

INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING THE LAND AND MARITIME BOUNDARY

BETWEEN

CAMEROON AND NIGERIA

(CAMEROON *v.* NIGERIA)

(EQUATORIAL GUINEA INTERVENING)

WRITTEN STATEMENT

OF

THE REPUBLIC OF EQUATORIAL GUINEA

4 April 2001

INTERNATIONAL COURT OF JUSTICE

Case Concerning the Land and Maritime Boundary
between Cameroon and Nigeria
(Cameroon v. Nigeria)

(Equatorial Guinea Intervening)

WRITTEN STATEMENT OF
THE REPUBLIC OF EQUATORIAL GUINEA

Table of Contents

INTRODUCTION.....	1
PART I: THE REASONS WHY EQUATORIAL GUINEA REQUESTED TO INTERVENE	2
A. The Maritime Boundary Cameroon Requests the Court to Determine Prejudices Equatorial Guinea's Legal Rights and Interests.....	3
B. Cameroon's <i>Ligne Equitable</i> Falls within the Maritime Area Claimed by Equatorial Guinea.....	4
C. The Practical Inadequacies of Article 59 of the Statute in the Circumstances of Cameroon's <i>Ligne Equitable</i>	5
PART II: IS THE POSITION ADOPTED BY EQUATORIAL GUINEA REASONABLE IN LAW?	8
A. Relevant Facts.....	8
1. Salient Geographical Facts.....	8
2. Relevant State Activity.....	9
3. Boundary Negotiating History	11
a. Until this case, Cameroon agreed that the maritime jurisdictions of Equatorial Guinea, Nigeria and Cameroon meet at a tripoint south of the Bakassi Peninsula	11
b. Negotiations with Cameroon	14
c. Negotiations with Nigeria	15
B. Delimitation Methods.....	16

PART III: THE LEGAL BASIS FOR EQUATORIAL GUINEA'S REQUEST	17
A. International Courts and Tribunals Take Care to Avoid Prejudice to the Legal Rights and Interests of Non-Party Third States	17
B. Cameroon Misconstrues the <i>Frontier Dispute</i> Case.....	20
C. Cameroon Misconstrues the <i>Libya/Malta</i> Judgments	21
D. The Distinction Made by the Court in the <i>East Timor</i> Case as Applied to a Classical Maritime Boundary Third-State Situation	23
E. Maritime Tripoints are a Common Problem.....	24
CONCLUSION.....	25

List of Annexes

EGWS 1.	Equatorial Guinea Note Verbal to Cameroon dated 25 August 1998	A-1
EGWS 2.	Minutes of the Third Session of the Nigeria-Cameroon Joint Meeting of Experts on Boundary Matters, 11-13 August 1993, Nigerian Rejoinder, Annex NR 173	A-5
EGWS 3.	Joint Communiqué from the Meeting of Delegations of Equatorial Guinea and Cameroon to Discuss Matters Related to the Maritime Boundary, 3 August 1993	A-19
EGWS 4.	List of Coastal Basepoint Coordinates Provided to Equatorial Guinea by Cameroon, 20 August 1993	A-25

List of Maps

Map 1	(para. 14)	The Median Line and <i>La Ligne Equitable</i>
Map 2	(para. 26)	Figure 10.4 from the Nigerian Rejoinder
Map 3	(para. 27)	Map of the <i>Société Nationale des Hydrocarbures</i> , Republic of Cameroon, Depicting Cameroon's 1999-2000 Licensing Round
Map 4	(para. 30)	Map 5 Accompanying Cameroon's Application Depicting the Equatorial Guinea, Nigeria, Cameroon Tripoint
Map 5	(para. 30)	Map Accompanying Cameroon's Memorial (Annex C.M. 383, M52) Identifying the Geographical Coordinates of the Equatorial Guinea, Nigeria, Cameroon Tripoint
Map 6	(para. 31)	Cameroon Concession Map Illustrating the Tripoint (Cameroon Reply, Map R25)
Map 7	(para. 56)	Map Depicting the Area on Malta's Side of the Median Line which Was Protected for Italy at Its Request in the <i>Libya/Malta</i> Case

I, Ricardo Mangué Obama N'Fube, Minister of State for Labor and Social Security, Agent of the Republic of Equatorial Guinea before the International Court of Justice in the *Case Concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria) (Equatorial Guinea Intervening)*, hereby certify pursuant to Article 50 of the Rules of the Court that the copies of the documents in the Annexes and the maps appearing in the Written Statement of Equatorial Guinea are true copies of the originals or of documents in the referenced sources. I further certify pursuant to Article 51, paragraph 3 of the Statute of the Court that all translations of documents in the Annexes to the Written Statement are true to the originals.

4 April 2001

**Ricardo Mangué Obama N'Fube
Agent of Equatorial Guinea**

INTRODUCTION

1 This Written Statement of the Republic of Equatorial Guinea is submitted in accordance with the Order of 21 October 1999 in the *Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria (Cameroon v. Nigeria)*. In that Order the Court permitted Equatorial Guinea "to intervene in the case, pursuant to Article 62 of the Statute, to the extent, in the manner and for the purposes set out in its Application for permission to intervene," and it established the time-limit for the filing of this Written Statement.¹

2 The Application of Equatorial Guinea to which the Court's Order refers was filed with the Court on 30 June 1999. Equatorial Guinea is clear in that Application that it does not seek to be a Party to the case before the Court, that it is only concerned with the maritime boundary aspects of the case before the Court, and that:

". . . it is the purpose of Equatorial Guinea's intervention to inform the Court of Equatorial Guinea's legal rights and interests so that these may remain unaffected as the Court proceeds to address the question of the maritime boundary between Cameroon and Nigeria."²

3 In the circumstances, as a non-party to the case, Equatorial Guinea does not seek a determination of its rights; as stated above, its purpose is simply to inform the Court so that its legal rights and interests may remain unaffected.

4 Protecting Equatorial Guinea's legal rights and interests in this case does not imply that the Court must endorse Equatorial Guinea's maritime claims as boundaries; it only requires a recognition that Equatorial Guinea's legal rights and interests as embodied in its maritime claims exist, that they are not unreasonable, and that they are not before the Court for determination and

¹ *Land and Maritime Boundary Between Cameroon and Nigeria, Order of 21 October 1999, I.C.J. Reports 1999*, para. 18.

² Application for Permission to Intervene of the Republic of Equatorial Guinea (hereafter "EG Application"), *Land and Maritime Boundary Between Cameroon and Nigeria*, 30 June 1999, p. 6.

that, therefore, they should not be prejudiced by the Court's decision. It is Equatorial Guinea's view that having heard Equatorial Guinea's position, the Court should not establish a maritime boundary between Cameroon and Nigeria within geographical areas which are claimed by Equatorial Guinea. It is Equatorial Guinea's view that this is a straight forward proposition, well founded in the Court's jurisprudence.

5 This Written Statement is short; it is divided into three main parts. These parts address the reasons why Equatorial Guinea intervened; whether the Equatorial Guinea position is reasonable; and what is the legal basis for Equatorial Guinea's request. In the concluding paragraphs, the Written Statement will address the question whether the Equatorial Guinea position prejudices either Party's interests.

PART I

THE REASONS WHY EQUATORIAL GUINEA REQUESTED TO INTERVENE

6 Equatorial Guinea requested to intervene in this case to protect its legal rights and interests from the line Cameroon calls the *Ligne Equitable*.³ The so-called *Ligne Equitable* crosses into waters on Equatorial Guinea's side of the median line where it has established legal rights and interests.

7 In its Application, Equatorial Guinea stated:

". . . the Court should be informed that the claim presented by Cameroon in its Memorial, which ignores the median line, was never notified to Equatorial Guinea. In the bilateral diplomacy between Cameroon and Equatorial Guinea, Cameroon has never once hinted that it did not accept the median line as the maritime boundary between itself and Equatorial Guinea. Cameroon has never protested the many State actions

³ The phrase "*ligne equitable*" first appeared in the Memorial of Cameroon (hereafter "CM"), 16 March 1995, para. 5.114. Cameroon depicted this line for the first time at page 556 of the CM.

authorized by Equatorial Guinea on its side of the median line, throughout the full period of Equatorial Guinea's independence, and even prior thereto, including the issuance of oil concessions and the active exploitation of continental shelf resources."⁴

8 Equatorial Guinea notes that in Cameroon's letter to the Court dated 16 August 1999 commenting on Equatorial Guinea's Application, and in Cameroon's Reply filed on 4 April 2000,⁵ Cameroon for the first time reserves its position as to the median line as an appropriate maritime boundary between Cameroon and Equatorial Guinea but it did not contest Equatorial Guinea's statement that Cameroon had never once prior to presenting its Memorial acted inconsistently with a median line maritime boundary between Equatorial Guinea and Cameroon.

A. **The Maritime Boundary Cameroon Requests the Court to Determine Prejudices Equatorial Guinea's Legal Rights and Interests**

9 The most basic meanings of Cameroon's *Ligne Equitable* must be stated. They are, simply, that: 1) Cameroon believes the waters south and east of Cameroon's *Ligne Equitable* belong to Cameroon, not to Equatorial Guinea; 2) in spite of a long history of dispute and now agreement and cooperation, there would be no maritime boundary between Equatorial Guinea and Nigeria; and 3) in spite of a long history of concurrence among the three States, there would be no Equatorial Guinea, Nigeria, Cameroon maritime tripoint. The implication of Cameroon's *Ligne Equitable* is that Equatorial Guinea's Bioko Island is entitled only to an enclave surrounded by Cameroon waters.

10 As noted above, and as will be addressed more fully below, Cameroon's *Ligne Equitable* reflects a fundamental change of position, totally inconsistent with the diplomatic and legal actions of Cameroon which until this case have been based on the median line with Equatorial Guinea and the determination of the tripoint between the three neighboring States.

⁴ EG Application, pp. 7-8 (footnote omitted).

⁵ Reply of Cameroon (hereafter "CR"), para. 9.143.

11 Cameroon's *Ligne Equitable* is not only inconsistent with Cameroon's State practice, it is not consistent with Cameroon's request to the Court for a determination of its maritime boundary with Nigeria. In its Application Cameroon requests the Court:

"(f) In order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."⁶

Thus, Cameroon requests the Court to determine that the area on one side of the Court's delimitation is under the jurisdiction of Nigeria and that the other side is under the jurisdiction of Cameroon, in other words to determine title. Cameroon does not seek a judgment simply of whether it or Nigeria has a better claim to a maritime area which might nevertheless belong to a third non-party State, such as Equatorial Guinea, if the Court had jurisdiction to resolve all competing claims. Equatorial Guinea submits that the very nature of Cameroon's request, stated repeatedly in its pleadings, limits the area in which the Court may establish the Cameroon-Nigeria maritime boundary to areas where there are no third-State claims.

B. Cameroon's *Ligne Equitable* Falls within the Maritime Area Claimed by Equatorial Guinea

12 In its Application, Equatorial Guinea referred to and provided a copy of its law of 1984 on the Territorial Sea and Exclusive Economic Zone of Equatorial Guinea,⁷ which provides that, subject to the international treaties establishing its maritime boundaries with neighboring States, Equatorial Guinea claims a median line determined from basepoints on a normal baseline.

⁶ Application Instituting Proceedings filed in the Registry of the Court on 29 March 1994, by Cameroon (hereafter "CA"), para. 20(f).

⁷ See EG Application, pp. 16-27.

Cameroon never protested this law nor the many State actions that Equatorial Guinea has undertaken based thereon. Further, in its Application, Equatorial Guinea referred to and provided a copy of its Median Line Notice of 6 March 1999,⁸ which set forth the geographic coordinates of said median line. This notice also was not protested by Cameroon.

13 In its Reply, Cameroon incorrectly suggests that Equatorial Guinea is trying to establish unilaterally the maritime boundary with Cameroon.⁹ Equatorial Guinea fully understands that maritime boundaries must be established by agreement. That is what Equatorial Guinea's 1984 law provides, and that is what the 1982 United Nations Law of the Sea Convention provides to which Equatorial Guinea, Nigeria and Cameroon are all States Parties. But that does not foreclose Equatorial Guinea from asserting its legal rights and interests with a maritime claim, and that claim is the median line.

14 Map 1 depicts the median line around Equatorial Guinea's Bioko Island and Cameroon's *Ligne Equitable*. It is clear that this *Ligne Equitable* crosses significantly into the maritime area claimed by Equatorial Guinea and in which Equatorial Guinea has legal rights and interests. Cameroon's *Ligne Equitable* represents a late and novel claim to this area. Equatorial Guinea sent to Cameroon a timely protest note concerning *la Ligne Equitable* shortly after Equatorial Guinea became aware of it. A copy of this note is found at Annex EGWS 1.

C. The Practical Inadequacies of Article 59 of the Statute in the Circumstances of Cameroon's *Ligne Equitable*

15 Cameroon is well aware that its *Ligne Equitable* passes into the maritime area claimed by Equatorial Guinea. However, Cameroon suggests that Article 59 of the Court's Statute is sufficient protection for Equatorial Guinea's interests.¹⁰ Article 59 of the Court's Statute provides:

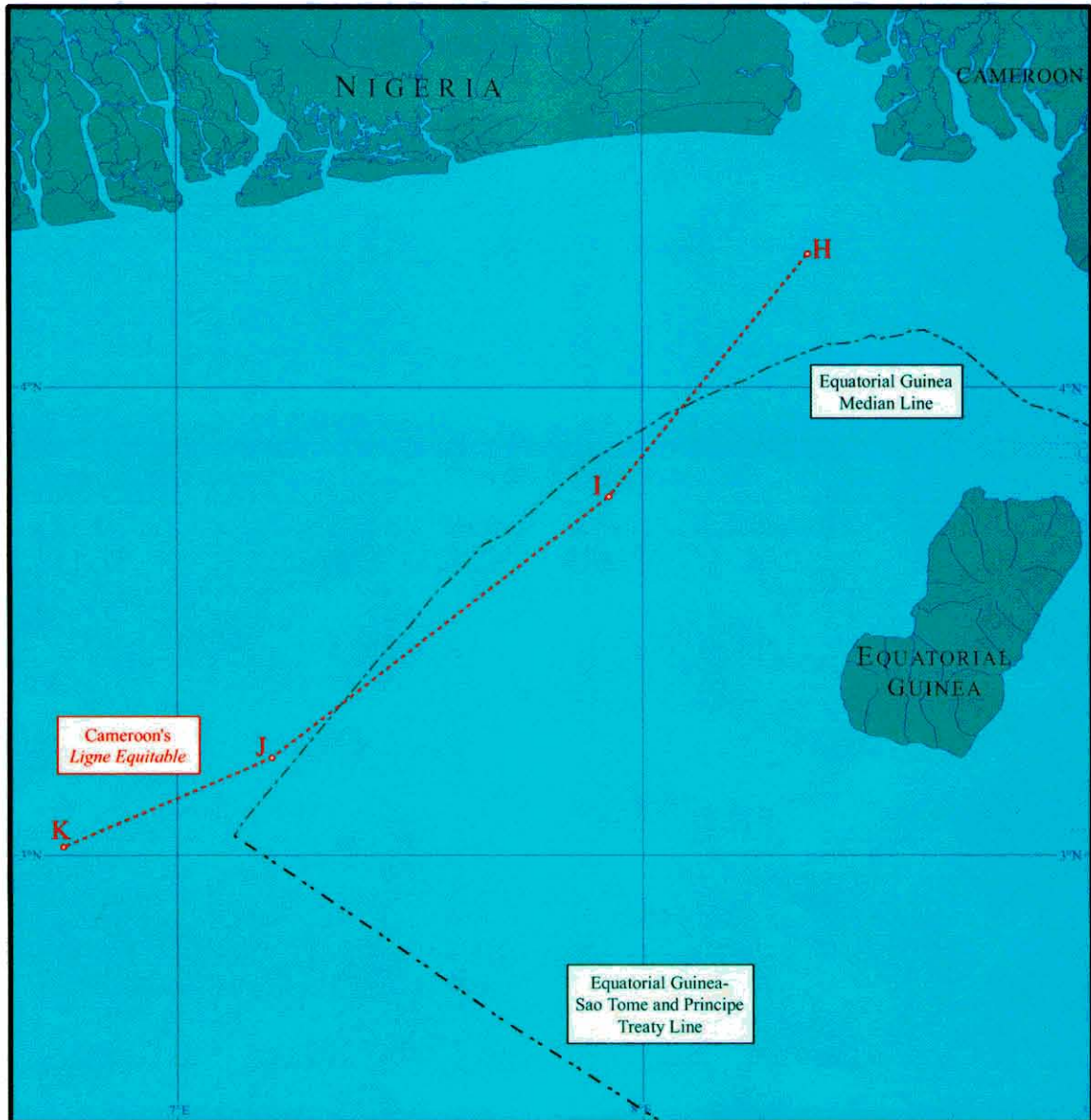
⁸ See EG Application, pp. 28-39.

