

**ICJ RULES ON SOVEREIGNTY IN DISPUTE BETWEEN NICARAGUA AND
COLOMBIA**

*NICARAGUA v. COLOMBIA
(TERRITORIAL AND MARITIME DISPUTE)*

International Court of Justice, General List No. 124

Introduction

On 19 November 2012, the International Court of Justice (ICJ) ruled its award in the long running dispute between Colombia and Nicaragua, in which it found that Colombia had sovereignty over a group of contested islands in the Caribbean but also redrew the maritime border between the two States, reducing Colombia's sea territory.

Facts

The territorial dispute between Nicaragua and Colombia is a long running dispute, dating back to the 19th century. In 1928, the two states signed a treaty to settle the border and sovereignty of islands in the Caribbean; however, in 1980, Nicaragua unilaterally annulled the treaty on the grounds that it had been signed under US pressure.

On 6 December 2001, Nicaragua initiated proceedings against Colombia in respect of a dispute consisting of "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation" in the western Caribbean.

In 2007, the ICJ ruled that the 1928 treaty was valid and that the sovereignty of three islands - San Andres, Providencia and Santa Catalina - remained with Colombia.

In the instant proceedings, Nicaragua sought a declaration that it had sovereignty over seven islands and keys in the disputes area, and in the light of the decision relating to those islands, a further determination of the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia (see Fig. 1).

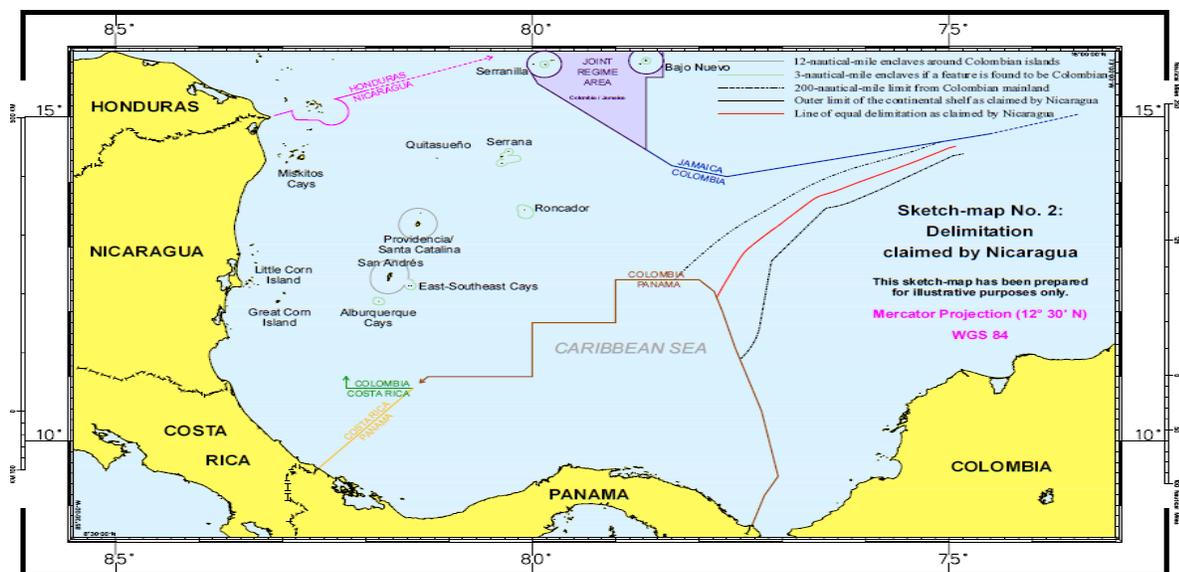


Fig. 1 – Delimitation claimed by Nicaragua (reproduced from Judgment of the ICJ in Nicaragua v Colombia)

In response to Nicaragua’s application, Colombia stated that it had sovereignty over the disputed territories, and put forward its own proposal of the extent of Nicaragua and Colombia’s territorial waters (see Fig. 2).

