

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

**CASE CONCERNING DELIMITATION
OF THE MARITIME BOUNDARY
IN THE GULF OF MAINE AREA
(CANADA/UNITED STATES OF AMERICA)**

VOLUME I

Special Agreement; Memorial of Canada



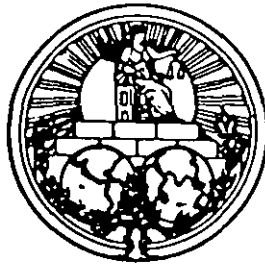
COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

**AFFAIRE DE LA DÉLIMITATION
DE LA FRONTIÈRE MARITIME
DANS LA RÉGION DU GOLFE DU MAINE
(CANADA/ÉTATS-UNIS D'AMÉRIQUE)**

VOLUME I

Compromis; mémoire du Canada



The case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area*, entered on the Court's General List on 25 November 1981 under number 67, was the subject of a Judgment delivered on 12 October 1984 by the Chamber constituted by the Order made by the Court on 20 January 1982 (*Delimitation of the Maritime Boundary in the Gulf of Maine Area, Judgment, I.C.J. Reports 1984*, p. 246).

The pleadings and oral arguments in the case are being published in the following order:

- Volume I. Special Agreement; Memorial of Canada.
- Volume II. Memorial of the United States of America.
- Volume III. Counter-Memorial of Canada.
- Volume IV. Counter-Memorial of the United States of America.
- Volume V. Replies of Canada and the United States of America.
- Volume VI. Commencement of Oral Arguments.
- Volume VII. Conclusion of Oral Arguments; Documents submitted to the Court after closure of the written proceedings; Correspondence.
- Volume VIII. Maps, charts and illustrations.

Canada filed its pleadings both in English and in French. Although Canada has two official languages, only the English text of those documents is reproduced on the ensuing pages of these volumes, as Canada has informed the Registry that the English text should be seen as authoritative for the purposes of interpretation.

Certain pleadings and documents of this edition are reproduced photographically from the original printed text.

In addition to the normal continuous pagination, the Volumes feature on the inner margin of pages a bracketed indication of the original pagination of the Memorials, the Counter-Memorials, the Replies and certain Annexes.

In internal references, bold Roman numerals (in the text or in the margin) are used to refer to Volumes of this edition; if they are immediately followed by a page reference, this relates to the new pagination of the Volume in question. On the other hand, the page numbers which are preceded by a reference to one of the pleadings relate to the original pagination of that document and accordingly refer to the bracketed pagination of the document in question.

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L'affaire de la *Délimitation de la frontière maritime dans la région du golfe du Maine*, inscrite au rôle général de la Cour sous le numéro 67 le 25 novembre 1981, a fait l'objet d'un arrêt rendu le 12 octobre 1984 par la Chambre constituée par ordonnance de la Cour du 20 janvier 1982 (*Délimitation de la frontière maritime dans la région du golfe du Maine, arrêt, C.I.J. Recueil 1984*, p. 246).

Les pièces de procédure écrite et les plaidoiries relatives à cette affaire sont publiées dans l'ordre suivant :

Volume I. Compromis; mémoire du Canada.

Volume II. Mémoire des Etats-Unis d'Amérique.

Volume III. Contre-mémoire du Canada.

Volume IV. Contre-mémoire des Etats-Unis d'Amérique.

Volume V. Répliques du Canada et des Etats-Unis d'Amérique.

Volume VI. Début de la procédure orale.

Volume VII. Suite et fin de la procédure orale; documents présentés à la Cour après la fin de la procédure écrite; correspondance.

Volume VIII. Cartes et illustrations.

Le Canada a déposé ses pièces de procédure écrite en anglais et en français. Bien que le Canada ait deux langues officielles, seul le texte anglais de ses écritures est reproduit dans les volumes ci-dessus, le Canada ayant fait savoir au Greffe que, en cas d'interprétation, c'était le texte anglais qui devait faire foi.

