



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: [www.icj-cij.org](http://www.icj-cij.org)

## Press Release

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### **Burkina Faso and Niger jointly submit a frontier dispute to the International Court of Justice**

THE HAGUE, 21 July 2010. On 20 July 2010, Burkina Faso and Niger jointly submitted a frontier dispute between them to the International Court of Justice (ICJ).

By a joint letter dated 12 May 2010 and filed in the Registry on 20 July 2010, the two States notified the Court of a Special Agreement signed in Niamey on 24 February 2009 which entered into force on 20 November 2009.

Under the terms of Article 1 of this Special Agreement, the Parties have agreed to submit their frontier dispute to the Court, and that each of them will choose a judge ad hoc.

Article 2 of the Special Agreement indicates the subject of the dispute as follows:

“The Court is requested to:

1. determine the course of the boundary between the two countries in the sector from the astronomic marker of Tong-Tong (latitude 14° 25' 04" N; longitude 00° 12' 47" E) to the beginning of the Botou bend (latitude 12° 36' 18" N; longitude 01° 52' 07" E);
2. take cognizance of the Parties' agreement on the results of the work of the Joint Technical Commission on demarcation of the Burkina Faso-Niger boundary with regard to the following sectors:
  - (a) the sector from the heights of N'Gouma to the astronomic marker of Tong-Tong;
  - (b) the sector from the beginning of the Botou bend to the River Mekrou.”

In Article 3, paragraph 1, the Parties request the Court to authorize the following written proceedings:

- “(a) a Memorial filed by each Party not later than nine (9) months after the seising of the Court;
- (b) a Counter-Memorial filed by each Party not later than nine (9) months after exchange of the Memorials;

(c) any other pleading whose filing, at the request of either of the Parties, shall have been authorized or directed by the Court.”

Article 7 of the Special Agreement, entitled “Judgment of the Court”, reads as follows:

- “1. The Parties accept the Judgment of the Court given pursuant to this Special Agreement as final and binding upon them.
2. From the day on which the Judgment is rendered, the Parties shall have eighteen (18) months in which to commence the works of demarcation of the boundary.
3. In case of difficulty in the implementation of the Judgment, either Party may seise the Court pursuant to Article 60 of its Statute.
4. The Parties request the Court to nominate, in its Judgment, three (3) experts to assist them in the demarcation.”

Lastly, Article 10 contains the following “Special undertaking”:

“Pending the Judgment of the Court, the Parties undertake to maintain peace, security and tranquillity among the populations of the two States in the frontier region, refraining from any act of incursion into the disputed areas and organizing regular meetings of administrative officials and the security services.

With regard to the creation of socio-economic infrastructure, the Parties undertake to hold preliminary consultations prior to implementation.”

The Special Agreement was accompanied by an exchange of notes dated 29 October and 2 November 2009 embodying the agreement between the two States on the delimited sectors of the frontier.

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The full text of the Special Agreement will be available shortly on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)).

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Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)  
Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)  
Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)