

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 2020 to June 2021)

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 a “dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia”. By an Order of 9 December 2013, the Court fixed 9 December 2014 and 9 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 certain preliminary objections to the Court’s jurisdiction and 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 in its Application, namely that the Court determine “[t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its Judgment of 19 November 2012”, and that this Request was admissible. By an Order of 28 April 2016, the President of the Court fixed 28 September 2016 as the new time-limit for the filing of Nicaragua’s Memorial and 28 September 2017 as the new time-limit for the filing of Colombia’s Counter-Memorial. The Memorial and Counter-Memorial 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 9 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)*

These proceedings were instituted by Nicaragua against Colombia on 26 November 2013 with regard to a “dispute concern[ing] the violations of Nicaragua’s sovereign rights and maritime zones declared by the Court’s Judgment of 19 November 2012 [in the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia)*] and the threat of the use of force by Colombia in order to implement these violations”. 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. In its Judgment of 17 March 2016 on the preliminary objections, the Court found that it had jurisdiction to adjudicate upon the dispute concerning the alleged violations by Colombia of Nicaragua’s rights in the maritime zones which, according to Nicaragua, the Court declared in its 2012 Judgment appertain to Nicaragua. 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, Colombia submitted four counter-claims. By an Order dated 15 November 2017, the Court found two of the counter-claims admissible — one concerning Nicaragua’s alleged infringement of the customary artisanal fishing rights of the local inhabitants of the San Andrés Archipelago to access and exploit their traditional fishing grounds, and the other relating to Nicaragua’s adoption of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight baselines and had the effect of extending Nicaragua’s internal waters and maritime zones beyond what international law permits. By the same Order, the Court directed Nicaragua to submit a Reply and Colombia to submit a Rejoinder relating to the claims of both Parties in the proceedings, and fixed 15 May 2018 and 15 November 2018 as the respective time-limits for the filing of those pleadings. The Reply and the Rejoinder were filed within the time-limits thus fixed.

By an Order of 4 December 2018, the Court authorized the submission by Nicaragua of an additional pleading relating solely to the counter-claims submitted by Colombia and fixed 4 March 2019 as the time-limit for the filing of that pleading. Nicaragua’s additional pleading on Colombia’s counter-claims was filed within the time-limit thus fixed. The case is now ready for hearing, and the Court will hold public hearings in due course.

3. Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

These proceedings were instituted by Somalia against Kenya on 28 August 2014 with regard to “a dispute concerning maritime delimitation in the Indian Ocean”. By an Order of 16 October 2014, the President of the Court fixed 13 July 2015 and 27 May 2016 as the respective time-limits for the filing of a Memorial by Somalia and a Counter-Memorial by Kenya. Somalia filed its Memorial within the time-limit thus fixed.

On 7 October 2015, Kenya raised certain preliminary objections to the jurisdiction of the Court and to the admissibility of the Application. In its Judgment of 2 February 2017 on the preliminary objections, the Court declared that it had jurisdiction to entertain the Application filed by Somalia on 28 August 2014 and that the Application was admissible. By an Order dated 2 February 2017, the Court fixed 18 December 2017 as the time-limit for the filing of the Counter-Memorial of Kenya. The Counter-Memorial was filed within the time-limit thus fixed.

By an Order dated 2 February 2018, the Court authorized the submission of a Reply by Somalia and a Rejoinder by Kenya and fixed 18 June and 18 December 2018 as the respective time-limits for the filing of those written pleadings. The Reply and the Rejoinder were filed within the time-limits thus fixed.

The Court had originally planned to hold public hearings from 9 to 13 September 2019. However, further to a request made by Kenya, the Court decided to postpone the opening of the oral proceedings to 4 November 2019. Kenya having reiterated its request to postpone the hearings, on 18 October 2019, the Court decided that they would begin on 8 June 2020. On 19 May 2020, following Kenya’s request for a postponement of the oral proceedings in the case owing to the COVID-19 pandemic, the Court, after consultation with the Parties, decided to postpone the opening date of the oral proceedings to the week beginning Monday 15 March 2021. On 23 December 2020, the Parties were informed that, in light of the ongoing restrictions in place across the globe as a result of the COVID-19 pandemic, the hearings due to open on 15 March 2021 would be held by video link. On 28 January 2021, Kenya requested “that the hearing be postponed until such a time as the pandemic conditions would have subsided”. On 12 February 2021, having duly considered the views of both Parties on the question, the Court decided to maintain the hearings as scheduled, starting on 15 March 2021, in a hybrid format (with some Judges and representatives of the Parties present in the Great Hall of Justice of the Peace Palace, and the others participating by video link). On 12 March 2021, Kenya informed the Court that it

would not participate in the hearings. The hearings took place from 15 to 18 March 2021, without the participation of any representatives of Kenya.

The Judgment of the Court will follow in due course.

4. *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*

The Court was seised of this case on 7 June 2019, following notification to the Registry, by Guatemala and Belize, of a Special Agreement “to submit Guatemala’s territorial, insular and maritime claim to the International Court of Justice”, concluded on 8 December 2008, and a Protocol thereto dated 25 May 2015.

By an Order of 18 June 2019, the Court fixed 8 June 2020 and 8 June 2021 as the respective time-limits for the filing of a Memorial by Guatemala and a Counter-Memorial by Belize.

On 8 April 2020, the Agent of Guatemala requested a 12-month extension of the time-limit for the filing of its Memorial, on the grounds that the COVID-19 pandemic had resulted in delays in his Government’s preparation of that pleading. After due consideration of the matter, the Court decided to extend to 8 December 2020 and 8 June 2022 the respective time-limits for the filing of the Memorial of Guatemala and the Counter-Memorial of Belize. The Memorial of Guatemala was filed within the time-limit thus extended.

5. *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*

These proceedings were instituted on 5 March 2021, following notification to the Registry of a Special Agreement between Gabon and Equatorial Guinea, which was signed in 2016 and entered into force in March 2020.

By an Order of 7 April 2021, the Court fixed 5 October 2021 and 5 May 2022 as the respective time-limits for the filing of a Memorial by Equatorial Guinea and a Counter-Memorial by Gabon.
