



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Frontier Dispute (Burkina Faso/Niger)

Conclusion of the public hearings

Court to begin its deliberation

THE HAGUE, 17 October 2012. The public hearings in the case concerning the Frontier Dispute (Burkina Faso/Niger) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 8 October 2012 at the Peace Palace, seat of the Court, the delegation of Burkina Faso was led by H.E. Mr. Jérôme Bougouma, Minister for Territorial Administration, Decentralization and Security, as Agent; and the delegation of the Republic of Niger was led by H.E. Mr. Mohamed Bazoum, Minister of State for Foreign Affairs, Co-operation, African Integration and Nigeriens Abroad, Chairman of the Support Committee to Counsel for Niger, as Agent.

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 Burkina Faso:

"In view of all the considerations set out in its Memorial, its Counter-Memorial and its oral argument, Burkina Faso has the honour to request that it may please the International Court of Justice to adjudge and declare that the frontier between Burkina Faso and the Republic of Niger follows the course described hereafter:

1. from the heights of N'Gouma to the Tong-Tong astronomic marker, the frontier takes the following course: a series of straight lines connecting the following points in turn¹: Mount N'Gouma (Lat. 14° 54' 46.0" N; Long. 0° 14' 36.4" E), Kabia Ford (Lat. 14° 53' 09.8" N; Long. 0° 13' 06.3" E), Mount Arwaskoye (Lat. 14° 50' 44.7" N; Long. 0° 10' 35.8" E), Mount Bellé Banguia (Lat. 14° 45' 05.2" N; Long. 0° 14' 09.6" E), Takabougou (Lat. 14° 37' 54.5" N; Long. 0° 10' 16.1" E), Mount Douma Fendé (Lat. 14° 32' 00.6" N; Long. 0° 09' 42.1" E) and the Tong-Tong astronomic marker (Lat. 14° 24' 53.2" N; Long. 0° 12' 51.7" E);

¹The co-ordinates which follow are those adopted in the record of the work of the Joint Survey Mission of the erected markers, 3 July 2009, Memorial of Burkina Faso (MBF), Ann. 101. The co-ordinates are measured by GPS.

2. from the Tong-Tong astronomic marker to the beginning of the Botou bend, the frontier takes the following course:
 - a straight line as far as the Tao astronomic marker (Lat. 14° 03' 04.7" N; Long. 0° 22' 51.8" E)²;
 - from that point, a straight line up to the point where the frontier reaches the River Sirba at Bossébangou (Lat. 13° 21' 06.5" N; Long. 1° 17' 11.0" E)³;
 - from that point, the frontier follows the right bank of the River Sirba, from east to west, up to the point on the right bank with the co-ordinates: Lat. 13° 19' 53.5" N; Long. 1° 07' 20.4" E;
 - from that point, the frontier follows the line on the 1:200,000-scale map of the *Institut géographique national de France*, 1960 edition, as far as the point with the co-ordinates: Lat. 13° 22' 30.0" N; Long. 0° 59' 40.0" E;
 - from that point, the frontier runs south in a straight line, ending at the intersection of the right bank of the River Sirba with the Say parallel (Lat. 13° 06' 10.7" N; Long. 0° 59' 40.0");
 - from that point, the frontier runs in a straight line up to the beginning of the Botou bend (Tyenkilibi) (Lat. 12° 36' 19.2" N; Long. 1° 52' 06.9" E)⁴;
3. from the beginning of the Botou bend as far as the River Mekrou, the frontier takes the following course:
 - a series of straight lines connecting the following points in turn: Jackal Mountain (Lat. 12° 41' 33.1" N; Long. 1° 55' 43.9" E), Laguil (Lat. 12° 41' 31.9" N; Long. 1° 57' 1.3" E) and Nonbokoli (Lat. 12° 44' 12.9" N; Long. 1° 58' 47.0" E);
 - from the latter point, the frontier follows the median line of the Dantiabonga *marigot*, passes to the south of Dantiandou and then follows the line of the Yoga Djoaga hills as far as the confluence of the Dyamongou and Dantiabonga rivers (Lat. 12° 43' 15.1" N; Long. 2° 05' 14.9" E);
 - from that point, the frontier follows the median line of the River Dyamongou as far as the confluence of the Dyamongou *marigot* and the Boulel Fouanou (Lat. 12° 43' 44.0" N; Long. 2° 06' 23.9" E);
 - from that point, the frontier runs in a series of straight lines connecting the following points in turn: Boulel (Lat. 12° 42' 15.1" N; Long. 2° 06' 53.3" E), Boulel East (Teylinga) (Lat. 12° 41' 09.5" N; Long. 2° 09' 43.2" E), Dyapionga North (Lat. 12° 39' 42.3" N; Long. 2° 09' 37.3" E), Dyapionga South (Lat. 12° 38' 55.4" N; Long. 2° 09' 08.1" E), Kanleyenou (Lat. 12° 37' 21.7" N; Long. 2° 11' 57.1" E), Niobo Farou (Caiman Pool) (Lat. 12° 35' 19.6" N; Long. 2° 13' 23.9" E), the eastern crests of Mount Tambouadyoaga (Lat. 12° 31' 19.7" N; Long. 2° 13' 48.0" E), Banindyidouana (Lat. 12° 27' 52.7" N; Long. 2° 16' 27.2" E) and the confluence of the Banindyidi Fouanou and Tapoa rivers (Lat. 12° 25' 30.5" N; Long. 2° 16' 40.6" E);

