Article III

Procedure

1. The Parties agree that their pleadings and their oral argument shall be presented in the French language.

2. Without prejudice to any question as to the burden of proof, the Parties

request the Chamber to authorize the following procedure for the pleadings :

- (a) a Memorial filed by each Party not later than six months after the adoption by the Court of the Order constituting the Chamber ;
- (b) a Counter-Memorial filed by each Party not later than six months after exchange of the Memorials ;
- (c) any other pleading which the Chamber may find to be necessary.

3. The pleadings submitted to the Registrar shall not be transmitted to the other Party until the Registrar has received the corresponding pleading from the other Party.

Article IV

Judgment of the Chamber

1. The Parties accept the Judgment of the Chamber given pursuant to the Special Agreement as final and binding upon them.

2. Within one year after that Judgment the Parties shall effect the demarcation of the frontier.

3. The Parties request the Chamber to nominate, in its Judgment, three experts to assist them in the demarcation operation.

Article V

Entry into Force, Publication and Notification

1. The present Special Agreement shall come into force on the date of its signature.

2. It shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter by the more diligent Party.

3. In accordance with Article 40 of the Statute of the Court, the present Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties.

4. If such notification is not effected in accordance with the preceding paragraph within one month from the entry into force of the present Special Agreement, it shall be notified to the Registrar of the Court by the more diligent Party.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed the present Special Agreement, drawn up in duplicate.

Bamako, 16 September 1983.

For the Government of the
Republic of the Upper Volta,

(Signed) Hama Arba DIALLO,
Minister for Foreign Affairs.

For the Government of the
Republic of Mali,

(Signed) Alioune Blondin BEYE,
Minister for Foreign Affairs
and International Co-operation.

**LAND, ISLAND AND
MARITIME FRONTIER DISPUTE
(EL SALVADOR / HONDURAS)**

Special Agreement, May 1986

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

CONCLUDED AT ESQUIPULAS (GUATEMALA) ON 24 MAY 1986
BETWEEN THE REPUBLIC OF EL SALVADOR AND THE REPUBLIC
OF HONDURAS FOR THE SUBMISSION TO THE DECISION OF THE
INTERNATIONAL COURT OF JUSTICE OF A DISPUTE BETWEEN
THE TWO STATES

jointly notified to the Court on 11 December 1986

(Original Spanish text)

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

CONCLU À ESQUIPULAS (GUATEMALA) LE 24 MAI 1986 ENTRE LA
RÉPUBLIQUE D'EL SALVADOR ET LA RÉPUBLIQUE DU HONDURAS
VISANT À SOUMETTRE À LA DÉCISION DE LA COUR INTERNA-
TIONALE DE JUSTICE UN DIFFÉREND ENTRE LES DEUX ÉTATS

notifié conjointement à la Cour le 11 décembre 1986

(Texte original espagnol)

1986
General List
No. 75

I. JOINT NOTIFICATION, DATED 11 DECEMBER 1986, ADDRESSED
TO THE PRESIDENT OF THE COURT

[Original English]

The Hague, 11th December 1986.

Mr. President:

With due respect, the undersigned have the honour to present to you the Joint Notification of the "Special Agreement between El Salvador and Honduras to submit the land, island and maritime frontier dispute between the two States to the International Court of Justice for a decision, signed in the City of Esquipulas, Republic of Guatemala, on 24 May 1986", in accordance with its Article 8.

Furthermore, the Parties wish to express that in light of prevailing circumstances in Central America and of the recent dramatic earthquake in El Salvador, they wish to ask the Chamber, once it is constituted, that the date limit for presentation of the first written pleading be fixed at 1st March 1988.

We avail ourselves of this opportunity to renew to Your Excellency the assurances of our highest consideration.

(Signed) Carlos LÓPEZ CONTRERAS,
Secretary of Foreign Affairs of
the Republic of Honduras.

(Signed) Ricardo ACEVEDO PERALTA,
Secretary of Foreign Affairs of
the Republic of El Salvador.

IV. SPECIAL AGREEMENT BETWEEN EL SALVADOR AND HONDURAS TO SUBMIT TO THE DECISION OF THE INTERNATIONAL COURT OF JUSTICE THE LAND, ISLAND AND MARITIME BOUNDARY DISPUTE EXISTING BETWEEN THE TWO STATES, SIGNED IN THE CITY OF ESQUIPULAS, REPUBLIC OF GUATEMALA, ON 24 MAY 1986

The Government of the Republic of El Salvador and the Government of the Republic of Honduras,

Considering that on 30 October 1980, in the City of Lima, Peru, they signed the General Treaty of Peace, by means of which, *inter alia*, they delimited the land boundary of both Republics in those sectors where there did not exist any dispute;

Considering that within the period of time envisaged by Articles 19 and 31 of the General Treaty of Peace, of 30 October 1980, no direct agreement was reached regarding the differences relating to the existing boundaries in respect of the remaining land areas in dispute and relating to the juridical status of the islands and of the maritime spaces;

Have designated as their respective Plenipotentiaries, El Salvador its Minister of Foreign Affairs, *Licenciado* Rodolfo Antonio Castillo Claramount, and Honduras its Minister of Foreign Affairs, the lawyer Carlos López Contreras, who having found their Full Powers to be in good and appropriate form:

AGREE THE FOLLOWING:

Article 1

Constitution of a Chamber

1. In application of Article 34 of the General Treaty of Peace, signed on 30 October 1980, the Parties submit the issues mentioned in Article 2 of the present Special Agreement to a chamber of the International Court of Justice, composed of three members, with the consent of the Parties, who will express this in a joint form to the President of the Court, this agreement being essential for the formation of the chamber, which will be constituted in accordance with the procedures established in the Statute of the Court and in the present Special Agreement.

2. In addition the chamber will include two judges *ad hoc* specially nominated one by El Salvador and the other by Honduras, who may have the nationality of the Parties.

Article 2

Subject of the Litigation

The Parties request the Chamber:

1. To delimit the boundary line in the zones or sections not described in Article 16 of the General Treaty of Peace of 30 October 1980.
2. To determine the legal situation of the islands and maritime spaces.

Article 3
Procedure

1. The Parties request the Chamber to authorize that the written proceedings shall consist of:

- (a) a Memorial presented by each of the Parties not later than ten months after the notification of this Special Agreement to the Registry of the International Court of Justice;
- (b) a Counter-Memorial presented by each of the Parties not later than ten months after the date on which each has received the certified copy of the Memorial of the other Party;
- (c) a Reply presented by each of the Parties not later than ten months after the date on which each has received the certified copy of the Counter-Memorial of the other Party;
- (d) the Court will be able to authorize or to prescribe the presentation of a Rejoinder, if the Parties so agree or if the Court decides *ex officio* or at the request of one of the Parties that this part of the proceedings is necessary.

2. The above-mentioned parts of the written proceedings and their annexes presented to the Registrar will not be transmitted to the other Party until the Registrar has received the part of the proceedings corresponding to the said Party.

3. The oral procedure, the notification of the appointment of the respective Agents of the Parties, and any other procedural questions will be regulated in accordance with the provisions of the Statute and the Rules of the Court.

Article 4
Languages

The case will be heard in the English and French languages without distinction.

Article 5
Applicable Law

In accordance with the provisions of the first paragraph of Article 38 of the Statute of the International Court of Justice, the Chamber, when delivering its Judgment, will take into account the rules of international law applicable between the Parties, including, where pertinent, the provisions of the General Treaty of Peace.

Article 6
Execution of the Judgment

1. The Parties will execute the Judgment of the Chamber in its entirety and in complete good faith. To this end, the Special Demarcation Commission established by the Agreement of 11 February 1986 will begin the demarcation of the frontier line fixed by the Judgment not later than three months after the date of the said Judgment and will diligently continue its work until the demarcation is completed.

2. For this purpose, the procedures established in respect of this matter in the above-mentioned Agreement concerning the establishment of the Special Demarcation Commission will be applied.

Article 7

Entry into Force and Registration

1. This present Special Agreement will enter into force on 1 October 1986, once the constitutional requirements of each Party have been met.
2. It will be registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter, jointly or by either of the Parties. At the same time it will be brought to the attention of the Organization of American States.

