

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

NORTH SEA CONTINENTAL
SHELF CASES

(FEDERAL REPUBLIC OF GERMANY/DENMARK;
FEDERAL REPUBLIC OF GERMANY/NETHERLANDS)

VOLUME I

1968

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRES DU PLATEAU
CONTINENTAL DE LA MER
DU NORD

(RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE/DANEMARK;
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE/PAYS-BAS)

VOLUME I



The present volume contains the Special Agreements, the Memorials, the Counter-Memorials, the Replies and the Common Rejoinder filed in the *North Sea Continental Shelf* cases. The proceedings in these cases, which were entered on the Court's General List on 20 February 1967 under numbers 51 and 52, were joined by an Order of the Court of 26 April 1968 (*North Sea Continental Shelf, Order of 26 April 1968, I.C.J. Reports 1968*, p. 3), and a Judgment was delivered on 20 February 1969 (*North Sea Continental Shelf, Judgment, I.C.J. Reports 1969*, p. 3).

The page references originally appearing in the pleadings have been altered to correspond with the pagination of the present edition.

The Hague, 1969.

Le présent volume reproduit les compromis, les mémoires, les contre-mémoires, les répliques et la duplique commune déposés dans les affaires du *Plateau continental de la mer du Nord*. Ces affaires ont été inscrites au rôle général de la Cour sous les n^{os} 51 et 52 le 20 février 1967 et les deux instances ont été jointes par ordonnance de la Cour le 26 avril 1968 (*Plateau continental de la mer du Nord, ordonnance du 26 avril 1968, C.I.J. Recueil 1968*, p. 3). Un arrêt a été rendu le 20 février 1969 (*Plateau continental de la mer du Nord, arrêt, C.I.J. Recueil 1969*, p. 3).

Les renvois d'un mémoire à l'autre ont été modifiés pour tenir compte de la pagination de la présente édition.

La Haye, 1969.

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PART I

SPECIAL AGREEMENTS AND PLEADINGS

PREMIÈRE PARTIE

COMPROMIS ET MÉMOIRES

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 ITTERSUM.

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 ITERSUM