⁹ This assertion is made in paragraph 9.143 of Cameroon's Reply and in its letter to the Court dated 16 August 1999 commenting upon Equatorial Guinea's Application to Intervene.

¹⁰ CR, para. 9.129.

Map 1

The Median Line and *La Ligne Equitable*



Cameroon's *Ligne Equitable* passes through the maritime area claimed by Equatorial Guinea based on the median line. As shown on this map, *la Ligne Equitable* is based on the coordinates provided in paragraphs 9.86 to 9.92 of Cameroon's Reply. Cameroon does not indicate how much it claims of the maritime area south and east of *la Ligne Equitable*.

"The decision of the Court has no binding force except between the parties and in respect of that particular case."¹¹

Equatorial Guinea is not a party, and thus it would not be bound to respect Cameroon's *Ligne Equitable* if it was found to have merit in the case; however, such an eventuality would lead to many serious difficulties.

16 If Cameroon's perspective on Article 59 were correct, it would do away entirely with any need for Article 62 on intervention. As Judge Sir Robert Jennings stated in his dissent in the *Italian Intervention* case:

". . . if a would-be intervening State has indeed rights 'which may be affected by a decision of the Court', it is not permissible to say then that the third State's rights are nevertheless *not* affected because of Article 59. Article 59 applies, after all, in all cases without exception that come before the Court for judgment. If Article 59 ensures that a third State's rights can never be affected by a judgment, this must mean that a third State's rights can never be affected in the sense of Article 62. To interpret one article of the Statute in such a way as to deprive another article in the same section of the Statute of all meaning, cannot be right."¹²

Obviously, Article 62 cannot be pointless. But, in assuming that Article 59 gives to Equatorial Guinea all the protection it needs, Cameroon is, in effect, saying there is no point to Article 62.

¹¹ Statute of the International Court of Justice, Art. 59.

¹² *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application to Intervene, Judgment, I.C.J. Reports 1984*, pp. 159-160, para. 34 (dissent of Judge Jennings). See also *I.C.J. Reports 1984*, p. 134, para. 9 (dissent of Judge Schwebel); and pp. 104-105, para. 29 (dissent of Judge Oda).

17 Furthermore, the Court is made up of experienced jurists with practical and diplomatic backgrounds who can readily appreciate the inadequacies of Article 59 of the Statute in these circumstances. After all, the problem presented by Cameroon's *Ligne Equitable* is not the kind of technical problem that might have arisen for Niger in the Chamber's determination of the Burkina Faso/Mali land boundary¹³ (discussed below in Part III.B), to which Cameroon alludes. Cameroon's *Ligne Equitable* slashes through Equatorial Guinea's claimed maritime area in which Cameroon had never before expressed an interest. If allowed to stand, in accordance with Cameroon's Application, it would allocate the maritime area on one side to Cameroon and on the other side to Nigeria, taking no account of Equatorial Guinea's legal rights and interests.

18 That result would cause irreparable harm to Equatorial Guinea. It would certainly be rejected by Equatorial Guinea, but Equatorial Guinea would find itself gravely injured and in difficult circumstances. Having been granted title to the area south of Cameroon's *Ligne Equitable* by the International Court of Justice, why would Cameroon respond to Equatorial Guinea's protests? Furthermore, this is far from an academic or diplomatic issue. The area of Equatorial Guinea's claimed waters through which Cameroon's *Ligne Equitable* runs and the area to its south is an area of major oil-production, including wells and oil and gas infrastructure, all of which have been developed by Equatorial Guinea and Equatorial Guinea's concessionaires without any protest from Cameroon or hint that Cameroon did not respect Equatorial Guinea's rights in this area. With the apparent support given to its claim of title by an award by the Court of the kind of boundary Cameroon seeks north and west of Bioko Island, Cameroon, presumably, would act upon the Court's judgment, claiming that its title to the area had been upheld by the Court, and seek to disrupt operations in Equatorial Guinea's producing oil and gas fields and concessions. There should be no doubt that Equatorial Guinea would protect its interests to the fullest extent possible. But the question must be raised, why should a non-party to a case before the Court find itself in such circumstances?

19 For sound legal and practical reasons the Court has refrained in the past from acting in circumstances like the present where third-State interests could be so fundamentally affected by its decision in a case between two other States. This does not mean that the non-party third

¹³ *Frontier Dispute, Judgment, I.C.J. Reports 1986*, p. 554.

State's title to its claimed area prevails. It only means that the respective titles in that area of third-State claims must be resolved at another time in a negotiation or different judicial context.

PART II

IS THE POSITION ADOPTED BY EQUATORIAL GUINEA REASONABLE IN LAW?

20 Since Equatorial Guinea requests the Court to avoid the areas of its maritime claim in which it has legal rights and interests, it is appropriate to inquire whether the assertion of those legal rights and interests through that claim has a reasonable basis so that it must be respected as a claim. As a non-party, it would not be appropriate for Equatorial Guinea to engage in a maritime boundary argument with Cameroon or Nigeria; therefore, Equatorial Guinea will not comment on the formulations of law and methodology that Cameroon calls upon to support its *Ligne Equitable*. However, Equatorial Guinea believes it is consistent with its position as a non-party intervener to inform the Court why Equatorial Guinea believes the median line is a reasonable expression of its legal rights and interests that must not be transgressed in proceedings to which Equatorial Guinea is not a party. Accordingly, Equatorial Guinea will refer to a few pertinent facts and address aspects of delimitation methodology in a most general way.

A. Relevant Facts

1. Salient Geographical Facts

21 By this stage in the Cameroon-Nigeria case, the Court is fully familiar with the geography of the Gulf of Guinea. Equatorial Guinea will not repeat what has been said and what is obvious. There are two aspects of the geographical facts that Equatorial Guinea would like to emphasize, however. First, Equatorial Guinea's Bioko Island is an island of substantial size and importance. Bioko Island is more than six times the size of Malta¹⁴ and has a

¹⁴ The area of Bioko Island is slightly more than 2,000 square kilometers; Malta's area, including its offshore islands, is about 316 square kilometers.

population of over 100,000, representing one-fourth of Equatorial Guinea's total population. The capital of Equatorial Guinea, Malabo, is on Bioko Island. Bioko Island constitutes an important part of Equatorial Guinea's territory and cannot be ignored or left with only a minimal maritime enclave. Second, Bioko Island is only about 20-nautical miles from Cameroon at its closest point and 50-nautical miles from Nigeria west of Bakassi at its closest point. In these close circumstances, as discussed in the following two sections, the oil and gas practice of the three neighboring States was divided by *de facto* limits. Until Cameroon brought this case, all three States recognized the need to identify the location of the maritime boundary tripoint.

2. Relevant State Activity

22 In its Rejoinder, Nigeria set forth the history of State practice in the offshore area that is relevant to this maritime boundary problem.¹⁵ Unlike in other maritime boundary situations where fisheries play an important role, that is not the case here. In this region, the State action in the offshore area relates almost exclusively to the authorization and enforcement of exploration and exploitation activities by concessionaires for offshore mineral resources, namely oil and gas.

23 The history of these State actions is not new. Since independence, in the 1960s, Equatorial Guinea, Nigeria and Cameroon have each embarked on a concerted effort to develop their respective offshore mineral resources. Nigeria has been very successful, and so has Cameroon in some of its offshore areas. In the past five years Equatorial Guinea has also begun to achieve considerable success after 35 years of effort.

24 The Court is very much aware that offshore oil and gas operations are expensive, beginning initially with seismic surveys, leading to exploratory drilling, ultimately to producing

¹⁵ Nigerian Rejoinder (hereafter "NR"), paras. 10.11-10.22. Equatorial Guinea does not believe it is necessary to note various details or points of emphasis that might more accurately set forth this State practice history from its point of view. The only serious difficulty that Equatorial Guinea has with the history of oil and gas practice in the area as portrayed in the Nigerian Rejoinder are the series of maps at the Appendix to Chapter 10. In these maps, Nigeria depicts the Nigerian concessions that are open for lease and those that are leased. In General, for the 1970s and 1980s these maps do not show the Equatorial Guinea concessions that were open for lease. Also, Equatorial Guinea notes that the relationship between Equatorial Guinea's Zafiro field and the structures associated with Nigeria's Ekanga-1 well is a matter of ongoing bilateral negotiations. (NR, para. 10.34).

wells and the placement of pipeline infrastructure and terminals to move the oil to the tankers that will take the oil to markets. In the northeast corner of the Gulf of Guinea where the maritime jurisdictions of Equatorial Guinea, Nigeria and Cameroon come together, the offshore oil and gas activities of one side are well-known to the governments and concessionaires on the other side. These operations are carried out for the most part by large international oil companies, many of which have operations in more than one of the three neighboring States. Therefore, Cameroon cannot say that it is or was unaware of activities carried out by Equatorial Guinea on its side of the median line for the last 35 years, all without protest from Cameroon.

25 The fact is that there has been a pattern of practice in the offshore activities between Equatorial Guinea and Cameroon that has come together at the median line, just as there was a pattern of practice between Equatorial Guinea and Nigeria that came together along a line of traditional usage. In neither case were the precise coordinates of these lines determined; nonetheless, it has been altogether clear, in general, where the lines were. They were a form of *de facto* boundary, acted upon for purposes of oil and gas exploration and exploitation by all three concerned States.

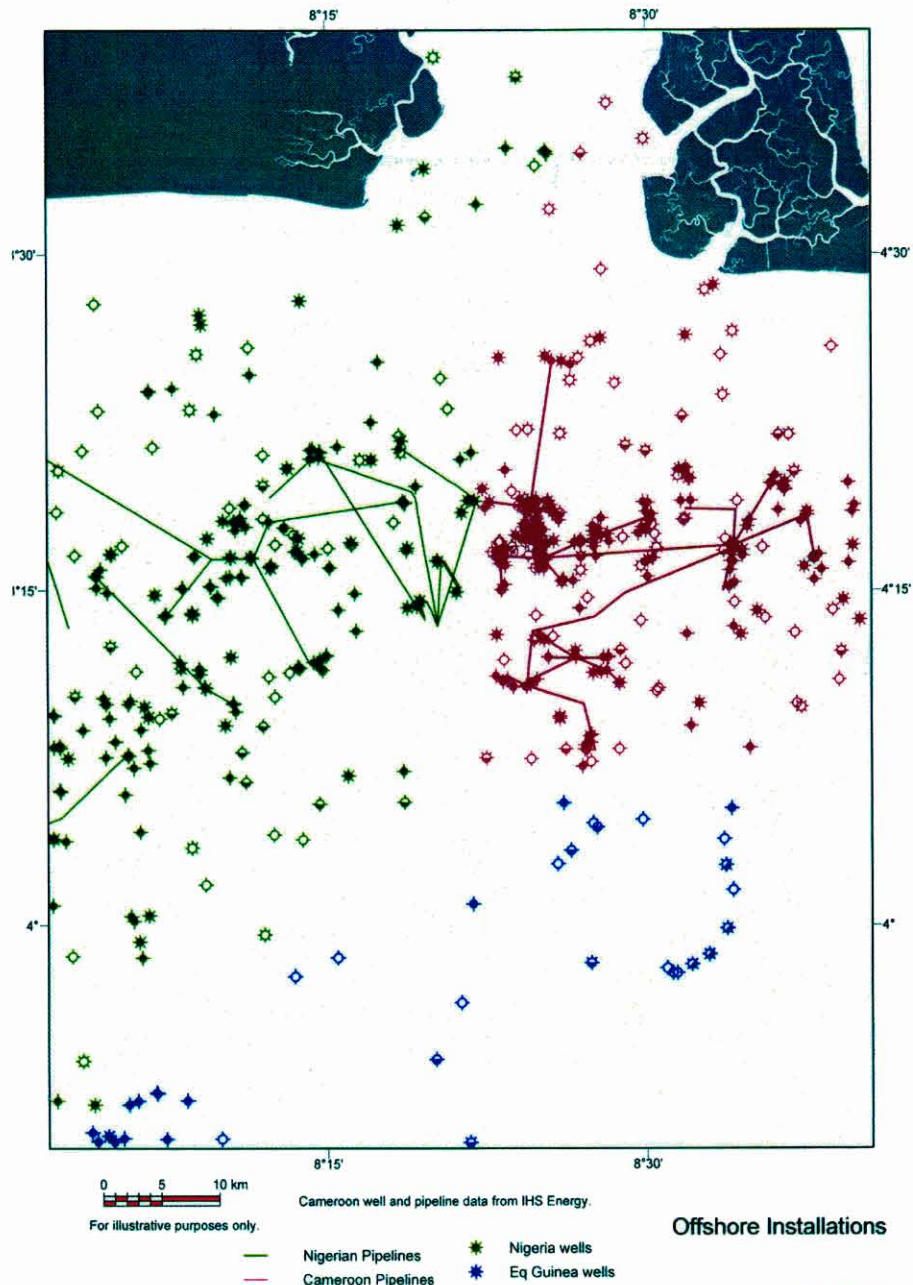
26 This pattern of practice is illustrated by Figure 10.4 from the Nigerian Rejoinder, reproduced here as Map 2, which shows the oil and gas activities of Equatorial Guinea, Nigeria and Cameroon north of Bioko Island in the vicinity of the tripoint. The blue color signifies Equatorial Guinea wells and installations, none of which were protested by Cameroon. As stated above, this pattern of practice is not of recent origin; it extends back to the early 1960s for Cameroon and Nigeria and to 1965 for Equatorial Guinea. This map demonstrates that the pattern of practice of respect for each country's wells, installations and structures in this region, in the absence of a formal boundary, is firmly established and comes together at a tripoint southwest of the Bakassi Peninsula.