Article 8

Notification

1. In application of Article 40 of the Statute of the International Court of Justice, this present Special Agreement will be notified to the Registrar of the same by a Joint Note of the Parties. This notification will be made before 31 December 1986.
2. If this notification is not made in accordance with the preceding paragraph, the present Special Agreement may be notified to the Registrar of the Court by either of the Parties within the period of one month following the date established in the preceding paragraph.

In witness thereof, the undersigned sign the present Special Agreement in two copies in the City of Esquipulas, Republic of Guatemala, on the twenty-fourth day of May one thousand nine hundred and eighty-six.

For the Government
of El Salvador,

(Signed) Rodolfo Antonio CASTILLO CLARAMOUNT.

For the Government
of Honduras,

(Signed) Carlos LÓPEZ CONTRERAS.

**KASIKILI/SEDUDU ISLAND
(BOTSWANA / NAMIBIA)**

Special Agreement, May 1996

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA AND THE
GOVERNMENT OF THE REPUBLIC OF NAMIBIA TO SUBMIT TO THE
INTERNATIONAL COURT OF JUSTICE THE DISPUTE EXISTING BETWEEN
THE TWO STATES CONCERNING THE BOUNDARY AROUND
KASIKILI/SEDUDU ISLAND AND THE LEGAL STATUS OF THE ISLAND**

jointly notified to the Court on 29 May 1996

**I. THE MINISTERS FOR FOREIGN AFFAIRS OF THE REPUBLIC OF
BOTSWANA AND OF THE REPUBLIC OF NAMIBIA TO THE
REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE**

17 May 1996

Re: Joint notification of the Special Agreement between the Government of the Republic of Namibia and the Government of the Republic of Botswana to submit to the International Court of Justice the dispute existing between them concerning the boundary around Kasikili/Sedudu Island and the legal status of the island.

We, the undersigned, acting for and on behalf of our respective Governments, have the honour to inform you that the Government of the Republic of Namibia and the Government of the Republic of Botswana have jointly decided to submit their dispute concerning the boundary in the area of Kasikili/Sedudu Island to the International Court of Justice for a final and binding decision. In this regard, on 15 February 1996 in Gaborone, in the Republic of Botswana, the two Governments signed a Special Agreement enabling them to bring the said dispute before the Court for a peaceful settlement

Instruments of ratification were exchanged between the Parties on 15 May 1996 and in accordance with the provisions of Article VII (1) of the Agreement, it entered into force on that date.

Pursuant to Article 40, paragraph 3, of the Statute of the Court, the Special Agreement is hereby transmitted to you in order to enable the Court to set the proceedings in train.

(Signed) Hon. Theo-Ben Gurirab,

Minister of Foreign
Affairs,
for the Government
of the Republic of
Namibia.

(Signed) Hon. Lt.-Gen. Mompoti S. Merafhe,

Minister of Foreign Affairs,
for the Government
of the Republic of Botswana.

**II. SPECIAL AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF BOTSWANA AND THE GOVERNMENT OF THE
REPUBLIC OF NAMIBIA TO SUBMIT TO THE INTERNATIONAL
COURT OF JUSTICE THE DISPUTE EXISTING BETWEEN THE TWO
STATES CONCERNING THE BOUNDARY AROUND KASIKILI/SEDUDU
ISLAND AND THE LEGAL STATUS OF THE ISLAND**

Whereas a Treaty between Great Britain and Germany respecting the spheres of influence of the two countries in Africa was signed on 1 July 1890 (the Anglo-German Agreement of 1890):

Whereas a dispute exists between the Republic of Botswana and the Republic of Namibia relative to the boundary around Kasikili/Sedudu Island;

Whereas the two countries are desirous of settling such dispute by peaceful means in accordance with the principles of both the Charter of the United Nations and the Charter of the Organization of African Unity;

Whereas the two countries appointed on 24 May 1992 a Joint Team of Technical Experts on the Boundary between Botswana and Namibia around Kasikili/Sedudu Island "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of the Treaty of 1 July 1890 between Great Britain and Germany respecting the spheres of influence of the two countries in Africa and the applicable principles of international law;

Whereas the Joint Team of Technical Experts was unable to reach a conclusion on the question referred to it and recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law":

Whereas at the Summit Meeting held in Harare, Zimbabwe, on 15 February 1995, and attended by Their Excellencies President Sir Ketumile Masire of Botswana, President Sam Nujoma of Namibia and President Robert Mugabe of Zimbabwe, the Heads of State of the Republic of Botswana and the Republic of Namibia, acting on behalf of their respective Governments, agreed to submit the dispute to the International Court of Justice for a final and binding determination:

Now therefore the Republic of Botswana and the Republic of Namibia have concluded the following Special Agreement:

Article I

The Court is asked to determine, on the basis of the Anglo-German Treaty of 1 July 1890 and the rules and principles of international law, the boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island.

Article II

1. The proceedings shall consist of written pleadings and oral hearings.
2. The written pleadings shall include:
 - (a) Memorials submitted to the Court by each Party not later than nine months after the notification of the Special Agreement is transmitted to the Registrar of the Court in accordance with Article VII (2) of this Special Agreement;
 - (b) Counter-Memorials submitted by each Party to the Court not later than nine months after the date of submission of the Memorials;
 - (c) such other written pleadings as may be approved by the Court at the request of either of the Parties, or as may be directed by the Court.
3. The written pleadings submitted to the Registrar shall not be communicated to the other Party until the corresponding pleadings of that Party have been received by the Registrar.

Article III

The rules and principles of international law applicable to the dispute shall be those set forth in the provisions of Article 38, paragraph 1, of the Statute of the International Court of Justice.

Article IV

The order of appearance in the oral proceedings shall be as agreed by the Parties with the approval of the Court, or in the absence of agreement, as directed by the Court.

Article V

The order of the written pleadings and oral submissions shall be without prejudice to the burden of proof.

Article VI

The language of the proceedings shall be English.

Article VII

1. This agreement shall enter into force on the date of the exchange of instruments of ratification by the two Governments.
2. It shall be notified to the Court as required by Article 40, paragraph 3, of the Statute of the Court by joint letter of the Parties to the Registrar.
3. If such notification is not effected within two months from the entry into force of this Special Agreement, it may be notified to the Registrar by either of the Parties.

Article VIII

1. Each of the Parties may exercise its right under Article 31, paragraph 3, of the Statute of the Court to choose a person to sit as judge.
2. A Party which chooses to exercise the right referred to in sub-Article I, above, shall notify the other Party in writing prior to exercising such right.

Article IX

1. The judgment of the Court on the dispute described in Article I shall be final and binding on the Parties.

2. As soon as possible after the delivery of the Court's judgment, the Parties shall take steps necessary to carry out the judgment.

In witness whereof; the undersigned, being duly authorized thereto, have signed this Special Agreement and have affixed thereto their seals.

Done at Gaborone, this 15th day of February 1996.

(Signed) Molosywa Louis Selepeng,

for the Government
of Botswana.

(Signed) Albert Kawana,

for the Government
of Namibia

III. CERTIFICATION BY THE MINISTER FOR FOREIGN AFFAIRS OF BOTSWANA

CREDENTIALS

THE INTERNATIONAL COURT OF JUSTICE THE HAGUE, HOLLAND

Whereas the Government of the Republic of Botswana is desirous to make suitable provision for representation of the interests of the Republic of Botswana at the International Court of Justice in The Hague, Holland, and has decided to delegate the person whose name appears below to the said Court.

Now therefore these presents are to certify that the person whose name appear hereunder have been duly named, constituted and appointed by the Government of the Republic of Botswana to represent the Republic of Botswana as Government Agent in the dispute existing between

the Republic of Botswana and the Republic of Namibia concerning the boundary around Kasikili/Sedudu Island and the legal status of the island:

Mr. Abednego Batshane Tafa, Deputy Attorney General.

In witness whereof, I Mompoti Sebogodi Merafhe, Minister for Foreign Affairs of the Republic of Botswana, have hereunto set my hand and affixed my seal.

