

# ARCHIVES



## INTERNATIONAL COURT OF JUSTICE

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### *Communiqué*

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### Guinea-Bissau brings a case against Senegal

The following information is communicated to the Press by the Registry of the International Court of Justice:

On 23 August 1989 the Government of the Republic of Guinea-Bissau filed in the Registry of the International Court of Justice an Application instituting proceedings against the Republic of Senegal.

In its Application the Government of the Republic of Guinea-Bissau refers, in order to establish the basis of the Court's jurisdiction, to the Declarations made by the two States under Article 36, paragraph 2, of the Statute of the Court.

It explains that, notwithstanding the negotiations carried on from 1977 onwards, the two States were unable to reach agreement regarding the settlement of a dispute concerning the maritime delimitation to be effected between them and for that reason jointly consented, by an Arbitration Agreement dated 12 March 1985, to submit that dispute to an Arbitration Tribunal composed of three members.

The Government of Guinea-Bissau indicates that, according to the terms of Article 2 of that Agreement, the Tribunal was asked to rule on the following two-fold question:

"1. Does the agreement concluded by an exchange of letters [between France and Portugal] on 26 April 1960, and which relates to the maritime frontier, have the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal?

2. In the event of a negative answer to the first question, what is the course of the line delimiting the maritime territories appertaining to the Republic of Guinea-Bissau and the Republic of Senegal respectively?"

It adds that it was specified, in Article 9 of the Agreement, that the Tribunal would inform the two Governments of its decision regarding the questions set forth in Article 2, and that that decision should include the drawing on a map of the frontier line - the Application emphasizes that the Agreement uses the word "line" in the singular.

According to the Government of Guinea-Bissau, the Tribunal on 31 July 1989 communicated to the Parties a "text that was supposed to serve as an award".

While reserving the right to add to and amend its submissions during the subsequent proceedings if need be, and to submit to the Court a request for the indication of interim measures if they should prove necessary, the Government of the Republic of Guinea-Bissau, at the end of its Application, asks the Court to adjudge and declare:

- "- that [the] so-called decision [of the Tribunal] is  
inexistent in view of the fact that one of the two  
Arbitrators who gave the appearance of a majority in favour  
of the text of the 'Award' has, by a Declaration appended to  
it, expressed a view in contradiction with the one  
apparently adopted by the vote;
  - subsidiarily, that that so-called decision is null and void,  
as the Tribunal did not give a complete answer to the  
two-fold question raised by the Agreement and so did not  
arrive at a single delimitation line duly recorded on a map,  
and as it has not given the reasons for the restrictions  
thus unreasonably imposed upon its jurisdiction;
  - that the Government of Senegal is not justified in seeking  
to require the Government of Guinea-Bissau to apply the  
Award of 31 July 1989".
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