



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### **Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)**

#### **Conclusion of the public hearings**

#### **The Court to begin its deliberation**

THE HAGUE, 9 December 2022. The public hearings in the case concerning *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)* were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 5 December 2022 at the Peace Palace, the seat of the Court, the delegation of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Permanent Representative of the Republic of Nicaragua to the international organizations based in the Kingdom of the Netherlands, Member of the International Law Commission, as Agent and Counsel. The delegation of Colombia was led by H.E. Mr. Eduardo Valencia-Ospina, former Registrar and Deputy-Registrar of the International Court of Justice, member and former Special Rapporteur and Chairman of the International Law Commission, as Agent and Counsel.

The Court's decision will be delivered at a public sitting, the date of which will be announced in due course.

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#### **Final submissions of the Parties**

At the end of the hearings, the Agents of the Parties presented the following final submissions to the Court:

*For Nicaragua:*

“In the case concerning *The Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, for the reasons explained in the Written and Oral phase, Nicaragua respectfully requests the Court to adjudge and declare that:

- I. The response to the questions of law is in the affirmative:
  - A. Under customary international law a State’s entitlement to a continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured may extend within 200 nautical miles from the baselines of another State.
  - B. Paragraphs 2 to 6 of Article 76 of the United Nations Convention on the Law of the Sea reflect customary international law.
- II. Nicaragua respectfully requests the Court to proceed to fix a timetable to hear and decide upon all of the outstanding request in Nicaragua’s pleadings.

Nicaragua, formally reserves its right to complete its Final Submissions in view of the factual circumstances of the case as decided by the Court in its Order of 4 October 2022.”

*For Colombia:*

“With respect to the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, having regard to the Order dated 4 October 2022 and the questions of law contained therein, Colombia respectfully requests the Court to adjudge and declare that:

1. In relation to the first question:
  - (i) Under customary international law, a State’s entitlement to a continental shelf beyond 200 nautical miles from the baselines from which the breadth of its territorial sea is measured cannot extend within 200 nautical miles from the baselines of another State.
2. In relation to the second question:
  - (i) Under customary international law, there are no criteria for the determination of the limit of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured whenever the outer limit of said continental shelf is located within the 200-nautical-mile zone of another State.
  - (ii) Paragraphs 2 to 6 of Article 76 of the United Nations Convention on the Law of the Sea do not reflect customary international law.

Furthermore, considering that the answers to these two questions govern all of Nicaragua’s submissions as set out during the course of the proceedings, Colombia further requests the Court to adjudge and declare that:

3. Nicaragua’s request for a delimitation of the continental shelf beyond 200 nautical miles from its coast is rejected with prejudice.

4. Consequently, Nicaragua's request for the fixing of a timetable to hear and decide upon all the outstanding requests in Nicaragua's pleadings is rejected.”

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### **History of the proceedings**

The history of the proceedings can be found in [press releases](#) Nos. 2013/21, 2015/26, 2016/9 and 2022/58, available on the Court's website.

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*Note:* The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents. The complete verbatim records of the hearings held from 5 to 9 December will be published on the Court's website.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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