



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

Conclusion of the public hearings

The Court to begin its deliberation

THE HAGUE, 1 October 2021. Public hearings on the merits in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)* concluded today at the Peace Palace in The Hague, the seat of the Court.

The hearings, which opened on 20 September 2021, comprised two rounds of oral arguments, including counter-claims by the Republic of Colombia.

The delegation of the Republic of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Ambassador of the Republic of Nicaragua to the Kingdom of the Netherlands, as Agent and Counsel; and the delegation of the Republic of Colombia was led by H.E. Mr. Carlos Gustavo Arrieta Padilla, former Judge of the Council of State of Colombia, former Attorney General of Colombia and former Ambassador of Colombia to the Netherlands, as Agent, and by H.E. Mr. Manuel José Cepeda Espinosa, former President of the Constitutional Court of Colombia, former Permanent Delegate of Colombia to UNESCO and former Ambassador of Colombia to the Swiss Confederation, as Co-Agent.

The Court will now begin its deliberation.

The Court's Judgment will be delivered at a public sitting, the date of which will be announced in due course.

Final submissions of the Parties

On Monday 27 September 2021, Nicaragua presented its final submissions on its own claims, as follows:

“In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, for the reasons explained in the Written and Oral phase, Nicaragua respectfully requests the Court to adjudge and declare that:

- (a) By its conduct, the Republic of Colombia has breached its international obligation to respect Nicaragua's maritime zones as delimited in paragraph 251 of the Court Judgment of 19 November 2012, as well as Nicaragua's sovereign rights and jurisdiction in these zones; and that, in consequence
- (b) Colombia must immediately cease its internationally wrongful conduct in Nicaragua's maritime zones, as delimited by the Court in its Judgment of 19 November 2012, including its violations of Nicaragua's sovereign rights and jurisdiction in those maritime zones and take all necessary measures effectively to respect Nicaragua's sovereign rights and jurisdiction; these measures include but are not limited to revoking, by means of its choice:
 - (i) all laws and regulations, permits, licences, and other legal instruments which are incompatible with the Court's Judgment of 19 November 2012, including those related to marine protected areas;
 - (ii) the provisions of Decrees 1946 of 9 September 2013 and 1119 of 17 June 2014 in so far as they relate to maritime areas which have been recognized as under the jurisdiction or sovereign rights of Nicaragua; and
 - (iii) permits granted to fishing vessels to operate in Nicaragua's exclusive economic zone, as delimited in the Court's Judgment of 19 November 2012;
- (c) Colombia must ensure that the decision of the Constitutional Court of Colombia of 2 May 2014 or of any other National Authority will not bar compliance with the 19 November 2012 Judgment of the Court;
- (d) Colombia must compensate Nicaragua for all damage caused by its violations of its international legal obligations, including but not limited to damages caused by the exploitation of the living resources of the Nicaraguan exclusive economic zone by fishing vessels unlawfully "authorized" by Colombia to operate in that zone, and the loss of revenue caused by Colombia's refusal to allow, or by its deterrence of, fishing by Nicaraguan vessels or third State vessels authorized by Nicaragua and, generally, for the damages caused by its actions and declarations to the proper exploitation of the resources in Nicaragua's exclusive economic zone, with the amount of the compensation to be determined in a subsequent phase of the case; and
- (e) Colombia must give appropriate guarantees of non-repetition of its internationally wrongful acts, including by formally acknowledging that the boundary as delimited by the Court in its Judgment of 19 November 2012 will be respected as the international maritime boundary between Colombia and Nicaragua.
- (f) Nicaragua also requests that the Court adjudge and declare that it will remain seised of the case until Colombia recognizes and respects Nicaragua's rights in the Caribbean Sea as attributed by the Judgment of the Court of 19 November 2012."

On Wednesday 29 September 2021, Colombia presented its final submissions on the claims of Nicaragua and on its own counter-claims, as follows:

- "I. For the reasons stated in its written and oral pleadings, the Republic of Colombia respectfully requests the Court to reject each of the Submissions of the Republic of Nicaragua, and to adjudge and declare that

1. Colombia has not in any manner violated Nicaragua's sovereign rights or maritime spaces in the Southwestern Caribbean Sea.
2. Colombia's Decree No. 1946 of 9 September 2013 (as amended by Decree No. 1119 of 17 June 2014) has not given rise to any violation of Nicaragua's sovereign rights or maritime spaces.
 - (a) There is nothing in international law that precludes the contiguous zone of one State from overlapping with the exclusive economic zone of another State;
 - (b) The geodetic lines established in the Decree connecting the outermost points of Colombia's contiguous zones do not violate international law;
 - (c) The specific powers concerning the contiguous zone enumerated in the Decree do not violate international law;
 - (d) No Colombian action in the contiguous zone has given rise to any violation of Nicaragua's sovereign rights or maritime spaces.

II. Further, the Republic of Colombia respectfully requests the Court to adjudge and declare that

3. The inhabitants of the San Andrés Archipelago, in particular the Raizales, enjoy artisanal fishing rights in the traditional fishing grounds located beyond the territorial sea of the islands of the San Andrés Archipelago.
4. Nicaragua has violated the traditional fishing rights of the inhabitants of the San Andrés Archipelago.
5. Nicaragua's straight baselines established in Decree No. 33-2013 of 19 August 2013 are contrary to international law and violate Colombia's rights and maritime spaces.

III. The Court is further requested to order Nicaragua

6. With regard to submissions 3 and 4, to ensure that the inhabitants of the San Andrés Archipelago engaged in traditional fishing enjoy unfettered access to:
 - (a) Their traditional fishing banks located in the maritime areas beyond the territorial sea of the islands of San Andrés Archipelago; and,
 - (b) The banks located in Colombian maritime areas when access to them requires navigating outside the territorial sea of the islands of the San Andrés Archipelago.
7. To compensate Colombia for all damages caused, including loss of profits, resulting from Nicaragua's violation of its international obligations.
8. To give Colombia appropriate guarantees of non-repetition."

On Friday 1 October 2021, Nicaragua presented its final submissions on the counter-claims of Colombia:

“In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, for the reasons explained in the Written and Oral phase, Nicaragua respectfully requests the Court to adjudge and declare that the counter-claims of the Republic of Colombia are rejected with all legal consequences.”

History of the proceedings

The history of the proceedings can be found in [press releases](#) Nos. 2013/36, 2016/8, 2017/35, 2018/59 and 2021/19, available on the Court’s website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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