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SPECIAL AGREEMENT

COMPROMIS

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.

Ottawa, November 20, 1981.

CERTIFICATE

This is to certify that the documents attached hereto are true and complete copies of the original documents listed below :

- (1) Protocol of Exchange of the Instruments of Ratification 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 at Washington on March 29, 1979 ;
- (2) 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 at Washington on March 29, 1979 ;
- (3) 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, signed at Washington on March 29, 1979 ;
- (4) 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 Main Area, signed at Washington on March 29, 1979.

(Signed) Richard J. SMITH,
for the Ambassador of the
United States of
America.

(Signed) Mark MACGUIGAN,
Secretary of State
for External Affairs.

PROTOCOL OF EXCHANGE

PROTOCOLE D'ÉCHANGE

The undersigned, having met for the purpose of exchanging Instruments of Ratification by their respective Governments 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 at Washington on March 29, 1979, and the respective Instruments of Ratification having been carefully compared and found to be in due form, the exchange took place this day.

The said Treaty is annexed hereto, together with the Special Agreement 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 March 29, 1979, and the Agreement to Submit to a Court of Arbitration the Delimitation of the Maritime Boundary in the Gulf of Maine Area, also signed at Washington on March 29, 1979. These instruments incorporate certain changes made subsequent to their signature.

Les soussignés s'étant réunis pour procéder au nom de leurs gouvernements respectifs à l'échange des instruments de ratification du 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, signé à Washington le 29 mars 1979, et les instruments respectifs de ratification ayant été soigneusement comparés et trouvés en bonne et due forme, ledit échange a eu lieu aujourd'hui.

Ledit traité est ci-annexé, ainsi que le compromis 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, signé à Washington le 29 mars 1979, et le compromis visant à soumettre à une cour d'arbitrage la question de la délimitation de la frontière maritime dans la région du golfe du Maine, aussi signé à Washington le 29 mars 1979. Lesdits instruments incluent certains changements qui y furent apportés après leur signature.

IN WITNESS WHEREOF, they have signed the present Protocol of Exchange.

DONE at Ottawa this twentieth day of November 1981.

EN FOI DE QUOI, ils ont signé le présent protocole d'échange.

FAIT à Ottawa le vingtième jour de novembre 1981.

(Signed) (Signé) Mark MACGUIGAN.

For the Government of Canada.

Pour le Gouvernement du Canada.

(Signed) (Signé) Richard J. SMITH.

For the Government of the United States of America.

Pour le Gouvernement des États-Unis d'Amérique.

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 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 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°11'12"N, longitude 67°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°N, longitude 67°W ; latitude 40°N, longitude 65°W ; latitude 42°N, longitude 65°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 nominated 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.

COMPROMIS ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES
ÉTATS-UNIS D'AMÉRIQUE VISANT À SOUMETTRE À UNE CHAMBRE DE LA COUR
INTERNATIONALE DE JUSTICE LA QUESTION DE LA DÉLIMITATION DE LA FRON-
TIÈRE 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 de l'un et l'autre pays 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

Les Parties soumettent la question posée à l'article II à une chambre de la Cour internationale de Justice, composée de cinq personnes et constituée après consultation avec les Parties, en application du paragraphe 2 de l'article 26 et de l'article 31 du Statut de la Cour et conformément aux dispositions du présent compromis.

Article II

1. La chambre est priée de statuer, conformément aux règles et principes du droit international applicables en la matière entre les Parties, sur la question suivante :

Quel est le tracé de la frontière maritime unique divisant le plateau continental et les zones de pêche du Canada et des Etats-Unis d'Amérique à partir d'un point situé par 44° 11' 12" de latitude nord et 67° 16' 46" de longitude ouest jusqu'à un point devant être fixé par la chambre à l'intérieur d'une zone délimitée par des lignes droites reliant les coordonnées géographiques suivantes : 40° de latitude nord et 67° de longitude ouest ; 40° de latitude nord et 65° de longitude ouest ; 42° de latitude nord et 65° de longitude ouest ?

