



INTERNATIONAL COURT OF JUSTICE

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Press Release

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**Land and Maritime Boundary between Cameroon and Nigeria
(Cameroon v. Nigeria: Equatorial Guinea intervening)**

Conclusion of the public hearings

The Court ready to consider its Judgment

THE HAGUE, 22 March 2002. The public hearings in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening), which started on 18 February 2002 at the International Court of Justice (ICJ), were concluded yesterday evening, enabling the judges to start their deliberations.

During the hearings, the delegations of Cameroon, Nigeria and Equatorial Guinea were led respectively by H.E. Mr. Amadou Ali, Minister of State responsible for Justice, Keeper of the Seals, H.E. the Honourable Musa E. Abdullahi, Minister of State for Justice of the Federal Government of Nigeria and H.E. Mr. Ricardo Mangué Obama N'Fube, Minister of State for Labour and Social Security. The Court's Judgment will be delivered at a public sitting on a date to be announced in due course.

Parties' submissions

The Agents of Cameroon and Nigeria presented the following submissions to the Court at the end of the oral proceedings.

For Cameroon:

“The Republic of Cameroon has the honour to request that the International Court of Justice be pleased to adjudge and declare:

(a) That the land boundary between Cameroon and Nigeria takes the following course:

- from the point designated by the co-ordinates 13° 05' N and 14° 05' E, the boundary follows a straight line as far as the mouth of the Ebeji, situated at the point located at the co-ordinates 12° 13' 17" N and 14° 12' 12" E, as defined within the framework of the LCBC and constituting an authoritative interpretation of the Milner-Simon Declaration of 10 July 1919 and the Thomson-Marchand Declarations of 29 December 1929 and 31 January 1930, as confirmed by the Exchange of Letters of 9 January 1931; in the alternative, the mouth of the Ebeji is situated at the point located at the co-ordinates 12° 31' 12" N and 14° 11' 48" E;

- from that point it follows the course fixed by those instruments as far as the “very prominent peak” described in paragraph 60 of the Thomson-Marchand Declaration and called by the usual name of “Mount Kombon”;
 - from “Mount Kombon” the boundary then runs to “Pillar 64” mentioned in paragraph 12 of the Anglo-German Agreement of Obokum of 12 April 1913 and follows, in that sector, the course described in Section 6 (1) of the British Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946;
 - from Pillar 64 it follows the course described in paragraphs 13 to 21 of the Obokum Agreement of 12 April 1913 as far as Pillar 114 on the Cross River;
 - thence, as far as the intersection of the straight line from Bakassi Point to King Point with the centre of the navigable channel of the Akwayafe, the boundary is determined by paragraphs XVI to XXI of the Anglo-German Agreement of 11 March 1913.
- (b) That, in consequence, inter alia, sovereignty over the peninsula of Bakassi and over the disputed parcel occupied by Nigeria in the area of Lake Chad, in particular over Darak and its region, is Cameroonian.
- (c) That the boundary of the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria takes the following course:
- from the intersection of the straight line from Bakassi Point to King Point with the centre of the navigable channel of the Akwayafe to point “12”, that boundary is confirmed by the “compromise line” entered on British Admiralty Chart No. 3433 by the Heads of State of the two countries on 4 April 1971 (Yaoundé II Declaration) and, from that point 12 to point “G”, by the Declaration signed at Maroua on 1 June 1975;
 - from point G the equitable line follows the direction indicated by points G, H (co-ordinates 8° 21’ 16” E and 4° 17’ N), I (7° 55’ 40” E and 3° 46’ N), J (7° 12’ 08” E and 3° 12’ 35” N), K (6° 45’ 22” E and 3° 01’ 05” N), and continues from K up to the outer limit of the maritime zones which international law places under the respective jurisdiction of the two Parties.
- (d) That in attempting to modify unilaterally and by force the courses of the boundary defined above under (a) and (c), the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (uti possidetis juris), as well as its legal obligations concerning the land and maritime delimitation.
- (e) That by using force against the Republic of Cameroon and, in particular, by militarily occupying parcels of Cameroonian territory in the area of Lake Chad and the Cameroonian peninsula of Bakassi, and by making repeated incursions throughout the length of the boundary between the two countries, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law.
- (f) That the Federal Republic of Nigeria has the express duty of putting an end to its administrative and military presence in Cameroonian territory and, in particular, of effecting an immediate and unconditional evacuation of its troops from the occupied area of Lake Chad and from the Cameroonian peninsula of Bakassi and of refraining from such acts in the future.
- (g) That in failing to comply with the Order for the indication of provisional measures rendered by the Court on 15 March 1996 the Federal Republic of Nigeria has been in breach of its international obligations.