Done at Gaborone on the 22nd of May in the year one thousand nine hundred and ninety-six.

(Signed) M. S. Merafhe,
Minister for Foreign Affairs.

IV. LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF NAMIBIA TO THE REGISTRAR

24 May 1996.

I have the honour to refer to the letter of 17 May 1996 from the Foreign Minister of the Republic of Botswana and myself notifying you of the Special Agreement between the Government of the Republic of Botswana and the Government of the Republic of Namibia to submit to the International Court of Justice the dispute between them concerning the boundary around Kasikili/ Sedudu Island and the legal status of the island.

This is also to inform you that the Government of the Republic of Namibia has designated its Agent and Deputy-Agents in the above-mentioned case as follows:

Agent: Dr. Albert Kawana, Permanent Secretary, Ministry of Justice, Private Bag 13302, Windhoek, Namibia.

Deputy-Agent: H.E. Dr. Zedekia Ngavirue, Ambassador, Embassy of the Republic of Namibia, Avenue de Tervuren 454, B1150 Brussels, Belgium.

Deputy-Agent: H.E. Mr. Ben Uulenga, High Commissioner, High Commission of the Republic of Namibia, 6 Chandos Street, London W1M 0LQ, United Kingdom.

I further have the honour to inform you, pursuant to the Rules of Court, that the address for service of the Agent is: Embassy of the Republic of Namibia to Belgium, Avenue de Tervuren 454, B1150 Brussels, Belgium. Tel. (32 2) 771 14 10. Fax (32 2) 771 96 89.

I hereby certify the authenticity of the signature of Dr. Albert Kawana as it appears on the aforementioned Special Agreement.

(Signed) Theo-Ben Gurirab, MP,
Minister of Foreign Affairs

**SOVEREIGNTY OVER
PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA / MALAYSIA)**

Special Agreement, April 1998

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

FOR SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF
THE DISPUTE BETWEEN INDONESIA AND MALAYSIA CONCERNING
SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN

jointly notified to the Court on 2 November 1998

1998
General List
No. 102

**JOINT NOTIFICATION, DATED 30 SEPTEMBER 1998,
ADDRESSED TO THE REGISTRAR OF THE COURT**

New York, 30 September 1998.

On behalf of the Government of the Republic of Indonesia and the Government of Malaysia, and in accordance with Article 40, paragraph 1, of the Statute of the International Court of Justice, we have the honour to transmit to you:

(1) a certified true copy of the Special Agreement for Submission to the International Court of Justice of the Dispute between the Republic of Indonesia and Malaysia concerning Sovereignty over Pulau Ligitan and Pulau Sipadan, signed at Kuala Lumpur on 31 May 1997;

(2) a certified true copy of the Procès-Verbal of the Exchange of Instruments of Ratification between the Republic of Indonesia and Malaysia, signed at Jakarta on 14 May 1998.

The aforesaid Special Agreement entered into force, pursuant to its Article 6, paragraph 1, on the date of exchange of instruments of ratification, i.e., on 14 May 1998.

In accordance with Article 35 of the Rules of Court, both Governments (the Government of the Republic of Indonesia and the Government of Malaysia) hereby notify the Court of their intention to exercise the power conferred by Article 31 of the Statute of the Court to choose a judge *ad hoc* in these proceedings.

We further have the honour to inform you, in accordance with Article 40 of the Rules of Court, that:

(1) H.E. Mr. Nugroho Wisnumurti, Director-General for Political Affairs, Department of Foreign Affairs of the Republic of Indonesia, and the Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Kingdom of the Netherlands (whose name will be communicated later to the Court) have been appointed as Agent and Co-Agent for the Republic of Indonesia for the purpose of the present case, and their address for service at the seat of the Court shall be: H.E. Mr. Nugroho Wisnumurti, Agent of the Republic of Indonesia, and the Indonesian Ambassador to the Kingdom of the Netherlands, Co-Agent of the

Republic of Indonesia, before the International Court of Justice, Embassy of the Republic of Indonesia to the Kingdom of the Netherlands, Tobias Asserlaan 8, 2517 KC The Hague.

(2) H.E. Datuk Abdul Kadir Mohamad, Secretary-General of the Ministry of Foreign Affairs, Malaysia, and H.E. Mr. A. Ganapathy, Ambassador Extraordinary and Plenipotentiary of Malaysia to the Kingdom of the Netherlands, have been appointed as Agent and Co-Agent for Malaysia for the purpose of the present case and their address for service at the seat of the Court shall be: H.E. Datuk Abdul Kadir Mohamad, Agent of Malaysia, and H.E. Mr. A. Ganapathy, Co-Agent of Malaysia, before the International Court of Justice, Embassy of Malaysia to the Kingdom of the Netherlands, Rustenburgweg 2, 2517 KE The Hague.

(Signed) ALI ALATAS

Minister for Foreign Affairs
of the Republic of Indonesia.

(Signed) DATO' SERI ABDULLAH HAJI
AHMAD BADAWI

Minister for Foreign Affairs
of Malaysia

1. SPECIAL AGREEMENT

The Government of the Republic of Indonesia and the Government of Malaysia, hereinafter referred to as "the Parties";

Considering that a dispute has arisen between them regarding sovereignty over Pulau Ligitan and Pulau Sipadan;

Desiring that this dispute should be settled in the spirit of friendly relations existing between the Parties as enunciated in the 1976 Treaty of Amity and Co-operation in Southeast Asia; and

Desiring further, that this dispute should be settled by the International Court of Justice (the Court),

Have agreed as follows:

Article 1
Submission of Dispute

The Parties agree to submit the dispute to the Court under the terms of

Article 36, paragraph 1, of its Statute.

Article 2
Subject of the Litigation

The Court is requested to determine on the basis of the treaties, agreements and any other evidence furnished by the Parties, whether sovereignty over Pulau Ligitan and Pulau Sipadan belongs to the Republic of Indonesia or to Malaysia.

Article 3
Procedure

1. Subject to the time-limits referred to in paragraph 2 of this Article, the proceedings shall consist of written pleadings and oral hearings in accordance with Article 43 of the Statute of the Court.
2. Without prejudice to any question as to the burden of proof and having regard to Article 46 of the Rules of Court, the written pleadings should consist of:
 - (a) a Memorial presented simultaneously by each of the Parties not later than 12 months after the notification of this Special Agreement to the Registry of the Court;
 - (b) a Counter-Memorial presented by each of the Parties not later than 4 months after the date on which each has received the certified copy of the Memorial of the other Party;
 - (c) a Reply presented by each of the Parties not later than 4 months after the date on which each has received the certified copy of the Counter-Memorial of the other Party; and
 - (d) a Rejoinder, if the Parties so agree or if the Court decides ex officio or at the request of one of the Parties that this part of the proceedings is necessary and the Court authorizes or prescribes the presentation of a Rejoinder.
3. The above-mentioned written pleadings and their annexes presented to the Registrar will not be transmitted to the other Party until the Registrar has received the part of the written pleadings corresponding to the said Party.
4. The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties or, in the absence of that agreement, by the Court. In all cases, however, the order of speaking adopted shall be without prejudice to any question regarding the burden of proof.

Article 4
Applicable Law

The principles and rules of international law applicable to the dispute shall be those recognized in the provisions of Article 38 of the Statute of the Court.

Article 5
Judgment of the Court

The Parties agree to accept the Judgment of the Court given pursuant to this Special Agreement as final and binding upon them.

Article 6
Entry into Force

1. This Agreement shall enter into force upon the exchange of instruments of ratification. The date of exchange of the said instruments shall be determined through diplomatic channels.

2. This Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations, jointly or by either of the Parties.

Article 7
Notification

In accordance with Article 40 of the Statute of the Court, this Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties as soon as possible after it has entered into force.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done in four originals in the English language at Kuala Lumpur on the thirty-first day of May 1997.

For the Government of
the Republic of Indonesia,

For the Government of
Malaysia,

(Signed) ALI ALATAS,
Minister for Foreign Affairs.

(Signed) DATUK ABDULLAH AHMAD
BADAWI,
Minister for Foreign Affairs.