2. La chambre est priée de décrire le tracé de la frontière maritime en termes de lignes géodésiques reliant les coordonnées géographiques des points. La chambre est également priée, à seules fins d'illustration, d'indiquer le tracé de la frontière sur la carte n° 4003 du Service hydrographique du Canada et sur la carte n° 13006 de la *United States National Ocean Survey*, conformément aux dispositions de l'article IV.

3. Les Parties prient la chambre de nommer un expert technique, désigné conjointement par les Parties, pour l'aider dans la considération des questions techniques et notamment dans la préparation de la description de la frontière maritime et des cartes mentionnées au paragraphe 2. Le Greffier est prié de fournir à l'expert technique des exemplaires des pièces de procédure de chaque Partie lorsque lesdites pièces sont communiquées à l'autre Partie. L'expert assiste à la procédure orale et se tient à la disposition de la chambre pour toute consultation que cette dernière estime nécessaire aux fins du présent article.

4. Les Parties acceptent comme définitive et obligatoire pour elles-mêmes la décision de la chambre rendue en application du présent article.

Article III

1. Au sud et à l'ouest de la frontière maritime devant être délimitée par la chambre en application du présent compromis le Canada ne peut, et au nord et à l'est de ladite frontière maritime les Etats-Unis d'Amérique ne peuvent, à quelque fin que ce soit, revendiquer ou exercer de juridiction ou de droits souverains sur les eaux ou sur le fond marin et le sous-sol de la mer.

2. Aucune disposition du présent compromis ne modifie la position de l'une ou l'autre Partie à l'égard de la nature juridique ou de l'étendue vers le large du plateau continental, de la juridiction en matière de pêches, ou de la juridiction ou des droits souverains à toute autre fin en vertu du droit international.

Article IV

La chambre et l'expert ou les experts techniques sont priés, et les Parties dans leurs présentations à la chambre sont tenues, de se conformer aux dispositions techniques suivantes :

- a) Toutes les coordonnées géographiques des points mentionnés sont établies en fonction de la station origine de la triangulation nord-américaine de 1927.
- b) Toutes les lignes droites sont des lignes géodésiques. Si elles sont nécessaires aux fins de l'arrêt, les courbes, y compris les parallèles de latitude, sont calculées en fonction de la station origine de la triangulation nord-américaine de 1927.
- c) Bien que les Parties utilisent des niveaux de référence différents dans la région du golfe du Maine, les deux sont considérés comme étant communs.
- d) S'il est nécessaire de se référer à la laisse de basse mer de l'une ou l'autre Partie, les cartes les plus récentes et à plus grande échelle possible publiées par la Partie en cause sont utilisées.
- e) Si un ou plusieurs points sur une carte donnée ne sont pas établis en fonction de la station origine de la triangulation nord-américaine de 1927, la chambre demande à l'agent de la Partie en cause de lui fournir les points origine corrigés.
- f) Comme les Parties n'utilisent pas les mêmes symboles normalisés sur leurs cartes marines, la chambre, l'expert ou les experts techniques consultent au besoin les agents et leurs conseillers pour assurer l'interprétation correcte du symbole ou du signe en question.
- g) La chambre, l'expert ou les experts techniques sont priés de consulter au besoin les Parties au sujet de tout programme informatique mis au point conjointement par les Parties aux fins de calculs techniques, et d'utiliser de tels programmes au besoin.

Article V

1. Ni l'une ni l'autre Partie ne communique à titre de preuve ou d'argument ni ne divulgue publiquement de quelque manière que ce soit la nature ou le contenu des propositions en vue d'un règlement du différend relatif à la délimitation des frontières maritimes, ou des réponses à ces propositions, faites au cours des négociations ou discussions entreprises depuis 1969.

