



INTERNATIONAL COURT OF JUSTICE

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

**The Court finds Nigeria's counter-claims admissible
and fixes time-limits for the filing of further written pleadings**

THE HAGUE, 1 July 1999. The International Court of Justice (ICJ) has ruled, by an Order of 30 June 1999, that counter-claims submitted by Nigeria against Cameroon in the case concerning Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria) are "admissible as such and form part of the current proceedings".

Nigeria submitted those claims in the Counter-Memorial that it filed last May. Contending that, in its written pleadings, "Cameroon cited [a] . . . variety of 'incidents' along the border and, . . . with respect to some of these . . . brought in issue the international responsibility of Nigeria", Nigeria pointed out that "there are [however] many cases in which incursions are occurring along the border from the Cameroon side and for which Cameroon is internationally responsible". Nigeria accordingly asked the Court to declare that the incidents referred to "engage the international responsibility of Cameroon, with compensation in the form of damages, if not agreed between the Parties, then to be awarded by the Court in a subsequent phase of the case".

Cameroon did not challenge Nigeria's right to submit counter-claims.

The Court's ruling on the admissibility of Nigeria's counter-claims means that those claims will be examined by the Court simultaneously with Cameroon's claims during the proceedings on the merits.

Under the Rules of Court (Art. 80, para. 1), a counter-claim may be presented provided that it is directly connected with the subject-matter of the claim of the other party and that it comes within the jurisdiction of the Court.

In its Order, the Court states that Nigeria's counter-claims do indeed come within its jurisdiction and that they are "directly connected with the subject-matter of the claim[s] of the other [P]arty": they "rest on facts of the same nature as the corresponding claims of Cameroon" and those facts "are alleged to have occurred along the frontier between the two States". Moreover, the claims of both States "pursue the same legal aim, namely the establishment of legal responsibility and the determination of the reparation due on this account".

Taking into account these conclusions and the views expressed by the Agents of the Parties at a meeting held with them by Judge Schwebel, President of the Court, on 28 June 1999, the Court has decided that the Parties should submit further written pleadings on the merits of their respective claims. Cameroon is to file a Reply by 4 April 2000 and Nigeria a Rejoinder by 4 January 2001.

In order to ensure strict equality between the Parties, the Court reserved the right of Cameroon to present its views in writing a second time on the Nigerian counter-claims, in an additional pleading which may be the subject of a subsequent Order.

Background information

On 29 March 1994, Cameroon filed an application instituting proceedings against Nigeria in a dispute concerning the question of sovereignty over the Bakassi Peninsula, which it claimed was in part under military occupation by Nigeria, and requested the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established by the Maroua Declaration signed by the Cameroonian and Nigerian Heads of State in 1975.

As a basis for the jurisdiction of the Court, Cameroon referred to the declarations made by both States whereby they accept that jurisdiction as compulsory (Article 36, paragraph 2, of the Statute of the Court).

In an additional application filed on 6 June 1994, Cameroon extended the case to a further dispute with Nigeria over "a part of the territory of Cameroon in the area of Lake Chad", which it claimed was also occupied by Nigeria. Cameroon asked the Court to specify definitively the frontier between itself and Nigeria from Lake Chad to the sea, to order the withdrawal of Nigerian troops from Cameroonian territory and to determine reparation for the material and non-material damage inflicted.

On 13 December 1995, Nigeria raised preliminary objections to the jurisdiction of the Court and to the admissibility of Cameroon's claims. The proceedings on the merits were accordingly suspended. By an Order of 10 January 1996, the then President of the Court, Judge Mohammed Bedjaoui, taking into account the views expressed by the Parties, fixed 15 May 1996 as the time-limit within which Cameroon had to present a written statement of its observations and submissions on the preliminary objections raised by Nigeria. That statement was filed within the prescribed time-limit.

On 12 February 1996, Cameroon requested the Court to indicate provisional measures after "serious armed incidents" had taken place between Cameroonian and Nigerian forces in the Bakassi Peninsula. Public hearings were held between 5 and 8 March 1996, and on 15 March 1996 the Court made an Order stating that "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it".

In a Judgment rendered on 11 June 1998, the Court rejected seven of the preliminary objections raised by Nigeria and declared that an eighth one would have to be dealt with during the proceedings on the merits. It further declared that it had jurisdiction in the case and found Cameroon's claims admissible.

By an Order dated 30 June 1998, the Court, after ascertaining the views of the Parties, fixed 31 March 1998 as the time-limit for the filing of the Counter-Memorial of Nigeria. At the request of Nigeria this time-limit was extended to 31 May 1999 by an Order of 3 March 1999.

The Court's Order will shortly be available on the Court's website (address: <http://www.icj-cij.org>).

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