**2. PROCÈS-VERBAL OF EXCHANGE OF INSTRUMENTS
OF RATIFICATION**

The undersigned have met today for the purpose of exchanging the Instruments of Ratification of the Special Agreement for Submission to the International Court of Justice of the Dispute between Indonesia and Malaysia concerning Sovereignty over Pulau Ligitan and Pulau Sipadan signed at Kuala Lumpur, Malaysia, on the 31st of May, 1997.

These Instruments, having been examined and found to be in due form, have been exchanged today.

In witness whereof, the undersigned have signed the present Procès-Verbal.

Done at Jakarta, this fourteenth day of May, in the year one thousand nine hundred and ninety-eight, in duplicate.

For the Government of
the Republic of Indonesia,
(Signed) NUGROHO WISNUMURTI,

Director-General for Political Affairs,
Department of Foreign Affairs of the
Republic of Indonesia.

For the Government
of Malaysia,

(Signed) DATO' ZAINAL ABIDIN BIN
ALIAS,

Ambassador of Malaysia

to the Republic of Indonesia.

Annex 1

INSTRUMENT OF RATIFICATION OF INDONESIA

Whereas, the "Special Agreement between the Government of the Republic of Indonesia and the Government of Malaysia for Submission to the International Court of Justice of the Dispute between Indonesia and Malaysia concerning Sovereignty over Pulau Ligitan and Pulau Sipadan" was signed by the Minister for Foreign Affairs of the Republic of Indonesia and the Minister for Foreign Affairs of Malaysia at Kuala Lumpur, Malaysia, on 31 May 1997;

And whereas, the Government of the Republic of Indonesia, in accordance with Article 6, paragraph 1, of the Agreement, and having examined and considered the aforesaid Agreement, has decided to ratify the said Agreement;

Now therefore, be it known, that the Government of the Republic of Indonesia do hereby confirm and ratify the said Agreement and undertake to perform and carry out all the stipulations therein contained;

In witness whereof, this Instrument of Ratification is signed and sealed by the Minister for Foreign Affairs of the Republic of Indonesia;

Done at Jakarta this fourth day of May in the year one thousand nine hundred and ninety-eight.

(Signed) ALI ALATAS
Minister for Foreign Affairs
of the Republic of Indonesia.

Annex 2

INSTRUMENT OF RATIFICATION OF MALAYSIA

Whereas, the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Indonesia concerning Sovereignty over Pulau Ligitan and Pulau Sipadan was signed at Kuala Lumpur on the thirty-first day of May, in the year one thousand, nine hundred and ninety-seven;

And whereas, the Government of Malaysia in accordance with Article 6 of the Agreement has decided to ratify the said Agreement;

Now therefore, the Government of Malaysia, having considered the said Agreement, hereby confirms and ratifies the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

In witness thereof, this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs, Malaysia.

Done at Kuala Lumpur this 24th day of April, in the year one thousand, nine hundred and ninety-eight.

(Signed) DATO' SERI ABDULLAH HAJI AHMAD
BADAWI

Minister for Foreign Affairs
of Malaysia

**FRONTIER DISPUTE
(BENIN / NIGER)**

Special Agreement, June 2001



LETTRE DE NOTIFICATION CONJOINTE ADRESSEE AU
GREFFIER DE LA COUR INTERNATIONALE DE JUSTICE

Niamey, le 11 avril 2002

Au nom du Gouvernement de la République du Bénin et du
Gouvernement de la République du Niger :

Nous, Kolawolé A. IDJI, Ministre des Affaires
Etrangères et de l'Intégration Africaine du Bénin et Aïchatou
MINDAOUDOU, Ministre des Affaires Etrangères, de la
Coopération et de l'Intégration Africaine du Niger, avons
l'honneur de vous transmettre :

- 1) une copie certifiée conforme du Compromis de saisine de
la Cour Internationale de Justice au sujet du différend
frontalier entre la République du Bénin et la République du
Niger, signé à Cotonou, le 15 juin 2001 ;
- 2) un exemplaire original du Protocole d'échange des
Instruments de ratification du Compromis entre la
République du Bénin et la République du Niger, signé à
Niamey, le 11 avril 2002.

Ces transmissions sont effectuées conformément au
paragraphe 1 de l'Article 40 du Statut de la Cour, et en
application de l'article 9 du Compromis.

Le Compromis est entré en vigueur, en vertu de son
Article 8, à la date de l'échange des Instruments de
ratification, le 11 avril 2002.

df

AKB P.

Conformément au paragraphe 1 de l'Article 40 du Statut et à l'Article 2 du Compromis, le Gouvernement de la République du Bénin et le Gouvernement de la République du Niger prient la Cour de :

« a) déterminer le tracé de la frontière entre la République du Bénin et la République du Niger dans le secteur du fleuve Niger ;

b) préciser à quel Etat appartient chacune des îles dudit fleuve et en particulier l'île de Lété ;

c) déterminer le tracé de la frontière entre les deux Etats dans le secteur de la rivière Mékrou ».

En outre, conformément à l'Article 35 du Règlement de la Cour, le Gouvernement de la République du Bénin et le Gouvernement de la République du Niger notifient à la Cour, par la présente, leur intention d'exercer la faculté que leur confère l'Article 31 du Statut de la Cour, de désigner chacun un juge *ad hoc* en cette affaire.

Nous avons également l'honneur de vous informer, conformément à l'Article 40 du Règlement de la Cour, que, ont été nommés :

• Pour la République du Bénin :

- Agent : Monsieur Kolawolé A. IDJI, Ministre des Affaires Etrangères et de l'Intégration Africaine ;
- Co-agent : Monsieur Joseph H. GNONLONFOUN, Garde des Sceaux, Ministre de la Justice, de la Législation et des Droits de l'Homme ;

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ABP

- Agent adjoint: Monsieur Euloge HINVI, Ambassadeur
Extraordinaire et Plénipotentiaire du
Bénin près le Royaume des Pays-Bas.

- Pour la République du Niger :
 - Agent : Madame Aïchatou MINDAOUDOU, Ministre
des Affaires Etrangères, de la Coopération et
de l'Intégration Africaine ;

 - Co-agent : Monsieur Maty ELHADJI MOUSSA,
Ministre de la Justice, Garde des Sceaux,
Chargé des Relations avec le Parlement ;

 - Agents adjoints:
 - Monsieur Boukar Maï ARY
TANIMOUNE, Directeur des
Affaires Juridiques et du
Contentieux

 - Monsieur Housseini ABDOU-
SALEYE, Ambassadeur de la
République du Niger
auprès du Royaume des Pays-Bas

Aux fins de la présente affaire, ils auront les domiciles
suivants :

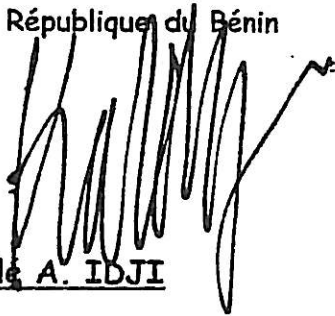
- Pour la République du Bénin :
 - Ambassade du Bénin
 - 5, Avenue de l'Observatoire
 - 1180 Bruxelles - Belgique
 - Tél. : (00322) 3749192
 - Fax : (00322) 3758326

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3 ABA

- Pour la République du Niger : Ambassade du Niger
78, Avenue F.D. Roosevelt
1050 Bruxelles - Belgique
Tél. : 00322 648 6140
Fax : 00322 6482784

Pour la République du Bénin



Kolawole A. IDJI

Pour la République du Niger



Aïchatou MINDAOU DOU

P.J. : 02





PROTOCOLE D'ECHANGE DES INSTRUMENTS DE RATIFICATION DU
COMPROMIS DE SAISINE DE LA COUR INTERNATIONALE DE JUSTICE AU
SUJET DU DIFFEREND FRONTALIER ENTRE LA REPUBLIQUE DU BENIN ET LA
REPUBLIQUE DU NIGER, SIGNE A COTONOU, LE 15 JUIN 2001.