27 Even today, the most recent Cameroon licensing round undertaken in 1999-2000 conforms to that practice by respecting an Equatorial Guinea-Cameroon median line. Map 3

Map 2

Figure 10.4 from the Nigerian Rejoinder (Reduced)

Fig. 10.4



Note: This map from the Nigerian Rejoinder, which shows Cameroon oil and gas activities in red, Nigeria's in green, and those of Equatorial Guinea in blue, accurately illustrates the respective areas of operation of Equatorial Guinea, Nigeria, and Cameroon southwest of the Bakassi Peninsula. However, the map is based on outdated data for the Equatorial Guinea oil and gas installations. The reality is that within the area of blue wells there are a number of additional Equatorial Guinea wells and a pipeline which connects some of the wells to Bioko Island.

is a reproduction from the current official offering by the Cameroon Government and it shows clearly the area in which Cameroon's interests have been expressed for a very long time.¹⁶

3. Boundary Negotiating History

- a. Until this Case, Cameroon Agreed that the Maritime Jurisdictions of Equatorial Guinea, Nigeria and Cameroon Meet at a Tripoint South of the Bakassi Peninsula

28 Until the appearance of Cameroon's *Ligne Equitable*, which appeared for the first time in Cameroon's Memorial dated 16 March 1995, and of which Equatorial Guinea was not aware until December 1998,¹⁷ the diplomatic and legal history of the maritime boundaries in the Gulf of Guinea proceeded on the premise that a tripoint exists between Equatorial Guinea, Cameroon and Nigeria, the precise location of which is to be determined by all three States. There is concrete evidence of this fact from 1970 up to just seven months before Cameroon filed its Application. This evidence is found in the record that Cameroon and Nigeria have presented to the Court in their written pleadings, constituting the records of various boundary meetings, internal Cameroon Government documents, maps and a Cameroon decree. Such evidence is also found in the record of bilateral maritime boundary negotiations between Equatorial Guinea and Cameroon.

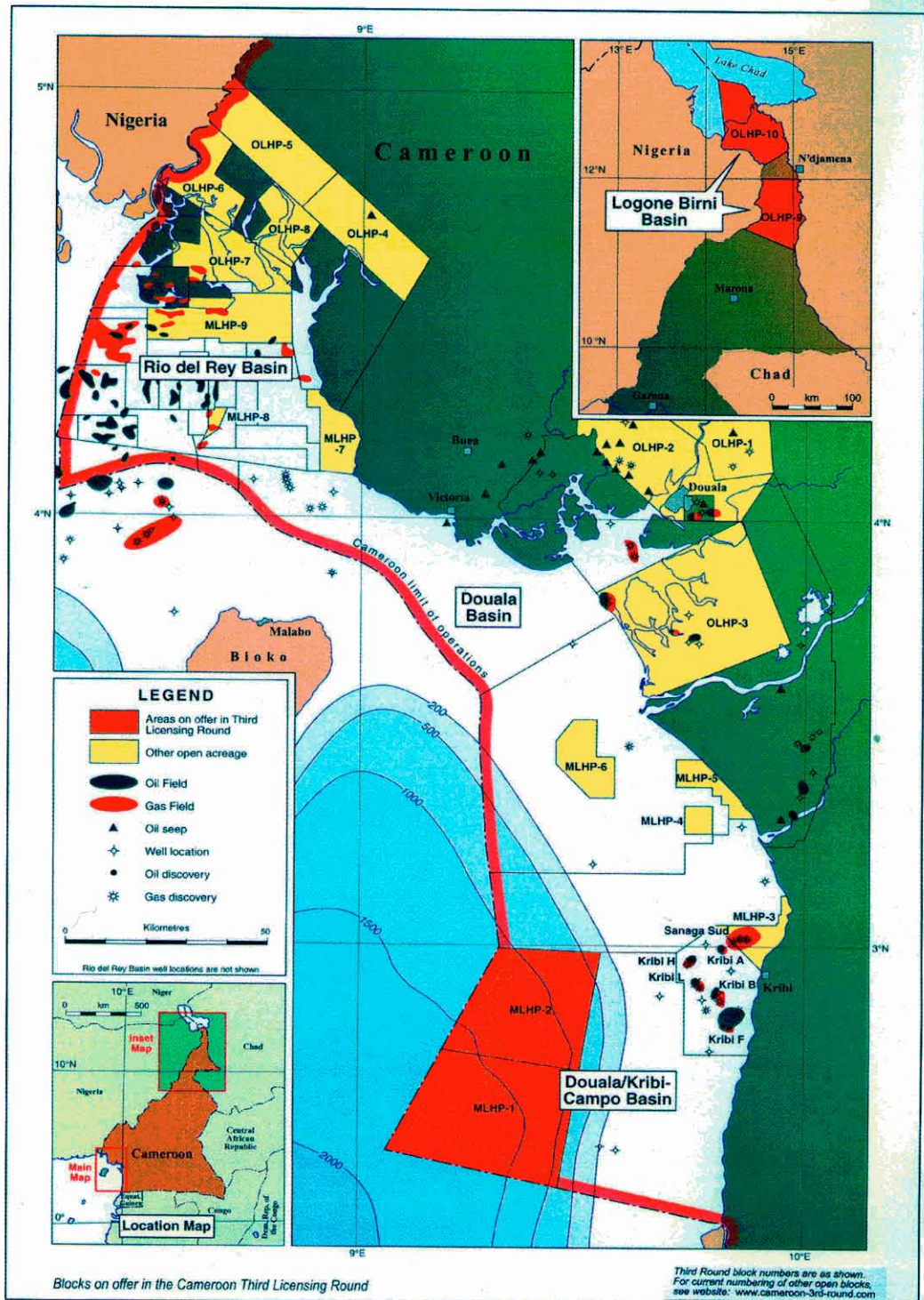
29 There can be no doubt that the term "tripoint" in the record before the Court is used as it is commonly understood in maritime boundary practice; that is, to refer to the point where three maritime jurisdictions come together, normally at an equidistant point. Equatorial Guinea cannot help but note that the Court itself referred to the tripoint in this way in its Judgment of

¹⁶ Société Nationale des Hydrocarbures (SNH), Republic of Cameroon: Third Licensing Round (c. July-September 1999). A copy of the entire documentation has been provided to the Registry.

¹⁷ After reviewing the Court's judgment of 11 June 1998 concerning the preliminary objections in the Cameroon-Nigeria case, and the transcripts of the oral argument which occurred 2-11 March 1998, Equatorial Guinea requested a copy of the Cameroon Memorial from the Court by letter dated 16 November 1998. The Registrar's Office provided a copy of the Cameroon Memorial on 8 December 1998 together with relevant maps used in the March oral proceedings. Thus, Equatorial Guinea only became aware of *la Ligne Equitable* 44 months after it appeared in confidential pleadings before the Court.

Map 3

Map of the *Société Nationale des Hydrocarbures*, Republic of Cameroon, Depicting Cameroon's 1999-2000 Licensing Round (Reduced)



Note: The "Cameroon limit of operations" depicted on this map roughly corresponds to the median line between Equatorial Guinea and Cameroon.

11 June 1998 in this case when it made clear that the "rights and interests of third States" do not arise landward of Point G.

"That is so because the geographical location of point G is clearly closer to the Nigerian/Cameroonian mainland than is the location of the tripoint Cameroon-Nigeria-Equatorial Guinea to the mainland."¹⁸

30 Cameroon's references to the tripoint are clear in this regard. They begin in the documents associated with its Application. Map 4 is a reproduction of a map sheet filed with that Application.¹⁹ Map 4 designates the tripoint as Point T (assuming the Bakassi Peninsula belongs to Cameroon), shows the median line north of Bioko Island, and includes the notation in reference to the tripoint "*necessitant Accord tripartite à négocier*" between Nigeria, Equatorial Guinea and Cameroon. In the annexes to its pleadings, Cameroon even identifies the location of the tripoint in an internal Government report, dated 13 July 1970, which refers to the equidistance tripoint and provides alternative geographic coordinates for its location depending on the maps and data used.²⁰ Cameroon quotes from this same report at para. 5.20 of its Memorial, including the reference to the tripoint. Cameroon presents to the Court the map, shown here as Map 5,²¹ that Cameroon proposed to use in the 1970 negotiations with Nigeria which provides the geographic coordinates for its equidistant tripoint. When Nigeria hesitated in the 1970 negotiations to reach a specific agreement, Cameroon and Nigeria nonetheless recognized that the jurisdictions of the three neighboring States come together. This fact is disclosed in Annex 8 to Cameroon's Application which presents the Declaration of the Nigeria/Cameroon Joint Boundary Commission (14-17 June 1971) which includes the finding that "the continental shelves of Nigeria, Cameroon and Equatorial Guinea would appear to have a common area"²²

¹⁸ *Land and Maritime Boundary Between Cameroon and Nigeria, Preliminary Objections, Judgment, I.C.J. Reports 1998*, p. 323, para. 115.

¹⁹ CA, Map 5, "CALABAR, SHEET 85."

²⁰ CM, Annex 239, p. 1947.

²¹ CM, Annex 383, M52.

²² CA, Annex 8, p. 69.

Map 4

Map 5 Accompanying Cameroon's Application Depicting the Equatorial Guinea, Nigeria, Cameroon Tripoint (Reduced)

