



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Territorial and Maritime Dispute (Nicaragua v. Colombia)

Proceedings on whether to grant Costa Rica's application for permission to intervene and Honduras's application for permission to intervene

The Court to hold public hearings from 11 to 22 October 2010

THE HAGUE, 28 September 2010. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will hold two separate sets of public hearings in October 2010 at the Peace Palace, the seat of the Court, the first on whether to grant Costa Rica's application for permission to intervene and the second on whether to grant Honduras's application for permission to intervene in the case concerning the Territorial and Maritime Dispute (Nicaragua v. Colombia).

The hearings on the application of the Government of Costa Rica will open on Monday 11 October 2010.

The hearings on the application of the Government of Honduras will open on Monday 18 October 2010.

The detailed schedules for these separate hearings are as follows:

Oral proceedings on whether to grant Costa Rica's application for permission to intervene

Monday 11 October 2010	10 a.m.-12 noon: First round of oral argument (Costa Rica)
Wednesday 13 October 2010	9.30 a.m.-1.30 p.m.: First round of oral argument (Nicaragua; Colombia)
Thursday 14 October 2010	3 p.m.-4 p.m.: Second round of oral argument (Costa Rica)
Friday 15 October 2010	3 p.m.-5 p.m.: Second round of oral argument (Nicaragua; Colombia)

Oral proceedings on whether to grant Honduras's application for permission to intervene

Monday 18 October 2010	10 a.m.-12 noon: First round of oral argument (Honduras)
Wednesday 20 October 2010	9.30 a.m.-1.30 p.m.: First round of oral argument (Nicaragua; Colombia)
Thursday 21 October 2010	3 p.m.-4 p.m.: Second round of oral argument (Honduras)
Friday 22 October 2010	3 p.m.-5 p.m.: Second round of oral argument (Nicaragua; Colombia)

History of the proceedings

On 6 December 2001, Nicaragua instituted proceedings against Colombia in respect of a dispute concerning “a group of related legal issues subsisting” between the two States “concerning title to territory and maritime delimitation” in the western Caribbean.

As a basis for the jurisdiction of the Court, Nicaragua relied in its Application on Article XXXI of the American Treaty on Pacific Settlement, signed on 30 April 1948 and officially designated as the “Pact of Bogotá”, to which both Nicaragua and Colombia are parties, as well as the declarations made by both States recognizing the jurisdiction of the Court as compulsory (the “optional clause”).

By an Order of 26 February 2002, the Court fixed 28 April 2003 and 28 June 2004, respectively, as the time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia. The Memorial was filed within the time-limit thus fixed.

On 21 July 2003, within the time-limit set by Article 79, paragraph 1, of the Rules of Court, Colombia raised preliminary objections to the jurisdiction of the Court. It maintained that Article XXXI of the Pact of Bogotá did not provide a sufficient basis for the Court to entertain the case and stated its view that, in any event, the dispute had already been settled and was ended. Colombia added that the Court had no jurisdiction to deal with Nicaragua's Application under the declarations of acceptance of the compulsory jurisdiction of the Court made by both States, contending *inter alia* that, at the date of the filing of the Application by Nicaragua, Colombia had withdrawn its declaration.

By an Order of 24 September 2003, the Court fixed 26 January 2004 as the time-limit for Nicaragua to present a written statement on the preliminary objections. The written statement was filed within the time-limit thus fixed.

Public hearings on the preliminary objections were held between 4 and 8 June 2007. In its Judgment of 13 December 2007, the Court found that the 1928 Treaty between Colombia and Nicaragua had settled the matter of sovereignty over the islands of San Andrés, Providencia and Santa Catalina, that there was no extant legal dispute between the Parties on that question, and that the Court thus could not have jurisdiction over the question either under the Pact of Bogotá or on the basis of the optional clause declarations. The Court further found that it had jurisdiction, under Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute concerning sovereignty over the other maritime features claimed by the Parties and on the dispute concerning the maritime delimitation between the Parties.

By an Order of 11 February 2008, the Court fixed 11 November 2008 as the time-limit for the filing of Colombia's Counter-Memorial on the merits of the case. The Counter-Memorial was filed within the time-limit thus fixed.

By an Order of 18 December 2008, the Court directed Nicaragua to submit a Reply and Colombia to submit a Rejoinder and fixed 18 September 2009 and 18 June 2010 as the respective time-limits for the filing of those written pleadings. The Reply and the Rejoinder were filed within the time-limits thus fixed.