Les Soussignés,

Son Excellence Monsieur Kolawolé A. IDJI, Ministre des Affaires
Etrangères et de l'Intégration Africaine de la République du Bénin,

Et

Son Excellence Madame Aïchatou MINDAOUDOU, Ministre des Affaires
Etrangères, de la Coopération et de l'Intégration Africaine de la République du
Niger,

Considérant l'Accord du 8 avril 1994 portant création de la Commission
Mixte Paritaire de Délimitation de la Frontière ;

Considérant la volonté politique exprimée le 22 février 2000 à Cotonou par
les deux Chefs d'Etat, Leurs Excellences Messieurs Mathieu KEREKOU et
Mamadou TANDJA, de régler le différend frontalier entre les deux Etats par
des moyens pacifiques ;

Considérant que les Parties ont signé le 15 juin 2001 à Cotonou, le
Compromis de saisine de la Cour Internationale de Justice aux fins de :

- « a) déterminer le tracé de la frontière entre la République du Bénin et la
République du Niger dans le secteur du fleuve Niger ;
- b) préciser à quel Etat appartient chacune des îles dudit fleuve et en particulier
l'île de Lété ;
- c) déterminer le tracé de la frontière entre les deux Etats dans le secteur de la
rivière Mékrou » ;

Désireux de mettre en application ledit Compromis conformément à son
Article 8 qui dispose qu' «...il entrera en vigueur à la date de l'échange des
Instruments de ratification qui aura lieu dans les meilleurs délais » ;

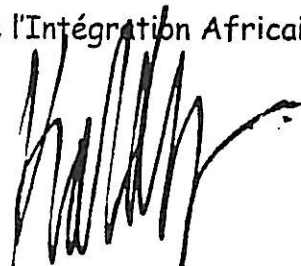
Considérant que les Instruments de ratification respectifs du Compromis
ont été examinés et trouvés en bonne et due forme ;

Ont procédé à l'échange desdits Instruments de ratification ce jour, jeudi 11 avril 2002.

En foi de quoi, ils ont signé le présent Protocole revêtu de leurs sceaux.

Fait à Niamey, le 11 Avril 2002 en trois (03) exemplaires originaux, en langue française.

Pour la République du Bénin :
Le Ministre des Affaires Etrangères
et de l'Intégration Africaine,



Kolawolé A. IDJI

Pour la République du Niger :
La Ministre des Affaires Etrangères,
de la Coopération et de l'Intégration
Africaine,



Aïchatou MINDAOUDOU

COMPROMIS
de saisine de la Cour Internationale de Justice,
au sujet du différend frontalier entre
la République du NIGER et la République du Bénin.

11/11/11

Le Gouvernement de la République du Niger et le Gouvernement de la République du Bénin, ci-après dénommés « les Parties » ;

Considérant que, par l'Accord signé le 08 Avril 1994, entré provisoirement en vigueur à la date de sa signature, ratifié respectivement par le Bénin le 17 Juillet 1997 et par le Niger le 1^{er} Février 2001, et entré définitivement en vigueur le 15 Juin 2001, date d'échange des instruments de ratification, les deux Gouvernements ont procédé à la création de la Commission Mixte Paritaire de Délimitation de leur frontière ;

Considérant qu'en dépit de six sessions de négociations au sein de ladite Commission, les experts des deux Etats ne sont pas parvenus à se mettre d'accord sur le tracé de la frontière commune;

Considérant que selon l'article 15 de l'Accord du 08 Avril 1994 précité, « les Parties contractantes conviennent de soumettre tous différends ou litiges nés de l'application ou de l'interprétation du présent Accord à un règlement par voie diplomatique, ou aux autres modes de règlement pacifique prévus par les chartes de l'Organisation de l'Unité Africaine et de l'Organisation des Nations Unies » ;

Désireux de parvenir dans les meilleurs délais au règlement du différend frontalier qui les oppose en se fondant sur les dispositions de la Charte ainsi que sur les résolutions de l'Organisation de l'Unité Africaine et de soumettre la question de la délimitation définitive de l'ensemble de leur frontière à la Cour Internationale de Justice, ci-après dénommée « la Cour » ;

Sont convenus de ce qui suit :



Article 1^{er} : Constitution d'une Chambre de la Cour Internationale de Justice

1. Les Parties soumettent le différend défini à l'Article 2 ci-dessous à une Chambre de la Cour, ci-après désignée « la Chambre », constituée conformément aux dispositions du Statut de la Cour et du présent Compromis.

2. Chacune des Parties exercera le droit que lui confère le paragraphe 3 de l'Article 31 du Statut de la Cour de procéder à la désignation d'un juge ad hoc .

Article 2 : Objet du différend

La Cour est priée de :

- a- déterminer le tracé de la frontière entre la République du Bénin et la République du Niger dans le secteur du fleuve Niger ;
- b- préciser à quel Etat appartient chacune des îles dudit fleuve et en particulier l'île de Lété ;
- c- déterminer le tracé de la frontière entre les deux Etats dans le secteur de la rivière Mézou.

Article 3 : Procédure écrite

1. Sans préjuger d'aucune question relative à la charge de la preuve, les Parties prient la Chambre d'autoriser la procédure suivante au regard des pièces de procédure écrite :

- a- un mémoire soumis par chacune des Parties au plus tard neuf (9) mois après l'adoption par la Cour de l'ordonnance constituant la Chambre ;
- b- un contre-mémoire soumis par chacune des Parties au plus tard neuf (9) mois après l'échange des mémoires ;
- c- toutes autres pièces de procédure écrite dont le dépôt, à la demande de l'une ou l'autre des Parties, aura été autorisé par la Cour ou prescrit par celle-ci.

2. Les pièces de la procédure écrite, déposées auprès du Greffier ne seront transmises à l'autre Partie que lorsque le Greffier aura reçu de ladite Partie la pièce de procédure correspondante.

Article 4 : Procédure orale

Les Parties conviendront, avec l'approbation de la Chambre, de l'ordre dans lequel elles seront entendues au cours de la procédure orale ; à défaut d'accord entre les Parties, cet ordre sera celui que prescrira la Chambre.

Article 5 : Langue de la procédure

Les Parties conviennent que leurs pièces de procédure écrite et leurs plaidoiries seront présentées en langue française.

Article 6 : Droit applicable

Les règles et principes du droit international qui s'appliquent au différend sont ceux énumérés au paragraphe 1^{er} de l'Article 38 du Statut de la Cour Internationale de Justice, y compris le principe de la succession d'Etats aux frontières héritées de la Colonisation, à savoir, l'intangibilité desdites frontières.

Article 7 : Arrêt de la Chambre

1. Les Parties acceptent, comme définitif et obligatoire pour elles-mêmes, l'Arrêt de la Chambre, rendu en application du présent Compromis.
2. A partir du prononcé de l'Arrêt, les Parties disposent de dix- huit (18) mois pour commencer les travaux de démarcation de la frontière.
3. En cas de difficulté d'exécution de l'Arrêt, l'une ou l'autre des parties saisira la Cour conformément à l'article 60 du Statut de la Cour.

Article 8: Entrée en vigueur

Le présent Accord est soumis à ratification. Il entrera en vigueur à la date de l'échange des instruments de ratification qui aura lieu dans les meilleurs délais.

Article 9: Enregistrement et notification

Le présent Accord sera enregistré au Secrétariat des Nations Unies en application de l'Article 102 de la Charte des Nations Unies à l'initiative de la Partie la plus diligente.

1. En application de l'Article 40 du Statut de la Cour, le présent Compromis sera notifié au Greffier de la Cour par une lettre conjointe des Parties.

2. Si cette notification n'est pas effectuée conformément au paragraphe précédent dans le délai d'un mois suivant l'entrée en vigueur du présent Compromis, celui-ci sera notifié au Greffier de la Cour par la Partie la plus diligente.

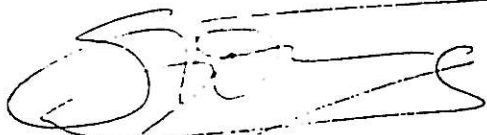
Article 10: Engagement spécial

En attendant l'Arrêt de La Chambre, les Parties s'engagent à préserver la paix, la sécurité et la quiétude au sein des populations des deux Etats.