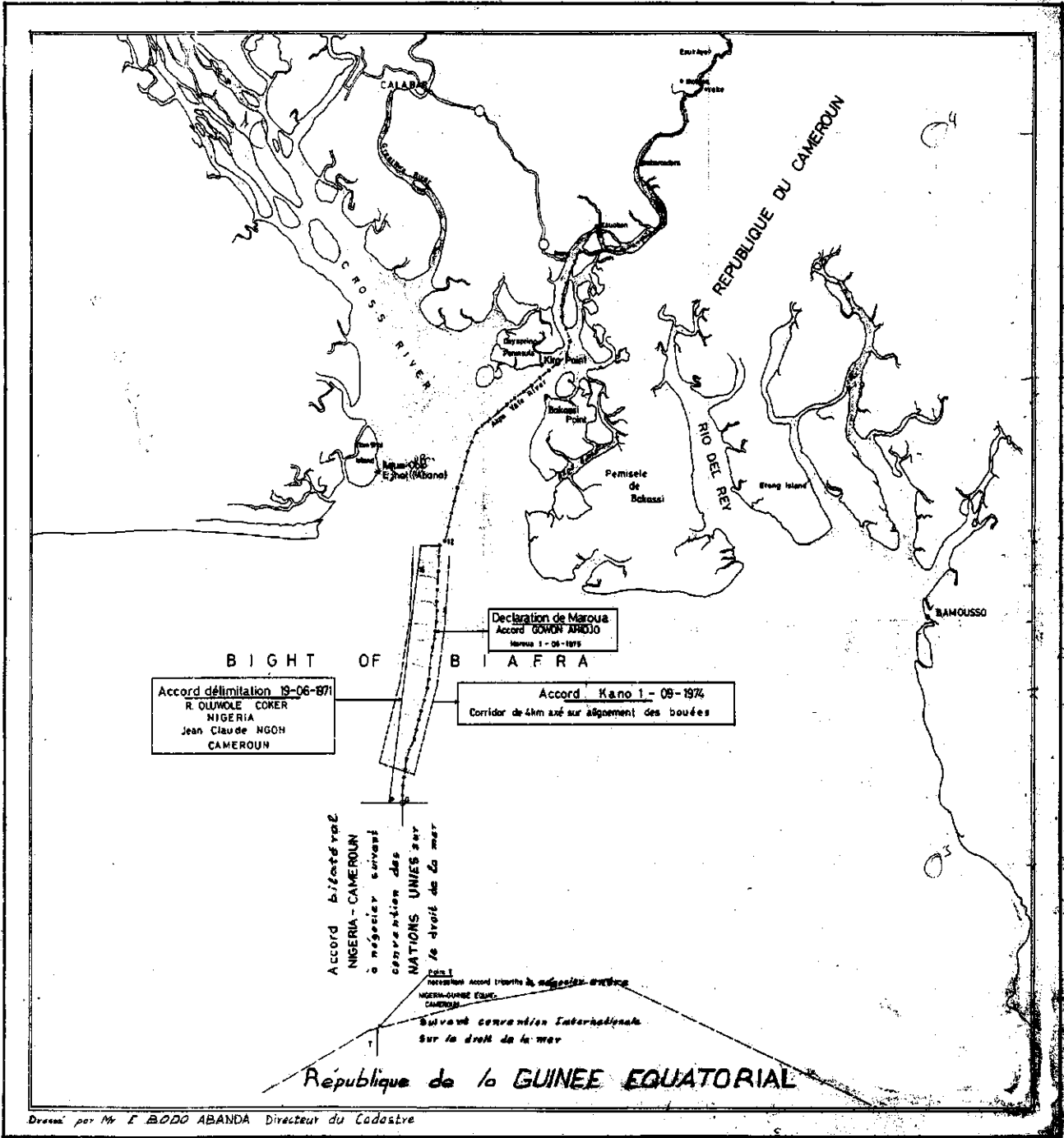
⑤

NIGERIA 1:250,00

ANNEXE III (2) : Instruments juridiques de 1967 à nos jours

CALABAR

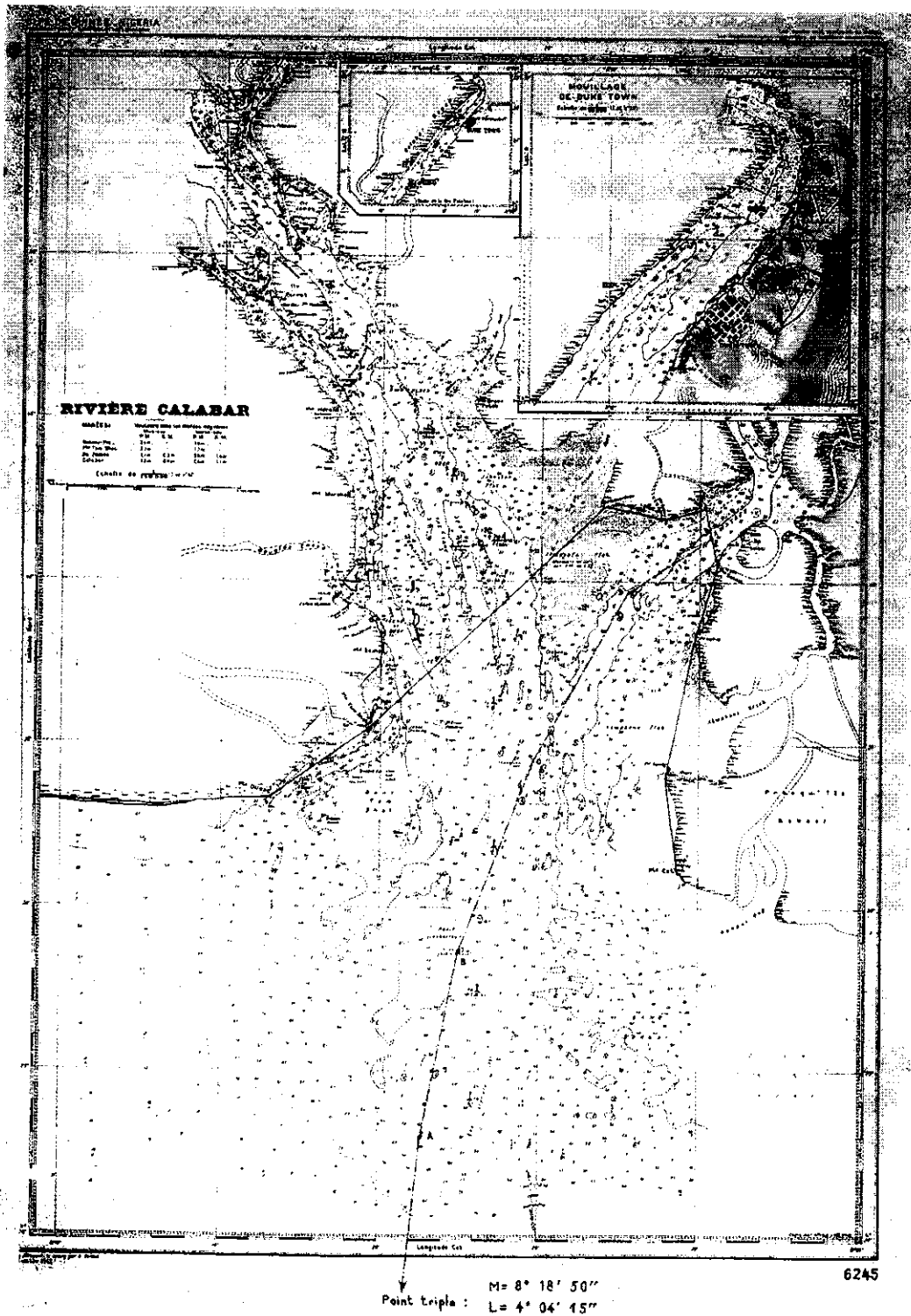
SHEET 85



Map 5

Map Accompanying Cameroon's Memorial (CM, Annex 383, M52) Identifying the Geographical Coordinates of the Equatorial Guinea, Nigeria, Cameroon Tripoint (Reduced)

M 52



31 Of further significance is Cameroon's 1981 decree, which establishes Cameroon's southwestern-most oil concession in the relevant area. That decree describes the southwestern corner of that concession as the intersection of two boundaries: the boundary between Cameroon and Equatorial Guinea; and, the boundary between Cameroon and Nigeria.²³ Cameroon's decree thus uses the maritime boundary tripoint as a reference in describing the limits of its southwestern-most oil concession. Please *see* Map 6 which illustrates this point.

32 Finally, Nigeria presented to the Court the Cameroon-Nigeria Joint Communiqué dated 11-13 August 1993 which includes a sub-heading entitled "Determination of the Tripoint between Cameroon, Nigeria and Equatorial Guinea" and indicates that

"The Cameroonian Delegation stressed the need to determine the tri-point between Nigeria, Cameroon and Equatorial Guinea . . . [and] revealed that there had been an exchange of views between Cameroon and Equatorial Guinea on the subject."²⁴

That Communiqué is reproduced as Annex EGWS 2 to this Written Statement. At Annex EGWS 3, Equatorial Guinea submits the text of the Equatorial Guinea-Cameroon Joint Communiqué of 3 August 1993 to which the Nigeria-Cameroon Joint Communiqué refers. The Communiqué of 3 August 1993 not only references the need to determine the tripoint, but indicates that Cameroon and Equatorial Guinea agreed to "draw the median line that will constitute the maritime boundary between the two countries, according to the equidistance principle."²⁵

33 Clearly then, for Cameroon now to propose its *Ligne Equitable*, which would ensure that the maritime jurisdictions of Equatorial Guinea, Cameroon and Nigeria do not meet, is

²³ Annex RC 41, pp. 502-504.

²⁴ Annex NR 173, p. 1496.

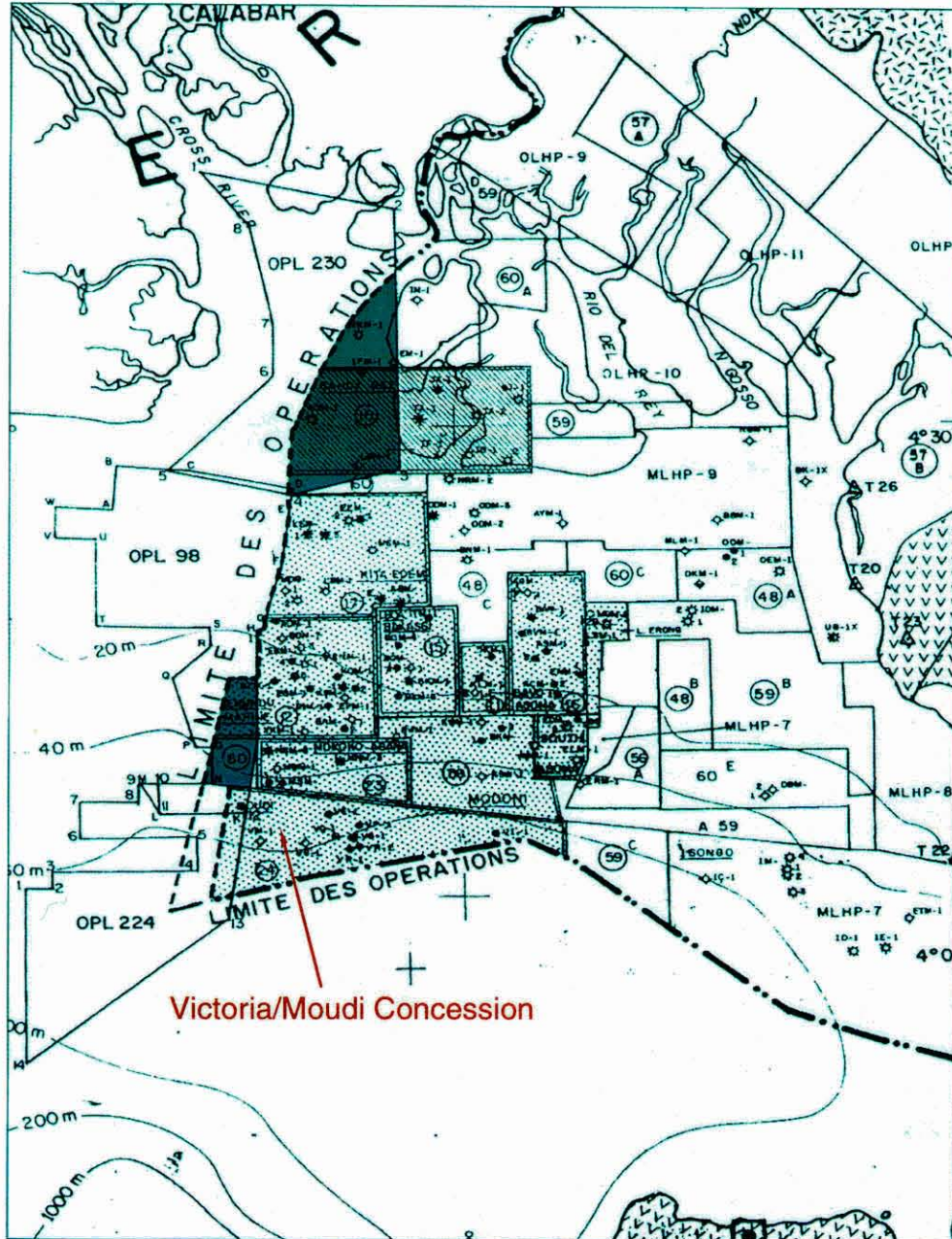
²⁵ Joint Communiqué from the meeting of delegations of Equatorial Guinea and Cameroon to discuss matters related to the maritime boundary, 3 August 1993. *See* Annex EGWS 3.

Map 6

Cameroon Concession Map Illustrating the Tripoint (CR, Map R25) (Reduced, text added)

R 25

Cessions pétrolières camerounaises et nigérianes - chevauchements.



Cameroon's Decree no. 81/261 of July 7, 1981 (which appears at CR Annex 41) defines the southwestern most Cameroon concession, known as the Victoria (and later the Moudi) concession, by reference to the intersection of Cameroon's boundary with Equatorial Guinea and Cameroon's boundary with Nigeria. It thus presumes the existence of a maritime boundary tripoint between the three countries. Cameroon's map R25 from its Reply depicts the area and limits of the Victoria/Moudi Concession.

inconsistent with a history of negotiations and practice that extends from the early 1970s up to August of 1993, just months before Cameroon filed its Application. Rather than relying solely on Article 59 of the Statute, Equatorial Guinea through its intervention wishes to inform the Court of this background and requests that the Court not prejudice the possibility for the three neighboring States to determine the tripoint.

b. Negotiations with Cameroon

34 Equatorial Guinea-Cameroon maritime boundary negotiations have not been very active, although meetings have been held on occasion. The reason for the relaxed pace is simply explained: there was never a problem. But for the appearance of this purported *Ligne Equitable*, both sides have operated on the assumption that the boundary was the median line and that it was only a matter of technical detail to establish it with precision and then to record it in an agreement. As noted above, in early August 1993 Equatorial Guinea and Cameroon agreed to draw the "median line." Thereafter, as referred to in the August 1993 Joint Communiqué, Cameroon provided Equatorial Guinea with the coordinates of its relevant coastal basepoints. The list of basepoints as received from Cameroon is at Annex EGWS 4. After that, the negotiating process slowed to a stop, presumably because Cameroon became focused upon proceedings against Nigeria. In all this time until the present, unlike the Nigeria-Equatorial Guinea relationship, there were no protests and counter-protests relating to maritime boundary matters despite extensive oil and gas activity along the median line. Cameroon never notified Equatorial Guinea that it had presented *la Ligne Equitable* in its Memorial filed on 16 March 1995.²⁶

²⁶ While opposing *la Ligne Equitable*, Nigeria suggests that Cameroon may have an entitlement in "the gap" south of Bioko. There is no basis for this suggestion. Cameroon has always limited itself to the median line. Cameroon did not protest the Equatorial Guinea-Sao Tome and Principe boundary treaty of 16 June 1999, NR Annex 172.

c. Negotiations with Nigeria

35 Nigeria has reported to the Court the successful conclusion of the ten-year negotiating effort to resolve the Equatorial Guinea-Nigeria maritime boundary, which culminated in the signature of a maritime boundary treaty by the Heads of State on 23 September 2000.²⁷ Equatorial Guinea does not wish to add to Nigeria's recording of the history of these negotiations, although much could be said.²⁸ Equatorial Guinea does wish to stress, however, that this treaty is not a reaction to Cameroon's *Ligne Equitable*. It is the result of negotiations which began in 1990 and continued through more than 15 negotiating sessions, ten of which occurred before Equatorial Guinea was even aware of Cameroon's *Ligne Equitable*.²⁹ Equatorial Guinea would note two other points about this treaty which it believes are relevant to the immediate situation.

36 First, the boundary line in the 23 September 2000 treaty reflects the established State practice in the area. It leaves Nigeria's wells and installations for Nigeria, Equatorial Guinea's wells and installations for Equatorial Guinea, and it does not intrude into any area that Cameroon has ever claimed belonged to Cameroon either in negotiations with its neighbors, or in the oil concessions that Cameroon awarded in this region. Second, the boundary line is not Equatorial Guinea's strict median line but a modified line reflecting a negotiated solution demonstrating that Equatorial Guinea knows the difference between a claim and the requirement for an agreement to establish its maritime boundaries with its neighbors. This treaty is a demonstration of Equatorial Guinea's conviction that maritime delimitations must be achieved through meaningful negotiations between neighboring States.

²⁷ NR, paras. 10.33-10.34.

²⁸ Equatorial Guinea is fully committed to the treaty of 23 September 2000, has already ratified it in November of 2000, and looks forward to its early entry into force. This is a negotiated agreement; the reasons for compromise are not necessarily the same for both sides. In its analysis (NR, para. 10.35), Nigeria suggests that Equatorial Guinea accepted certain propositions relating to the weight to be given to Nigeria's coastal front. In Equatorial Guinea's view, it was the give-and-take of negotiations based on established interests that led to the treaty, not Equatorial Guinea's acceptance that Nigeria's coastal front was entitled to greater weight than Equatorial Guinea's.

²⁹ Nigeria lists the date of 15 of the Equatorial Guinea-Nigeria negotiating sessions at NR, para. 10.33.

37 Equatorial Guinea submits that the position it requests the Court to respect is consistent with the established pattern of practice in the region and that the Court should not upset this practice, particularly when one concerned State is not a party to the case before the Court.

B. Delimitation Methods

38 The Court is fully familiar with the equidistance delimitation method and the role that it has played in the law and practice of maritime boundaries. So far as Equatorial Guinea can tell, while there may be reason to adjust the equidistance or median line in some geographic circumstances, or equidistance may not be the appropriate delimitation method in other circumstances, it has never been said that an equidistance or median line was not a claim based in law. Furthermore, as the law of maritime delimitation has developed, it has become commonplace to begin the analysis of a maritime boundary problem with a provisional median line.³⁰ Equatorial Guinea submits that if the equidistance or median line is an acknowledged first step in an analysis of a maritime boundary problem, a median line claim itself cannot be disregarded as unreasonable.

39 While the place of the equidistance method in the law of maritime boundaries has clarified, so too has international law evolved with the emergence of the 200-nautical-mile exclusive economic zone. Title is based on distance from the coast and Equatorial Guinea's entitlement to maritime space is the same as Cameroon's or Nigeria's.

