



INTERNATIONAL COURT OF JUSTICE

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Press Release

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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)

The Court delivers its Judgment in the case

THE HAGUE, 13 July 2023. The International Court of Justice, the principal judicial organ of the United Nations, today handed down its Judgment 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)*.

It is recalled that in the Application instituting proceedings, filed in September 2013, Nicaragua requested the Court to delimit the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured and, on the other hand, the continental shelf of Colombia. In the submissions presented in its written pleadings, Nicaragua requested the Court to adjudge and declare that:

- (1) The maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundary determined by the Court in its Judgment of 19 November 2012 follows geodetic lines connecting points the co-ordinates of which are specified in its pleadings.
- (2) The islands of San Andrés and Providencia are entitled to a continental shelf up to a line consisting of 200-nautical-mile arcs from the baselines from which the territorial sea of Nicaragua is measured connecting points the co-ordinates of which are specified in its pleadings.
- (3) Serranilla and Bajo Nuevo are enclaved and granted a territorial sea of twelve nautical miles, and Serrana is enclaved as per the Court's Judgment of 19 November 2012.

In its Order of 4 October 2022, the Court considered that, in the circumstances of the case, before proceeding to any consideration of technical and scientific questions in relation to the delimitation, it was necessary for it to decide on the following two questions:

- (1) Under customary international law, may 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 extend within 200 nautical miles from the baselines of another State?

- (2) What are the criteria under customary international law 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 and, in this regard, do paragraphs 2 to 6 of Article 76 of the United Nations Convention on the Law of the Sea reflect customary international law?

Public hearings on these two questions were held between 5 and 9 December 2022. In the Judgment rendered today, the Court concludes with regard to the first question that, 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 may not extend within 200 nautical miles from the baselines of another State. In light of this conclusion, the Court finds that there is no need for it to address the second question.

The Court therefore considers that it follows from the conclusion reached on the first question that the three requests contained in Nicaragua's submissions set out in its written pleadings cannot be upheld.

In the operative clause of its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

- (1) By thirteen votes to four,

Rejects the request made by the Republic of Nicaragua that the Court adjudge and declare that the maritime boundary between the Republic of Nicaragua and the Republic of Colombia in the areas of the continental shelf which, according to the Republic of Nicaragua, appertain to each of them beyond the boundary determined by the Court in its Judgment of 19 November 2012 [in the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia)*] follows geodetic lines connecting the points 1 to 8, the co-ordinates of which are referred to in paragraph 19 [of the Judgment];

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Brant; *Judge ad hoc* McRae;

AGAINST: *Judges* Tomka, Robinson, Charlesworth; *Judge ad hoc* Skotnikov;

- (2) By thirteen votes to four,

Rejects the request made by the Republic of Nicaragua that the Court adjudge and declare that the islands of San Andrés and Providencia are entitled to a continental shelf up to a line consisting of 200-nautical-mile arcs from the baselines from which the breadth of the territorial sea of Nicaragua is measured connecting the points A, C and B, the co-ordinates of which are referred to in paragraph 19 [of the Judgment];

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Brant; *Judge ad hoc* McRae;

AGAINST: *Judges* Tomka, Robinson, Charlesworth; *Judge ad hoc* Skotnikov;

(3) By twelve votes to five,

Rejects the request made by the Republic of Nicaragua with respect to the maritime entitlements of Serranilla and Bajo Nuevo.

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Brant; *Judge ad hoc* McRae;

AGAINST: *Judges* Tomka, Robinson, Nolte, Charlesworth; *Judge ad hoc* Skotnikov.

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Judge TOMKA appends a dissenting opinion to the Judgment of the Court; Judge XUE appends a separate opinion to the Judgment of the Court; Judge BHANDARI appends a declaration to the Judgment of the Court; Judge ROBINSON appends a dissenting opinion to the Judgment of the Court; Judges IWASAWA and NOLTE append separate opinions to the Judgment of the Court; Judge CHARLESWORTH appends a dissenting opinion to the Judgment of the Court; Judge *ad hoc* SKOTNIKOV appends a dissenting opinion to the Judgment of the Court.

History of the proceedings

Earlier [press releases](#) relating to this case are available on the Court's website.

A summary of the Judgment appears in the document entitled "Summary 2023/5", to which summaries of the opinions and the declaration are annexed. This press release, the summary and the full text of the Judgment are available on the Court's website under the heading [Cases](#).

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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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