2. Chaque Partie notifie et consulte l'autre Partie avant de communiquer à titre de preuve ou d'argument la correspondance diplomatique ou toute autre correspondance confidentielle entre le Canada et les Etats-Unis d'Amérique portant sur la question de la délimitation des frontières maritimes.

Article VI

1. Sans préjuger 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 sept mois après que le Greffier a reçu notification du nom du juge *ad hoc* ou des noms des juges *ad hoc* ;
- b) un contre-mémoire soumis par chacune des Parties au plus tard six mois après l'échange des mémoires ;
- c) toute autre pièce de procédure jugée nécessaire par la chambre.

2. La chambre peut prolonger ces délais à la demande de l'une ou l'autre Partie.

3. Les pièces de procédure écrite présentées au Greffier ne sont pas communiquées à l'autre Partie tant que le Greffier n'a pas reçu la pièce de procédure correspondante de l'autre Partie.

Article VII

1. A la suite de la décision de la chambre, l'une ou l'autre Partie peut demander la tenue de négociations en vue d'une entente sur l'extension de la frontière maritime vers le large sur une aussi grande distance que les Parties le jugent souhaitable.

2. Si les Parties ne parviennent pas à s'entendre sur l'extension de la frontière maritime dans l'année qui suit la date d'une telle demande, chaque Partie peut notifier l'autre Partie de son intention de soumettre la question de l'extension de la frontière maritime vers le large à la procédure de règlement obligatoire par tierce partie.

3. Si les Parties ne parviennent pas à s'entendre sur les conditions d'une telle soumission dans les trois mois qui suivent cette notification, l'une ou l'autre Partie peut soumettre la question de l'extension de la frontière maritime vers le large à la chambre de cinq juges constituée en conformité avec le présent compromis.

4. Les dispositions du présent compromis s'appliquent, *mutatis mutandis*, à la procédure établie dans le présent article et la décision de la chambre est définitive et obligatoire pour les Parties.

Article VIII

Le présent compromis entre en vigueur à la date de l'entrée en vigueur du traité entre le Gouvernement du Canada et le Gouvernement des Etats-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 signé en ce jour. Il demeure en vigueur jusqu'à ce qu'il soit abrogé conformément aux dispositions dudit traité ou jusqu'à l'abrogation dudit traité.

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

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 compromis.

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.

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

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

1. The Parties shall submit the question posed in Article II to a court of arbitration (hereinafter the court) composed of five persons mutually agreed upon by the Parties, one of whom shall be designated by the Parties to be president.

2. For the purposes of this Agreement, the court shall be considered constituted when the Parties jointly announce its formation for the purpose set forth in this Agreement.

3. The Parties shall jointly appoint a registrar. If, one month after the constitution of the court, a registrar has not been appointed, the president of the court shall, within one month, appoint a registrar.

4. Each Party shall appoint an agent within one month after the constitution of the court.

Article II

1. The court shall 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 $44^{\circ}11'12''\text{N}$, longitude $67^{\circ}16'46''\text{W}$ to a point to be determined by the court within an area bounded by straight lines connecting the following sets of geographic coordinates : latitude 40°N , longitude 67°W ; latitude 40°N , longitude 65°W ; latitude 42°N , longitude 65°W ?

The decision shall be fully reasoned.

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

3. The court shall appoint a technical expert, jointly nominated 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 shall 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 as the court may deem necessary for the purposes of this Article.

Article III

1. South and west of the maritime boundary to be determined by the court in accordance with this 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 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 purpose under international law.

Article IV

The following technical provisions shall be utilized by the court, any technical expert or experts and the Parties in their presentations to the Court :

- (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 court shall request the Agent of the appropriate Party to furnish the court 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 court 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 court, or any technical expert or experts, shall consult with the Parties as may be necessary concerning any common computer programs of the Parties for technical calculations, and 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. Subject to the provisions of this Agreement, the proceedings of the court shall be governed by the Rules of Court of the International Court of Justice to the extent they are deemed applicable and appropriate by the court. The court shall have the power to prescribe such further rules of procedure as may be necessary.

