

COUR INTERNATIONALE DE JUSTICE
RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE
DU DIFFÉREND FRONTALIER
(BÉNIN/NIGER)

ORDONNANCE DU 27 NOVEMBRE 2002
CONSTITUTION DE CHAMBRE

2002

INTERNATIONAL COURT OF JUSTICE
REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING
THE FRONTIER DISPUTE
(BENIN/NIGER)

ORDER OF 27 NOVEMBER 2002
FORMATION OF CHAMBER

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ORDONNANCE

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FRONTIER DISPUTE
(BENIN/NIGER)
FORMATION OF CHAMBER

27 NOVEMBER 2002

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2002

27 November 2002

2002
27 November
General List
No. 125CASE CONCERNING
THE FRONTIER DISPUTE

(BENIN/NIGER)

ORDER

FORMATION OF CHAMBER
FIXING OF TIME-LIMITS

Present: President GUILLAUME; *Vice-President* SHI; *Judges* ODA, RANJEVA, HERCZEGH, FLEISCHHAUER, KOROMA, VERESHCHETIN, HIGGINS, PARRA-ARANGUREN, KOOLJMANS, REZEK, AL-KHASAWNEH, BUERGENTHAL, ELARABY; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 26, paragraphs 2 and 3, Article 31 and Article 48 of the Statute of the Court, and to Articles 17, 18, 31, 35, 44, paragraphs 1 and 2, 46, paragraph 1, and 92, paragraph 1, of the Rules of Court,

Makes the following Order:

1. Whereas by a joint letter of 11 April 2002, filed in the Registry of the Court on 3 May 2002, the Ambassadors of the Republic of Benin and of the Republic of Niger transmitted to the Court a certified copy of a

Special Agreement signed on 15 June 2001, and having entered into force on 11 April 2002, by which the Governments of those two States agreed to submit to a Chamber of the Court a dispute concerning “the definitive delimitation of the whole boundary between them”;

2. Whereas by the above-mentioned joint letter the Government of Benin informed the Court of the appointment of H.E. Mr. Kolawolé A. Idji as Agent and of H.E. Mr. Joseph H. Gnonlonfoun as Co-Agent, and by the same letter the Government of Niger informed the Court of the appointment of H.E. Ms Aïchatou Mindaoudou as Agent and of H.E. Mr. Maty Elhadji Moussa as Co-Agent;

3. Whereas the Special Agreement provides in Article 1 for the submission of the dispute to a Chamber to be formed pursuant to Article 26, paragraph 2, of the Statute and for the choice of a judge *ad hoc* by each Party, in accordance with Article 31 of the Statute;

4. Whereas on 2 July 2002 the Parties, having been duly consulted by the President as to the composition of the proposed Chamber, indicated that they desired the formation of a Chamber of five members, of whom two would be the judges *ad hoc* to be chosen by them;

5. Whereas by a letter of 21 August 2002 the Deputy Agent of Benin notified to the Court his Government’s choice of Mr. Mohamed Bennouna to sit as judge *ad hoc*; and whereas the Agent of Niger, by a letter of 11 September 2002, notified to the Court her Government’s choice of Mr. Mohammed Bedjaoui to sit as judge *ad hoc*; and whereas no objection has been raised by either Party to the choice of judge *ad hoc* made by the other, and no objection to such choice has appeared to the Court itself;

6. Whereas in Article 3, paragraph 1 (*a*), of the Special Agreement the Parties agree that the written proceedings should start with the filing of a Memorial by each Party not later than nine months after the adoption by the Court of the Order constituting the Chamber:

THE COURT,

Unanimously,

1. *Decides* to accede to the request of the Governments of the Republic of Benin and the Republic of Niger that it should form a special Chamber of five judges to deal with the present case;

2. *Declares* that, at an election held on 27 November 2002, President Guillaume and Judges Ranjeva and Kooijmans were elected to form, together with the above-named judges *ad hoc*, a Chamber to deal with this case and that, accordingly, such a Chamber is duly constituted by the present Order, with the following composition:

President Guillaume;
 Judges Ranjeva,
 Kooijmans;
 Judges *ad hoc* Bedjaoui,
 Bennouna;

3. *Fixes* 27 August 2003 as the time-limit for the filing of a Memorial by each Party; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-seventh day of November, two thousand and two, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Benin and the Government of the Republic of Niger, respectively.

(Signed) Gilbert GUILLAUME,
President.

(Signed) Philippe COUVREUR,
Registrar.

Judge ODA appends a declaration to the Order of the Court.

(Initialed) G.G.

(Initialed) Ph.C.