40 Bioko is a sizeable island in the Gulf of Guinea, and the projections seaward of its coastal front, in all directions, are entitled to the same weight as the projections of the Cameroon or Nigerian coasts. The coastal projections of Exclusive Economic Zones often overlap, however, as they do in the Gulf of Guinea, and this creates a delimitation problem which must

³⁰ *Maritime Delimitation in the Area between Greenland and Jan Mayen, Judgment, I.C.J. Reports 1993*, pp. 59-64, paras. 49-58. See also *Continental Shelf (Libyan Arab Jamahiriya/Malta), Judgment, I.C.J. Reports 1985*, pp. 46-47, paras. 61-63; Prosper Weil, *The Law of Maritime Delimitation—Reflections*, (Cambridge: Grotius Publications Ltd., 1989), pp. 206-208.

be resolved by the States concerned. In any such situation, a median line claim which is based on distance is a reasonable claim, including one that extends from a sizable island. In resolving the boundary issues with the State making that claim, it may be that the median line requires adjustment in some circumstances, which Equatorial Guinea does not concede in relation to Cameroon. But that is a matter for direct dealings between the concerned States. In the present circumstances, one concerned State, Equatorial Guinea, is not a party to the case before the Court; thus, there is no basis for the Court to analyze whether this particular median line should or should not be adjusted or indeed whether equidistance is an appropriate method in these circumstances. In Equatorial Guinea's view, the Court should not prejudice the Equatorial Guinea median line because it is a reasonable claim. Thus, the Court should not extend the Cameroon-Nigeria maritime boundary it will determine into areas that are more proximate to Equatorial Guinea than to either of the Parties to the case before the Court, but should leave to the three States the task of determining as among themselves the question of title in the maritime area on the Equatorial Guinea side of the median line.

PART III

THE LEGAL BASIS FOR EQUATORIAL GUINEA'S REQUEST

41 Equatorial Guinea requests the Court to abstain from establishing the Cameroon-Nigeria maritime boundary within the area claimed by Equatorial Guinea, all of which is more proximate to Equatorial Guinea than to either of the Parties in the case before the Court. Equatorial Guinea believes this request is solidly supported by the Court's jurisprudence and that it is good judicial policy in maritime boundary cases.

A. International Courts and Tribunals Take Care to Avoid Prejudice to the Legal Rights and Interests of Non-Party Third States

42 The practice of international courts and tribunals reflects an acceptance of the fundamental proposition that a third State not party to the case before the court or tribunal should not be prejudiced by the judgment. For this reason, the Court has in general avoided

making an award which in any way presumes territory to belong to a State before the Court when it is claimed by a third State not party to the case before the Court.

43 This practice is the direct result of another fundamental proposition that a State's territorial or maritime rights (which include its legal relationship of sharing a boundary with another State) cannot be determined without its consent. The practice therefore of judicial "abstention" in such circumstances appears to be not a matter of judicial propriety, or discretion, but a matter of obligation arising from these fundamental propositions. This is certainly true in those cases where the rights of the third State are not merely "affected" by the Court's decision, but form the very subject-matter of that decision (a distinction discussed in Section D below).

44 Naturally, judicial abstention cannot operate where the third-State claim is not known to the Court, or is so patently absurd or ill-founded as to be disregarded. However, where the claim is brought to the attention of the Court, and is not unreasonable, abstention is called for in order not to prejudice that claim and is not a matter of discretion.

45 The limited judicial practice that exists illustrates the ways that the Court and other tribunals have gone about protecting third-State rights in maritime boundary cases. While it has never been doubted that third States are in no sense bound by the decision of a court whose jurisdiction they have not accepted, the Court and tribunals have gone beyond that formal protective rule and carefully abstained from any judgment which might prejudice third-State rights.

46 For example, in the *Tunisia/Libya* case³¹ the second sector of the line (the 52 degree line) as illustrated on Map No. 3 of the judgment of the Court ends with an arrow to illustrate its direction,³² and thus avoids being construed as a terminal point, or a tripoint with Malta. The Court explained exactly why it had avoided a terminal point:

³¹ *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, Judgment, I.C.J. Reports 1982, p. 18.

³² *Ibid.*, p. 90.

"How far the delimitation line will extend north-eastwards will, of course, depend on the delimitations ultimately agreed with third States on the other side of the Pelagian sea. The Court has not been called upon to examine that question."³³

47 In the *Libya/Malta* case, the adjusted median-line between Malta and Libya, as envisaged by the Court,³⁴ was a shortened line, carefully avoiding Italy's claimed area either to the east or the west. The Court explained the shortened line in these terms:

"The present decision must, as then foreshadowed, be limited in geographical scope so as to leave the claims of Italy unaffected, that is to say that the decision of the Court must be confined to the area in which, as the Court has been informed by Italy, that State has no claims to continental shelf rights."³⁵

48 The practice of arbitral tribunals, while less obvious, is nonetheless consistent. In the *Anglo-French Continental Shelf* case of 1977,³⁶ it is understood that the Tribunal questioned Counsel for both Parties to ensure that there were no claims by the Republic of Ireland which might be prejudiced by any line of delimitation the Tribunal might wish to draw in the Western Approaches. In the recent *Yemen-Eritrea Arbitration* Award of 17 December 1999, the Tribunal established the maritime boundary observing that its "terminal points are well short of where the boundary line might be disputed by any third State."³⁷

³³ *Ibid.*, p. 91, para. 130.

³⁴ *I.C.J. Reports 1985*, p. 54, Map No. 3, and pp. 56-57, para. 79.

³⁵ *Ibid.*, p. 26, para. 21.

³⁶ *Anglo-French Continental Shelf, Judgment*, 54 *I.L.R.* (1979), p. 11.

³⁷ *Yemen-Eritrea Arbitration, Second Stage of the Proceedings (Maritime Delimitation), Judgment*, para. 164.

B. Cameroon Misconstrues the *Frontier Dispute Case*

49 In spite of this clear practice, Cameroon cites the judgment of the Chamber in the *Frontier Dispute* case (Burkina Faso/Mali) for the proposition that the Court itself sees Article 59 as a sufficient protection for a third State in a boundary case between two other States, and, therefore, that the Court is free to delimit any boundary that may be suggested by a Party to the case before the Court, regardless of the implications for the third State.³⁸ But Cameroon overlooks two very important differences.

50 First, in the *Frontier Dispute* case, the Chamber had no basis for apprehending that the land boundary requested by both Parties would impinge upon the territorial rights of Niger. There had been no attempt by Niger to intervene and, in the 1964 Niamey Protocol, Niger had agreed with Burkina Faso on the basic documents for establishing the Niger/Burkina Faso boundary: these were the same documents on which Burkina Faso now relied for its terminal point with Mali. This suggested that Niger did not see the line up to that terminal point as involving any trespass into its own territory. The present case is radically different. Here the Court is well-aware that Cameroon's *Ligne Equitable* in the most clear and substantial way does trespass into the maritime area claimed by Equatorial Guinea.

51 Second, in the *Frontier Dispute* case the Chamber made clear that its conclusions regarding the protection of third-State rights would have been different if it had been dealing with a maritime boundary instead of a land boundary case. Cameroon suggests that there is no reason for this distinction, but the Chamber explained its reasoning clearly:

47. . . . But the process by which a court determines the line of a land boundary between two States can be clearly distinguished from the process by which it identifies the principles and rules applicable to the delimitation of the continental shelf. The legal considerations which have to be taken into account in determining the location of the land boundary between parties are

³⁸ See CR, paras. 9.127-9.129.

in no way dependent on the position of the boundary between the territory of either of those parties and the territory of a third State, even where, as in the present case, the rights in question for all three States derive from one and the same predecessor State. On the other hand, in continental shelf delimitations, an agreement between the parties which is perfectly valid and binding on the treaty level may, when the relations between the parties and a third State are taken into consideration, prove to be contrary to the rules of international law governing the continental shelf (see *North Sea Continental Shelf*, *I.C.J. Reports 1969*, p. 20, para. 14; pp. 27-28, paras. 35-36). It follows that a court dealing with a request for the delimitation of a continental shelf must decline, even if so authorized by the disputant parties, to rule upon rights relating to areas in which third States have such claims as may contradict the legal considerations – especially in regard to equitable principles – which would have formed the basis of its decision.³⁹

These features of the *Frontier Dispute* case readily distinguish it from the situation in the Gulf of Guinea. Cameroon cannot, therefore, use the *Frontier Dispute* case as a precedent sustaining its claim before the Court in the present case.

C. Cameroon Misconstrues the *Libya/Malta* Judgments

52 Cameroon also argues that Equatorial Guinea is not entitled to the same protection that Italy received in the *Libya/Malta* case. There, the Court abstained from any delimitation which would have trespassed into areas claimed by Italy. Cameroon attempts to distinguish the Libya-Malta-Italy situation from the present situation, observing that both Malta and Libya objected to Italy's proposed intervention, while neither Cameroon nor Nigeria objected to the intervention

³⁹ *I.C.J. Reports 1986*, p. 578, para. 47 (emphasis added).

of Equatorial Guinea as a non-party third State, and that Italy's request was denied while Equatorial Guinea's was granted.⁴⁰

53 It is difficult to see why these distinctions are material. Indeed, in this context, they are distinctions without a difference. Italy was a non-party third State and so is Equatorial Guinea. The fact that Italy was not successful in its attempt to intervene, but Equatorial Guinea was successful appears irrelevant. Italy made its views known to the Court in the written and oral pleadings associated with its intervention request.⁴¹ Here, Equatorial Guinea makes its views known as a non-party intervener in this Written Statement. The Court recognized that it had a duty to protect Italy's rights in its judgment on the merits of the *Libya/Malta* case. There is no good reason why the Court is not obligated to protect Equatorial Guinea's rights just as much as it protected Italy's rights; it would be quite paradoxical that a State's interest be less taken into account by the Court when it has allowed this State to intervene as a non-party than when such a third State has not been allowed to do so.

54 There are two points, however, that Equatorial Guinea believes should be recalled about the *Libya/Malta* case. First, in assessing its obligation to Italy, the Court took note of and attached importance to the legal nature of the question it was bound to determine between Libya and Malta. The Court noted that the Special Agreement between Libya and Malta required the Court to rule on the areas "which appertain" to the two Parties to the case. The Court said:

"21. . . . If therefore the decision is to be stated in absolute terms, in the sense of permitting the delimitation of the areas of shelf which 'appertain' to the Parties, as distinct from the areas to which one of the Parties has shown a better title than the other, but which might nevertheless prove to 'appertain' to a third State if the Court had jurisdiction to enquire into the

⁴⁰ CR, paras. 9.136-9.138 and 9.143-9.149.

⁴¹ During the written and oral pleading associated with Italy's request to intervene in the *Libya/Malta* case, Italy had the opportunity to express the geographic extent of the area in which it claimed to have legal rights and interests. In oral argument Italy presented a map showing such area. See *I.C.J. Pleadings, Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Vol. V, Map No. 25.

entitlement of that third State, the decision must be limited to a geographical area in which no such claims exist."⁴²

55 As noted above, Cameroon has asked the Court to determine the Cameroon-Nigeria maritime boundary "up to the limit of the maritime zones which international law places under their respective jurisdictions."⁴³ The legal significance of the term "appertain" in the *Libya/Malta* case is comparable to the meaning to be given to the phrase "under their respective jurisdictions" in the Cameroon-Nigeria case. In both cases the Court is required to determine title, not just to determine which of the two Parties has a better claim without regard to the possibility of third-State claims. Accordingly, if the jurisprudence of the Court is to be followed, notwithstanding the late coming *Ligne Equitable*, Cameroon's Application limits the area in which the Court may establish the "respective jurisdictions" of the two Parties to areas where there are no third-State claims.

56 The second point Equatorial Guinea wishes to note is that Italy requested the Court to protect more maritime area for it than that to which it would have been entitled if its claims were limited to a median line with Malta. Map 7 shows the Italy-Malta median lines together with the lines that Italy used to indicate to the Court the area it should protect and which the Court accepted. Thus, in fact, Equatorial Guinea's position is modest when compared with that of Italy since Equatorial Guinea seeks protection for a claim that is less aggressive in a geographical sense than the Italian claim that the Court protected for Italy in the *Libya/Malta* case. It is suggested that Equatorial Guinea's position meets the requirement of reasonableness.

D. The Distinction Made by the Court in the *East Timor* Case as Applied to a Classical Maritime Boundary Third-State Situation

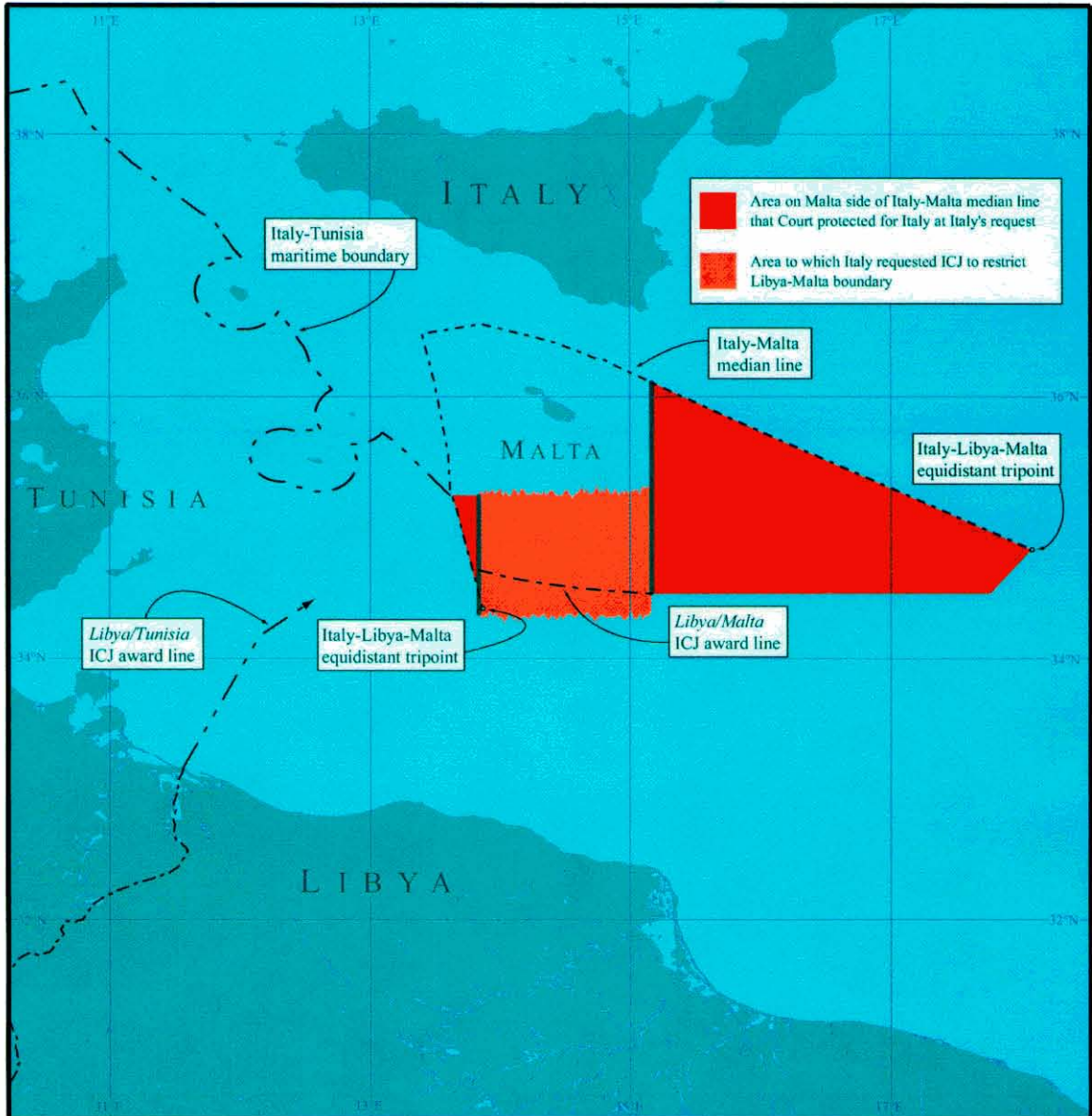
57 In the *East Timor* case, the Court drew a distinction between judgments which might merely "affect" a third State's legal interests and those judgments where those third-State

⁴² *I.C.J. Reports 1985*, p. 25, para. 21.

