

ARCHIVES



INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel. 92 44 41. Cables: Intercourt, The Hague

Telex 32323

Communiqué

*unofficial
for immediate release*

No. 86/2

10 January 1986

Provisional measures are indicated in the case of the Frontier Dispute
(Burkina Faso/Mali)

The following information is communicated to the press by the Registry of the International Court of Justice:

Today, 10 January 1986, twenty-four hours after hearing the Parties at a public sitting, the Chamber of the Court constituted to deal with the frontier dispute between Burkina Faso and Mali unanimously indicated provisional measures.

Among other measures, the Chamber is asking the Governments of Burkina Faso and Mali to withdraw their armed forces to such positions, or behind such lines as may, within twenty days of the delivery of the Order, be determined by agreement between the two Governments, it being understood that the terms of the troop withdrawal will be laid down by the agreement in question: failing such agreement, the Chamber will itself indicate these terms.

The Chamber is also calling on both Parties to continue to observe the ceasefire which has already taken place; not to modify the previous situation as regards the administration of the disputed areas; and to avoid any act likely to aggravate or extend the dispute of which the Chamber is seised.

Annexed to this communiqué is the full text of the operative provisions of the Order.

*

The Chamber constituted in the case of the Frontier Dispute (Burkina Faso/Mali) is composed as follows:

President Mohammed Bedjaoui,
Judges Manfred Lachs,
José-Maria Ruda
Judges ad hoc François Luchaire,
Georges Abi-Saab

*

P.O. Peace Palace
13.11.86 (1600)

As the press have been informed, the Chamber held a public sitting on 9 January 1986 to hear the representatives of the two Parties on the requests for the indication of provisional measures which both had submitted.

The following speakers addressed the Chamber in turn:

For Burkina Faso

His Excellency Mr. Emmanuel Salembere, Co-Agent of Burkina Faso
Mr. Jean-Pierre Cot and Mr. Alain Pellet, Counsel

For Mali

His Excellency Mr. Yaya Diarra, Co-Agent of Mali, and
Mr. Jean Salmon, Counsel

FRONTIER DISPUTE (BURKINA FASO/MALI)

Order indicating provisional measures

10 January 1986

THE CHAMBER,

unanimously,

1. Indicates, pending its final decision in the proceedings instituted on 20 October 1983 by the notification of the Special Agreement between the Government of the Republic of Upper Volta (now Burkina Faso) and the Government of the Republic of Mali, signed on 16 September 1983 and relative to the frontier dispute between the two States, the following provisional measures:

A. The Government of Burkina Faso and the Government of the Republic of Mali should each of them ensure that no action of any kind is taken which might aggravate or extend the dispute submitted to the Chamber or prejudice the right of the other Party to compliance with whatever judgment the Chamber may render in the case;

B. Both Governments should refrain from any act likely to impede the gathering of evidence material to the present case;

C. Both Governments should continue to observe the ceasefire instituted by agreement between the two Heads of State on 31 December 1985;

D. Both Governments should withdraw their armed forces to such positions, or behind such lines, as may, within twenty days of the date of the present Order, be determined by an agreement between those Governments, it being understood that the terms of the troop withdrawal will be laid down by the agreement in question and that, failing such agreement, the Chamber will itself indicate them by means of an Order;

E. In regard to the administration of the disputed areas, the situation which prevailed before the armed actions that gave rise to the requests for provisional measures should not be modified;

2. Calls upon the Agents of the Parties to notify the Registrar without delay of any agreement concluded between their Governments within the scope of point 1 D above;

3. Decides that, pending its final judgment, and without prejudice to the application of Article 76 of the Rules, the Chamber will remain seised of the questions covered by the present Order.
