

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 2019 to June 2020)

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 regard to 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

In its Application, Nicaragua makes two requests. First, it asks the Court

it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to entertain the First Request put forward by Nicaragua in its Application, namely that the Court determine of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 this Request was admissible. The Court further found, however, that

maritime boundary beyond 200 principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims, was inadmissible. The Court considered that this Request did not relate to an actual dispute between the Parties and did not specify what exactly the Court was being asked to decide.

By an Order of 28

As basis for the jurisdiction of the Court, Nicaragua invokes Article XXXI of the American signed on 30 April 1948.

By an Order of 3 February 2014, the Court fixed 3 October 2014 and 3 June 2015 as the respective time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Colombia. The Memorial of Nicaragua was filed within the time-limit thus fixed.

On 19 December 2014, Colombia raised certain preliminary objections to the jurisdiction of the Court. After Nicaragua had filed a written statement of its observations and submissions on the preliminary objections, and following public hearings held from 28 September to 2 October 2015, the Court, in its Judgment of 17 March 2016, found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute concerning the alleged violations

declared in its 2012 Judgment appertain to Nicaragua. However, it the Court lacked jurisdiction under the Pact of Bogotá to entertain the claim concerning the alleged cause there was no dispute between the Parties in that respect as at 26 November 2013, the date when the Application was filed. The Court found, in particular, that nothing in the evidence suggested that, at the date of filing of the Application, Nicaragua had indicated that Colombia had violated its obligations under Article 2, paragraph 4, of the Charter of the United Nations or under customary international law regarding the threat or use of force.

By an Order of 17 March 2016, the Court fixed 17 November 2016 as the new time-limit for the filing of a Counter-Memorial by Colombia.

In its Counter-Memorial, which was filed within the time-limit thus fixed, Colombia submitted four counter-claims. By an Order dated 15 November 2017, the Court found two of these counter-claims admissible artisanal fishing rights of the local inhabitants of the San Andrés Archipelago to access and exploit their traditional fishing grounds, and the other relative to the application of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight

The case is now ready for hearing. The Court had originally planned to hold public hearings from 9 to 13 September 2019. However, on 6 September 2019, further to a request made by Kenya on 3 September 2019, the Court decided to postpone the opening of the oral proceedings to 4 November 2019. Kenya having reiterated, on 16 September 2019, its request to postpone the hearings, on 18 October 2019, the Court decided that they would begin on 8 June 2020. On 24 April 2020, in light of the COVID-19 pandemic, Kenya requested that the oral proceedings be postponed. On account of the exceptional situation occasioned by the pandemic, the Court decided to postpone the opening date of the oral proceedings to the week beginning Monday 15 March 2021.

4. *Gwaweo anuqut Tettixqtian Ipawnat apd Mativio e Craio (Gwaweo anu/Ber/e)*

The Court was seised of this case on 7 June 2019, following notification to the Registry, by Guatemala and Belize, of a Special Agreement concluded on 8 December 2008, and a Protocol thereto dated 25 May 2015.

Under the Special Agreement and the Protocol, the two States had