- (h) That the internationally wrongful acts referred to above and described in detail in the written pleadings and oral argument of the Republic of Cameroon engage the responsibility of the Federal Republic of Nigeria.
- (i) That, consequently, on account of the material and moral injury suffered by the Republic of Cameroon reparation in a form to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon.

The Republic of Cameroon further has the honour to request the Court to permit it, at a subsequent stage of the proceedings, to present an assessment of the amount of compensation due to it as reparation for the injury suffered by it as a result of the internationally wrongful acts attributable to the Federal Republic of Nigeria.

The Republic of Cameroon also asks the Court to declare that the counter-claims of the Federal Republic of Nigeria are unfounded both in fact and in law, and to reject them.”

For Nigeria:

“The Federal Republic of Nigeria respectfully requests that the Court should

1. as to the Bakassi Peninsula, adjudge and declare:

- (a) that sovereignty over the Peninsula is vested in the Federal Republic of Nigeria;
- (b) that Nigeria’s sovereignty over Bakassi extends up to the boundary with Cameroon described in Chapter 11 of Nigeria’s Counter-Memorial;

2. as to Lake Chad, adjudge and declare:

- (a) that the proposed delimitation and demarcation under the auspices of the Lake Chad Basin Commission, not having been accepted by Nigeria, is not binding upon it;
- (b) that sovereignty over the areas in Lake Chad defined in paragraph 5.9 of Nigeria’s Rejoinder and depicted in Figs. 5.2 and 5.3 facing page 242 (and including the Nigerian settlements identified in paragraph 4.1 of Nigeria’s Rejoinder) is vested in the Federal Republic of Nigeria;
- (c) that in any event the process which has taken place within the framework of the Lake Chad Basin Commission, and which was intended to lead to an overall delimitation and demarcation of boundaries on Lake Chad, is legally without prejudice to the title to particular areas of the Lake Chad region inhering in Nigeria as a consequence of the historical consolidation of title and the acquiescence of Cameroon;

3. as to the central sectors of the land boundary, adjudge and declare:

- (a) that the Court’s jurisdiction extends to the definitive specification of the land boundary between Lake Chad and the sea;
- (b) that the mouth of the Ebeji, marking the beginning of the land boundary, is located at the point where the north-east channel of the Ebeji flows into the feature marked “Pond” on the Map shown as Figure 7.1 of Nigeria’s Rejoinder, which location is at latitude 12° 31’ 45” N, longitude 14° 13’ 00” E (Adindan Datum);

- (c) that subject to the interpretations proposed in Chapter 7 of Nigeria's Rejoinder, the land boundary between the mouth of the Ebeji and the point on the thalweg of the Akpa Yafe which is opposite the mid-point of the mouth of Archibong Creek is delimited by the terms of the relevant boundary instruments, namely:
- (i) paragraphs 2-61 of the Thomson-Marchand Declaration, confirmed by the Exchange of Letters of 9 January 1931;
 - (ii) the Nigeria (Protectorate and Cameroons) Order in Council of 2 August 1946, (section 6 (1) and the Second Schedule thereto);
 - (iii) paragraphs 13-21 of the Anglo-German Demarcation Agreement of 12 April 1913; and
 - (iv) Articles XV to XVII of the Anglo-German Treaty of 11 March 1913; and
- (d) that the interpretations proposed in Chapter 7 of Nigeria's Rejoinder, and the associated action there identified in respect of each of the locations where the delimitation in the relevant boundary instruments is defective or uncertain, are confirmed;

4. as to the maritime boundary, adjudge and declare:

