

7 AVRIL 2021

ORDONNANCE

**DÉLIMITATION TERRESTRE ET MARITIME ET SOUVERAINETÉ SUR DES ÎLES
(GABON/GUINÉE ÉQUATORIALE)**

**LAND AND MARITIME DELIMITATION AND SOVEREIGNTY OVER ISLANDS
(GABON/EQUATORIAL GUINEA)**

7 APRIL 2021

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2021

**2021
7 April
General List
No. 179**

7 April 2021

**LAND AND MARITIME DELIMITATION AND SOVEREIGNTY OVER ISLANDS
(GABON/EQUATORIAL GUINEA)**

ORDER

Present: President DONOGHUE; Vice-President GEVORGIAN; Judges TOMKA, ABRAHAM, BENNOUNA, CAÑADO TRINDADE, YUSUF, XUE, SEBUTINDE, BHANDARI, ROBINSON, CRAWFORD, SALAM, IWASAWA, NOLTE; Registrar GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 40 and 48 of the Statute of the Court and Articles 39, 40, 44, 46 and 48 of the Rules of Court,

Having regard to the “Special Agreement between the Gabonese Republic and the Republic of Equatorial Guinea” concluded on 15 November 2016 (hereinafter the “Special Agreement”);

Whereas, under Article 1 of the Special Agreement,

“[t]he Court is requested to determine whether the legal titles, treaties and international conventions invoked by the Parties have the force of law in the relations between the Gabonese Republic and the Republic of Equatorial Guinea in so far as they concern the delimitation of their common maritime and land boundaries and sovereignty over the islands of Mbanié/Mbañe, Cocotiers/Cocoteros and Conga”;

Whereas Article 6 of the Special Agreement provides that “[t]his Special Agreement shall be notified to the Registrar of the Court by either Party as soon as possible after it enters into force”;

Whereas, as a consequence of the official notification of the Special Agreement by the Republic of Equatorial Guinea on 5 March 2021, the Court is now seised of the dispute described above;

Whereas, in accordance with Article 40, paragraph 3, of the Rules of Court, the Government of the Gabonese Republic notified the Court of the appointment of H.E. Ms Marie-Madeleine Mborantsuo as Agent and Mr. Guy Rossatanga-Rignault, Mr. Guillaume Pambou Tchivounda, H.E. Mr. Serge Thierry Mickoto Chavagne and H.E. Ms Liliane Massala as Co-Agents; and whereas, for its part, the Government of the Republic of Equatorial Guinea notified the Court of the appointment of H.E. Mr. Carmelo Nvono Nca as Agent;

Whereas, pursuant to Article 3, paragraph 1, of the Special Agreement, the Parties

“agree, without prejudice to the burden of proof, that the number and order of pleadings will be governed by the following provisions:

- (a) One Party will file the first pleading no later than seven months after the date on which this Special Agreement is notified to the Registrar of the Court.
- (b) The other Party will file the second pleading no later than seven months after receiving from the Registrar a certified copy of the first pleading.
- (c) The Party that filed the first pleading will file the third pleading no later than five months after receiving from the Registrar a certified copy of the second pleading.
- (d) The Party that filed the second pleading will file the fourth pleading no later than five months after receiving from the Registrar a certified copy of the third pleading”;

Whereas, at a meeting held by video link by the President of the Court with the Agents of the Parties on 30 March 2021 pursuant to Article 31 of the Rules of Court, the Agent of the Gabonese Republic indicated that her Government was of the opinion that the Republic of Equatorial Guinea would be better placed to file the first pleading, and that the Gabonese Republic would file the second pleading; and whereas the Agent of the Republic of Equatorial Guinea noted that his Government agreed to file the first pleading;

Taking account of the agreement of the Parties,

Fixes the following time-limits for the filing of the initial written pleadings in the case:

5 October 2021 for the Memorial of the Republic of Equatorial Guinea;

5 May 2022 for the Counter-Memorial of the Gabonese Republic; 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 seventh day of April, two thousand and twenty-one, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Gabonese Republic and the Government of the Republic of Equatorial Guinea.

(Signed) Joan DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.
