

No. 8779

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

Special Agreement for the submission to the International Court of Justice of a difference between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the delimitation, as between the Kingdom of the Netherlands and the Federal Republic of Germany, of the continental shelf in the North Sea. Signed at Bonn, on 2 February 1967

Official text: English.

Registered by the Netherlands on 2 October 1967.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Compromis soumettant à la Cour internationale de Justice un différend entre le Royaume des Pays-Bas et la République fédérale d'Allemagne relatif à la délimitation, entre le Royaume des Pays-Bas et la République fédérale d'Allemagne, du plateau continental dans la mer du Nord. Signé à Bonn, le 2 février 1967

Texte officiel anglais.

Enregistré par les Pays-Bas le 2 octobre 1967.

No. 8779. SPECIAL AGREEMENT¹ FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF A DIFFERENCE BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION, AS BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY, OF THE CONTINENTAL SHELF IN THE NORTH SEA. SIGNED AT BONN, ON 2 FEBRUARY 1967²

The Government of the Kingdom of the Netherlands 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 the Netherlands and the Federal Republic of Germany has been laid down by a Convention concluded on 1 December 1964,³

Considering that in regard to the further course of the boundary disagreement exists between the Netherlands and the 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 Netherlands-German Treaty of Conciliation and Arbitration of 20 May 1926⁴ 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 1957⁵ 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

¹ Came into force on 2 February 1967 by signature, in accordance with article 3.

² See pp. 94 and 98 of this volume.

³ United Nations, *Treaty Series*, Vol. 550, p. 123.

⁴ League of Nations, *Treaty Series*, Vol. LXVI, p. 103.

⁵ United Nations, *Treaty Series*, Vol. 320, p. 243.

Convention of 29 April 1957 and with the Resolution adopted by the Security Council of the United Nations on 15 October 1946¹ 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 Kingdom of the Netherlands 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 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.

¹ United Nations, *Official Records of the Security Council, First Year, Resolutions and Decisions of the Security Council 1946* (S/INF/2/REV/1 (I)), p. 14.

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 the Netherlands:

G. E. van ITERSUM

For the Government of the Federal Republic of Germany :

SCHÜTZ