

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE LA FRONTIÈRE TERRESTRE  
ET MARITIME ENTRE LE CAMEROUN  
ET LE NIGÉRIA

(CAMEROUN c. NIGÉRIA)

ORDONNANCE DU 30 JUIN 1999

**1999**

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING  
THE LAND AND MARITIME BOUNDARY  
BETWEEN CAMEROON AND NIGERIA

(CAMEROON v. NIGERIA)

ORDER OF 30 JUNE 1999

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## INTERNATIONAL COURT OF JUSTICE

YEAR 1999

30 June 1999

1999  
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General List  
No. 94CASE CONCERNING  
THE LAND AND MARITIME BOUNDARY  
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(CAMEROON v. NIGERIA)

## ORDER

*Present: President SCHWEBEL; Vice-President WEERAMANTRY; Judges ODA, BEDJAOUÏ, GUILLAUME, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, HIGGINS, PARRA-ARANGUREN, KOOIJMANS, REZEK; Judge ad hoc AJIBOLA; Deputy-Registrar ARNALDEZ.*

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45 and 80 of the Rules of Court,

Having regard to the Application filed by the Republic of Cameroon in the Registry of the Court on 29 March 1994 instituting proceedings against the Federal Republic of Nigeria in respect of a dispute described as "relat[ing] essentially to the question of sovereignty over the Bakassi Peninsula", in which the Court was also requested "to determine the course of the maritime boundary between the two States beyond the line fixed in 1975",

Having regard to the Additional Application filed by Cameroon in the

Registry on 6 June 1994 with a view to extending the subject of the dispute to a further dispute described as “relat[ing] essentially to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad”, in which Cameroon also requested the Court to join the two Applications and “to examine the whole in a single case”,

Having regard to the Order of 16 June 1994, by which the Court, noting that Nigeria had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole in a single case, indicated that it had no objection itself to such a procedure and fixed 16 March 1995 and 18 December 1995 as the time-limits for the filing, respectively, of the Memorial of Cameroon and the Counter-Memorial of Nigeria,

Having regard to the Memorial filed by Cameroon and the preliminary objections submitted by Nigeria, within the time-limits thus fixed,

Having regard to the request for the indication of provisional measures submitted by Cameroon on 12 February 1996, and to the Order made by the Court on 15 March 1996 whereby it indicated certain provisional measures addressed to both Parties,

Having regard to the Judgment of 11 June 1998 whereby the Court ruled on the preliminary objections raised by Nigeria,

Having regard to the Order of 30 June 1998 whereby the Court fixed 31 March 1999 as the new time-limit for the filing of the Counter-Memorial of Nigeria and to the Order of 3 March 1999 whereby it extended that time-limit to 31 May 1999,

Having regard to the Counter-Memorial filed by Nigeria within the time-limit thus extended;

Whereas the Nigerian Government states in the introduction to its Counter-Memorial that the latter “includes counter-claims”; whereas in Chapter 25 of its Counter-Memorial, entitled “Particulars of the Nigerian Counter-Claims”, the said Government contends that

“[i]n its Application, Additional Application and Memorial, Cameroon cited [a] . . . variety of ‘incidents’ along the border and, . . . with respect to some of these, it has . . . brought in issue the international responsibility of Nigeria”;

whereas it explains in the following terms the reasons which impelled it to make counter-claims:

“However, the parties are and must be in a position of equality before the Court in all respects, and as will be demonstrated, there are many cases in which incursions are occurring along the border from the Cameroon side and for which Cameroon is internationally responsible. Therefore, Cameroon having advanced its State

responsibility claims, Nigeria maintains the following counter-claims.

In compliance with Article 80 of the Rules, Nigeria accordingly brings counter-claims with respect to the matters set out below”;

and whereas, at the end of each section dealing with a particular sector of the frontier, the Nigerian Government asks 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”;

and whereas the seventh and final submission set out by the Nigerian Government in its Counter-Memorial reads as follows:

*“as to Nigeria’s counter-claims as specified in Part VI of this Counter-Memorial, [the Court is asked to] adjudge and declare that Cameroon bears responsibility to Nigeria in respect of those claims, the amount of reparation due therefor, if not agreed between the parties within six months of the date of judgment, to be determined by the Court in a further judgment”;*

Whereas the Counter-Memorial of Nigeria has been duly transmitted to the Government of Cameroon and the latter has not made any objection to the submission of counter-claims;

Whereas submission (7) of the Nigerian Counter-Memorial contains claims whereby Nigeria seeks, further to the rejection of Cameroon’s claims, to establish the latter’s responsibility and to obtain reparation on this account; and whereas such claims constitute “counter-claims” within the meaning of Article 80 of the Rules of Court;

Whereas, the Court is of the view that the counter-claims of Nigeria meet the requirement of jurisdiction set out in Article 80, paragraph 1, of the Rules of Court;

Whereas Nigeria’s counter-claims were “made in the Counter-Memorial of the party presenting [them] and . . . appear as part of [its] submissions”, as required by Article 80, paragraph 2, of the Rules of Court; whereas those claims rest on facts of the same nature as the corresponding claims of Cameroon, and whereas all of those facts are alleged to have occurred along the frontier between the two States; whereas the claims in question of each of the Parties pursue the same legal aim, namely the establishment of legal responsibility and the determination of the reparation due on this account; and whereas the counter-claims of Nigeria are therefore “directly connected with the subject-matter of the claim[s] of the other [P]arty”, as required by Article 80, paragraph 1, of the Rules of Court; and whereas, in the light of the foregoing, the

counter-claims submitted by Nigeria are admissible as such and form part of the present proceedings;

Whereas, in order to protect the rights which third States entitled to appear before the Court derive from the Statute, the Court instructs the Registrar to transmit a copy of this Order to them;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 28 June 1999, the Parties have agreed that a Reply and a Rejoinder were necessary in this case, on the understanding that each Party will have a period of nine months in which to prepare its pleading;

Whereas, in view of the foregoing, the Court considers that it is necessary for Cameroon to file a Reply and for Nigeria to file a Rejoinder, relating to the claims of both Parties; and whereas it is necessary moreover, in order to ensure equality between the Parties, to reserve the right of Cameroon to present, within a reasonable period of time, 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,

*Finds* that the counter-claims submitted by Nigeria in its Counter-Memorial are admissible as such and form part of the current proceedings;

*Decides* that Cameroon shall submit a Reply and Nigeria shall submit a Rejoinder, relating to the claims of both Parties;

*Fixes* the following time-limits for the filing of those pleadings:

For the Reply of Cameroon, 4 April 2000;

For the Rejoinder of Nigeria, 4 January 2001; and

*Reserves* the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this thirtieth day of June, one thousand nine hundred and ninety-nine, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Cameroon and the Government of the Federal Republic of Nigeria, respectively.

(Signed) Stephen M. SCHWEBEL,  
President.

(Signed) Jean-Jacques ARNALDEZ,  
Deputy-Registrar.