2. In the absence of unanimity, the decisions of the court on all questions, whether of substance or procedure, shall be given by a majority vote of its members, including all questions relating to the competence of the court, the interpretation of this Agreement, and the decision on the question specified in Article II.

Article VII

The court shall establish its seat at a place fixed in agreement with the Parties. Until the seat has been determined, the court may meet at a place provisionally chosen by the president. The registrar shall notify the Parties of the address for the filing of their written pleadings and other documents.

Article VIII

1. The Parties shall use the following procedure before the court :

- (a) The proceedings shall be written and oral.
- (b) Without prejudice to any question as to burden of proof, the written proceedings shall consist of :
 - (i) a Memorial to be submitted by each Party not later than seven months after the court has been constituted ;
 - (ii) a Counter-Memorial to be submitted by each Party not later than six months after the exchange of Memorials ; and
 - (iii) any further pleadings found by the court to be necessary.

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

2. 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. The written pleadings shall not be made available to the public until the oral hearings have commenced, except as otherwise agreed.

3. The oral hearing shall follow the written proceedings, and shall be held in public at such place and time as the court, after consultation with the two Parties, may determine.

Article IX

1. The pleadings, written and oral, shall be in the English or French language ; the decisions of the court shall be in both languages.

2. The court shall, as may be necessary, arrange for translations and interpretations, secretarial and clerical staff, accommodation and the purchase or hire of office equipment.

Article X

1. The remuneration of the judges of the court and the general expenses of the arbitration shall be divided equally between the two Parties.

2. Each Party shall bear its own expenses incurred in or for the preparation and presentation of its case.

Article XI

Any vacancies which may arise on the court shall be filled in accordance with the following procedure :

- (a) If the president of the court is unable to act, and after two months the Parties have not reached agreement on filling the vacancy and designating the president, the remaining judges of the court, following consultations with the Parties, shall, within one month, select from among their number a new president. The new president shall in turn, within six months after the vacancy occurred, fill the vacancy following further consultations with the Parties.
- (b) If a judge of the court other than the president is unable to act and after two months the Parties have not reached agreement on a person to fill the vacancy, the president of the Court shall, within six months after the vacancy occurred, fill the vacancy after consultation with the Parties.

Article XII

- 1. The decision of the court on the question posed in Article II shall be final and binding on the Parties.
- 2. Either Party may, within three months of the rendering of the decision, refer to the court any dispute as to the meaning and scope of the decision.
- 3. The court shall have competence to rectify any clerical or technical error in its decision upon the application of either Party within six months of the rendering of its decision.

Article XIII

- 1. Following the rendering of the decision of the court or of the Chamber of the International Court of Justice constituted pursuant to the Special Agreement between the Government of the United States of America and the Government of Canada to Submit to a Chamber of the International Court of Justice the Delimitation of the Maritime Boundary in the Gulf of Maine Area, 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 intent to submit the question of the seaward extension of the maritime boundary for decision by binding third-party settlement.
- 3. If the Parties are unable to agree on the terms of such a submission within three months of such notice, either Party may submit the question of the seaward extension of the maritime boundary to the court constituted in accordance with this Agreement, provided that at least three of the five judges of the court are able to serve. In the event that any judge of the court is unable to serve, any vacancy shall be filled in the manner provided for in Article XI.
- 4. If agreement pursuant to paragraph 1 or paragraph 2 is not reached, and the matter cannot be submitted to the court in accordance with paragraph 3, either Party may call upon the President of the International Court of Justice to select, after consultation with the Parties, five persons to constitute a court of arbitration.
- 5. If the decision referred to in paragraph 1 was rendered by a Chamber of the International Court of Justice, and this Agreement subsequently enters into force, a court of arbitration shall be established, in accordance with Article 1 of

this Agreement, for the purposes of deciding the question referred to in paragraph 2 of this Article.

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

Article XIV

This Agreement shall enter into force in accordance with Articles II or III 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, and shall remain in force until the said Treaty is terminated.

