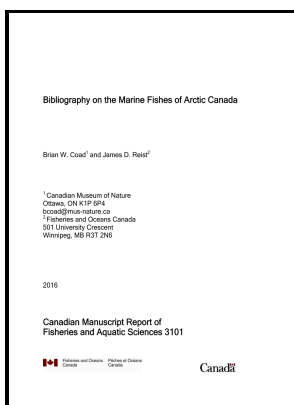


Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) - Annexes to the Reply Submitted by Canada :V.2 : Supplementary Evidence and Miscellaneous Documents : 12 Dec. 1983.

s.n - Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can. v. U.S.), 1984 I.C.J. 165 (Order of Mar. 30)



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Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can. v. U.S.), 1984 I.C.J. 165 (Order of Mar. 30)

Article III of the Treaty in no way interferes with the operation of these provisions. The parties have at all times expected that any vacancy on the Chamber would be filled in accordance with the Statute and the Rules.

Latest developments

It results in its regionalization by depriving it of its basic and essential characteristic of universality and produces the indirect result of there being more than one judge of the same nationality acting in the name of the Court, one in the Chamber and the other in the Court, which does not correspond to the Statute. Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this thirtieth day of March one thousand nine hundred and eighty-four, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Canada and the Government of the United States of America respectively. Attention was drawn to the last sentence of Article I of the Treaty of 29 March 1979 and to Article VI, paragraph 1 a , of the Special Agreement, which refer to the notification of the name of the judge ad hoc as determining the constitution of the Chamber and the date from which the time-limit for the memorials to be submitted by the Parties be counted, while a Chamber is established by the Court, and the notification of the name of the judge ad hoc does not exhaust the requirements of Article 31 of the Statute and Article 35 of the Rules of Court.

Latest developments

That would have enabled us to avoid the disadvantages I have mentioned above. In this situation, the sovereign right of the Court to carry out the election independently of the wishes of the Parties, by secret ballot in accordance with the provisions of the Statute and Rules of Court, becomes in substance meaningless. I continue to think that the matter could have been successfully settled by the Court in February 1982 in its new composition, which would not have been in contradiction with Article II of the Treaty of 29 March 1979 between the United States of America and Canada, since that Article provides that the Parties are ready to wait six full calendar months for settlement of the question that is to say, until 19 May 1982.

Delimitation of the maritime boundary in the Gulf of Maine area (Canada/United States of America) = Délimitation de la frontière maritime dans la région du golfe du Maine (Canada/États

I find that the imposition of an unduly close time-limit for the Chamber's formation and of a particular composition renders the Court no longer master of its own acts, deprives it of its freedom of choice and is an obstacle to the proper administration of justice.

Delimitation of the maritime boundary in the Gulf of Maine area (Canada/United States of America). Memorial (Book, 1982)
[styleguide.expo.io]

Although Article II, paragraph 4, of the Special Agreement may not be necessary as a legal matter since the Statute already makes the decision of the Chamber binding on the parties, this paragraph does serve to inform domestic constituencies that may not be familiar with the Statute of the Court.

Latest developments

Whereas the Parties have been duly consulted as to the composition of the proposed Chamber of the Court in accordance with Article 26, paragraph 2, of the Statute and Article 17, paragraph 2, of the Rules of Court; 6. Article VII of the Special Agreement concerns an entirely different matter, namely, the possible future seaward extension of the boundary beyond the segment drawn by the Chamber.

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