En foi de quoi le présent Compromis établi en deux exemplaires originaux a été signé par les plénipotentiaires.

Fait à Cotonou, le 15 Juin 2001.

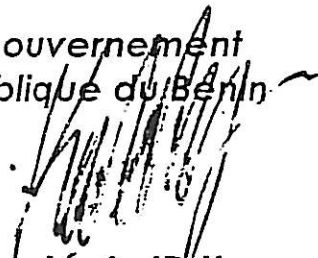
Pour le Gouvernement
de la République du Niger



Nassirou SABO

Ministre des Affaires Étrangères, de la
Coopération et de l'Intégration Africaine.

Pour le Gouvernement
de la République du Bénin



Kolawolé A. IDJI

Ministre des Affaires Étrangères
et de l'Intégration Africaine.

**SOVEREIGNTY OVER PEDRA BRANCA/PULAU
BATU PUTEH, MIDDLE ROCKS SOUTH LEDGE
(MALAYSIA / SINGAPORE)**

Special Agreement, February 2003

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

FOR SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF
THE DISPUTE BETWEEN MALAYSIA AND SINGAPORE CONCERNING
SOVEREIGNTY OVER PEDRA BRANCA/PULAU BATU PUTEH,
MIDDLE ROCKS AND SOUTH LEDGE

jointly notified to the Court on 24 July 2003

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
LE DIFFÉREND ENTRE LA MALAISIE ET SINGAPOUR CONCERNANT
LA SOUVERAINETÉ SUR PEDRA BRANCA/PULAU BATU PUTEH,
MIDDLE ROCKS ET SOUTH LEDGE

notifié conjointement à la Cour le 24 juillet 2003

JOINT NOTIFICATION, DATED 24 JULY 2003,
ADDRESSED TO THE REGISTRAR OF THE COURT

24 July 2003.

On behalf of the Government of Malaysia and the Government of the Republic of Singapore, we have the honour to inform you that Malaysia and Singapore on 14 April 1998 have agreed on the text of the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge. In accordance with Article 40, paragraph 1, of the Statute of the International Court of Justice, the Government of Malaysia and the Government of the Republic of Singapore are pleased to jointly transmit to you the following:

- (a) a signed original of the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge, signed at Putrajaya on 6 February 2003; and
- (b) a certified true copy of the Procès-Verbal of the Exchange of Instruments of Ratification between Malaysia and Singapore signed at Putrajaya on 9 May 2003.

2. The aforesaid Special Agreement entered into force, pursuant to its Article 7, paragraph 1, on the date of exchange of instruments of ratification, i.e. on 9 May 2003.

3. In accordance with Article 35 of the Rules of Court, both the Government of Malaysia and the Government of the Republic of Singapore hereby notify the Court of their intention to exercise the power conferred by Article 31 of the Statute of the Court to choose a judge *ad hoc* in these proceedings.

4. We further have the honour to inform you, in accordance with Article 40 of the Rules of Court, that:

- (1) H.E. Tan Sri Ahmad Fuzi Haji Abdul Razak, Secretary General of the Ministry of Foreign Affairs, Malaysia, and H.E. Dato' Noor Farida Ariffin, Ambassador Extraordinary and Plenipotentiary of Malaysia to the Kingdom of the Netherlands, have been appointed as Agent and Co-Agent respectively for Malaysia for the purpose of the present case and their address for service at the seat of the Court shall be the Embassy of Malaysia to the Kingdom of the Netherlands, Rustenburgweg 2, 2517 KE The Hague.
- (2) H.E. Tommy Koh, Ambassador-at-Large of the Republic of Singapore, and H.E. A. Selverajah, Ambassador Extraordinary and Plenipotentiary of the Republic of Singapore to the Kingdom of the Netherlands, have been appointed as Agent and Co-Agent respectively for the Republic of Singapore for the purpose of the present case and their address for service at the seat of the Court shall be the Embassy of the Republic of Singapore to the

Kingdom of the Netherlands, 198 Avenue Franklin Roosevelt, 1050 Brussels, Belgium.

(Signed) SYED HAMID ALBAR,
Minister of Foreign Affairs,
Malaysia,
Putrajaya.

(Signed) S. JAYAKUMAR,
Minister for Foreign Affairs,
Republic of Singapore,
Singapore.

1. SPECIAL AGREEMENT

The Government of Malaysia and the Government of the Republic of Singapore (hereinafter referred to as "the Parties");

Considering that a dispute has arisen between them regarding sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge;

Desiring that this dispute should be settled by the International Court of Justice (hereinafter referred to as "the Court");

Have agreed as follows:

Article 1

Submission of Dispute

The Parties agree to submit the dispute to the Court under the terms of Article 36 (1) of its Statute.

Article 2

Subject of the Litigation

The Court is requested to determine whether sovereignty over:

- (a) Pedra Branca/Pulau Batu Puteh;
- (b) Middle Rocks;
- (c) South Ledge,

belongs to Malaysia or the Republic of Singapore.

Article 3

Order of Names

For the purposes of this Special Agreement the order of the use of the names Pedra Branca/Pulau Batu Puteh or vice versa shall not be treated as having any relevance to the question of sovereignty to be determined by the Court.

Article 4

Procedure

1. The proceedings shall consist of written pleadings and oral hearings.
2. Without prejudice to any question as to the burden of proof, the Parties agree, having regard to Article 46 of the Rules of Court, that the written proceedings should consist of:
 - (a) a Memorial presented by each of the Parties not later than 8 months after the notification of this Special Agreement to the Registry of the International Court of Justice;
 - (b) a Counter-Memorial presented by each of the Parties not later than 10 months after the date on which each has received the certified copy of the Memorial of the other Party;
 - (c) a Reply presented by each of the Parties not later than 10 months after the date on which each has received the certified copy of the Counter-Memorial of the other Party;

(d) a Rejoinder, if the Parties so agree or if the Court decides ex officio or at the request of one of the Parties that this part of the proceedings is necessary, and the Court authorizes or prescribes the presentation of a Rejoinder.

3. The above-mentioned parts of the written proceedings and their annexes presented to the Registrar will not be transmitted to the other Party until the Registrar has received the part of the proceedings corresponding to the said Party.

4. The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties but in all cases the order of speaking adopted shall be without prejudice to any question of the burden of proof.

Article 5

Applicable Law

The principles and rules of international law applicable to the dispute shall be those recognized in the provisions of Article 38, paragraph 1, of the Statute of the International Court of Justice.

Article 6

Judgment of the Court

The Parties agree to accept the Judgment of the Court given pursuant to this Special Agreement as final and binding upon them.

Article 7

Entry into Force

1. This Special Agreement shall enter into force upon the exchange of instruments of ratification on a date to be determined through diplomatic channels.

2. This Special Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter, jointly or by either of the Parties.

Article 8

Notification

In accordance with Article 40 of the Statute of the Court, this Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties as soon as possible after it has entered into force.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Special Agreement.

Done in triplicate at Putrajaya on the 6th day of February 2003.

For the Government
of Malaysia,

(Signed) SYED HAMID ALBAR,
Minister of Foreign Affairs.

For the Government of the
Republic of Singapore,

(Signed) S. JAYAKUMAR,
Minister for Foreign Affairs.

2. PROCÈS-VERBAL OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION

The undersigned have met today for the purpose of exchanging the Instruments of Ratification of the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge signed at Putrajaya on the sixth of February 2003.

These Instruments, having been examined and found to be in due form, have been exchanged today.

IN WITNESS WHEREOF, the undersigned have signed the present Procès-Verbal.

DONE at Putrajaya, this ninth day of May, in the year two thousand three, in duplicate.

For the Government
of Malaysia,

(Signed) DATO' ABD. AZIZ MOHAMMED,
Deputy Secretary General I,
Ministry of Foreign Affairs,
Malaysia.

For the Government of the
Republic of Singapore,

(Signed) ASHOK KUMAR MIRPURI,
Singapore High Commissioner
to Malaysia.

