

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

**NORTH SEA CONTINENTAL SHELF CASES**

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

**ORDER OF 26 APRIL 1968**

**1968**

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

**AFFAIRES DU PLATEAU CONTINENTAL  
DE LA MER DU NORD**

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

**ORDONNANCE DU 26 AVRIL 1968**

Official citation:

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Reports 1968, p. 9.*

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d'Allemagne; Pays-Bas/République fédérale d'Allemagne), ordonnance du  
26 avril 1968, C.I.J. Recueil 1968, p. 9.*

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## INTERNATIONAL COURT OF JUSTICE

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## NORTH SEA CONTINENTAL SHELF CASES

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

*Application of Article 31, paragraph 5, of Statute—Finding that  
two Parties are in the same interest—Joinder of two cases.*

## ORDER

*Present: President BUSTAMANTE Y RIVERO; Vice-President KORETSKY;  
Judges Sir Gerald FITZMAURICE, TANAKA, JESSUP, MORELLI,  
Sir Muhammad ZAFRULLA KHAN, PADILLA NERVO, FORSTER,  
GROS, AMMOUN, BENZON, PETRÉN, LACHS, ONYEAMA; Registrar  
AQUARONE.*

The International Court of Justice,  
composed as above,  
after deliberation,  
having regard to Article 48 of the Statute of the Court,  
having regard to Article 31, paragraph 5, of the Statute of the Court,  
and to Article 3, paragraph 2, of the Rules of Court,  
having regard to the Orders of 8 March 1967 and to the Orders of  
1 March 1968,

*makes the following Order:*

Having regard to the Special Agreements between the Governments of Denmark and of the Federal Republic of Germany, on the one hand, and between the Governments of the Federal Republic of Germany and of the Netherlands on the other hand, both signed at Bonn on 2 February 1967 and filed in the Registry on 20 February 1967;

Having regard to the Protocol signed on the same date on behalf of the three Governments, which Protocol contains the following two paragraphs:

“(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 to be parties in the same interest within the meaning of Article 31, paragraph 5, of the Statute of the Court.”

Having regard to the letters dated 9 and 12 February 1968, respectively, by which the Agents of the Governments of the Netherlands and of Denmark notified to the Registry the name of the person chosen by the two Governments to sit as Judge *ad hoc* in the cases concerning the disagreements between those Governments and the Government of the Federal Republic of Germany as described in the Special Agreements of 2 February 1967, noting, however, that the choice of a Judge *ad hoc* was made before the Court had taken the action required by Article 3, paragraph 2, of the Rules of Court;

Whereas all three Governments parties to the Protocol of 2 February 1967 have agreed that for the purpose of appointing a Judge *ad hoc*, the Governments of Denmark and 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;

Whereas the Counter-Memorials submitted by the Governments of Denmark and of the Netherlands confirm that the two Governments consider themselves to be parties in the same interest since they have set out their submissions in almost identical terms;

Whereas, accordingly, the Governments of Denmark and of the Netherlands are, so far as the choice of a Judge *ad hoc* is concerned, to be reckoned as one Party only;

#### THE COURT

Finds that the Governments of Denmark and of the Netherlands are in the same interest;

Joins the proceedings in the cases between Denmark and the Federal Republic of Germany and between the Federal Republic of Germany and the Netherlands;

In modification of the directions given in the two Orders dated 1 March 1968, concerning the filing of the Rejoinders, fixes 30 August 1968 as the time-limit within which the Governments of Denmark and of the Netherlands shall file a common Rejoinder.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-sixth day of April, one thousand nine hundred and sixty-eight, in four copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Kingdom of Denmark, to the Government of the Federal Republic of Germany and to the Government of the Kingdom of the Netherlands, respectively.

*(Signed)* J. L. BUSTAMANTE R.,  
President.

*(Signed)* S. AQUARONE,  
Registrar.