

IN THE INTERNATIONAL COURT OF JUSTICE

NICARAGUA,)

APPLICANT)

V.)

HONDURAS,)

RESPONDENT)

COUNTER-MEMORIAL OF HONDURAS

COMES NOW the Republic of Honduras and for their Memorial to the Court states the following:

STATEMENT OF FACT

1. The maritime boundary between Nicaragua and Honduras in the Caribbean Sea has been perceived as unclear between the two aforementioned states.
2. Honduras upholds the view that there is a boundary between the maritime spaces of the two States which was originated within the principle of *uti possidetis juris*, which is and has been practiced by both Honduras and Nicaragua. This boundary was originally described as running along the 15th parallel, which is more specifically: 14 degrees, 59.8 minutes.
3. There are islands, cays, banks, and reefs, whose ownership are disputed, located north of the 15th parallel (14°59.8'), including Bobel Cay, Savanna Cay, Port Royal cay, and South Cay.

4. No other nation has recognized Nicaraguan sovereignty over any area north of the 15th parallel (14°59.8'), and there is much third party recognition of Honduran jurisdiction of that area.

STATEMENT OF JURISDICTION

Honduras does recognize the Court's jurisdiction in this case regarding the maritime boundary between Nicaragua and Honduras in the Caribbean Sea as it is an international legal issue.

STATEMENT OF LAW

1. Honduras and Nicaragua were a part of a general boundary treaty which granted each State a title to their territories, which had in the past been Spanish provinces of the same names.
2. The Arbitral Award from His Majesty the King of Spain on 23 December 1906 provides the land boundary between Honduras and Nicaragua, and this was validated by the ICJ in 1960.
3. The 1982 UN Convention on the Law of the Sea, of which both Honduras and Nicaragua are a party to is seen as the positive customary law of the sea.
4. Various other circumstances may be relevant as to this dispute, which are outlined in the 1928 Nicaragua/Colombia Treaty, 1972 US/Colombia Treaty, 1986 Honduras/Colombia Treaty, 1993 Colombia Jamaica Treaty, and 2011 United Kingdom/Honduras Treaty.

ARGUMENTS

- I. Nicaragua does not have a viable claim on the area of concern.

It stands that there are no treaties or laws which would outline that Nicaragua has sovereignty over the lands or waters in which it is claiming. Honduras has been

sovereign over these waters and lands by third parties, which in turn gives them jurisdiction over the waters which Nicaragua has claimed to be theirs.

- II. The delimitation line of the maritime boundary in the Pacific Ocean runs straight easterly from the mouth of the Coco River.

This delimitation line would outline what has previously been an understood border between Honduras and third party States, as well as in accordance with the past actions of Nicaragua.

- III. Honduras has sovereignty over Bobel cay, South cay, savanna Cay, and Port Royal Cay, along with all other islands, rocks, and reefs that lie north of the 15th parallel.

Honduras has been acting as sovereign over these lands and waters and have been granted previous jurisdiction as a result of these actions. The sovereignty of Honduras has also been affirmed by third party States.

SUMMARY AND PRAYER FOR RELIEF

Nicaragua has not presented a case that their requests of the Court would be equitable or in accordance with previous legal standards. Thus, Honduras prays that the Court declares the maritime boundary of the Caribbean Sea between Nicaragua and Honduras is drawn from the 12-mile limit of the territorial sea along the 15th parallel (14°59.8') and that Bobel Cay, Savanna Cay, Port Royal cay, and South Cay be ruled as under the sovereignty of Honduras, in accordance with the 1906 Award.