



INTERNATIONAL COURT OF JUSTICE

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Case concerning Land and Maritime Boundary between Cameroon and Nigeria
(Cameroon v. Nigeria)

Preliminary Objections

The Court will proceed to consider the merits of the case

THE HAGUE, 11 June 1998. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, found today that it has jurisdiction to deal with the merits of the case brought before it by Cameroon against Nigeria concerning the land and maritime boundary between the two States. It also found that Cameroon's claims are admissible.

In an Application dated 29 March 1994, amended on 6 June 1994, Cameroon asked the Court to determine the question of sovereignty over the Bakassi Peninsula and over islands in Lake Chad, and to specify the course of the land and maritime boundary between itself and Nigeria. As a basis of the Court's jurisdiction, Cameroon referred to the declarations made by both States accepting its jurisdiction as compulsory (Article 36, paragraph 2, of the Statute of the Court).

On 13 December 1995 Nigeria raised eight preliminary objections challenging the jurisdiction of the Court and the admissibility of Cameroon's claims.

Reasoning of the Court

The Court rejected Nigeria's argument that Cameroon had no right to invoke its declaration as a basis of jurisdiction because it had omitted to inform Nigeria that it had made such a declaration and that it was preparing to seize the Court weeks later. According to the Court, only the deposit of the declaration with the Secretary-General of the United Nations is relevant as it establishes the mutual consent to the Court's jurisdiction. Moreover, nothing obliged Cameroon to inform Nigeria of its intention to seize the Court. It cannot therefore be reproached with having violated the principle of good faith.

The Court held that the fact that both States had attempted to solve their dispute bilaterally did not imply that either one had excluded the possibility of bringing it before the Court. Neither in the Charter nor otherwise in international law is any rule to be found to the effect that the exhaustion of diplomatic negotiations constitutes a precondition for a matter to be referred to the Court. The fact that negotiations are ongoing in the Lake Chad Basin Commission cannot prevent the Court from exercising its functions. The Commission is not a judicial body and its authority is not exclusive.

Concerning the possible consequences of Cameroon's Application on the tripoint in Lake Chad (i.e., the point where the frontiers of Cameroon, Chad and Nigeria meet), the Court found that the legal interests of Chad did not constitute the very subject-matter of the judgment to be rendered on the merits and that the absence of Chad accordingly did not prevent the Court from ruling on the dispute.

The Court indicated that, contrary to what Nigeria asserts, a dispute exists between Cameroon and Nigeria, at least as regards the legal bases of the boundary as a whole. The exact scope of that dispute cannot be determined at present.

The Court did not uphold Nigeria's contention that Cameroon's Application is so sparse and imprecise that it could not be answered.

The Court held that it lay within its discretion to arrange the order in which it would address the issues relating to the title of the Bakassi Peninsula and to the delimitation of the maritime boundary between the Parties.

As to the question whether the determination of the maritime boundary beyond point G (situated, according to the Parties, some 17 nautical miles from the coast) would affect the rights and interests of third States, the Court found that it did not possess an exclusively preliminary character and would have to be settled during the proceedings on the merits.

Composition of the Court

The Court was composed as follows in the case: President Schwebel; Vice-President Weeramantry; Judges Oda, Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek; Judges ad hoc Mbaye, Ajibola; Registrar Valencia-Ospina.

Judges Oda, Vereshchetin, Higgins, Parra-Aranguren and Kooijmans appended separate opinions to the Judgment. Vice-President Weeramantry, Judge Koroma and Judge ad hoc Ajibola appended dissenting opinions.

Further proceedings

Having established its jurisdiction and concluded that Cameroon's Application is admissible, the Court will now, after consultation with the Parties, fix time-limits for the further proceedings.

The proceedings consist of two parts: written and oral. During the written phase, written pleadings are exchanged. The Applicant (Cameroon in this case) has already filed a Memorial on the merits. Consequently, the Court will fix the time-limit for the filing of a Counter-Memorial by the Respondent (Nigeria). Upon the closure of the written proceedings, public hearings will be organized. The Court will hand down a Judgment on the merits after the oral proceedings.

A summary of the Judgment is given in Press Communiqué No 98/23bis to which a brief summary of the opinions is annexed. The full text of the Judgment, the opinions and the Press Communiqués are moreover available on the Court's Website (<http://www.icj-cij.org>).

The printed text of the Judgment and of the opinions will become available in due course (orders should be addressed to the Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10; to the Sales Section, United Nations, New York, N.Y. 10017; or any appropriate specialized bookshop).

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