COMPROMIS ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES ÉTATS-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

Le Gouvernement du Canada et le Gouvernement des États-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 dans la région du golfe du Maine où l'un ou l'autre exercent la juridiction exclusive en matière de pêches,

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

Sont convenus de ce qui suit :

Article I

1. Les Parties soumettent la question posée à l'article II à une cour d'arbitrage (ci-après la cour) composée de cinq personnes dont conviennent mutuellement les Parties, l'une de ces personnes étant désignée à la présidence par les Parties.

2. Aux fins du présent compromis d'arbitrage, la cour est réputée constituée lorsque les Parties annoncent conjointement sa constitution aux fins prévues dans le présent compromis d'arbitrage.

3. Les Parties nomment conjointement un greffier. Si, un mois après la constitution de la cour, le greffier n'a pas été nommé, le président de la cour s'acquitte de cette fonction dans le mois qui suit.

4. Chaque Partie nomme un agent dans le mois qui suit la constitution de la cour.

Article II

1. La cour statue, conformément aux principes et aux règles du droit international applicables en la matière entre les Parties, sur la question suivante :

Quel est le tracé de la frontière maritime unique divisant le plateau continental et les zones de pêche du Canada et des États-Unis d'Amérique à

partir d'un point situé par $44^{\circ} 11' 12''$ de latitude nord et $67^{\circ} 16' 46''$ de longitude ouest jusqu'à un point devant être fixé par la cour à l'intérieur d'une zone délimitée par des lignes droites reliant les coordonnées géographiques suivantes : 40° de latitude nord et 67° de longitude ouest ; 40° de latitude nord et 65° de longitude ouest ; 42° de latitude nord et 65° de longitude ouest ?

La décision est pleinement motivée.

2. La cour décrit le tracé de la frontière maritime en termes de lignes géodésiques reliant les coordonnées géographiques des points. La cour indique également, à seules fins d'illustration, le tracé de la frontière sur la carte n° 4003 du Service hydrographique du Canada et sur la carte n° 13006 de la *United States National Ocean Survey*, conformément aux dispositions de l'article IV.

3. La cour nomme un expert technique désigné conjointement par les Parties pour l'aider dans la considération des questions techniques et notamment dans la préparation de la description de la frontière maritime et des cartes mentionnées au paragraphe 2 du présent article. Le greffier fournit à l'expert technique copie des pièces de procédure de chaque Partie lorsque lesdites pièces sont communiquées à l'autre Partie. L'expert assiste à la procédure orale et se tient à la disposition de la cour pour toute consultation que cette dernière estime nécessaire aux fins du présent article.

Article III

1. Au sud et à l'ouest de la frontière maritime devant être délimitée par la cour en application du présent compromis d'arbitrage, le Canada ne peut, et au nord et à l'est de ladite frontière maritime les Etats-Unis d'Amérique ne peuvent, à quelque fin que ce soit, revendiquer ou exercer une juridiction ou des droits souverains sur les eaux ou sur le fond marin et le sous-sol de la mer.

2. Aucune disposition du présent compromis d'arbitrage ne modifie la position de l'une ou l'autre Partie à l'égard de la nature juridique ou de l'étendue vers le large du plateau continental, de la juridiction en matière de pêches, ou de la juridiction ou des droits souverains à toute autre fin en vertu du droit international.

Article IV

La cour et l'expert ou les experts techniques ainsi que les Parties dans leurs présentations à la cour se conforment aux dispositions techniques suivantes :

- a) Toutes les coordonnées géographiques des points mentionnés sont établies en fonction de la station origine de la triangulation nord-américaine de 1927.
- b) Toutes les lignes droites sont des lignes géodésiques. Si elles sont nécessaires aux fins de l'arrêt, les courbes, y compris les parallèles de latitude, sont calculées en fonction de la station origine de la triangulation nord-américaine de 1927.
- c) Bien que les Parties utilisent des niveaux de référence différents dans la région du golfe du Maine, les deux sont considérés comme étant communs.
- d) S'il est nécessaire de se référer à la laisse de basse mer de l'une ou l'autre

Partie, les cartes les plus récentes et à plus grande échelle possible publiées par la Partie en cause sont utilisées.

