



INTERNATIONAL COURT OF JUSTICE

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Case concerning the Maritime Delimitation between Guinea-Bissau and Senegal

Discontinuance

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

Proceedings in the above case, which was brought before the Court on 12 March 1991, have come to an end. At the time of the filing of the Application proceedings were still in progress in another case instituted by Guinea-Bissau against Senegal in 1989, which concerned the existence and validity of the Award which an arbitral tribunal had given on 31 July 1989 in the maritime delimitation dispute between the two States (Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)).

As indicated in Press Communiqué No. 92/24 of 9 October 1992, the Application instituting the new case stated that "when those first proceedings are concluded, and whatever the outcome, the delimitation of all the maritime territories will still not have been effected"; in that Application, Guinea-Bissau founded the jurisdiction of the Court on the declarations of acceptance of the compulsory jurisdiction of the Court made by the two States pursuant to Article 36, paragraph 2, of the Statute, while recognizing that if, when the above-mentioned proceedings were concluded, the Court were to find the Award of 31 July 1989 to be nonexistent or null and void, the dispute now submitted to it "would, in every respect, be the one that was the subject of [the] Arbitration Agreement [of] 12 March 1985" and that "[i]n that case, because of the reservations made by Senegal, its declaration of acceptance of the jurisdiction of the Court would not apply" and that the Application would then be submitted to the Court on the basis of Article 38, paragraph 5, of the Rules. At the end of its Application Guinea-Bissau asked the Court to adjudge and declare:

"What should be, on the basis of the international law of the sea and of all the relevant elements of the case, including the future decision of the Court in the case concerning the arbitral '*award*' of 31 July 1989, the line (to be drawn on a map) delimiting all the maritime territories appertaining respectively to Guinea-Bissau and Senegal."

The two Parties each appointed an Agent, Guinea-Bissau by a letter dated 12 March 1991 from its Ambassador to the Netherlands, with which the Application was enclosed, and Senegal by a letter dated 29 March 1991 from its Ambassador to the Netherlands, in which a communication from the Senegalese Minister for Foreign Affairs was transcribed; and in that communication it was indicated, *inter alia*, that the fact, for Senegal, of its having appointed an Agent "[did] not imply acceptance on its part of the new proceedings set in motion by Guinea-Bissau", Senegal expressing "here and now every reservation as to the admissibility of this fresh claim, and possibly as to the Court's jurisdiction".

At a meeting held by the President of the Court with the representatives of the Parties on 5 April 1991, the latter agreed that no measure should be taken in the case until the Court had delivered its decision in the case concerning the Arbitral Award of 31 July 1989; the Court delivered its Judgment in that case on 12 November 1991 and among other things, it indicated in paragraph 68 of that Judgment that it considered it "highly desirable that the elements of the dispute that were not settled by the Arbitral Award of 31 July 1989 be resolved as soon as possible, as both Parties desire"; and at a meeting held by the President with the representatives of the Parties on 28 February 1992, the latter requested that no time-limit be fixed for the initial pleadings in the case, pending the outcome of negotiations on the question of maritime delimitation, which were to continue for six months in the first instance.

Following a meeting held by the President with the representatives of the Parties on 6 October 1992, the latter stated that some progress had been made towards an agreement and that the two Parties jointly requested that a further period of three months, with a possible further extension of three months, be allowed for continuance of the negotiations.

After several exchanges of letters regarding extended time-limits the President received the representatives of the Parties on 10 March 1994. On that occasion the representatives handed the President the text of an agreement entitled "Accord de gestion et de coopération entre le Gouvernement de la République de Guinée-Bissau et le Gouvernement de la République du Sénégal", done at Dakar on 14 October 1993 and signed by the two Heads of State. This agreement provided, inter alia, for the joint exploitation, by the two Parties, of a "maritime zone situated between the 268° and 220° azimuths drawn from Cape Roxo" (Art. 1), and the establishment of an "International Agency for the exploitation of the zone" (Art. 4), and stated that it would enter into force "upon conclusion of the agreement concerning the establishment and functioning of the International Agency and with the exchange of the instruments of ratification of both agreements by both States" (Art. 7). In letters dated 16 March 1994, addressed to the Presidents of both States, the President of the Court expressed his satisfaction and informed them that the case would be removed from the list, in accordance with the terms of the Rules of Court, as soon as the Parties had notified him of their decision to discontinue the proceedings.

At a meeting held by the President with the representatives of the Parties on 1 November 1995, the latter furnished him with an additional copy of the above-mentioned agreement as well as the text of a "Protocole d'accord ayant trait à l'organisation et au fonctionnement de l'Agence de gestion et de coopération entre la République du Sénégal et la République de Guinée-Bissau instituée par l'accord du 14 octobre 1993", done at Bissau on 12 June 1995 and signed by the two Heads of State; the representatives at the same time notified him of the decisions of their Governments to discontinue the proceedings. The President asked them to confirm those decisions in writing to the Court in whatever manner they deemed most appropriate.

By a letter of 2 November 1995, the Agent of Guinea-Bissau, referring to Article 89 of the Rules of Court, confirmed that his Government, by virtue of the agreement reached by the two Parties on the disputed zone, had decided to discontinue the proceedings instituted by its Application dated 12 March 1991. And by a letter dated 6 November 1995, the Agent of Senegal confirmed that his Government "agreed to the discontinuance of proceedings".

On 8 November 1995, the Court made an Order recording the discontinuance of the proceedings and directing the removal of the case from the Court's list.