



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Territorial and Maritime Dispute (Nicaragua v. Colombia)

Conclusion of the public hearings

Court to begin its deliberation

THE HAGUE, 9 May 2012. The public hearings in the case concerning the Territorial and Maritime Dispute (Nicaragua v. Colombia) were concluded on Friday 4 May. The Court will now begin its deliberation.

During the hearings, which opened on Monday 23 April 2012 at the Peace Palace, seat of the Court, the delegation of the Republic of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Ambassador of the Republic of Nicaragua to the Kingdom of the Netherlands, as Agent and Counsel; and the delegation of the Republic of Colombia was led by H.E. Mr. Julio Londoño Paredes, Professor of International Relations, Universidad del Rosario, Bogotá, as Agent and Counsel.

The Court's Judgment will be rendered at a public sitting, the date of which will be announced in due course.

Final submissions of the Parties

At the end of the oral proceedings, the Parties presented the following final submissions to the Court:

For the Republic of Nicaragua:

“In accordance with article 60 of the Rules of the Court and having regard to the pleadings, written and oral . . .

I. May it please the Court to adjudge and declare that:

- (1) The Republic of Nicaragua has sovereignty over all maritime features off her Caribbean coast not proven to be part of the ‘San Andrés Archipelago’ and in particular the following cays: the Cayos de Albuquerque; the Cayos del Este Sudeste; the Cay of Roncador; North Cay, Southwest Cay and any other cays on the bank of Serrana; East Cay, Beacon Cay and any other cays on the bank of Serranilla; and Low Cay and any other cays on the bank of Bajo Nuevo.

- (2) If the Court were to find that there are features on the bank of Quitasueño that qualify as islands under international law, the Court is requested to find that sovereignty over such features rests with Nicaragua.
- (3) The appropriate form of delimitation, within the geographical and legal framework constituted by the mainland coasts of Nicaragua and Colombia, is a continental shelf boundary dividing by equal parts the overlapping entitlements to a continental shelf of both Parties.
- (4) The islands of San Andrés and Providencia (and Santa Catalina) be enclaved and accorded a maritime entitlement of 12 nautical miles, this being the appropriate equitable solution justified by the geographical and legal framework.
- (5) The equitable solution for any cay, that might be found to be Colombian, is to delimit a maritime boundary by drawing a 3-nautical-mile enclave around them.”

II. Further, the Court is requested to adjudge and declare that:

- Colombia is not acting in accordance with her obligations under international law by stopping and otherwise hindering Nicaragua from accessing and disposing of her natural resources to the east of the 82nd meridian.”

For the Republic of Colombia:

“In accordance with Article 60 of the Rules of Court, for the reasons set out in Colombia’s written and oral pleadings, taking into account the Judgment on Preliminary Objections and rejecting any contrary submissions of Nicaragua, Colombia requests the Court to adjudge and declare:

- (a) That Nicaragua’s new continental shelf claim is inadmissible and that, consequently, Nicaragua’s Submission I (3) is rejected.
- (b) That Colombia has sovereignty over all the maritime features in dispute between the Parties: Albuquerque, East-Southeast, Roncador, Serrana, Quitasueño, Serranilla and Bajo Nuevo, and all their appurtenant features, which form part of the Archipelago of San Andrés.
- (c) That the delimitation of the exclusive economic zone and the continental shelf between Nicaragua and Colombia is to be effected by a single maritime boundary, being the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the Parties is measured, as depicted on the map attached to these submissions.
- (d) That Nicaragua’s written Submission II is rejected.”

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Internal Judicial Practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure: the Court first holds a preliminary discussion, during which the President outlines the issues which require discussion and decision by the Court. Each judge then prepares a written Note setting out his or

her views on the case. Each Note is distributed to the other judges. A full deliberation is then held, at the end of which, on the basis of the views expressed, a drafting committee is chosen by secret ballot. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a draft text, which is first the subject of written amendments and then goes through two readings. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion. The final vote is taken after adoption of the final text of the Judgment at the second reading.

