

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

**AFFAIRE DU DIFFÉREND FRONTALIER**

(BURKINA FASO/RÉPUBLIQUE DU MALI)

**ORDONNANCE DU 9 AVRIL 1987**

DÉSIGNATION D'EXPERTS

**1987**

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

**CASE CONCERNING THE FRONTIER DISPUTE**

(BURKINA FASO/REPUBLIC OF MALI)

**ORDER OF 9 APRIL 1987**

NOMINATION OF EXPERTS

Mode officiel de citation :

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## INTERNATIONAL COURT OF JUSTICE

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## CASE CONCERNING THE FRONTIER DISPUTE

(BURKINA FASO/REPUBLIC OF MALI)

## ORDER

## NOMINATION OF EXPERTS

*Present: Judge* BEDJAOUI, *President of the Chamber*; *Judges* LACHS, RUDA;  
*Judges ad hoc* LUCHAIRE, ABI-SAAB; *Registrar* VALENCIA-OSPINA.

The Chamber of the International Court of Justice formed to deal with the above-mentioned case,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court,

*Makes the following Order:*

Having regard to Article IV of the Special Agreement concluded between the Parties on 16 September 1983 for the submission of their frontier dispute to a chamber of the Court, whereby the Parties agreed to effect the demarcation of their common frontier in the disputed area within one year following the Judgment of the Chamber, and to request the Chamber "to nominate, in its Judgment, three experts to assist them in the demarcation operation",

Having regard to the Judgment delivered by the Chamber on 22 December 1986, paragraph 176 of which states:

"The Chamber is ready to accept the task which the Parties have entrusted to it. However, having regard to the circumstances of the present case, the Chamber is of the opinion that it is inappropriate at this juncture to make the nomination requested by the Parties. It will do so later by means of an Order, after ascertaining the views of the Parties, particularly as regards the practical aspects of the exercise by the experts of their functions",

Whereas the Parties are requesting the Chamber, not to order an expert opinion within the meaning of Article 50 of the Statute of the Court, the purpose of which would be “to assist the Court in giving judgment upon the issues submitted to it for decision” (*Application for Revision and Interpretation of the Judgment of 24 February 1982 in the case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (Tunisia v. Libyan Arab Jamahiriya)*, *I.C.J. Reports 1985*, p. 228, para. 65), and any costs of which would be borne by the Court under Article 68 of its Rules, but to exercise a power, conferred upon it by the Special Agreement, of nominating three persons whom the Parties have themselves decided to entrust with the task of giving an expert opinion for the purpose of implementing the Judgment of the Chamber;

Whereas there is nothing in the Statute of the Court nor in the settled jurisprudence to prevent the Chamber from exercising this power, the very purpose of which is to enable the Parties to achieve a final settlement of their dispute in implementation of the Judgment which it has delivered;

#### THE CHAMBER

1. *Nominates*, pursuant to Article IV, paragraph 3, of the Special Agreement, the following three experts who will assist the Parties in the operation of demarcation of their frontier in the disputed area :

Mr. Gilbert Mangin, of French nationality, conseiller at the Cour de cassation of France;

Mr. Zaki Belcaïd, of Algerian nationality, ingénieur des travaux géographiques et cartographiques de l'Etat (Ecole nationale des sciences géographiques de Paris);

Mr. Petrus Richardus, of Dutch nationality, Geodetic Consultant, former Chief Scientist of the Agricultural University of Wageningen (Netherlands).

2. *Authorises* its President, in the event of a vacancy in the group of three experts thus appointed, to nominate a substitute to carry out or complete the demarcation.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this ninth day of April, one thousand nine hundred and eighty-seven, in three copies, of which one will be placed in the archives of the Court and the others transmitted respectively to the Government of Burkina Faso and to the Government of the Republic of Mali.

(Signed) Mohammed BEDJAOUI,  
President of the Chamber.

(Signed) Eduardo VALENCIA-OSPINA,  
Registrar.