

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

QUESTION DE LA DÉLIMITATION
DU PLATEAU CONTINENTAL
ENTRE LE NICARAGUA ET LA COLOMBIE
AU-DELÀ DE 200 MILLES MARINS
DE LA CÔTE NICARAGUAYENNE

(NICARAGUA c. COLOMBIE)

ORDONNANCE DU 4 OCTOBRE 2022

2022

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

QUESTION OF THE DELIMITATION
OF THE CONTINENTAL SHELF
BETWEEN NICARAGUA AND COLOMBIA
BEYOND 200 NAUTICAL MILES
FROM THE NICARAGUAN COAST

(NICARAGUA v. COLOMBIA)

ORDER OF 4 OCTOBER 2022

Mode officiel de citation :

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4 OCTOBRE 2022

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INTERNATIONAL COURT OF JUSTICE

YEAR 2022

4 October 2022

2022
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General List
No. 154QUESTION OF THE DELIMITATION
OF THE CONTINENTAL SHELF
BETWEEN NICARAGUA AND COLOMBIA
BEYOND 200 NAUTICAL MILES
FROM THE NICARAGUAN COAST(NICARAGUA *v.* COLOMBIA)

ORDER

Present: President DONOGHUE; *Vice-President* GEVORGIAN; *Judges* TOMKA, ABRAHAM, BENNOUNA, YUSUF, XUE, SEBUTINDE, BHANDARI, ROBINSON, SALAM, IWASAWA, NOLTE, CHARLESWORTH; *Judges ad hoc* MCRAE, SKOTNIKOV; *Registrar* GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 54, paragraph 1, and 61, paragraph 1, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 16 September 2013, whereby the Republic of Nicaragua (hereinafter “Nicaragua”) instituted proceedings against the Republic of Colombia (hereinafter “Colombia”) with regard to a dispute in relation to “the delimitation of 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”,

Having regard to Nicaragua’s First Request in its Application, whereby the Court was asked to establish “[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012”, and to Nicaragua’s Second Request, whereby it was asked to declare

“[t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua’s coast”,

Having regard to the Order dated 9 December 2013, whereby the Court fixed 9 December 2014 and 9 December 2015 as the time-limits for the filing, respectively, of the Memorial of Nicaragua and the Counter-Memorial of Colombia,

Having regard to the preliminary objections to the jurisdiction of the Court and to the admissibility of the Application raised by the Government of Colombia on 14 August 2014,

Having regard to the Judgment dated 17 March 2016, whereby the Court found that it had jurisdiction on the basis of Article XXXI of the Pact of Bogotá to entertain the First Request put forward by Nicaragua in its Application and that that Request was admissible, while the Second Request was inadmissible,

Having regard to the Order of 28 April 2016, by which the President fixed 28 September 2016 and 28 September 2017 as the new time-limits for the filing, respectively, of the Memorial of Nicaragua and the Counter-Memorial of Colombia,

Having regard to the Memorial and the Counter-Memorial, which were filed by the Parties within the time-limits thus fixed,

Having regard to the Order of 8 December 2017, whereby the Court fixed 9 July 2018 and 11 February 2019 as the time-limits for the filing, respectively, of the Reply of Nicaragua and the Rejoinder of Colombia,

Having regard to the Reply and the Rejoinder, which were filed by the Parties within the time-limits thus fixed;

Whereas, consequently, the case became ready for hearing with respect to the merits;

Whereas the Court may at any time prior to the hearing indicate any points or issues to which it would like the parties specially to address themselves;

Whereas, in the circumstances of the case, before proceeding to any consideration of technical and scientific questions in relation to the delimitation of the continental shelf between Nicaragua and Colombia

beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of Nicaragua is measured, the Court considers it necessary to decide on certain questions of law, after hearing the Parties thereon,

Decides that, at the forthcoming oral proceedings in the case, the Republic of Nicaragua and the Republic of Colombia shall present their arguments exclusively with regard to 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? 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 fourth day of October, two thousand and twenty-two, 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 Nicaragua and the Government of the Republic of Colombia, respectively.

(Signed) Joan E. DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.

Judges TOMKA, XUE, ROBINSON, NOLTE and Judge *ad hoc* SKOTNIKOV append a joint declaration to the Order of the Court; Judge ABRAHAM appends a declaration to the Order of the Court.

(Initialed) J.E.D.
(Initialed) Ph.G.