Note: The Court's press releases do not constitute official documents. The complete verbatim records of the hearings held from 23 April to 4 May 2012 are published on the website of the Court (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an institution founded in 1899, which is independent of the United Nations).

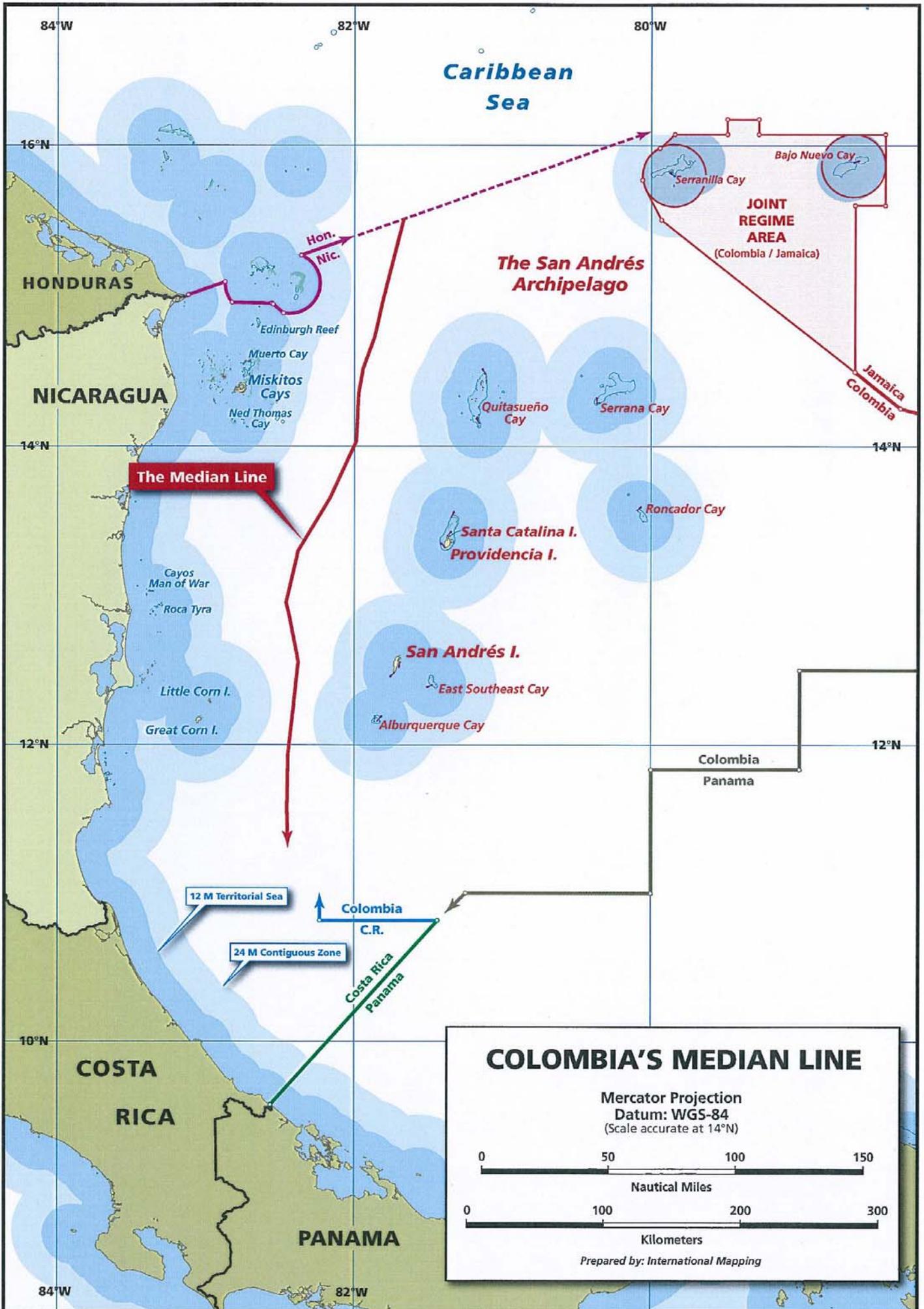
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Colombia's Submissions Map