⁴³ CA, para. 20(f). *See also* CM, para. 1.05.

Map 7

Map Depicting the Area on Malta's Side of the Median Line which Was Protected for Italy at Its Request in the *Libya/Malta Case*



interests form the very "subject-matter" of the Court's decision.⁴⁴ Cameroon agrees that, where the legal interests of the third State form the very subject-matter of the decision, abstention is required, but suggests that in the present situation the interests of Equatorial Guinea do not, in fact, form the "subject-matter" of the decision on maritime delimitation.⁴⁵ This rather surprising conclusion by Cameroon goes back to its perspective that Article 59 of the Court's Statute fully protects Equatorial Guinea since the Court is not requested to determine the maritime boundaries of Equatorial Guinea.

58 Yet the question Cameroon brings to the Court is whether Nigeria or Cameroon has title over particular maritime areas. A determination of title to those maritime areas is, thus, the very subject matter of the case. It is, therefore, hard to avoid the conclusion that, in so far as Equatorial Guinea claims title to some of those areas, Equatorial Guinea's legal interests form the very subject matter of the decision that Cameroon requests of the Court. In such areas the Court cannot determine that title belongs to Cameroon or Nigeria without first determining that title does not belong to Equatorial Guinea. It follows that the Court cannot proceed to determine title to certain maritime areas claimed by Cameroon because not all the claimants are Parties to the case before the Court.

E. Maritime Tripoints Are a Common Problem

59 To date, the decisions of the Court and other international tribunals in maritime boundary cases have through one means or another avoided prejudicing the interests of third States. Various techniques have been adopted to do so, but in all instances the judgments have not established maritime boundary lines running through areas claimed by third States. Given the geographic width of the 200-nautical-mile exclusive economic zone, the Court may expect that it will encounter third-State issues in many of the maritime boundary cases brought before it. Cameroon would lead the Court into a new realm where the Court would consciously delimit

⁴⁴ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, pp. 104-105, para. 34, citing *Certain Phosphate Lands in Nauru (Nauru v. Australia)*, I.C.J. Reports 1992, pp. 261-262, para. 55, and *Monetary Gold Case*, I.C.J. Reports 1954, p. 431, para. 88.

⁴⁵ CR, paras. 9.128-9.129.

an area between two States when the Court knows it is also claimed by a third State. Equatorial Guinea submits that the path down which Cameroon leads is fraught with many perils and that there is no reason for the Court to change its well-established practice.

CONCLUSION

60 Equatorial Guinea's request is simple and straightforward, founded in the jurisprudence of the Court, makes good sense in the practice of the international community and is consistent with the practice of the three States in the region concerned: its request is that the Court refrain from delimiting a maritime boundary between Nigeria and Cameroon in any area that is more proximate to Equatorial Guinea than to the Parties to the case before the Court. Equatorial Guinea believes it has presented a number of good reasons for the Court to adopt this position.

61 Equatorial Guinea is before the Court as a non-party third State. In its view, it has demonstrated that it has a maritime claim which is the median line and that this claim is reasonable; also, in its view, it has demonstrated that the legal practice concerning State-sponsored activities in the Gulf of Guinea has proceeded on the assumption that a tripoint exists where the maritime jurisdictions of Equatorial Guinea, Nigeria and Cameroon come together. These are the legal interests of Equatorial Guinea which are the object of its intervention. Cameroon has requested the Court to delimit a maritime boundary that would prejudice these legal interests of Equatorial Guinea. As a non-party third State, it is Equatorial Guinea's request that these legal interests not be prejudiced by the Court's decision in the case between Cameroon and Nigeria.

62 Equatorial Guinea accepts that if the Court so limits the Cameroon-Nigeria maritime boundary to areas that Equatorial Guinea does not claim, it will not amount to a determination of Equatorial Guinea's title to its claimed area. But Equatorial Guinea's legal rights and interests will not be prejudiced; they will remain unaffected by the Court's judgment. Nor will the legal rights and interests of Cameroon or Nigeria, if there be any in that area, be prejudiced. As for Cameroon, it will be free in negotiations to seek as against Equatorial Guinea a maritime boundary it deems appropriate. As it always was, Equatorial Guinea is willing to undertake serious negotiations with Cameroon at any time. As for Nigeria, it also will be free to seek as against Equatorial Guinea a

maritime boundary it deems appropriate to the northeast of Point (i) of the Equatorial Guinea-Nigeria maritime boundary treaty of 23 September 2000.

63 In keeping with its status as a non-party intervener, Equatorial Guinea has prepared this Written Statement in the spirit that its duty was to inform the Court of its legal interests but not to engage in legal debate directly related to *la Ligne Equitable*. It should go without saying that Equatorial Guinea reserves its position to do so, if necessary, in the appropriate circumstances.

64 The Government of the Republic of Equatorial Guinea appreciates the opportunity to present this Written Statement to the Court and stands ready to participate in any further proceedings as the Court may direct in accordance with Article 85 of the Rules of the Court.

4 April 2001

Ricardo Mangué Obama N'Fube
Minister of State for Labor and Social Security
Agent for the Republic of Equatorial Guinea

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING THE LAND AND MARITIME BOUNDARY
BETWEEN
CAMEROON AND NIGERIA
(CAMEROON V. NIGERIA)**

(EQUATORIAL GUINEA INTERVENING)

WRITTEN STATEMENT

OF

THE REPUBLIC OF EQUATORIAL GUINEA

ANNEXES

Annex EGWS 1

25 August 1998

Equatorial Guinea Note Verbal to Cameroon

TRANSLATION

VERBAL NOTE

The Ministry of Affairs [sic] and International Cooperation of the Republic of Equatorial Guinea salutes the Embassy of our sister Republic of Cameroon and is honored to make reference to Resolution 98/25 of the International Court of Justice of The Hague regarding Boundary disputes between the sister Republics of Cameroon and Nigeria, received by this Ministry through the Organization for African Unity (OAU).

The Ministry of Foreign Affairs and International Cooperation also expresses its concern due to the arguments submitted to the International Court of Justice regarding the delimitation of the boundary between Cameroon and Nigeria in which we observe that during the arguments and in the maps submitted by Cameroon, Equatorial Guinea's interests are not only ignored, but also its maritime areas are infringed upon.

For the Ministry of Foreign Affairs and International Cooperation, the maritime rights and interests of Cameroon and Nigeria north of the Island of Bioko are delimited by the **equidistant tripoint** between the three countries, as determined using the legal baselines of Equatorial Guinea, Cameroon and Nigeria and the median line between Equatorial Guinea and Cameroon.

Therefore, the Ministry of Foreign Affairs and International Cooperation demands that all the parties involved, in accordance with international law, recognize and respect Equatorial Guinea's interests in respect to the maritime boundary between the three countries.

The Ministry of Foreign Affairs and International Cooperation of the Republic of Equatorial Guinea takes this opportunity to convey its most sincere regards to the Embassy of the Republic of Cameroon.

Malabo, August 25, 1998

EMBASSY OF THE REPUBLIC OF CAMEROON IN MALABO

NOTA VERBAL

El Ministerio de Asuntos y Cooperación Internacional de la República de Guinea Ecuatorial saluda atentamente a la Embajada de la hermana República del Camerún y tiene el honor de referirse a la Resolución 98/25 del Tribunal Internacional de la Haya, sobre las diferencias Fronterizas entre las hermanans Repúblicas de Camerún y Nigeria, recibidos en este Ministerio por conducto de la Organización de la Unidad Africana (OUA).

El Ministerio de Asuntos Exteriores y Cooperación Internacional tiene a bien expresar su preocupación por los planteamientos hechos ante la Corte Internacional de Justicia en relación a la delimitación de la frontera entre Camerún y Nigeria en las que se observa que, en el curso de las deliberaciones y la cartografía presentadas por Camerún, los intereses de Guinea Ecuatorial no solo son ignorados, sino que infringen las áreas marítimas de la República de Guinea Ecuatorial.

Para el Ministerio de Asuntos Exteriores y Cooperación Internacional, los derechos e intereses marítimos de Camerún y Nigeria al norte de la isla de Bioko están delimitados por el **punto triple equidistante** entre los tres países, tal como se determina a partir de las líneas de base legales de Guinea Ecuatorial, Camerún y Nigeria y por la **línea media** entre Guinea Ecuatorial y Camerún.

Por lo que, el Ministerio de Asuntos Exteriores y Cooperación Internacional exige a todas las partes involucradas que, de acuerdo con el derecho internacional, los intereses de Guinea Ecuatorial sean reconocidos y respetados en las fronteras marítimas entre los tres países.

El Ministerio de Asuntos Exteriores y Cooperación Internacional de la República de Guinea Ecuatorial aprovecha esta ocasión para renovar a la Embajada de la hermana República de Camerún las seguridades de su más alta y distinguida consideración

Malabo, 25 de Agosto de 1.998

EMBAJADA DE LA REPUBLICA DE CAMERUN EN MALABO



Annex EGWS 2

11-13 August 1993

**Minutes of the Third Session
of the Nigeria-Cameroon Joint Meeting
of Experts on Boundary Matters,
*taken from Annex NR 173***

ANNEX NR 173

11 - 13 August 1993

**Minutes of the Third Session of the Nigeria-Cameroon
Joint Meeting of Experts on Boundary Matters**



MINUTES OF THE THIRD SESSION OF THE NIGERIA-CAMEROON
JOINT MEETING OF EXPERTS ON BOUNDARY MATTERS

MINUTES

YAOUNDE, 11TH - 13 TH AUGUST, 1993



MINUTES OF THE THIRD SESSION OF THE NIGERIA-CAMEROON
JOINT MEETING OF EXPERTS ON BOUNDARY MATTERS
YAOUNDE, 11TH - 13 TH AUGUST, 1993

AT THE INVITATION OF THE CAMEROONIAN GOVERNMENT, THE THIRD SESSION OF THE NIGERIA-CAMEROON JOINT MEETING OF EXPERTS ON BOUNDARY MATTERS MET IN YAOUNDE, CAMEROON, FROM 11TH TO 13TH AUGUST, 1993.

THE NIGERIAN DELEGATION WAS LED BY THE HONOURABLE SECRETARY OF FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF NIGERIA, CHIEF M.T. MBU ; WHILE HIS EXCELLENCY, HAMADOU MOUSTAPHA, VICE-PRIME MINISTER IN CHARGE OF TOWN PLANNING AND HOUSING, ASSISTED BY HONOURABLE FRANCIS NKWAIN, MINISTER DELEGATE TO THE MINISTRY OF EXTERNAL RELATIONS OF CAMEROON, LED THE CAMEROONIAN DELEGATION.

THE TWO DELEGATIONS DESIGNATED PROFESSOR ANTHONY I. ASTWAJU, COMMISSIONER (INTERNATIONAL BOUNDARIES), NATIONAL BOUNDARY COMMISSION OF NIGERIA AND MR MESSOBOT SEP, DIRECTOR OF AFRICAN AND ASIAN AFFAIRS IN THE MINISTRY OF EXTERNAL RELATIONS OF CAMEROON RESPECTIVELY TO HEAD THEIR TEAMS OF EXPERTS. THE RAPPORTEURS-GENERAL WERE PROFESSOR B.M. BARKINDO, DIRECTOR RESEARCH AND DOCUMENTATION CENTRE, NATIONAL BOUNDARY COMMISSION, FOR NIGERIA, AND MRS MADELEINE SAO, DEPUTY DIRECTOR OF AFRICAN AND ASIAN AFFAIRS IN THE MINISTRY OF EXTERNAL RELATIONS, FOR CAMEROON.

THE LIST OF THE TWO DELEGATIONS IS HERETO ATTACHED.

EACH OF THE HEADS OF DELEGATION MADE AN IMPORTANT ADDRESS, THE SUBSTANCE AND SPIRIT OF WHICH WERE A SOURCE OF INSPIRATION THROUGHOUT THE DELIBERATIONS. THE TWO SPEECHES ARE HERETO ATTACHED.



AFTER A FEW AMENDEMENTS, THE AGENDA WAS ADOPTED AS FOLLOWS :

I - MINUTES OF THE 2ND SESSION OF THE CAMEROON/NIGERIA JOINT MEETING OF EXPERTS ON BOUNDARY MATTERS HELD IN ABUJA IN DECEMBER 1991 : MATTERS ARISING.

II - NIGERIA-CAMEROON TRANSBORDER CO-OPERATION WORKSHOP AT YOLA IN MAY, 1992.

III - BORDER DELIMITATION AND DEMARCATION :

(A) EXAMINATION OF AGREEMENTS AND TREATIES RELATING TO BORDERS ;

(B) DETERMINATION OF THE TRI-POINT BETWEEN CAMEROON, NIGERIA AND EQUATORIAL GUINEA.

IV - TRANSBORDER CO-OPERATION :

(A) PROPOSED GULF OF GUINEA COMMISSION ;

(B) MUTUAL UTILIZATION OF TRANSBORDER RESOURCES AND JOINT CONTROL OF TRANSBORDER HAZARDS ;

- LAGDO DAM
- GASEOUS LAKE NYOS,

(C) ACTIVITIES OF THE NIGERIA-CAMEROON JOINT COMMISSION.

V - CONSULAR MATTERS.

VI - DATE AND VENUE OF NEXT MEETING.

VII - ANY OTHER BUSINESS.



I - MINUTES OF THE SECOND JOINT MEETING OF EXPERTS ON BOUNDARY MATTERS IN DECEMBER 1991 AT ABUJA : MATTERS ARISING

THE TWO PARTIES CONFIRMED THE MINUTES OF THE JOINT MEETING OF EXPERTS IN ABUJA IN DECEMBER 1991, AS A CORRECT RECORD OF THE DISCUSSIONS THAT TOOK PLACE.

II - NIGERIA-CAMEROON TRANSBORDER CO-OPERATION WORKSHOP HELD IN YOLA

THE TWO PARTIES EXPRESSED SATISFACTION WITH THE CONDUCT OF THE WORKSHOP AS WELL AS WITH ITS HISTORIC SIGNIFICANCE WHICH RECORDED CONSIDERABLE IMPACT BOTH IN THE TWO COUNTRIES AND AT CONTINENTAL LEVEL.

