

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

QUESTION OF THE DELIMITATION
OF THE CONTINENTAL SHELF
BETWEEN NICARAGUA AND COLOMBIA
BEYOND 200 NAUTICAL MILES
FROM THE NICARAGUAN COAST

(NICARAGUA *v.* COLOMBIA)

ORDER OF 28 APRIL 2016

2016

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

QUESTION DE LA DÉLIMITATION
DU PLATEAU CONTINENTAL
ENTRE LE NICARAGUA ET LA COLOMBIE
AU-DELÀ DE 200 MILLES MARINS
DE LA CÔTE NICARAGUAYENNE

(NICARAGUA *c.* COLOMBIE)

ORDONNANCE DU 28 AVRIL 2016

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ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

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28 April 2016

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The President of the Court,

Having regard to Article 48 of the Statute of the Court and to Articles 44 and 79, paragraph 9, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 16 September 2013, whereby the Republic of Nicaragua instituted proceedings against the Republic of Colombia with regard to a dispute in relation to “[t]he delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia”,

Having regard to Nicaragua’s First Request in its Application, whereby the Court was asked to establish “[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012” and to Nicaragua’s Second Request, whereby it was asked to declare “[t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the mari-

time boundary between them beyond 200 nautical miles from Nicaragua's coast",

Having regard to the Order dated 9 December 2013, whereby the Court fixed 9 December 2014 and 9 December 2015 as the time-limits for the filing, respectively, of the Memorial of the Republic of Nicaragua and the Counter-Memorial of the Republic of Colombia,

Having regard to the preliminary objections to the jurisdiction of the Court and to the admissibility of the Application raised by the Government of the Republic of Colombia on 14 August 2014;

Whereas the filing of the preliminary objections by the Republic of Colombia had the effect, under Article 79, paragraph 5, of the Rules of Court, of suspending the proceedings on the merits;

Whereas, by a Judgment dated 17 March 2016, the Court found that it had jurisdiction on the basis of Article XXXI of the Pact of Bogotá to entertain the First Request put forward by Nicaragua in its Application and that that Request was admissible;

Whereas, by a letter dated 1 April 2016, the Registrar informed both Parties that the President of the Court would hold a meeting on 21 April 2016, pursuant to Article 31 of the Rules of Court, in order to ascertain their views with regard to the further procedure in the case;

Whereas, by a letter dated 20 April 2016, the Agent of Colombia indicated to the Registrar that neither himself nor the Co-Agent of Colombia would be able to attend the meeting convened by the President; whereas the Agent however stated, with respect to the time-limit for the filing of Colombia's Counter-Memorial, that his Government "relie[d] on the spirit of the Court's Order of 9 December 2013 . . . according to which Colombia ha[d] twelve months from the day of filing of Nicaragua's Memorial to exercise its right to defend its case";

Whereas, at the meeting held between the President and the Agent of Nicaragua on 21 April 2016, the latter, taking into account the fact that Nicaragua had already begun preparation of its Memorial before the proceedings on the merits were suspended, requested a further four- to five-month period of time for the filing of that pleading; whereas the Agent of Nicaragua did not object to Colombia being granted a twelve-month period of time, from the date of filing of the Memorial, for the preparation of its Counter-Memorial;

Whereas the Applicant and the Respondent were each initially given twelve months for the preparation of a Memorial and a Counter-Memorial, respectively; whereas the Applicant already had at its disposal a part of that period before the proceedings were suspended on the merits; whereas, in the circumstances of the case and taking account of the views of the Parties, it would be proper to accord each of them a time-limit which takes into consideration this specific situation,

Fixes the following time-limits for the filing of the written pleadings:

28 September 2016 for the Memorial of the Republic of Nicaragua;

28 September 2017 for the Counter-Memorial of the Republic of Colombia; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-eighth day of April, two thousand and sixteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Nicaragua and the Government of the Republic of Colombia, respectively.

(Signed) Ronny ABRAHAM,
President.

(Signed) Philippe COUVREUR,
Registrar.
