



INTERNATIONAL COURT OF JUSTICE

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Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Preliminary Objections (Nigeria v. Cameroon)

Court declares inadmissible Nigeria's request for interpretation

THE HAGUE, 25 March 1999. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, today declared inadmissible Nigeria's request for interpretation of the Judgment delivered by the Court on 11 June 1998 in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Preliminary Objections.

The decision was taken by thirteen votes against three. Since the Court included on the Bench no judge of the nationality of Nigeria or Cameroon, these two States had each appointed a judge *ad hoc*.

This was the first time that the Court had been called upon to rule on a request for interpretation of a judgment on preliminary objections.

In its Judgment, the Court further rejected unanimously Cameroon's request that Nigeria bear the additional costs caused to Cameroon by the request for interpretation.

Background information

In its request filed on 28 October 1998, Nigeria had stated that "one aspect of the case before the Court [was] the international responsibility borne by Nigeria for certain incidents said to have occurred at various places in Bakassi and Lake Chad and along the length of the frontier between those two regions".

According to Nigeria, the Judgment of 11 June 1998 "[did] not specify which of these alleged incidents [were] to be considered as part of the merits of the case" and accordingly, "the meaning and the scope of the Judgment requir[ed] interpretation" as provided by Article 98 of the Rules of Court.

Cameroon had submitted written observations to the Court, which, considering that it had sufficient information on the positions of the Parties, did not deem it necessary to invite them "to furnish further written or oral explanations", as Article 98, paragraph 4, of the Rules allows it to do.

Reasoning of the Court

In its Judgment, the Court first finds that, by virtue of Article 60 of its Statute, it has jurisdiction to entertain requests for interpretation of any judgment rendered by it and that it follows therefore that a judgment on preliminary objections, just as with a judgment on the merits of the dispute, can be the subject of a request for interpretation.

It states that any request for interpretation must relate to the operative part of the judgment (the final paragraph which contains the Court's actual decision) and cannot concern the reasons for the judgment, except in so far as these are inseparable from the operative part. In the present case, Nigeria's request meets these conditions and the Court has jurisdiction to entertain it.

The Court then goes on to consider the admissibility of the request for interpretation, observing that this question "needs particular attention because of the need to avoid impairing the finality, and delaying the implementation, of . . . judgments". Thus, it notes, the object of a request for interpretation "must be solely to obtain clarification of the meaning and the scope of what the Court has decided with binding force, and not to obtain an answer to questions not so decided".

The Court points out that, in relation to Cameroon's submissions with regard to incidents involving the international responsibility of Nigeria, Nigeria had raised a preliminary objection (the sixth) in which it considered that Cameroon had to "confine itself essentially to the facts . . . presented in its Application" and that "additions" presented subsequently must be disregarded.

The Court recalls that it rejected that preliminary objection in its Judgment of 11 June 1998 on the grounds, *inter alia*, that under to Article 38 of its Rules the statement of facts and grounds on which the Application is based may be added to after it has been filed. It reiterates that the limit on the freedom to present additional facts and legal considerations is that there must be no transformation of the dispute brought before it into another dispute which is different in character, and that in the present case "Cameroon has not so transformed the dispute".

The Court concludes from the foregoing that it would be unable to entertain Nigeria's request without calling into question the effect of the Judgment concerned as final and without appeal, or to examine submissions seeking to remove from its consideration elements of law and fact which, in its Judgment of 11 June 1998, it has already authorized Cameroon to present. It follows that Nigeria's request for interpretation is inadmissible.

Composition of the Court

The Court was composed as follows in the case: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans; Judges ad hoc Mbaye, Ajibola; Registrar Valencia-Ospina.

Vice-President Weeramantry, Judge Koroma, and Judge ad hoc Ajibola appended dissenting opinions to the Judgment of the Court.

A summary of the Judgment is given in Press Communiqué No. 99/14bis to which a brief summary of the opinions is annexed. The full text of the Judgment, the opinions and the Press Communiqués are moreover available on the Court's website (<http://www.icj-cij.org>).

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