THE NIGERIAN DELEGATION OBSERVED THAT THE RECOMMENDED LEGAL FRAMEWORK ON THE CONCLUSIONS OF THE WORKSHOP RELATING TO THE TRANSBORDER CO-OPERATION BETWEEN THE TWO COUNTRIES WAS YET TO BE DRAWN UP. IT, THEREFORE, URGED THAT THE NECESSARY MACHINERY FOR DOING SO BE SET UP AS SOON AS POSSIBLE SO THAT THE DECISIONS REACHED AT THE WORKSHOP COULD BE EMBEDDED IN A LEGAL FRAMEWORK.

ON ITS PART, THE CAMEROONIAN DELEGATION OBSERVED THAT THE PAPERS PRESENTED AT THE WORKSHOP WERE YET TO BE PUBLISHED. THE NIGERIAN DELEGATION EXPLAINED THAT THE DELAY IN THIS REGARD WAS DUE TO THE FACT THAT THE DOCUMENTS PRESENTED AT YOLA BY THE CAMEROON RESOURCE PERSONS WERE YET TO BE MADE AVAILABLE FOR THE PURPOSE OF PUBLICATION. BOTH PARTIES, THEREFORE, URGED THAT ALL NECESSARY ARRANGEMENTS BE COMPLETED TO ACCELERATE THE PROCESS OF PUBLICATION. THE CAMEROONIAN DELEGATION REITERATED ITS DETERMINATION TO ORGANISE THE NEXT NIGERIA-CAMEROON TRANSBORDER CO-OPERATION WORKSHOP IN CAMEROON.

III - BORDER DELIMITATION AND DEMARCATION

(A) - EXAMINATION OF AGREEMENTS AND TREATIES RELATING TO THE LAND BORDER

IN PURSUIT OF THE CONCLUSION OF THE ABUJA JOINT MEETING OF EXPERTS OF DECEMBER, 1991, RECOMMENDING THE ASSEMBLAGE OF AN INVENTORY OF EXISTING DOCUMENTS PERTINENT TO THE DELIMITATION AND DEMARCATION OF THE TWO COUNTRIES' LAND BORDER THE CAMEROONIAN SIDE PROPOSED THAT SUCH INSTRUMENTS IDENTIFIED BY BOTH PARTIES BE EXAMINED WITHOUT FURTHER DELAY.



THE NIGERIAN DELEGATION POINTED OUT THAT THE EXAMINATION OF THESE LEGAL INSTRUMENTS, SINCE IT WAS AN IMPORTANT ELEMENT, COULD NOT BE DONE AT THIS MEETING. THE TWO SIDES REGRETTED THAT THE JOINT SUB-COMMITTEE OF TWENTY (20) EXPERTS SET UP AT ABUJA MEETING OF 1991 TO DRAW UP THESE INSTRUMENTS HAD NOT MET AS SCHEDULED. BOTH PARTIES, THEREFORE, AGREED THAT THE SUB-COMMITTEE SHOULD MEET IN NIGERIA IN THE NEAR FUTURE ON A DATE TO BE DETERMINED AND CONVEYED THROUGH DIPLOMATIC CHANNELS.

ON THE LAKE CHAD, THE NIGERIAN DELEGATION AFFIRMED THAT THE OUTSTANDING WORKS HAD BEEN SATISFACTORILY COMPLETED AND THAT THE NIGERIAN EXPERTS HAD SIGNED THE TECHNICAL REPORT ON THE EXERCISE. HOWEVER, THE SOUTHERN EXTREMITY CONNECTING WITH THE EBELI RIVER, WHICH IS BILATERAL BETWEEN NIGERIA AND CAMEROON, HAD BEEN REFERRED TO THE TWO COUNTRIES BY THE LAKE CHAD BASIN COMMISSION FOR RESOLUTION.

AS REGARDS THE MARITIME SECTOR OF THE BORDER, THE NIGERIAN DELEGATION RE-AFFIRMED ITS NON-RECOGNITION OF THE MAROUA DECLARATION OF 1975 ON THE GROUND THAT IT WAS NOT RATIFIED. THE CAMEROONIAN DELEGATION RE-AFFIRMED THE VALIDITY OF THE MAROUA DECLARATION. FOR HER, THE DECLARATION WAS A RESULT OF A LONG NEGOTIATION AND DETAILED WORK BY EXPERTS.

AFTER A LONG AND INCONCLUSIVE DISCUSSION, WHICH RE-ESTABLISHED THE PARALLEL POSITIONS OF THE TWO PARTIES, IT WAS AGREED THAT THE MATTER TO SUBMITTED TO THE TWO HEADS OF DELEGATION FOR CONSIDERATION.

AFTER DUE CONSULTATION THE HEADS OF DELEGATION OBSERVED THAT THE GROUNDS OF DISAGREEMENT BETWEEN NIGERIA AND CAMEROON OVER THE MAROUA DECLARATION OF 1975 ARE MORE POLITICAL THAN TECHNICAL. IN ORDER NOT TO HINDER THE FURTHERING OF THE EXISTING EXCELLENT RELATIONS BETWEEN THE TWO NATIONS, THEY RESOLVED TO REFER THE MATTER TO THEIR RESPECTIVE HEADS OF STATE FOR DETERMINATION.



IT WAS FURTHER OBSERVED THAT ATTEMPTS BY NIGERIA AND CAMEROON TO EXPLORE AND EXPLOIT SEPERATELY THE RESOURCES STRADDLING THE MARITIME BORDER FROM POINT I TO POINT G, IN PART COVERED BY THE MAROUA DECLARATION, HAVE LED TO AVOIDABLE WASTAGE AND LOSSES FOR BOTH COUNTRIES. IN THE LIGHT OF THIS, THE TWO HEADS OF DELEGATION AGREED TO RECOMMEND ARRANGEMENTS FOR JOINT VENTURES IN THE EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE AREA.

CONCERNING EXPLOITATION OF HYDRO-CARBON RESOURCES SOUTH OF POINT G, THE TWO DELEGATIONS CONFIRMED THE SPIRIT AND THE LETTER OF THE PROVISIONS OF THE MINUTES SIGNED IN ABUJA BETWEEN THE TWO DELEGATIONS ON 19 DECEMBER 1991, IN PARTICULAR, THE FREEDOM OF EACH COUNTRY TO DEVELOP ITS RESOURCES ALONG THE BORDER.

IN THE MEANTIME, THE TWO HEADS OF DELEGATION EMPHASISED THE NEED TO MAINTAIN A REGIME OF PEACE IN THE AREA AND TO PREVAIL ON THEIR RESPECTIVE LAW ENFORCEMENT AGENCIES IN THIS REGARD.

(B) - DETERMINATION OF THE TRI-POINT BETWEEN CAMEROON, NIGERIA AND EQUATORIAL GUINEA

THE CAMEROONIAN DELEGATION STRESSED THE NEED TO DETERMINE THE TRI-POINT BETWEEN NIGERIA, CAMEROON AND EQUATORIAL GUINEA IN ORDER TO ENABLE EACH OF THE THREE COUNTRIES TO EXPLOIT ITS NATUREL RESOURCES IN THE AREA IN PEACE. IT ARGUED THAT THE ABSENCE OF EQUATORIAL GUINEA AT THIS FORUM SHOULD NOT PREVENT CAMEROON AND NIGERIA FROM EXCHANGING CONSTRUCTIVE VIEWS ON THE PROPOSAL. IT FURTHER REVEALED THAT THERE HAD BEEN AN EXCHANGE OF VIEWS BETWEEN CAMEROON AND EQUATORIAL GUINEA ON THE SUBJECT.

THE NIGERIAN SIDE, ON ITS PART, EXPRESSED ITS RESERVATIONS CONCERNING THE EXAMINATION OF THE PROPOSAL IN THE ABSENCE OF EQUATORIAL GUINEA. THE TWO PARTIES THEN AGREED THAT A TRIPARTITE MEETING SHOULD BE CONVENED TO EXAMINE THE ISSUE OF THE DETERMINATION OF THE TRI-POINT.



IV - TRANSBORDER CO-OPERATION

(A) MUTUAL UTILIZATION OF TRANSBORDER RESOURCES

REGARDING THE CONCLUSIONS REFLECTED IN THE MINUTES OF THE ABUJA MEETING OF DECEMBER, 1991, ESPECIALLY THAT RELATING TO THE NEED FOR EITHER COUNTRY TO INFORM THE OTHER OF ANY INITIATIVE TO EXPLOIT TRANSBORDER RESOURCES, THE CAMEROONIAN DELEGATION DREW ATTENTION TO THE FACT THAT A SPECIAL ENVOY HAD BEEN DESPATCHED IN MAY, 1993 BY HIS EXCELLENCY, PAUL BIYA, PRESIDENT OF THE REPUBLIC OF CAMEROON, TO HIS NIGERIAN COUNTERPART, GENERAL IBRAHIM B ADAMASI BABANGIDA.

THE CAMEROONIAN DELEGATION STATED THAT IN SPITE OF THE STEP TAKEN, WORK ON THE BETIKA WEST STRUCTURE HAD BEEN STALLED AS A RESULT OF NIGERIA'S UNCO-OPERATIVE STANCE. HOWEVER, IT INFORMED THE NIGERIAN DELEGATION THAT CAMEROON WOULD GO AHEAD TO RESUME WORK ON THE SAID STRUCTURE AND EXPLORE AND EXPLOIT THE HYDRO-CARBON DEPOSIT SOUTH OF POINT G. THE NIGERIAN DELEGATION NOTED THIS INFORMATION AND UNDERTOOK TO REFER THIS MATTER TO THE COMPETENT AUTHORITIES FOR NECESSARY ACTION WHICH WOULD BE CONVEYED BACK TO THE CAMEROONIAN SIDE THROUGH THE NORMAL DIPLOMATIC CHANNELS.

(B) JOINT CONTROL OF TRANSBORDER HAZARDS

LAGDO DAM

THE NIGERIAN DELEGATION DREW THE ATTENTION OF THE MEETING TO THE DISASTROUS EFFECTS OF THE SPORADIC RELEASES OF THE WATERS OF THE LAGDO DAM, LOCATED ON THE RIVER BENUE IN CAMEROON, ON THE DOWNSTREAM COMMUNITIES OF ADAMAWA, BENUE, TARABA AND KOGI STATES OF NIGERIA. IT EMPHASISED THE NEED FOR URGENT STEPS TO BE TAKEN SO AS TO AVOID A RECURRENCE OF THE PERENNIAL DISASTERS. IT, THEREFORE, PASSIONATELY APPEALED TO THE CAMEROONIAN AUTHORITIES TO REGULATE THE REALEASES IN SUCH A WAY THAT THE DAM WOULD BE OF MUTUAL BENEFIT TO BOTH COUNTRIES, RATHER THAN WREAKING PERPETUAL HAVOC ON POPULATIONS, FARM-LANDS, LIVESTOCKS AND PROPERTIES IN THE AFFECTED RIPARIAN NIGERIAN COMMUNITIES.



THE CAMEROONIAN SIDE SYMPATHISED WITH THE NIGERIAN DELEGATION AND REASSURED IT OF CAMEROON'S CO-OPERATION. IT, THEREFORE, PROMISED TO CONVEY NIGERIA'S REQUEST TO THE APPROPRIATE CAMEROONIAN AUTHORITIES WITH A VIEW TO FINDING AN IMMEDIATE SOLUTION TO THE PROBLEM, ADDING THAT THE CAMEROONIAN DELEGATION WAS NOT COMPETENT TO ADDRESS THE PROBLEM.

GASEOUS LAKE NYOS

THE NIGERIAN SIDE EXPRESSED APPREHENSION OVER THE HAZARDOUS POTENTIAL OF THE GASEOUS LAKE NYOS IN CAMEROON. STUDIES ON THE LAKE CONFIRMED THAT THE NATURAL DAM HAD DEVELOPED CRACKS ALONG ITS WALLS AND THAT THEY WERE CAPABLE OF PRECIPITATING A DAM BREAK WHICH COULD SPELL DISASTROUS CONSEQUENCES, ESPECIALLY FOR NIGERIAN COMMUNITIES AROUND THE CAMEROONIAN BORDER, IF URGENT STEPS WERE NOT TAKEN TO ARREST THE SITUATION. THE CAMEROONIAN DELEGATION, HOWEVER, DREW ATTENTION TO THE FACT THAT THERE WAS NO MORE DANGER OF A GAS EXPLOSION AT LAKE NYOS. THE TWO PARTIES RECOMMENDED THE IMPLEMENTATION OF THE STUDIES CONDUCTED BY NIGERIAN AND CAMEROONIAN EXPERTS AIMED AT AVERTING THE HARMFUL EFFECTS OF THE POSSIBLE BURSTING OF THE NATURAL DAM.

(C) ACTIVITIES OF THE NIGERIA-CAMEROON JOINT COMMISSION

THE CAMEROONIAN DELEGATION INFORMED THE MEETING THAT AFTER SEVERAL POSTPONEMENTS SINCE 1987, THE SECOND SESSION OF THE JOINT COMMISSION ON CO-OPERATION BETWEEN NIGERIA AND CAMEROON WOULD HOLD IN ABUJA, NIGERIAN GOVERNMENT. IT ADDED THAT NECESSARY PREPARATORY STEPS HAD BEEN TAKEN TO ENSURE THAT THE MEETING WOULD TAKE PLACE AS SCHEDULED. THE NIGERIAN DELEGATION EXPRESSED DEEP SATISFACTION OVER THE POSITIVE DEVELOPMENT.



V - CONSULAR MATTERS

THE NIGERIAN DELEGATION EXPRESSED CONCERN OVER THE RECENT DEVELOPMENT REGARDING THE ALLEGED HARRASSMENT OF THE NIGERIAN CITIZENS IN CAMEROON, ESPECIALLY WITH REGARD TO IMMIGRATION AND STAY OF FOREIGNERS IN THE COUNTRY. IN THIS RESPECT, IT UNDERScoreD THE CONSIDERABLE SIZE OF THE NIGERIAN COMMUNITY IN CAMEROON, ESTIMATED AT 2.3 MILLION, AND REQUESTED THAT SPECIAL EXEMPTION MEASURES BE APPLIED IN THEIR FAVOUR. IT DECLARED THAT IT WAS STILL WAITING FOR THE CAMEROONIAN REACTION TO THE TWO SPECIAL MESSAGES RELATING TO THIS SUBJECT WHICH THE HONOURABLE SECRETARY OF FOREIGN AFFAIRS OF NIGERIA, CHIEF M.T. MBU, HAD DELIVERED ON TWO SUCCESSIVE OCCASIONS TO HIS EXCELLENCY, PAUL BIYA, PRESIDENT OF THE REPUBLIC OF CAMEROON AT THE INSTANCE OF GENERAL IBRAHIM BADAMASI BABANGIDA, THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA.

IN REACTION, THE CAMEROONIAN SIDE DENIED THAT THE NEW REGULATIONS ON IMMIGRATION AND RESIDENCE OF ALIENS IN CAMEROON WERE SPECIFICALLY TARGETTED AT NIGERIANS. IT REQUESTED THE NIGERIAN DELEGATION TO DRAW THE ATTENTION OF THE COMPETENT AUTHORITIES IN NIGERIA TO THE NEED TO FURTHER SENSITIZE ITS CITIZENS IN BAKASSI AND JABANE ON THEIR OBLIGATIONS TO CAMEROON AND TO RESPECT IT LAWS.

