



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Territorial and Maritime Dispute **(Nicaragua v. Colombia)**

The Republic of Honduras requests permission **to intervene in the proceedings**

THE HAGUE, 16 June 2010. On 10 June 2010, the Republic of Honduras filed in the Registry an Application for permission to intervene in the case concerning the Territorial and Maritime Dispute (Nicaragua v. Colombia).

In its Application for permission to intervene, Honduras 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 has rights and interests.

Honduras points out that part of the maritime boundary between Honduras's and Nicaragua's respective territorial seas, continental shelves and exclusive economic zones was determined in 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). Honduras adds that the Court refrained at that time from specifying an endpoint of the maritime boundary between the two States in order to avoid implicating the rights of third States in the region.

Honduras further states that it concluded a maritime delimitation treaty in 1986 with Colombia and contends that it holds rights under that treaty in the maritime zone north of the 15th parallel. Honduras thus asserts that it has "an actual, present, direct and concrete interest of a legal nature in the delimitation of maritime areas in the zone to the north of the frontier line deriving from the 1986 Treaty" and that any claim by Nicaragua in respect of this zone is liable to affect Honduras's rights and interests.

Honduras states that the object of its Application for permission to intervene, based on Article 62 of the Statute of the Court, is "to protect [its] rights . . . in the Caribbean Sea by all the legal means available" and "to inform the Court of the nature of the legal rights and interests of Honduras which could be affected by the decision of the Court, taking account of the maritime boundaries claimed by the parties in the case brought before the Court".

Specifically, Honduras considers that the permission to intervene it is seeking from the Court "is aimed at protecting [its] interests of a legal nature by eliminating the existing uncertainty in respect of the fixing of its maritime boundaries with Nicaragua in the maritime zone north of the 15th parallel that is the subject of [the pending] proceedings, with a view to enhancing legal security for all States wishing to carry on their legitimate activities in the region". Honduras states

that its intervention “is confined exclusively to the maritime delimitation in the zone delineated by the 1986 Treaty and excludes islands, cays and all other geographical features situated outside the maritime areas at issue”.

Honduras primarily requests the Court to be permitted to intervene in the 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 American Treaty on Pacific Settlement, signed on 30 April 1948 and officially designated as 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, paragraph 1, of the Rules of Court, the Application of Honduras was communicated forthwith to Nicaragua and Colombia. The President of the Court has fixed 2 September 2010 as the time-limit for these two States to furnish written observations on the Application. It will be for the Court to decide whether the Application for permission to intervene should be granted. If objections are filed to the Application, the Court will hear the Parties and the Republic of Honduras before deciding, pursuant to Article 84, paragraph 2, of the Rules of Court.

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 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 respective time-limits for the filing of these written pleadings. The Reply was filed within the time-limit thus fixed.

Honduras having asked to be furnished with the pleadings in the case, pursuant to Article 53, paragraph 1, of the Rules of Court, the Court granted its request after ascertaining the views of the Parties, in accordance with that provision.

It is recalled that Costa Rica filed an Application for permission to intervene in the same case on 25 February 2010 (see Press Release No. 2010/4).

The full text of the Application for permission to intervene of the Republic of Honduras will be available shortly on the Court's website (<http://www.icj-cij.org>).

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