



INTERNATIONAL COURT OF JUSTICE

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Communiqué
unofficial
for immediate release

No. 2000/10
23 March 2000

Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)

The Court fixes time-limits for the filing of written pleadings

THE HAGUE, 23 March 2000. The International Court of Justice (ICJ) has fixed time-limits for the filing of written pleadings in the case concerning Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras).

By an Order dated 21 March 2000, the Court decided that Nicaragua would file a Memorial by 21 March 2001 and that Honduras would file a Counter-Memorial by 21 March 2002.

The Court fixed the time-limits taking into account the agreement of the Parties.

Background information

On 8 December 1999 Nicaragua filed an Application instituting proceedings against Honduras in respect of a dispute concerning the delimitation of the maritime zones appertaining to each of those States in the Caribbean Sea.

In its Application, Nicaragua states *inter alia* that it has for decades "maintained the position that its maritime Caribbean border with Honduras has not been determined", while Honduras' position is said to be that "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed in [an Arbitral Award of 23 December 1906 made by the King of Spain concerning the land boundary between Nicaragua and Honduras, which was found valid and binding by the International Court of Justice on 18 November 1960] on the mouth of the Coco river". According to Nicaragua, "the position adopted by Honduras . . . has brought repeated confrontations and mutual capture of vessels of both nations in and around the general border area". Nicaragua further states that "diplomatic negotiations have failed".

Nicaragua therefore requests the Court "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

According to Nicaragua, this request for the determination of a single maritime boundary is subject to the power of the Court to establish different delimitations, for shelf rights and fisheries respectively, if . . . this course should be necessary in order to achieve an equitable solution".

Nicaragua further indicates that it "reserves the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua, found to the north of the parallel of latitude 14° 59' 08" claimed by Honduras to be the course of the delimitation

line". It also reserves "the right to claim compensation for any natural resources that may have been extracted or may be extracted in the future to the south of the line of delimitation that will be fixed by the Judgment of the Court".

As a basis for the Court's jurisdiction, Nicaragua invokes Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which, it states, both Nicaragua and Honduras are parties, as well as the declarations under Article 36, paragraph 2, of the Statute of the Court, by which both States have accepted the compulsory jurisdiction of the Court.

Procedure

Contentious proceedings before the Court consist of two parts: written and oral. During the first phase, written pleadings are exchanged. The applicant State files a Memorial to which the respondent State replies in a Counter-Memorial. The Court may further authorize a Reply by the Applicant and a Rejoinder by the Respondent. Upon the closure of the written phase, public sittings are organized. The Court then delivers its Judgment.

The written pleadings remain confidential during the written phase of the proceedings. They are made accessible to the public only on or after the opening of the oral proceedings, subject to a decision to that effect by the Court after consulting the Parties.

The full text of the Court's Order will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>

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