

STATUS OF CASES OF WHICH THE INTERNATIONAL COURT OF JUSTICE HAS BEEN SEISED
INVOLVING QUESTIONS RELATING TO THE LAW OF THE SEA

(Contribution covering the period from June 2021 to June 2022)

1. Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)

These proceedings were instituted by Nicaragua against Colombia on 16 September 2013 with the title "Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)". 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 beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Colombia is measured. On 16 December 2013, the Court fixed 15 December 2014 and 15 December 2015 as the respective time limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia.

On 14 August 2014, Colombia raised preliminary objections to the admissibility of the Application. The Court found, in its Judgment of 17 March 2016 on those preliminary objections, that it had jurisdiction to entertain the First Request put forward by Nicaragua between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court's Judgment of 19 July 2012. It found that this Request was admissible. The Court further found that the First Request, in so far as it seeks to determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims, was inadmissible.

By an Order of 28 April 2016, the President of the Court fixed 26 September 2016 as the new time limit for the filing of a Reply by Nicaragua and a Rejoinder by Colombia. On 15 September 2016, the new Reply and Rejoinder were filed within the time limits thus fixed.

By an Order of 8 December 2017, the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Colombia, and fixed 19 July 2018 and 11 February 2019 as the respective time limits for the filing of those pleadings. The Reply and the Rejoinder were filed within the time limits thus fixed. The case is now ready for hearing and the Court will hold public hearings in due course.

2. Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

On 21 April 2022, the Court rendered its Judgment in the case concerning Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia). It ruled on the merits of the dispute submitted to it on 26 November 2013 by Nicaragua against Colombia regarding alleged violations of the sovereign rights and maritime zones which the Court recognized as appertaining to Nicaragua. In its Judgment of 19 November 2012 in the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia), the Court found that the maritime zones claimed by Nicaragua were within its jurisdiction.

The Court noted that a number of the incidents on which Nicaragua's claims had occurred after 27 November 2013, the date on which the Pact of Bogotá, the instrument forming the basis of the Court's jurisdiction to entertain the dispute in the present case² ceased to be in force for Colombia. The Court considered the scope of its jurisdiction

Nicaragua that the artisanal fishermen of the San Andrés Archipelago have the right to fish in the waters of the San Andrés Archipelago. Colombia failed to establish that the inhabitants of the San Andrés Archipelago enjoy artisanal fishing rights. Colombia's counterclaim in this respect.

The Court observed that Colombia further contended in its counterclaims that the straight baselines established by Decree No. 33-2013 of 19 September 2013 connect a series of maritime features appertaining to Nicaragua east of its continental coast in the

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UNCLOS, concerning the delimitation of the territorial sea between States with opposite or adjacent
coasts provides for the use of a median line. It recalled that the delimitation methodology is based
on the geography of the coasts of the two States concerned and that a median line is constructed using
base points appropriate to that geography. The Court selected base points that differ from those
proposed by the Parties and drew a median line using base points solely on solid land on the mainland

In order to delimit the continental shelf between the Parties beyond 200 nautical miles, the Court considered it appropriate to extend the geodetic line used for the delimitation of the exclusive economic zone and the continental shelf within 200 nautical miles. The Court thus concluded that the maritime boundary beyond 200 nautical miles continues along the same geodetic line as the adjusted line within 200 nautical miles.

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