



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Territorial and Maritime Dispute (Nicaragua v. Colombia)

Fixing of time-limit for the filing of the Counter-Memorial of Colombia

THE HAGUE, 12 February 2008. The President of the International Court of Justice (ICJ), Judge Rosalyn Higgins, has fixed the time-limit for the filing of the Counter-Memorial of Colombia on the merits in the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia).

By an Order of 11 February 2008, the President fixed 11 November 2008 as the time-limit for the filing of the Counter-Memorial of Colombia.

This decision follows the Judgment of 13 December 2007, in which the Court found that it had jurisdiction on the basis of Article XXXI of the Pact of Bogotá to adjudicate upon the dispute concerning sovereignty over the maritime features claimed by the Parties other than the islands of San Andrés, Providencia and Santa Catalina and on the dispute concerning the maritime delimitation between the Parties.

The time-limit was fixed taking account of the agreement of the Parties. The subsequent procedure has been reserved for further decision.

History of the proceedings

On 6 December 2001, Nicaragua instituted proceedings against Colombia in respect of a dispute concerning “a group of related legal issues subsisting” between the two States “concerning title to territory and maritime delimitation” in the western Caribbean.

As a basis for the Court’s jurisdiction, Nicaragua invoked in its Application Article XXXI of the American Treaty on Pacific Settlement (“Pact of Bogotá”), signed on 30 April 1948, to which both Nicaragua and Colombia are parties, as well as the declarations of acceptance of the compulsory jurisdiction of the Court made by both States (“optional clause”).

By an Order of 26 February 2002 the Court, taking into account the views expressed by the Parties, fixed 28 April 2003 and 28 June 2004, respectively, as the time-limits for the filing of a Memorial by Nicaragua and of a Counter-Memorial by Colombia. The Memorial was filed within the time-limit thus fixed.

On 21 July 2003, within the time-limit set by Article 79, paragraph 1, of the Rules of Court, Colombia raised preliminary objections to the jurisdiction of the Court. It maintained that Article XXXI of the Pact of Bogotá did not provide a sufficient basis for the Court to entertain the case and stated its view that, in any event, the dispute had already been settled and was ended. Colombia added that the Court had no jurisdiction to deal with Nicaragua's Application under the declarations of acceptance of the compulsory jurisdiction of the Court made by both States, contending *inter alia* that, at the date of the filing of the Application by Nicaragua, Colombia had withdrawn its declaration.

By an Order of 24 September 2003, the Court fixed 26 January 2004 as the time-limit for Nicaragua to present a written statement on the preliminary objections. The written statement was filed within the time-limit thus fixed.

Public hearings on the preliminary objections were held between 4 and 8 June 2007. In its Judgment of 13 December 2007, the Court found that the 1928 Treaty between Colombia and Nicaragua had settled the matter of sovereignty over the islands of San Andrés, Providencia and Santa Catalina, that there was no extant legal dispute between the Parties on that question, and that the Court thus could not have jurisdiction over the question either under the Pact of Bogotá or on the basis of the optional clause declarations. The Court further found that it had jurisdiction, under Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute concerning sovereignty over the other maritime features claimed by the Parties and on the dispute concerning the maritime delimitation between the Parties.

The full text of the Order will be available shortly on the Court's website. You are, however, reminded that written pleadings remain confidential until the Court decides to make them accessible to the public, generally at the opening of the oral proceedings.

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