Annex 1

INSTRUMENT OF RATIFICATION OF MALAYSIA

WHEREAS, the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge was signed at Putrajaya on the sixth of February, in the year two thousand and three;

AND WHEREAS, the Government of Malaysia in accordance with Article 7 of the Agreement has decided to ratify the said Agreement;

NOW THEREFORE, the Government of Malaysia, having considered the said Agreement, hereby confirms and ratifies the same and undertakes faithfully to perform and carry out all the stipulations therein contained.

IN WITNESS THEREOF, this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs, Malaysia.

DONE at Putrajaya this seventh day of May, in the year two thousand three.

(Signed) SYED HAMID ALBAR,
Minister of Foreign Affairs,
Malaysia.

Annex 2

INSTRUMENT OF RATIFICATION OF SINGAPORE

WHEREAS the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge ("the Special Agreement") was signed by the Minister of Foreign Affairs of Malaysia and the Minister for Foreign Affairs of the Republic of Singapore in Kuala Lumpur, Malaysia, on 6 February 2003;

WHEREAS the Special Agreement in accordance with Article 7, paragraph 1, enters into force upon the exchange of instruments of ratification;

NOW THEREFORE, the Government of Singapore, having considered the Special Agreement, hereby ratifies the same and undertakes faithfully to perform and carry out all the stipulations contained therein.

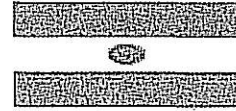
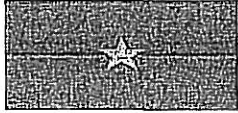
IN WITNESS WHEREOF, I hereby sign and seal this Instrument of Ratification.

DONE at Singapore this 15th day of February 2003.

(Signed) S. JAYAKUMAR,
Minister for Foreign Affairs,
of the Republic of Singapore.

**FRONTIER DISPUTE
(BURKINA FASO / NIGER)**

Special Agreement, February 2009



Ouagadougou, le 12 mai 2010

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MONSIEUR LE GREFFIER DE LA
COUR INTERNATIONALE DE
JUSTICE

- LA HAYE -

OBJET: Notification conjointe du
Compromis de saisine de la Cour
Internationale de Justice du différend
frontalier Burkina Faso-République du Niger

Monsieur le Greffier,

Au nom du Gouvernement du Burkina Faso et du Gouvernement de la République du Niger,

Nous, Bédouma Alain YODA, Ministre d'Etat, Ministre des Affaires Etrangères et de la Coopération Régionale du Burkina Faso et TOURE Aminata Djibrilla Maïga, Ministre des Affaires Etrangères, de la Coopération, de l'Intégration Africaine et des Nigériens à l'Extérieur de la République du Niger, avons l'honneur de vous transmettre, conformément au paragraphe 1 de l'article 40 du Statut de la Cour et en application du paragraphe 2 de l'article 9 du Compromis, les documents ci-après, relatifs à la décision commune des deux Etats de soumettre à l'arbitrage de la Cour, le différend frontalier qui les oppose sur un secteur de leur frontière commune.

Il s'agit de :

1- Une copie certifiée conforme du Compromis de saisine de la Cour Internationale de Justice au sujet du différend frontalier entre le Burkina Faso et la République du Niger, signé le 24 février 2009, à Niamey (Niger) ;

2- Un exemplaire du Protocole d'Echange des Instruments de ratification du Compromis visé au point 1 ci-dessus, signé par les deux parties à Ouagadougou, le 20 novembre 2009.

3- Une copie certifiée conforme de l'échange de notes consacrant l'entente entre les deux Etats sur les secteurs délimités de la frontière en dates des 29 octobre et 02 novembre 2009.

Le Compromis est entré en vigueur le 20 novembre 2009, date de l'Echange des Instruments de ratification tenant lieu de la dernière notification de ratification prévue à son article 8.

Conformément aux articles 39 et 40 de son Règlement, la Cour est priée de déterminer le tracé de la frontière entre les deux pays dans les termes de l'article 2 du compromis de saisine.

Par ailleurs, et en conformité avec l'article 35 du Règlement de la Cour, le Burkina Faso et la République du Niger notifient à la Cour leur décision d'exercer la faculté que leur confère l'article 31 du Statut de la Cour, de désigner chacun un juge ad hoc en cette affaire.

Enfin, nous avons l'honneur de vous informer et ceci, conformément à l'article 40 du Règlement de la Cour, que les personnes dont les noms suivent, ont été nommées comme Agents, Co-agents ou Agents-adjoints.

Il s'agit de :

Pour le Burkina Faso :

- Agent : Monsieur Zakalia KOTE, Ministre de la Justice, Garde des Sceaux;
- Co-agents : -Monsieur Clément P.SAWADOGO, Ministre de l'Administration Territoriale et de la Décentralisation ;
- Monsieur Kadré Désiré OUEDRAOGO, Ambassadeur du Burkina Faso près le Royaume des Pays-Bas.
- Agents adjoints : -Monsieur Dramane Ernest DIARRA, Directeur Général des Circonscriptions Administratives et des Frontières, Ministère de l'Administration Territoriale et de la Décentralisation ;
- Monsieur Raymond Bruno BAMOUNI, Agent Judiciaire du Trésor, Ministère de l'Economie et des Finances ;
-Monsieur Vincent ZAKANE, Directeur de Cabinet du Ministre d'Etat, Ministre des Affaires Etrangères et de la Coopération Régionale.

Pour la République du Niger :

- Agent : Madame TOURE Aminata Djibrilla Maïga, Ministre des Affaires Etrangères, de la Coopération, de l'Intégration Africaine et des Nigériens à l'Extérieur;
- Co-agents : - Monsieur Cissé Ousmane, Ministre de l'Intérieur, de la Sécurité, de la Décentralisation et des Affaires Religieuses;
- Monsieur Abdoulaye Djibo, Ministre de la Justice et des Droits de l'Homme, Garde des sceaux ;
- Général de Brigade Mamadou Ousseini, Ministre de la Défense Nationale.
- Agents adjoints : - Monsieur Sadé Elhadj MAHAMANE, Coordonateur du Comité ad hoc ;
- Monsieur Abdou ABARRY, Ambassadeur de la République du Niger près le Royaume des Pays Bas.

Aux fins de la présente affaire, les Parties font élection de domiciles aux adresses suivantes :

- Pour le Burkina Faso :

Ambassade du Burkina Faso
16 Place Guy d'Arezzo, Bruxelles
Tél : 0032 23. 45. 99. 12
Fax : 0032 23. 45. 06. 12
E-mail : ambassade.burkina@skynet.be

- Pour la République du Niger:

Ambassade du Niger, 78, Avenue F.D. Roosevelt
1050 Bruxelles-Belgique ;
Tél : 0032 26. 48. 59. 60 / 0032 26. 48. 61. 40
Fax : 0032 26. 48. 27. 84

Veillez agréer, Monsieur le Greffier, l'assurance de notre parfaite considération.

Fait à Ouagadougou, le 12 Mai 2010 en trois (3) exemplaires originaux, en langue française.

Pour le Burkina Faso



Bédouma Alain YODA
Ministre d'Etat, Ministre des Affaires
Etrangères et de la Coopération
Régionale

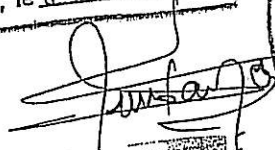
Pour la République du Niger

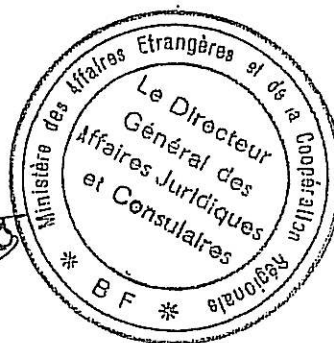


TOURE Aminata Djibrilla Maïga
Ministre des Affaires Etrangères, de la
Coopération, de l'Intégration Africaine
et des Nigériens à l'Extérieur

COMPROMIS
DE SAISINE DE LA COUR INTERNATIONALE DE JUSTICE
AU SUJET DU DIFFEREND FRONTALIER
ENTRE LE BURKINA FASO
ET LA REPUBLIQUE DU NIGER

BURKINA FASO
Ministère des Affaires Etrangères
et de la Coopération Régionale
Copie certifiée conforme à l'original
Ouagadougou, le 07 DEC 2009