²The co-ordinates of this point were measured by GPS by Burkina. The co-ordinates of this marker on the Clarke 1880 ellipsoid are: Lat. 14° 03' 13" N; Long. 00° 22' 53" E.

³The co-ordinates of this point, and the following ones, are given on the Clarke 1880 ellipsoid.

⁴The co-ordinates of this point, and the following ones, are those adopted in the record of the work of Joint Survey Mission of the markers erected, 3 July 2009, MBF, Ann. 101. The co-ordinates were measured by GPS (WGS84 ellipsoid).

- from the latter of those points, the frontier follows the median line of the River Tapoa as far as the point where it intersects with the former boundary of the Fada and Say *cercles*⁵ (Lat. 12° 21' 04.88" N; Long. 2° 04' 12.77" E);
- from the latter point, the frontier runs in a straight line, corresponding to the former boundary of the Fada and Say *cercles*, up to the point where it intersects with the River Mekrou (Lat. 11° 54' 07.83" N; Long. 2° 24' 15.25" E).

Pursuant to Article 7, paragraph 4, of the Special Agreement, Burkina Faso further requests the Court to nominate, in its Judgment, three experts to assist the Parties as necessary in the demarcation.”

For the Republic of Niger:

“The Republic of Niger requests the Court to adjudge and declare that the frontier between the Republic of Niger and Burkina Faso takes the following course:

In the Téra sector:

- Starting from the Tong-Tong astronomic marker (co-ordinates: 14° 25' 04" N, 00° 12' 47" E);
- from that point: a straight line as far as the Vibourié marker (co-ordinates: 14° 21' 44" N, 0° 16' 25" E);
- from that point: a straight line as far as the Tao astronomic marker (co-ordinates: 14° 03' 02.2" N, 00° 22' 52.1" E);
- from that point the frontier follows the 1960 IGN line (Téra sheet) as far as the point having co-ordinates 14° 01' 55" N, 00° 24' 11" E;
- from that point, it runs in a straight line to the frontier point on the new Téra-Dori road (co-ordinates: 14° 00' 04.2" N, 00° 24' 16.3" E) (to the west of Petelkolé);
- from that point, it runs in a straight line to the point with co-ordinates 13° 59' 03" N, 00° 25' 12" E,

and reaches the IGN line (at the point with co-ordinates 13° 58' 38.9" N, 00° 26' 03.5" E), which it follows as far as the break in the line of crosses north of Ihouchaltane (Oulsalta on the 1960 IGN map, Sebba sheet), at the point with co-ordinates 13° 55' 54" N, 00° 28' 21" E;
- from this point the frontier skirts Ihouchaltane (Oulsalta), passing through the points with co-ordinates 13° 54' 42" N, 00° 26' 53.3" E, then 13° 53' 30" N, 00° 28' 07" E;
- from that point, it rejoins the IGN line (at the point having co-ordinates 13° 53' 24" N, 00° 29' 58" E), which it follows as far as the tripoint of the former boundaries of the *cercles* of Say, Tillabéry and Dori (co-ordinates 13° 29' 08" N, 01° 01' 00" E).

Where there are gaps in the course of the IGN line, these will be filled by straight lines or, where there is a watercourse, by following its bed.

⁵The co-ordinates of the following points are those adopted in the record of the meeting to ascertain the co-ordinates of the unmarked points in Sector B, 15 October 2009, MBF, Ann. 105. They were derived from the IGN France 1:200,000-scale map (Clarke 1880).

In the Say sector:

- Starting from the tripoint of the former boundaries of the *cercles* of Say, Tillabéry and Dori (co-ordinates 13° 29' 08" N, 01° 01' 00" E), the frontier runs in a straight line as far as the point having co-ordinates 13° 04' 52" N, 00° 55' 47" E (where it cuts the River Sirba at the level of the Say parallel), then from that point a straight line passing through a point situated 4 km to the south-west of Dogona with co-ordinates 13° 01' 44" N, 01° 00' 25" E, as far as the frontier marker with co-ordinates 12° 37' 55.7" N, 01° 34' 40.7" E, and finally from there to the point fixed by agreement between the Parties, the co-ordinates of which are the following: 12° 36' 18" N, 01° 52' 07" E.”

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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 8 to 17 October 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. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

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 independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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