



American Model United Nations International

THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice

Republic of Nicaragua v. Republic of Honduras

International Court of Justice
20 November 2001

JUDGMENT OF 20 NOVEMBER 2001:

Present: President Dombkowski of Slovakia, Justice Higman of Japan, Justice McIntosh of Rwanda, Justice Beyer of United States of America, Justice Lusk of Belgium, Justice Suknidze of Argentina, Justice Adly of Mauritius, Justice Jin of China, Justice Delay of Venezuela, Justice Tague of Germany, Justice Nelson of Germany, Justice Munsey of Nicaragua, Justice Brown of Luxembourg.

In accordance with Article 36, paragraph 1 of the Statute of the ICJ, the Court convened in the city of Chicago to settle the dispute brought before it by Nicaragua against Honduras.

Both parties to the dispute recognize the jurisdiction of the Court and accept the decision as final.

In 1906 the King of Spain granted an Arbitral Award creating the boundaries between Nicaragua and Honduras. As a result of this award Nicaragua brought forth a case to this Court in 1960 disputing the award. At that point this Court decided that Nicaragua must recognize the award as decided by the King of Spain. Later in 1986, Colombia and Honduras entered in to a treaty, 1986 Caribbean Sea Maritime Limits Treaty, which attempted to give Colombia sovereignty over a part of the Caribbean Sea that fell within the claimed maritime borders of Nicaragua. As a result of ratification of this treaty by Honduras, this case was brought before the Court today.

After having examined the memorials, heard oral arguments, and declarations upon the case, the Court found

By vote of 10 to 3

For:

President Dombkowski of Slovakia, Justice Higman of Japan, Justice McIntosh of Rwanda, Justice Beyer of United States of America, Justice Lusk of Belgium, Justice Suknidze of Argentina, Justice Adly of Mauritius, Justice Nelson of Germany, Justice Munsey of Nicaragua, Justice Brown of Luxembourg.

Against:

Justice Jin of China, Justice Delay of Venezuela, Justice Tague of Germany

The key issue in this case is how the maritime boundaries, in regard to Nicaragua and Honduras, should be determined.

From the interpretation of the 1906 Arbitral Award by the King of Spain, the Court found that the Award determined only land boundary between the two States.

According to Article 15 of the 1982 United Nations Convention on the Law of the Sea, where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason or historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

The 1982 UN Convention on the Law of the Sea was signed and ratified by both parties and is generally considered to be codification of pre-existing customary international law norms.

Nicaragua presented substantial evidence to convince the Court that it has been administering the waters in question. Since 1965, has claimed 200 mile exclusive economic zone which encompassed the disputed waters. Nicaragua has granted at different times petroleum concessions with respect to continental shelf in certain selected areas of its maritime domains in the Caribbean.

Based on the doctrine of historical waters and of effective occupation the Court finds in favor of Nicaragua and determines the boundary between Nicaragua and Honduras as claimed by Nicaragua.

As per question of the islands which Honduras and Colombia have allegedly traded, the Court will not rule in the absence of Colombia, because Colombia is entitled to representation in defense of Colombia's claim of the said islands.

Justice Dombkowski of SLOVAKIA

Justice Suknidze of ARGENTINA

Justice McIntosh of RWANDA

Justice Lusk of BELGIUM

Justice Higman of JAPAN

Justice Beyer of UNITED STATES OF AMERICA

Justice Adly of MAURITIUS

Justice Nelson of GERMANY

Justice Munsey of NICARAGUA

Justice Brown of LUXEMBURG