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Ref No... BO.16/S.A/T/37....

Date... 13th. September, 1999.

Eduardo Valencia Ospina,
The Registrar,
International Court of Justice,
Peace Palace,
The Hague 2517 KJ
Netherlands.

Sir,

CASE CONCERNING THE LAND AND MARITIME BOUNDARY
BETWEEN CAMEROON AND NIGERIA (CAMEROON V NIGERIA)

APPLICATION BY EQUATORIAL GUINEA FOR PERMISSION
TO INTERVENE.

Thank you for your letter of 6 September 1999 enclosing the response of the Agent of Equatorial Guinea, dated 3 September 1999, informing the Court of his Government's views on the question of a hearing in relation to the Application to Intervene. The Federal Republic of Nigeria agrees in substance with that response, and in particular it agrees that, subject to what is said below, there is no need for an oral hearing on the Application.

There are however two points which I do need to raise at this time.

Status of Equatorial Guinea as a third party intervenor

The first of these concerns the response of Cameroon dated 16 August 1999, in which it was said that the intervention by Equatorial Guinea would allow the Court "to resolve more completely the difference submitted to it" and to determine upon a boundary delimitation which is "stable and effective so far as concerns the interested States".

I take this opportunity to stress that this misrepresents the position. As Nigeria understands the position, Equatorial Guinea did not seek to intervene as a party, but as a third party. Indeed this is expressly stated by Equatorial Guinea. Nigeria's response to the Request was conditional upon

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that understanding and that expression of intent. If there is any question that Equatorial Guinea's intervention, if granted, would have the consequences or effects referred to by Cameroon, then the Request to Intervene would become highly controversial, and separate oral proceedings on it would certainly be indicated.

Organisation of further proceedings on the maritime boundary.

The second point concerns the question left open by the Court in paragraph 106 of its judgment on Preliminary Objections, that is to say, whether the present proceedings would be appropriately dealt with in a single phase (all sectors of the land and lacustrine boundary and the maritime boundary together), or whether the issue of delimitation of the maritime boundary should be dealt with separately in a distinct phase.

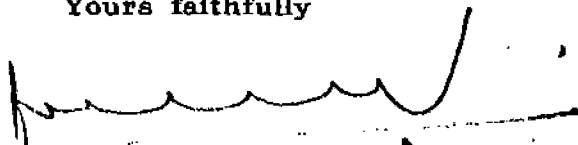
In this regard, Nigeria notes the Court's acceptance that "it will be difficult if not impossible to determine the delimitation of the maritime boundary between the Parties as long as the title over the Peninsula of Bakassi has not been determined", and further its express acceptance that it has discretion to deal with the issues separately. It notes further the remarks made by the President as to this possibility, at the meeting with the Agents on 28 June 1999.

As Nigeria has submitted in Chapter 22 of its Counter-Memorial, it is overwhelmingly logical and appropriate first to resolve the land boundary issue, and the question of sovereignty over the Bakassi Peninsula. Only once this is done will discussion over the delimitation of the maritime boundary be possible. Such a separate procedure was, for example, adopted by the parties in the arbitration between Eritrea and Yemen. Moreover Equatorial Guinea manifestly has no legal interest in the land boundary questions, and has not sought to intervene in the case in relation to those questions. It will be simpler and more efficient that the proceedings in which it has sought to intervene, which raise quite different matters than the land boundary, be conducted in a way which both limits and focuses its potential involvement as a third State.

For these reasons Nigeria now requests the Court to order the separation of the proceedings so far as concerns delimitation of the maritime boundary.

Please accept, Sir, the assurances of my highest consideration.

Yours faithfully



Mr. Kanu Godwin Agabi, SAN
Hon. Attorney-General of the Federation and
Minister of Justice.
Agent of the Federal Republic of Nigeria.