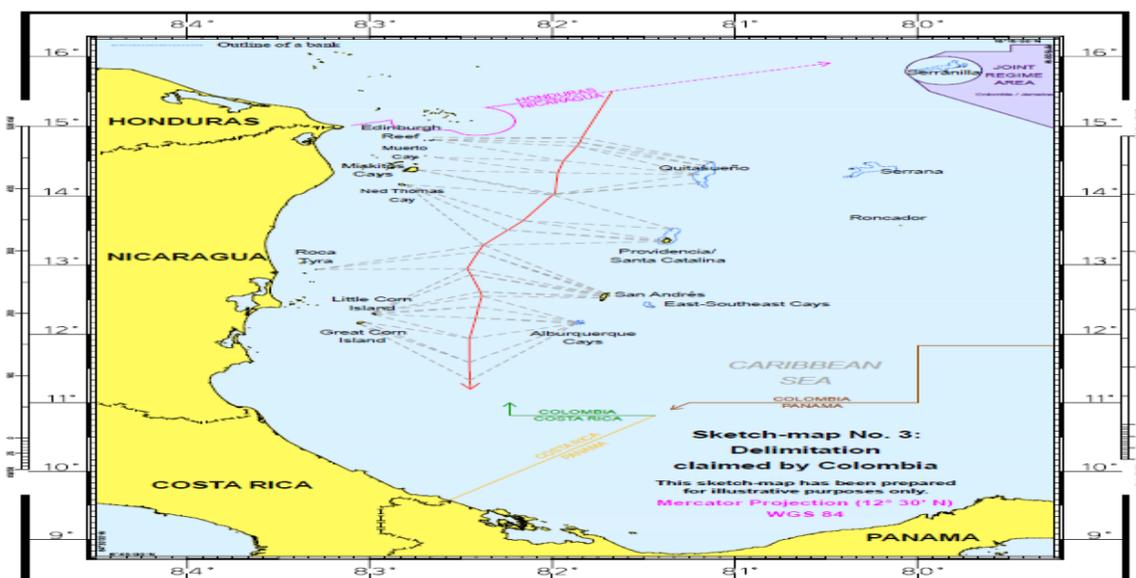


Fig. 2 – Delimitation claimed by Colombia (reproduced from Judgment of the ICJ in Nicaragua v Colombia)

Judgment

The Court noted that, since Colombia was not a party to UNCLOS, the applicable law was customary international law.

On that basis, the ICJ unanimously found that Colombia had sovereignty over the seven islands and keys identified by Nicaragua.

The ICJ (Judge Owada dissenting) also redrew the maritime border between the two countries, effectively increasing Nicaragua's area and reducing the sea territory belonging to Colombia. (See Fig. 3).

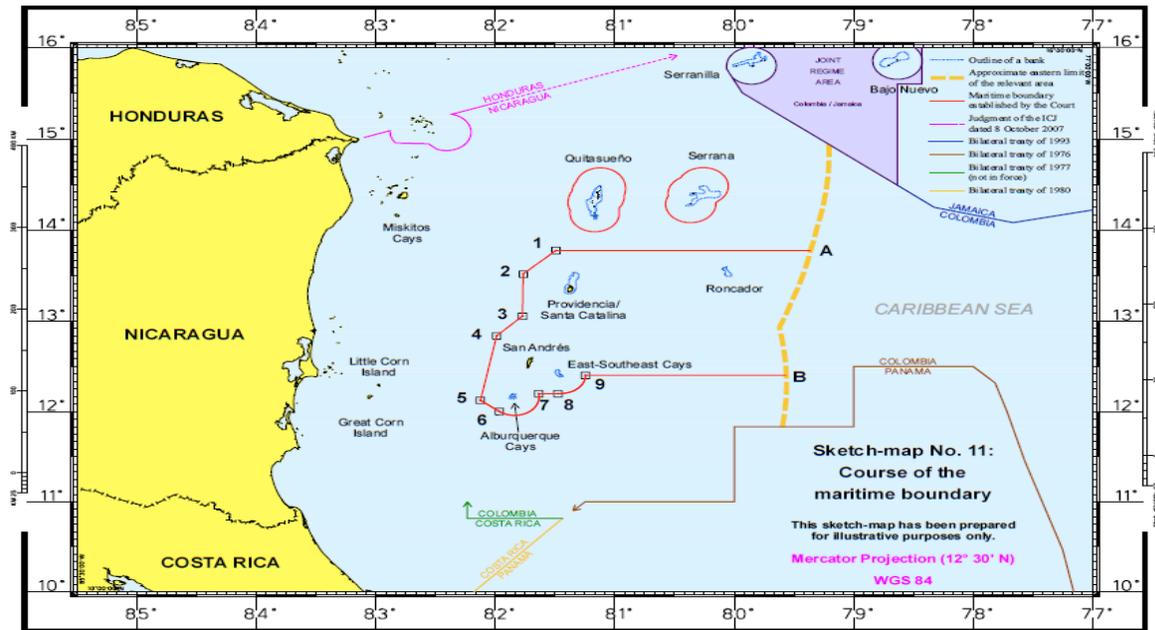


Fig. 3. Course of the maritime boundary as set out by the ICJ (reproduced from Judgment of the ICJ in Nicaragua v Colombia)

Observations

In some respects, both countries can assert a victory in the judgment – Colombia in claiming the sovereignty of the islets, and Nicaragua in extending its territorial waters. In practice, Nicaragua will benefit more from the judgment of the Court. The decision gives Nicaragua greater access to natural resources arising from the increase area, including fishing areas, and potential underwater oil and gas deposits.

10th Dec 2012