

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING THE FRONTIER DISPUTE

(BURKINA FASO/MALI)

ORDER OF 3 APRIL 1985

CONSTITUTION OF CHAMBER

1985

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DU DIFFÉREND FRONTALIER

(BURKINA FASO/MALI)

ORDONNANCE DU 3 AVRIL 1985

CONSTITUTION DE CHAMBRE

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CASE CONCERNING THE FRONTIER DISPUTE
(BURKINA FASO/MALI)

ORDER

CONSTITUTION OF CHAMBER

Present : *President* NAGENDRA SINGH ; *Vice-President* DE LACHARRIÈRE ;
Judges LACHS, MOROZOV, RUDA, ODA, AGO, SETTE-CAMARA,
SCHWEBEL, Sir Robert JENNINGS, BEDJAOUI, NI ; *Registrar*
TORRES BERNÁRDEZ.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 26, paragraph 2, Article 31 and Article 48 of the Statute of the Court, and to Articles 17, 18 and 35 of the Rules of Court,

Makes the following Order :

1. Whereas by a joint letter dated 14 October 1983, filed in the Registry of the Court on 20 October 1983, the Ministers for Foreign Affairs of the Republic of Upper Volta (since and hereinafter called Burkina Faso) and the Republic of Mali transmitted to the Registrar a certified copy of a Special Agreement dated 16 September 1983, and entering into force on that date, by which their Governments agreed to submit a dispute concerning the delimitation of their common frontier to a Chamber of the Court ;

2. Whereas the Government of Burkina Faso subsequently appointed Mr. Ernest Nongoma Ouedraogo, Minister for Territorial Affairs and Security, as its Agent and Mr. Emmanuel Salambere, Ambassador in Paris, as Co-Agent for the purposes of the case, while the Government of Mali appointed Lieutenant-Colonel Abdourahamane Maiga, Minister of the Interior, and Mr. Yaya Diarra, Ambassador in Brussels, to be respectively its Agent and Co-Agent ;

3. Whereas the Special Agreement provides in Article II for the submission of the dispute to a Chamber to be formed pursuant to Article 26, paragraph 2, of the Statute of the Court ;

4. Whereas on 14 March 1985 the Parties, duly consulted by the President as to the composition of the proposed Chamber, indicated that they desired the formation of a Chamber of five members, of whom two would be judges *ad hoc* chosen by the Parties in accordance with Article 31 of the Statute of the Court ; and whereas on the same occasion they confirmed their wish that the Court should now proceed to constitute such a Chamber ;

5. Whereas, by a letter dated 29 August 1984, the Agent of Burkina Faso notified to the Court his Government's choice of Mr. François Luchaire, Professor at the University of Paris I, to sit as judge *ad hoc* ; and whereas the Co-Agent of Mali, by a letter of 18 March 1985, notified his Government's choice of Mr. Georges Abi-Saab, Professor at the Graduate Institute of International Studies, Geneva, to sit as judge *ad hoc* ; and whereas no objection has been raised by either Party to the other's choice and none appears to the Court itself ;

THE COURT,

Unanimously,

1. *Decides* to accede to the request of the Governments of Burkina Faso and Mali to form a special Chamber of five judges to deal with the present case ;

2. *Declares* that at an election held on 3 April 1985 Judges Lachs, Ruda and Bedjaoui were elected to form, with the above-named judges *ad hoc*, a Chamber to deal with this case and that, accordingly, such a Chamber is duly constituted by the present Order, with the following composition :

Judges LACHS,
RUDA,
BEDJAOUI ;

Judges *ad hoc* LUCHAIRE,
ABI-SAAB ;

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this third day of April, one thousand nine

hundred and eighty-five, in three copies, of which one will be placed in the archives of the Court and the others transmitted to the Government of Burkina Faso and to the Government of Mali respectively.

(Signed) NAGENDRA SINGH,
President.

(Signed) Santiago TORRES BERNÁRDEZ,
Registrar.
