



INTERNATIONAL COURT OF JUSTICE

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Case concerning Kasikili/Sedudu Island (Botswana/Namibia)

Conclusion of the hearings on the merits of the case

The Court ready to consider its Judgment

THE HAGUE, 5 March 1999. The public hearings in the case concerning Kasikili/Sedudu Island (Botswana/Namibia), which started on 15 February 1999 at the International Court of Justice (ICJ), were concluded today, enabling the judges to start their deliberations.

The Court has been requested by the Parties "to determine the boundary between Botswana and Namibia around Kasikili/Sedudu Island and the legal status of the Island", situated in the Chobe River.

During the hearings, the delegation of Botswana was led by Mr. Abednego Batshani Tafa, Advocate of the High Court and Court of Appeal, Deputy Attorney-General, Agent. The delegation from Namibia was led by Dr. Albert Kawana, Permanent Secretary, Ministry of Justice, Agent.

The Court's Judgment will be delivered in the autumn. It will be read at a public hearing on a date to be announced in a forthcoming press release.

Background information

On 29 May 1996 the Government of the Republic of Botswana and the Government of the Republic of Namibia jointly notified to the Registrar of the Court a Special Agreement between the two States signed at Gaborone (Botswana) on 15 February 1996, which came into force on 15 May 1996, for the submission to the Court of the dispute between them concerning the boundary around Kasikili/Sedudu Island and the legal status of the Island.

The Special Agreement refers to a Treaty between Great Britain and Germany on their respective spheres of influence, signed on 1 July 1890, and to the appointment, on 24 May 1992, of a Joint Team of Technical Experts "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of that Treaty and of the applicable principles of international law.

Finding themselves unable to reach agreement on the question, the Joint Team of Technical Experts recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law".

At the Summit Meeting held in Harare, Zimbabwe, on 15 February 1995, President Masire of Botswana and President Nujoma of Namibia agreed "to submit the dispute to the International Court of Justice for a final and binding determination".

Under the terms of the Special Agreement, the Parties asked the Court to "determine, on the basis of the Anglo-German Treaty of 1 July 1890 and the rules and principles of international law, the boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island".

By an Order of 24 June 1996, the Court fixed 28 February 1997 as the time-limit for the filing of a Memorial by each of the Parties and 28 November 1997 as the time-limit for the filing of their Counter-Memorials. These written pleadings were duly filed by Botswana and Namibia within the time-limits fixed.

By an Order of 27 February 1998, the Court, taking into account the agreement between the Parties, fixed 27 November 1998 as the time-limit for the filing of their respective Replies. These Replies have been duly filed by both Parties.

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Internal Judicial Practice of the Court with respect to deliberations

In accordance with the Internal Judicial Practice of the Court with respect to deliberations, the judges will shortly hold a preliminary discussion, at which the President will outline the issues which require discussion and a decision by the Court.

Each judge will then prepare a written Note setting out his views on the case. Each Note will be distributed to the other judges. A full deliberation will be held afterwards, at the end of which, on the basis of the views expressed, a drafting committee will be chosen by secret ballot. That committee will consist of two judges holding the majority view, together with the President, if he shares that view.

The draft text will go through two readings during which amendments submitted by the judges will be considered. Meanwhile, judges who wish to do so may prepare a separate or dissenting opinion.

The final vote will be taken after adoption of the final text in the second reading.

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NOTE FOR THE PRESS

The full transcripts of the hearings of 15 February-5 March 1999 can be found on the Website of the Court at the following address: <http://www.icj-cij.org>

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