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INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

THE MINQUIERS
AND ECREHOS CASE

(UNITED KINGDOM / FRANCE)

VOLUME I

Special Agreement.—Pleadings

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE DES MINQUIERS
ET DES ÉCRÉHOUS

(ROYAUME-UNI / FRANCE)

VOLUME I

Compromis. — Pièces écrites



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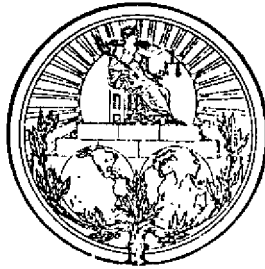
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JUDGMENT OF NOVEMBER 17th, 1953



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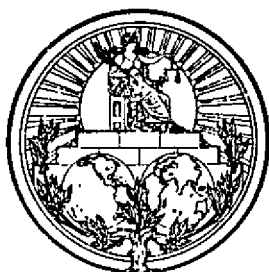
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PART I

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]