Eric Y. TIAKO



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COMPROMIS

DE SAISINE DE LA COUR INTERNATIONALE DE JUSTICE

AU SUJET DU DIFFEREND FRONTALIER ENTRE

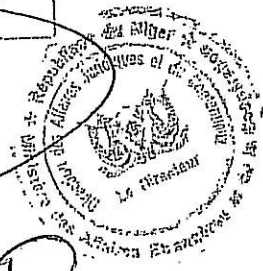
LE BURKINA FASO

ET LA REPUBLIQUE DU NIGER

REPUBLIQUE DU NIGER
Ministère des Affaires Etrangères
et de la Coopération

Copie certifiée conforme à l'original
[Signature]

A Niamey, le *07.07.2010*
Le Directeur des Affaires Juridiques
et du Contentieux



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Le Gouvernement du Burkina Faso et le Gouvernement de la République du Niger, ci-après dénommés « les Parties »;

- Considérant que par accords signés à Niamey le 23 juin 1964 et à Ouagadougou le 28 mars 1987, les deux Gouvernements ont convenu de matérialiser leur frontière commune et ont procédé à cet effet à la création d'une Commission Technique Mixte d'Abornement ;
- Considérant que les articles 1 et 2 de l'Accord du 28 mars 1987 précisaient ce qui suit :

« Article 1

La frontière entre les deux Etats va des hauteurs de N'Gouma, situées au Nord du gué de Kabia, jusqu'à l'intersection de l'ancienne limite des cercles de Fada et Say avec le cours de la Mékrou, telle que décrite par l'arrêté du 31 août 1927, précisé par son Erratum du 5 octobre 1927.

Article 2

La frontière sera matérialisée par des bornes frontières conformément au tracé décrit par l'arrêté 2336 du 31/08/1927, précisé par son Erratum 2602/APA du 5/10/1927. En cas d'insuffisance de l'Arrêté et de son Erratum, le tracé sera celui figurant sur la carte à 1/200.000^e de l'Institut Géographique National de France, édition 1960, et/ou de tout autre document pertinent accepté d'Accord Parties ».

- Considérant que les travaux de la Commission Technique Mixte d'Abornement créée en application de ces textes ont permis aux parties de s'accorder sur les secteurs suivants de la frontière :
- a) des hauteurs du N'Gouma à la borne astronomique de Tong-Tong ;
- b) du début de la boucle de Botou jusqu'à la Rivière Mékrou ;

- Considérant que les deux Parties acceptent comme définitifs les résultats des travaux effectués sur lesdits secteurs ;

- Désireux de régler définitivement ce différend dans un esprit de fraternité entre Peuples frères et de bon voisinage qui caractérise leurs relations, et dans le respect du principe de l'intangibilité des frontières héritées de la colonisation ;

- Faisant ainsi application de l'Article 8 de l'Accord du 28 mars 1987 précité ;

sont convenues de ce qui suit.

Article 1^{er} : Saisine de la Cour Internationale de Justice

1. Les Parties soumettent le différend défini à l'article 2 ci-dessous à la Cour Internationale de Justice.
2. Chacune des Parties exercera le droit que lui confère le paragraphe 3 de l'article 31 du Statut de la Cour de procéder à la désignation d'un juge ad hoc.

Article 2 : Objet du différend

La Cour est priée de :

1. déterminer le tracé de la frontière entre les deux pays dans le secteur allant de la borne astronomique de Tong -Tong (Latitude : 14° 25' 04" N/Longitude 00° 12' 47" E) au début de la boucle de Botou (Latitude 12° 36' 18" N/Longitude 01° 52' 07" E).
2. donner acte aux Parties de leur entente sur les résultats des travaux de la Commission Technique Mixte d'Abornement de la frontière Burkina Faso-Niger en ce qui concerne les secteurs suivants :
 - a) le secteur allant des hauteurs du N'Gouma à la borne astronomique de Tong-Tong ;
 - b) le secteur allant du début de la boucle de Botou jusqu'à la Rivière Mékrou.

Article 3 : Procédure écrite

1. Sans préjuger d'aucune question relative à la charge de la preuve, les Parties prient la Cour d'autoriser la procédure suivante au regard des pièces de procédure écrite :
 - a) un mémoire soumis par chacune des Parties au plus tard neuf (9) mois après la saisine de la Cour ;
 - b) un contre-mémoire soumis par chacune des Parties au plus tard neuf (9) mois après l'échange des mémoires ;
 - c) toutes autres pièces de procédure écrite dont le dépôt, à la demande de l'une ou l'autre des Parties, aura été autorisé par la Cour ou prescrit par celle-ci.

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2. Les pièces de la procédure écrite, déposées auprès du Greffier de la Cour ne seront transmises à l'autre Partie que lorsque le Greffier aura reçu de ladite Partie les pièces de procédure correspondantes.

Article 4 : Procédure orale

Les Parties conviendront, avec l'approbation de la Cour, de l'ordre dans lequel elles seront entendues au cours de la procédure orale ; à défaut d'accord entre les Parties, cet ordre sera celui que prescrira la Cour.

Article 5 : Langue de procédure

Les Parties conviennent que leurs pièces de procédure écrite et leurs plaidoiries seront présentées en langue française.

Article 6 : Droit applicable

Les règles et principes du droit international qui s'appliquent au différend sont ceux énumérés au paragraphe 1er de l'article 38 du Statut de la Cour Internationale de Justice, y compris le principe de l'intangibilité des frontières héritées de la colonisation et l'Accord du 28 mars 1987.

Article 7 : Arrêt de la Cour

1. Les Parties acceptent, comme définitif et obligatoire pour elles-mêmes, l'arrêt rendu par la Cour en application du présent Compromis.
2. A partir du prononcé de l'arrêt, les Parties disposent de dix-huit (18) mois pour commencer les travaux de démarcation de la frontière.
3. En cas de difficulté d'exécution de l'arrêt, l'une ou l'autre des Parties saisira la Cour conformément à l'article 60 de son Statut;
4. Les Parties prient la Cour de désigner dans son arrêt trois (03) Experts qui les assisteront en tant que de besoin aux fins de la démarcation.

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Article 8 : Entrée en vigueur

Le présent compromis est soumis à ratification. Il entrera en vigueur à la date de réception de la dernière notification de ratification.

Les Parties conviennent toutefois d'appliquer, dès la signature, l'article 10 du présent Compromis.

Article 9 : Enregistrement et notification

1. Le présent Compromis sera enregistré au Secrétariat Général des Nations Unies en application de l'article 102 de la Charte des Nations Unies à l'initiative de la partie la plus diligente.
2. En application de l'article 40 du Statut de la Cour, le présent compromis sera notifié au Greffier de la Cour par une lettre conjointe des Parties.
3. Si cette notification n'est pas effectuée conformément au paragraphe précédent dans le délai d'un mois suivant l'entrée en vigueur du présent Compromis, celui-ci sera notifié au Greffier de la Cour par la Partie la plus diligente.

Article 10 : Engagement spécial

En attendant l'arrêt de la Cour, les Parties s'engagent à préserver la paix, la sécurité et la quiétude au sein des populations des deux Etats dans la région frontalière, en s'abstenant de tout acte d'incursion dans les zones litigieuses et en organisant des rencontres régulières des responsables administratifs et des services de sécurité.

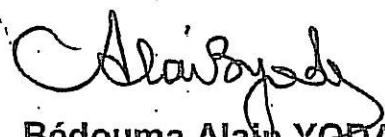
Pour les réalisations d'infrastructures socio-économiques, les Parties s'engagent à mener des concertations préalables avant leur mise en œuvre.

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En foi de quoi le présent compromis établi en deux exemplaires originaux a été signé par les plénipotentiaires.

Fait à Niamey le 24 Février 2009

Pour le Gouvernement
du Burkina Faso



Bédouma Alain YODA
Ministre d'Etat, Ministre des
Affaires Etrangères et de la
Coopération Régionale

Pour le Gouvernement
de la République du Niger



Aïchatou MINDAOU DOU
Ministre des Affaires Etrangères
et de la Coopération