- e) Si un ou plusieurs points sur une carte donnée ne sont pas établis en fonction de la station origine de la triangulation nord-américaine de 1927, la cour demande à l'agent de la Partie en cause de lui fournir les points origine corrigés.
- f) Comme les Parties n'utilisent pas les mêmes symboles normalisés sur leurs cartes marines, la cour, l'expert ou les experts techniques consultent au besoin l'agent et leurs conseillers pour assurer l'interprétation correcte du symbole ou du signe en question.
- g) La cour, l'expert ou les experts techniques consultent au besoin les Parties au sujet de tout programme informatique mis au point conjointement par les Parties aux fins de calculs techniques, et utilisent de tels programmes au besoin.

Article V

1. Ni l'une ni l'autre Partie ne communique à titre de preuve ou d'argument ni ne divulgue publiquement de quelque manière que ce soit la nature ou le contenu des propositions en vue d'un règlement du différend relatif à la délimitation des frontières maritimes, ou des réponses à ces propositions, faites au cours des négociations ou des discussions entreprises depuis 1969.

2. Chaque Partie notifie et consulte l'autre Partie avant de communiquer à titre de preuve ou d'argument la correspondance diplomatique ou toute autre correspondance confidentielle entre le Canada et les Etats-Unis d'Amérique portant sur la question de la délimitation des frontières maritimes.

Article VI

1. Sous réserve des dispositions du présent compromis d'arbitrage, la procédure de la cour est assujettie au Règlement de la Cour internationale de Justice dans la mesure où la cour le juge applicable et pertinent. La cour a le pouvoir d'arrêter d'autres dispositions générales au besoin.

2. En l'absence d'unanimité, les décisions de la cour relatives à toutes les questions, tant en ce qui concerne le fond que la procédure, sont prises à la majorité des membres, y compris toutes les questions concernant la compétence de la cour, l'interprétation du présent compromis d'arbitrage et la décision relative à la question énoncée à l'article II.

Article VII

La cour établit son siège en lieu fixé en accord avec les Parties. Tant que la détermination de son siège n'est pas faite, la cour peut se réunir au lieu choisi à titre provisoire par son président. Le greffier communique aux Parties une adresse pour le dépôt de leurs pièces de procédure écrite et autres documents.

Article VIII

Les Parties suivent la procédure suivante devant la cour :

- a) Les procédures sont écrites et orales.
- b) Sans préjuger aucune question relative à la charge de la preuve, les procédures écrites consistent en :

- i) un mémoire soumis par chacune des Parties au plus tard sept mois après la constitution de la cour ;
- ii) un contre-mémoire soumis par chacune des Parties au plus tard six mois après l'échange des mémoires ;
- iii) toute autre pièce jugée nécessaire par la cour.

La cour peut prolonger ces délais à la demande de l'une ou l'autre Partie.

2. Les pièces de procédure écrite présentées au greffier ne sont pas communiquées à l'autre Partie tant que le greffier n'a pas reçu la pièce de procédure correspondante de l'autre Partie. Sauf s'il en est convenu autrement, les pièces de procédure écrite ne sont communiquées au public qu'une fois la procédure orale commencée.

3. La procédure orale suit la procédure écrite et se tient en public au lieu et à la date que peut déterminer la cour après consultation des deux Parties.

Article IX

1. Les pièces de procédure écrite et orale sont en anglais ou en français ; les décisions de la cour sont rendues dans ces deux langues.

2. La cour pourvoit en tant que de besoin à la traduction et à l'interprétation, au personnel de secrétariat et de bureau, ainsi qu'aux locaux et à l'achat ou à la location de matériel de bureau.