- (a) that the Court lacks jurisdiction over Cameroon's maritime claim from the point at which its claim line enters waters claimed against Cameroon by Equatorial Guinea, or alternatively that Cameroon's claim is inadmissible to that extent;
- (b) that Cameroon's claim to a maritime boundary based on the global division of maritime zones in the Gulf of Guinea is inadmissible, and that the parties are under an obligation, pursuant to Articles 74 and 83 of the United Nations Law of the Sea Convention, to negotiate in good faith with a view to agreeing on an equitable delimitation of their respective maritime zones, such delimitation to take into account, in particular, the need to respect existing rights to explore and exploit the mineral resources of the continental shelf, granted by either party prior to 29 March 1994 without written protest from the other, and the need to respect the reasonable maritime claims of third states;
- (c) in the alternative, that Cameroon's claim to a maritime boundary based on the global division of maritime zones in the Gulf of Guinea is unfounded in law and is rejected;
- (d) that, to the extent that Cameroon's claim to a maritime boundary may be held admissible in the present proceedings, Cameroon's claim to a maritime boundary to the west and south of the area of overlapping licenses, as shown in Figure 10.2 of Nigeria's Rejoinder, is rejected;
- (e) that the respective territorial waters of the two States are divided by a median line boundary within the Rio del Rey;
- (f) that, beyond the Rio del Rey, the respective maritime zones of the parties are to be delimited by a line drawn in accordance with the principle of equidistance, until the approximate point where that line meets the median line boundary with Equatorial Guinea, i.e., at approximately 4° 6' N, 8° 30' E;

5. as to Cameroon's claims of State responsibility, adjudge and declare:

- that, to the extent to which any such claims are still maintained by Cameroon, and are admissible, those claims are unfounded in fact and law; and

6. as to Nigeria's counter-claims as specified in Part VI of Nigeria's Counter-Memorial and in Chapter 18 of Nigeria's Rejoinder, adjudge and declare:

- that Cameroon bears responsibility to Nigeria in respect of each of those claims, the amount of reparation due therefor, if not agreed between the parties within six months of the date of judgment, to be determined by the Court in a further judgment.”

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Intervention of Equatorial Guinea

It will be recalled that, by an Order of 12 October 1999, the Court had permitted Equatorial Guinea to intervene in the case, pursuant to Article 62 of the Statute, to the extent, in the manner and for the purposes set out in its Application for permission to intervene.

In its Application, Equatorial Guinea stated that the purpose of its intervention would be “to protect [its] legal rights in the Gulf of Guinea by all legal means” and “to inform the Court of Equatorial Guinea's legal rights and interests so that these may remain unaffected as the Court proceeds to address the question of the maritime boundary between Cameroon and Nigeria”. Equatorial Guinea made it clear that it did not seek to intervene in those aspects of the proceedings that relate to the land boundary between Cameroon and Nigeria, nor to become a party to the case. It further stated that, although it would be open to the three countries to request the Court not only to determine the Cameroon-Nigeria maritime boundary but also to determine Equatorial Guinea's maritime boundary with these two States, Equatorial Guinea had made no such request and wished to continue to seek to determine its maritime boundary with its neighbours by negotiation.

In consequence, Equatorial Guinea presented its observations to the Court during the hearings now concluded.

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Internal Judicial Practice of the Court with respect to deliberations

The Court will first hold a preliminary discussion, at which the President will outline the issues which require discussion and decision by the Court. Each judge then prepares a written Note setting out his views on the case. Each Note is distributed to the other judges. A full deliberation is then held, at the end of which, on the basis of the views expressed, a drafting committee will be chosen by secret ballot. That committee will in principle consist of two judges holding the majority view of the Court, together with the President, if he shares that view.

The committee will prepare a draft text, which will first be the subject of written amendments and will then go through two readings. In the meantime, judges who wish to do so will prepare a declaration, a separate opinion or a dissenting opinion.

The final vote is taken after adoption of the final text of the Judgment at the second reading.

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NOTE FOR THE PRESS

The full transcripts of the hearings of 18 February to 21 March 2002 can be found on the Court's website (www.icj-cij.org) under "Docket".

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