



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2010/4
26 February 2010

Territorial and Maritime Dispute (Nicaragua v. Colombia)

Costa Rica requests permission to intervene in the proceedings

THE HAGUE, 26 February 2010. Costa Rica filed yesterday an Application for permission to intervene in the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia).

In its Application, Costa Rica states that “[b]oth Nicaragua and Colombia, in their boundary claims against each other, claim maritime area to which Costa Rica is entitled”.

Costa Rica affirms that, in their submissions on the maritime boundary between them,

“the Parties have put forward arguments that demonstrate that the prolongation of their maritime boundary will eventually run into maritime zones in which third States have rights and interests. As Nicaragua’s adjacent neighbour to the south, Costa Rica is one of those third States. It is evident that neither Party has properly informed the Court of the nature or extent of third State interests in the area.”

Stating that this is the context in which it comes before the Court, Costa Rica makes clear that it has no intention of intervening in those aspects of the proceedings relating to the territorial dispute between Nicaragua and Colombia. According to the Application,

“it is only the maritime boundary aspect of the case with which Costa Rica is concerned, and only that part of the maritime boundary that might affect Costa Rica’s legal rights and interests. It is the purpose of Costa Rica’s intervention to inform the Court of Costa Rica’s legal rights and interests so that these may remain unaffected as the Court delimits the maritime boundary between Nicaragua and Colombia, the parties to the case before it. Costa Rica does not seek to become a party to the case.”

Costa Rica specifies the two-fold object of its intervention:

“First, generally, to protect the legal rights and interests of Costa Rica in the Caribbean Sea by all legal means available . . .

Second, to inform the Court of the nature of Costa Rica’s legal rights and interests that could be affected by the Court’s maritime delimitation decision in this case.”

Costa Rica invokes Article 62 of the Statute of the Court as the basis for its intervention, underlining that it does not seek to become a party to the case between Nicaragua and Colombia.

Costa Rica's Application was immediately communicated to Nicaragua and Colombia, and the Court has fixed 26 May 2010 as the time-limit for the filing of written observations by those States. It will be for the Court to decide whether the Application for permission to intervene will be granted. Should an objection be raised to the Application, the Court will hear the Parties and Costa Rica before deciding.

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 fixed 28 April 2003 and 28 June 2004, respectively, as the time-limits for the filing of a Memorial by Nicaragua and 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.

By an Order of 11 February 2008, the Court fixed 11 November 2008 as the time-limit for the filing of Colombia's Counter-Memorial on the merits of the case. The Counter-Memorial was filed within the time-limit thus fixed.

By an Order of 18 December 2008, the Court directed Nicaragua to submit a Reply and Colombia to submit a Rejoinder and fixed 18 September 2009 and 18 June 2010 as respective time-limits for the filing of these written pleadings. The Reply was filed within the time-limit thus fixed.

Costa Rica's Application for permission to intervene will shortly be available on the Court's website (<http://www.icj-cij.org>).

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