Article X

1. La rémunération des juges de la cour et les dépenses générales de l'arbitrage sont supportées également par les deux Parties.

2. Chaque Partie supporte ses frais propres entraînés par ou pour la préparation et la présentation de ses thèses.

Article XI

Il est pourvu à tout siège devenu vacant à la cour selon la procédure suivante :

- a) Si le président de la cour ne peut remplir ses fonctions et que, après deux mois, les Parties ne parviennent pas à s'entendre sur le fait de pourvoir à la vacance et sur le choix du nouveau président, les autres juges de la cour, après consultations avec les parties, choisissent parmi eux un nouveau président dans un délai d'un mois. Le nouveau président pourvoit à la vacance dans les six mois suivant la date à laquelle s'est produite la vacance, à la suite d'autres consultations avec les Parties.
- b) Si un juge de la cour autre que le président ne peut remplir ses fonctions et que, après deux mois, les Parties ne parviennent pas à s'entendre sur le choix d'un candidat, le président de la cour pourvoit au siège vacant dans les six mois suivant la date à laquelle s'est produite la vacance, à la suite de consultations avec les Parties.

Article XII

1. La décision de la cour relative à la question posée à l'article II est définitive et obligatoire pour les Parties.

2. L'une ou l'autre Partie peut, dans les trois mois suivant la décision, déférer à la cour toute contestation en ce qui concerne l'interprétation et la portée de la décision.

3. La cour est habilitée à corriger toute erreur technique ou d'écritures dans sa

décision à la demande de l'une ou l'autre Partie, dans les six mois suivant sa décision.

Article XIII

1. A la suite de la décision de la cour ou de la chambre de la Cour internationale de Justice constituée en application du compromis entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement du Canada 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, l'une ou l'autre Partie peut demander la tenue de négociations en vue d'une entente sur l'extension de la frontière maritime vers le large sur une aussi grande distance que les Parties le jugent souhaitable.

2. Si les Parties ne parviennent pas à s'entendre sur l'extension de la frontière maritime dans l'année qui suit la date d'une telle demande, l'une ou l'autre Partie peut notifier l'autre de son intention de soumettre la question de l'extension de la frontière maritime vers le large au règlement obligatoire par tierce partie.

3. Si les Parties ne parviennent pas à s'entendre sur les conditions d'une telle soumission dans les trois mois qui suivent cette notification, l'une ou l'autre Partie peut soumettre la question de l'extension de la frontière maritime vers le large à la cour constituée en conformité du présent compromis d'arbitrage, pourvu qu'au moins trois juges de la cour soient en mesure de remplir ces fonctions. Si un juge de la cour ne peut remplir ses fonctions, il est pourvu à la vacance de la manière prescrite à l'article XI.

4. Si les parties ne parviennent pas à s'entendre conformément aux dispositions du paragraphe 1 ou du paragraphe 2 et que la question ne peut être soumise à la cour en application du paragraphe 3, l'une ou l'autre Partie peut demander au Président de la Cour internationale de Justice de choisir, après consultation avec les Parties, cinq personnes qui constitueront une cour d'arbitrage.

5. Si la décision visée au paragraphe 1 est rendue par une chambre de la Cour internationale de Justice et que le présent compromis entre subséquemment en vigueur, une cour d'arbitrage est constituée conformément aux dispositions de l'article I du présent compromis, aux fins de statuer sur la question visée au paragraphe 2 du présent article.

6. Les dispositions du présent compromis d'arbitrage s'appliquent, *mutatis mutandis*, à la procédure établie dans le présent article et la décision de la cour d'arbitrage est définitive et obligatoire pour les Parties.

Article XIV

Le présent compromis d'arbitrage entre en vigueur conformément à l'article II ou à l'article III du traité entre le Gouvernement du Canada et le Gouvernement des Etats-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, signé en ce jour, et demeure en vigueur jusqu'à la dénonciation dudit traité.

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

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 compromis.

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.
