

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING
KASIKILI/SEDUDU ISLAND

(BOTSWANA/NAMIBIA)

ORDER OF 24 JUNE 1996

1996

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE
DE L'ÎLE DE KASIKILI/SEDUDU

(BOTSWANA/NAMIBIE)

ORDONNANCE DU 24 JUIN 1996

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24 June 1996

CASE CONCERNING
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(BOTSWANA/NAMIBIA)

ORDER

Present: President BEDJAOU; *Vice-President* SCHWEBEL; *Judges* ODA, GUILLAUME, SHAHABUDEEN, WEERAMANTRY, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, FERRARI BRAVO, HIGGINS, PARRA-ARANGUREN; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 40 and 48 of the Statute of the Court and to Articles 39, 40, 44 and 46 of the Rules of Court,

Makes the following Order:

Whereas by a joint letter dated 17 May 1996, filed in the Registry of the Court on 29 May 1996, the Ministers for Foreign Affairs of the Republic of Botswana and of the Republic of Namibia transmitted to the Registrar the original text of a Special Agreement between the two States, signed at Gaborone on 15 February 1996, and which came into force on 15 May 1996, the date of exchange of the instruments of ratification;

Whereas under the terms of that Special Agreement the Parties ask the Court to

“determine, on the basis of the Anglo-German Treaty of 1 July 1890

and the rules and principles of international law, the boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island”;

Whereas pursuant to the provisions of Article 40, paragraph 3, of the Rules the Government of Botswana and the Government of Namibia informed the Court that they had designated as Agents for the purposes of the case Mr. Abednego Batshane Tafa and Mr. Albert Kawana, respectively; and whereas Namibia further indicated that it had designated as Deputy-Agents Messrs. Zedekia Ngavirue and Ben Uulenga;

Whereas in Article II, paragraph 2, of the Special Agreement the Parties agreed that the written pleadings would include the following documents:

- “(a) Memorials submitted to the Court by each Party not later than nine months after the notification of the Special Agreement is transmitted to the Registrar of the Court in accordance with Article VII (2) of this Special Agreement;
- (b) Counter-Memorials submitted by each Party to the Court not later than nine months after the date of submission of the Memorials;
- (c) such other written pleadings as may be approved by the Court at the request of either of the Parties, or as may be directed by the Court”;

Fixes the time-limits for the filing of the first written pleadings in the case as follows:

28 February 1997 for the filing by each of the Parties of a Memorial;

28 November 1997 for the filing by each of the Parties of a Counter-Memorial; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-fourth day of June, one thousand nine hundred and ninety-six, 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 Botswana and the Government of the Republic of Namibia, respectively.

(Signed) Mohammed BEDJAOUI,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.