



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2006/37

15 November 2006

Territorial and Maritime Dispute (Nicaragua v. Colombia)

Preliminary Objections

Public hearings to open on Monday 4 June 2007

THE HAGUE, 15 November 2006. The public hearings in the case concerning the Territorial and Maritime Dispute (Nicaragua v. Colombia) will open on Monday 4 June 2007 before the International Court of Justice (ICJ), the principal judicial organ of the United Nations.

The detailed schedule for the hearings, which will be concerned solely with the preliminary objections raised by Colombia regarding the jurisdiction of the Court, will be published at a later date.

History of the proceedings

On 6 December 2001 Nicaragua instituted proceedings against Colombia with regard to “legal issues subsisting” between the two States “concerning title to territory and maritime delimitation” in the western Caribbean.

In its Application, Nicaragua requested the Court to adjudge and declare:

“First, that . . . Nicaragua has sovereignty over the islands of Providencia, San Andres and Santa Catalina and all the appurtenant islands and keys, and also over the Roncador, Serrana, Serranilla and Quitasueño keys (in so far as they are capable of appropriation);

Second, in the light of the determinations concerning title requested above, the Court is asked further to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary.”

Nicaragua further indicated that it “reserve[d] the right to claim compensation for elements of unjust enrichment consequent upon Colombian possession of the Islands of San Andres and Providencia as well as the keys and maritime spaces up to the 82 meridian, in the absence of lawful

title”. It also “reserve[d] the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua”.

As a basis for the Court’s jurisdiction, Nicaragua invoked *inter alia* Article XXXI of the American Treaty on Pacific Settlement (“Pact of Bogotá”), signed on 30 April 1948, to which both Nicaragua and Colombia are parties.

By an Order of 26 February 2002 the Court, taking into account the views expressed by the Parties, fixed 28 April 2003 as the time-limit for the filing of a Memorial by Nicaragua and 28 June 2004 as the time-limit for the filing of a Counter-Memorial by Colombia. The Memorial was filed within the time-limit thus fixed.

On 21 July 2003, within the time-limit prescribed in Article 79, paragraph 1, of the Rules of Court, Colombia submitted preliminary objections to the jurisdiction of the Court. It maintained, *inter alia*, 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.

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 as so fixed.

Website of the Court: **<http://www.icj-cij.org>**

Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of the Department (+31 70 302 23 36)
Messrs. Boris Heim and Maxime Schouppe, Information Officers (+31 70 302 23 37)
Ms Joanne Moore, Assistant Information Officer (+31 70 302 23 94)
E-mail address: information@icj-cij.org