Applications for permission to intervene filed by Costa Rica and Honduras

On 25 February 2010, Costa Rica filed an application for permission to intervene in the case (see Press Release No. 2010/4). In its application, Costa Rica states that “[b]oth Nicaragua and Colombia, in their boundary claims against each other, claim maritime area to which Costa Rica is entitled”. The Costa Rican Government invokes Article 62 of the Statute of the Court as the basis for its intervention, underlining that **Costa Rica does not seek to become a party to the case between Nicaragua and Colombia.**

In accordance with Article 83 of the Rules of Court, a certified copy of the application for permission to intervene was communicated forthwith to the Parties, which were invited to furnish written observations within a time-limit fixed by the Court.

On 26 May 2010, within the time-limit fixed by the Court for that purpose pursuant to Article 83, paragraph 1, of the Rules of Court, Nicaragua and Colombia filed written observations in the Registry on the application for permission to intervene submitted by Costa Rica.

In its written observations on Costa Rica’s application, Colombia stated that it had no objection to the intervention of Costa Rica.

Nicaragua maintained in its written observations that this application for permission to intervene failed to comply with the Statute and the Rules of Court.

On 10 June 2010, Honduras also filed in the Registry an application for permission to intervene in the case (see Press Release No. 2010/18). In its application, it asserts that Nicaragua is putting forward maritime claims in its dispute with Colombia that lie in a zone of the Caribbean Sea in which Honduras itself has rights and interests.

Honduras requests the Court to be permitted to intervene in the pending proceedings as a State party. To found the jurisdiction of the Court for this purpose as between itself, Nicaragua and Colombia, Honduras relies on Article XXXI of the Pact of Bogotá. Should the Court accede to its request to intervene as a party, Honduras indicates that, in accordance with Article 59 of the Statute of the Court, it “would recognize the binding force of the decision that would be rendered”. In the alternative, if the Court does not accede to its request to intervene as a State party, Honduras requests the Court for permission “to intervene as a non-party”.

In accordance with Article 83 of the Rules of Court, a certified copy of the application for permission to intervene was communicated forthwith to the Parties, which were invited to furnish written observations within a time-limit fixed by the Court.

On 2 September 2010, within the time-limit fixed by the Court for that purpose pursuant to Article 83, paragraph 1, of the Rules of Court, Nicaragua and Colombia filed written observations in the Registry on the application for permission to intervene submitted by Honduras.

In its written observations, Nicaragua requested that the Court dismiss the application of Honduras, contending in particular that the application was in fact simply an attempt to call into question the Court's Judgment of 8 October 2007 in the case concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) and to reopen matters which have been decided with the force of res judicata. In that Judgment, amongst other things, the Court drew a single maritime boundary between Nicaragua and Honduras (see Press Release No. 2007/23).

In its written observations, Colombia stated that with respect to Honduras's request to intervene "as a party", it "understands that this request raises issues relating to the Court's [8 October] 2007 Judgment in the Nicaragua v. Honduras case to which Colombia was not a party". Consequently, Colombia considers "that this request falls to the Court to decide under Article 62 of the Statute, taking into account whether the object and purpose of the request relates to intervention under Article 62 in the main case between Nicaragua and Colombia or to another dispute not directly at issue in the pending case". Colombia further indicated that it had no objection to Honduras's intervention as a non-party.

Purpose of the two separate oral proceedings to be held in October 2010

Article 84, paragraph 1, of the Rules of Court states that the Court shall decide whether an application for permission to intervene should be granted "as a matter of priority".

Moreover, Nicaragua having filed objections in its written observations to both the application of Costa Rica and the application of Honduras, the Court has fixed the schedule for considering the said applications in accordance with Article 84, paragraph 2, of the Rules of Court, which stipulates that "[if], within the time-limit fixed under Article 83 of [the] Rules, an objection is filed to an application for permission to intervene, . . . the Court shall hear the State seeking to intervene and the parties before deciding".

The full texts of the applications for permission to intervene of Costa Rica and Honduras are available on the Court's website (<http://www.icj-cij.org>).

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NOTE TO THE PRESS AND PUBLIC

1. The public hearings will be held in the Great Hall of Justice of the Peace Palace. Mobile telephones are permitted in the courtroom provided they are switched off. Any offending device will be temporarily retained.

2. **Media representatives** are subject to an **online accreditation procedure**, details of which can be found in the Media Advisory (2010/f) attached to this Press Release. **The accreditation procedure will close at midnight on Thursday 7 October 2010.**

3. **Individual visitors** (with the exception of members of the Diplomatic Corps) **and groups** are subject to an **online admission procedure**. They are kindly requested to fill out the relevant form on the Court's website (click on "Attending a Hearing"). **The admission procedure will close at midnight on Thursday 7 October 2010.**

4. Verbatim records of the hearings will be published daily on the Court's website, with translations to follow as soon as practicable thereafter. On the final day of the hearings, a Press Release will be issued presenting the final submissions of the four States in question.

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