VI - DATE AND VENUE OF NEXT MEETING

CONSIDERING THE SEVERAL OTHER SCHEDULED MEETING BETWEEN CAMEROON AND NIGERIA, THE TWO PARTIES AGREED TO MEET AGAIN IN NIGERIA BETWEEN APRIL AND MAY 1994.

VII - ANY OTHER BUSINESS

THE CAMEROONIAN SIDE COMPLAINED OF NEGATIVE REPORTING OF THE NIGERIA-CAMEROON RELATIONS BY SOME NIGERIAN NEWSPAPERS. IT REFERRED TO A RELEVANT RECOMMENDATION OF THE YOLA WORKSHOP REGARDING THE CONTRIBUTION OF THE PRESS TO THE PRESERVATION OF THE CLIMATE OF PEACE AND FRATERNITY BETWEEN THE TWO COUNTRIES.

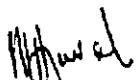


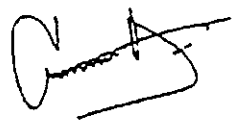
IN REACTION TO THIS OBSERVATION, THE NIGERIAN DELEGATION DREW ATTENTION TO THE FREEDOM OF THE PRESS IN THE FEDERAL REPUBLIC OF NIGERIA BUT REQUESTED ITS CAMEROONIAN COUNTERPART TO PRODUCE EXAMPLES OF SUCH REPORTING BY THE NIGERIAN PRESS SO THAT IT COULD TAKE UP THE MATTER WITH THE APPROPRIATE MEDIA-HOUSES ON PERSONAL BASIS. SOME COPIES OF SUCH NEWSPAPER PUBLICATIONS WERE SUBMITTED TO THE NIGERIAN DELEGATION BEFORE ITS DEPARTURE.

DONE AT YAOUNDE, THIS 13TH DAY OF
AUGUST, 1993
IN ENGLISH AND FRENCH, BOTH TEXTS
BEING AUTHENTIC.

FOR THE NIGERIAN
DELEGATION

FOR THE CAMEROONIAN
DELEGATION


PROF. ANTHONY I. ASIWAJU
COMMISSIONER,
INTERNATIONAL BOUNDARIES,
NATIONAL BOUNDARY
COMMISSION


MR MESSOBOT SEP
DIRECTOR, AFRICANA/SLAN
AFFAIRS, MINISTRY OF
EXTERNAL RELATIONS

Annex EGWS 3

3 August 1993

**Joint Communiqué from the Meeting of Delegations
of Equatorial Guinea and Cameroon
to Discuss Matters Related to the Maritime Boundary**

TRANSLATION

JOINT COMMUNIQUÉ

On August 2 and 3, 1993, a meeting between the delegations representing the Republic of Equatorial Guinea and the Republic of Cameroon was held to discuss the matters related to their maritime boundary.

The delegation representing the Republic of Equatorial Guinea was led by His Excellency Mr. Juan Oló Mbá Nzeng, Minister of Mines and Hydrocarbons, assisted by His Excellency Mr. Francisco Javier Ngomo Mbengono, Vice Minister of Justice and Vice President of the National Commission on Boundary Issues.

The delegation representing the Republic of Cameroon was headed by His Excellency Mr. Hamadou Moustapha, Vice Prime Minister, in charge of Housing and City Planning, president of the National Subcommission for Boundary Issues, assisted by Mr. Francis Nkwain, Minister in charge of Foreign Affairs.

The list of attendees of both delegations is attached in the Appendix.

Upon concluding their work, which was full of objectivity, sincerity and cordiality, both parties have proceeded:

1. To the determination of the base lines for the Republic of Cameroon, according to the dispositions of the Montego Bay Convention on the Law of the Sea of 1982. They have agreed to use for these purposes the nautical chart number 2353 Kwa Ibo River Benito including Fernando Poo, at a scale 1:299.500. Both parties have recognized the neutrality and reliability of that map upon which they will later draw the median line that will constitute the maritime boundary between the two countries, according to the equidistance principle.
2. To adopt a methodology that would allow for the determination of the boundary point called the tripoint (Cameroon, Nigeria and Equatorial Guinea), according to the Montego Bay Convention on the Law of the Sea of 1982 .

Both parties have agreed to meet again in Malabo at a date to be determined, in order to finalize the work already began in Yaounde.

During the Equatorial Guinean delegation's stay in Yaounde, Their Excellencies the Ministers Mr. Juan Oló Mbá Nzeng and Mr. Francisco Javier Ngomo Mbengono, were received by:

- H.E. Mr. Simon Achidi, Prime Minister, Chief of the Government of the Republic of Cameroon.

- H.E. Mr. Hamadou Moustapha, Vice Prime Minister in charge of Housing and City Planning.
- H.E. Mr. Bosco Sambga, Minister of Mines, Water and Energy.
- H.E. Mr. Francis Nkwain, Minister in charge of Foreign Affairs.

His Excellency Mr. Juan Oló Mbá Nzeng, chief of the delegation representing the Republic of Equatorial Guinea expressed his appreciation for the warm and fraternal welcome as well as the courtesy that he and his delegation received during their stay in Cameroon territory and expressed his hopes that the present discussions on boundary issues will proceed as smoothly, in the interest of the Republic of Equatorial Guinea and the Republic of Cameroon.

Entered in Yaounde on this 3rd day of August of Nineteen Ninety-Three, in the French and Spanish languages, being both authentic.

FOR THE REPUBLIC OF CAMEROON

FOR THE REPUBLIC OF
EQUATORIAL GUINEA

/signed/

H.E. HAMADOU MOUSTAPHA

/signed/

H.E. JUAN OLO MBA NZENG

/ COMUNICADO CONJUNTO

DEL DOS AL TRES DE AGOSTO DE 1993, TUVO LUGAR EN YAOUNDE UNA REUNION ENTRE LES DELEGACIONES DE LA REPUBLICA DE GUINEA ECUATORIAL Y DE LA REPUBLICA DEL CAMEROUN PARA EXAMINAR CUESTIONES RELACIONADAS A SU FRONTERA MARITIMA.

LA DELEGACION DE LA REPUBLICA DE GUINEA ECUATORIAL ESTABA ENCABEZADA POR EL EXCMO. SR D. JUAN OLO MBA NZENG, MINISTRO DE MINAS E HIDROCARBUROS, ASISTIDO POR EL EXCMO. SR. D. FRANCISCO JAVIER NGOMO MBENGO, VICE MINISTRO DE JUSTICIA Y CULTO Y VICEPRESIDENTE DE LA COMISION NACIONAL DE FRONTERAS.

LA DELEGACION DE LA REPUBLICA DE CAMEROUN ESTABA ENCABEZADA POR EL EXCMO. SR. D. HAMADOU MOUSTAPHA, VICE PREMIER MINISTRO, ENCARGADO DE VIVIENDA Y URBANISMO, PRESIDENTE DE LA SUBCOMISION NACIONAL DE FRONTERAS, ASISTIDO POR EL EXCMO. SR.D. FRANCIS NKWAIN, MINISTRO DELEGADO DEL MINISTERIO DE ASUNTOS EXTERIORES.

LA LISTA DE LOS MIEMBROS DE LAS DOS DELEGACIONES SE ADJUNTA EN ANEXO.

AL TERMINO DE LOS TRABAJOS QUE SE DESARROLLARON EN UNA INPREGNADA DE OBJETIVIDAD, DE SINCERIDAD Y DE CORDIALIDAD, LAS DOS PARTES HAN PROCEDIDO :

1/ A LA DETERMINACION DE LAS LINEAS DE BASE DE LA REPUBLICA DE CAMEROUN, DE CONFORMIDAD A LAS DISPOSICIONES PERTINENTES DE LA CONUENCION DE MONTEGO BAY DE 1982 SOBRE EL DERECHO DEL MAR. HAN CONVENIDO EN ESTE SENTIDO UTILIZAR EL MAPA MARITIMO NUMERO 2353 KWA IBO RIVER TO BENITO INCLUDING FERNANDO POO, DE ESCALA 1/299 500. LAS DOS PARTES HAN RECONOCIDO LA NEUTRALIDAD Y FIABILIDAD DE DICHO NAPA SOBRE EL CUAL TRANZARAN ULTERIORMENTE LA LINEA MEDIANA QUE CONSTITUIRA LA FRONTIERA MARITIMA ENTRE LOS DOS PAISES, SEGUN EL PRINCIPIO DE EQUIDISTANCIA.

2/ A LA ADOPCION DE LA METODOLOGIA QUE PERMITA LA DETERMINACION DEL PUNTO FRONTERIZO DENOMINADO PUNTO TRIPLE (CAMEROUN, NIGERIA Y GUINEA EQUATORIAL), DE CONFORMIDAD CON LAS DISPOSICIONES DE LA CONVENCION DE MONTEGO BAY DE 1982. SOBRE EL DERECHO DEL MAR.

.../...

...21

LAS DOS PARTES HAN CONVENIDO EN ENCONTRARSE DE NUEVO EN MALABO, EN UNA FECHA A DETERMINAR LOS TRABAJOS DE DELIMITACION DE LA FRONTERA MARITIMA INCIADOS EN YAOUNDE.

DURANTE LA ESTANCIA DE LA DELEGACION DE LA REPUBLICA DE GUINEA ECUATORIAL EN CAMEROUN, LOS EXCMOS. SRS MINISTROS JUAN OLO MBA NZENG FRANCISCO JANVIER NCOMO MBENCONO, FUERON RECIBIDOS EN AUDIENCIA POR :

- S.E. SR. SIMON ACHIDI ACHU, PRIMER MINISTRO, JEFE DEL GOBIERNO DE LA REPUBLICA DEL CAMEROUN.

- S. E. SR. HAMADOU MOUSTAPHA, VICE PREMIER MINISTRO ENCARGADO DE VIVIENDA Y URBANISMO.

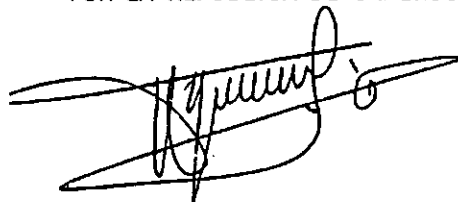
- S. E. SR. BOSCO SAMGBA, MINISTRO DE MINAS, AGUAS Y ENERGIA.

- S.E. SR. FRANCIS NKWAJN, MINISTRO DELEGADO DEL MINISTERIO DE ASUNTOS EXTERIORES.

EL EXCMO SR. D. JUAN OLO MBA NZENG, JEFE DE LA DELEGACION DE LA REPUBLICA DE GUINEA ECUATORIAL, TUVO A BIEN EXPRESAR SU VIVO AGRADECIMIENTO POR EL CALUROSO Y FRATERNAL RECIBIMIENTO Y POR TODAS LAS ATENCIONES DE QUE HAN SIDO OBJETO EL Y SU DELEGACION, DURANTE SU ESTANCIA EN TIERRA CAMERUNESA Y HA EXPRESADO EL DESEDO DE QUE LAS DISCUSIONES EN CURSO SOBRE LAS CUESTIONES DE FRONTERAS SE PROSIGAN CON LA MISMA ARMONIA Y EN EL INTERES ACEPTADO DE LA REPUBLICA DE GUINEA ECUATORIAL Y LA REPUBLICA DE CAMEROUN.

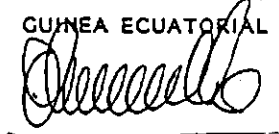
HECHO EN YAOUNDE A TRES DIAS DEL MES DE AGOSTO DE MIL NOVECIENTOS NOVENTA Y TRES, EN VERSION FRANCESA Y ESPANOLA, SIENDO LAS DOS AUTENTICAS.

POR LA REPUBLICA DE CAMEROUN



S.E. HAMADOU MOUSTAPHA

POR LA REPUBLICA DE GUINEA ECUATORIAL



S.E. JUAN OLO MBA NZENG

Annex EGWS 4

20 August 1993

**List of Coastal Basepoint Coordinates
Provided to Equatorial Guinea by Cameroon**

DATE:

SOMMETS DES LIGNESDE BASEDE LA COTE CAMEROUNAISE

à prendre en compte pour la détermination
de la Frontière Maritime CAMEROUN - GUINEE-EQUATORIALE

N° des Points - Coordonnées Géographiques

K. = Kampo $\phi = 2^{\circ} 21' 15''$ Nord $\lambda = 9^{\circ} 49' 18''$ Est

J. Edoumbouangoma $\phi = 2^{\circ} 34' 10''$ $\lambda = 9^{\circ} 49' 36''$

I. Pt Brima $\phi = 2^{\circ} 57' 04''$ $\lambda = 9^{\circ} 54' 38''$

H. Embouchure du NYONG. $\phi = 3^{\circ} 16' 18''$ $\lambda = 9^{\circ} 54' 00''$

G. Embouchure Sanaga $\phi = 3^{\circ} 32' 55''$ $\lambda = 9^{\circ} 38' 23''$

F. Point Souellaba $\phi = 3^{\circ} 49' 17''$ $\lambda = 9^{\circ} 33' 00''$

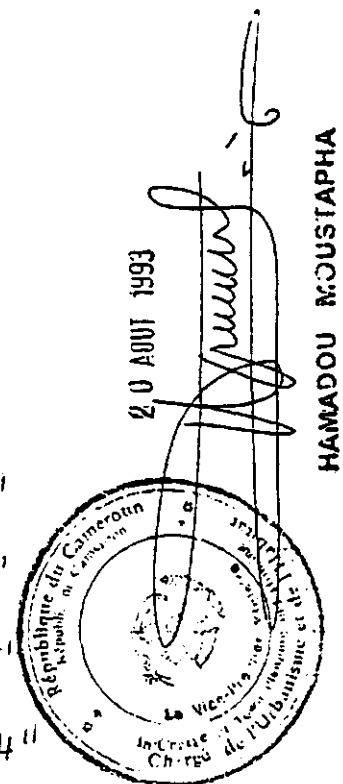
E. Cape Nohigal $\phi = 3^{\circ} 57' 15''$ $\lambda = 9^{\circ} 12' 48''$

D. Pt Debountcha $\phi = 4^{\circ} 05' 45''$ $\lambda = 8^{\circ} 58' 23''$

C. - Pt Benka $\phi = 4^{\circ} 17' 41''$ $\lambda = 8^{\circ} 54' 55''$

B. $\phi = 4^{\circ} 28' 15''$ $\lambda = 8^{\circ} 35' 04''$

A. East Pt $\phi = 4^{\circ} 30' 00''$ $\lambda = 8^{\circ} 30' 00''$



Carte de Référence : KWA IBO RIVER TO
RIO BENITO including
FERNANDO PEO
N° 2353 Edition 1955

Echelle: 1:299500
AT LAT 3° 20'