

No. 24358

**EL SALVADOR
and
HONDURAS**

Agreement to submit the frontier dispute concerning land, islands and maritime areas between the two States to a decision of the International Court of Justice. Signed at Esquipulas, Republic of Guatemala, on 24 May 1986

Authentic text: Spanish.

Registered by El Salvador and Honduras on 6 October 1986.

**EL SALVADOR
et
HONDURAS**

Compromis en vue de soumettre à la Cour internationale de Justice le différend qui existe entre les deux États au sujet de leurs frontières terrestres, insulaires et maritimes. Signé à Esquipulas, République du Guatemala, le 24 mai 1986

Texte authentique : espagnol.

Enregistré par El Salvador et le Honduras le 6 octobre 1986.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN HONDURAS AND EL SALVADOR TO SUBMIT THE FRONTIER DISPUTE CONCERNING LAND, ISLANDS AND MARITIME AREAS BETWEEN THE TWO STATES TO A DECISION OF THE INTERNATIONAL COURT OF JUSTICE, SIGNED AT ESQUIPULAS, REPUBLIC OF GUATEMALA, ON 24 MAY 1986

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

Considering that on 30 October 1980, at Lima, Peru, they signed the General Peace Treaty,² under which, *inter alia*, they delimited the land frontier between the two Republics in sections which did not give rise to controversy,

Considering that a direct settlement of the boundary differences with respect to the other land areas subject to controversy, and concerning the legal situation of islands and maritime areas, has not been achieved within the period specified in articles 19 and 31 of the General Peace Treaty of 30 October 1980,

Have appointed as their respective Plenipotentiaries (Honduras), Carlos López Contreras, Minister for Foreign Affairs, and (El Salvador), Rodolfo Antonio Castillo Claramount, Minister for Foreign Affairs, who, their full powers having been found in good and due form,

Have agreed as follows:

Article 1. FORMATION OF A CHAMBER

1. Pursuant to article 34 of the General Peace Treaty of 30 October 1980, the Parties shall submit the issues referred to in article 2 of this Agreement to a chamber of the International Court of Justice, composed of three members, to be approved by the Parties, who shall jointly inform the President of the Court of their approval, such approval being essential for the formation of the chamber, which shall be established in accordance with the procedures set forth in the Statute of the Court and in this Agreement.

2. The chamber shall also include two specially appointed *ad hoc* judges, one appointed by El Salvador and the other by Honduras, both of whom may be nationals of the Parties.

Article 2. SUBJECT OF THE HEARING

The Parties shall request the chamber:

1. To delimit the frontier line in the areas or sections not described in article 16 of the General Peace Treaty of 30 October 1980;

2. To determine the legal situation of islands and maritime areas.

¹ Came into force on 1 October 1986, the constitutional formalities having been completed by the Parties, in accordance with article 7 (1).

² United Nations, *Treaty Series*, vol. 1310, p. 213.

Article 3. PROCEDURE

1. The Parties shall request the chamber to authorize a written procedure consisting of the following:

- (a) A memorial submitted by each Party no later than 10 months after the secretariat of the International Court of Justice is notified of this Agreement;
- (b) A counter-memorial submitted by each Party no later than 10 months after the date on which a certified copy of the memorial of the other Party is received;
- (c) A reply submitted by each Party no later than 10 months after the date on which a certified copy of the counter-memorial of the other Party is received;
- (d) The Court may authorize or require the submission of a counter-reply if the Parties agree thereto or if the Court decides, either *ex officio* or at the request of one of the Parties, that such a communication is necessary.

2. The aforementioned written communications and their annexes submitted to the Secretariat shall not be transmitted to the other Party unless the Secretariat has received a corresponding communication from that Party.

3. The oral proceedings, the notification of the appointment of the Parties' respective agents and any other administrative issues shall be arranged in accordance with the provisions of the Statute and Rules of the Court.

Article 4. LANGUAGES

The hearing shall be conducted in the English and French languages, without distinction.

Article 5. APPLICABLE LAW

In accordance with the provisions of Article 38, paragraph 1, of the Statute of the International Court of Justice, the chamber shall, in pronouncing its judgment, bear in mind those norms of international law which are applicable between the Parties, including, where appropriate, the provisions of the General Peace Treaty.

Article 6. IMPLEMENTATION OF THE JUDGMENT

1. The Parties shall implement the judgment of the chamber in its entirety and in absolute good faith. For this purpose, the Special Demarcation Commission established under the Agreement of 11 February 1986¹ shall begin the demarcation of the frontier line established in the judgment no later than three months after the date of that judgment and shall continue to work diligently until the demarcation is completed.

2. For this purpose, the pertinent rules set forth in the aforementioned Agreement to establish the Special Demarcation Commission shall apply.

Article 7. ENTRY INTO FORCE AND REGISTRATION

1. This Agreement shall enter into force on 1 October 1986 after the completion of constitutional procedures by each Party.

2. It shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations, jointly or by either Party. The Organization of American States shall be notified thereof at the same time.

¹ United Nations, *Treaty Series*, vol. 1459, No. I-24680.

Article 8. NOTIFICATION

1. Pursuant to Article 40 of the Statute of the International Court of Justice, the Registrar of the Court shall be notified of this Agreement by means of a note addressed jointly by the two Parties. This notification shall be made before 31 December 1986.

2. If such notification is not made in accordance with the preceding paragraph, the Registrar of the Court may be notified of this Agreement by either Party within one month of the date mentioned in that paragraph.

IN WITNESS WHEREOF the undersigned do sign this Agreement in duplicate, at Esquipulas, Republic of Guatemala, on 24 May 1986.

For the Government
of Honduras:

CARLOS LÓPEZ CONTRERAS

For the Government
of El Salvador:

RODOLFO ANTONIO CASTILLO CLARAMOUNT
