

IN THE INTERNATIONAL COURT OF JUSTICE

NICARAGUA,)
APPLICANT)
V.)
HONDURAS,)
RESPONDENT)

MEMORIAL OF THE REPUBLIC OF NICARAGUA

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

STATEMENT OF LAW

1. The Republic of Nicaragua does not acknowledge the decision made by the ICJ on 1960 in regards to Arbitral Award Made by the King of Spain on 23 December 1906.

2. The Republic of Nicaragua does not recognizes the authority and validity of any treaties designating the maritime boundary of Nicaragua that has signed and ratified between states other than Nicaragua as it is a serious infringement of National Sovereignty which has been recognized by the UN Charter Article 2, Paragraph 4.

3. The national sovereignty of independent states is a fundamental principle of international law. From this concept which ensures that every state has the equally undeniable right to determine its own destiny, and which guarantees that no one state, neither independently nor through the guise of an intergovernmental organization, will be granted dominion over any other states.

4. Article 36 of the Statute of the Court of the International Court of Justice addresses this issue of sovereignty in defining the jurisdiction of this Court. It is put forth in Section 2 that states “may at any time declare that they recognize ...the jurisdiction of the Court”; and in the following Section 3 that those “declarations ... may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.”

5. The Republic of Nicaragua acknowledges the UN Convention on the Law of the Sea (UNCLOS) and recognizes its authority fully in regard to maritime boundary delimitation.

STATEMENT OF THE FACTS

1. There is no sufficient evidence to support the Honduras claims on four cays (Bobel Cay, Savanna Cay, Port Royal Cay, and South Cay) in the Caribbean Sea near two nations: Nicaragua and Honduras in the virtue of *uti possidetis juris*. Thus it cannot be the used as the boundary measurement to decide the maritime boundary of two nations: Nicaragua and Honduras.

2. No maritime boundary has ever been established since the beginning of both nations (Nicaragua and Honduras), thus equitable division of maritime space should be established from this court.

STATEMENT OF JURISDICTION

1. The Republic of Nicaragua recognizes that the ICJ does have jurisdiction in this case due to the fact that both nations have signed and ratified the UN Convention on the Law of the Sea in 1982, the UN Charter, and Statute of the International Court of Justice (Charter Article 93); in accordance with the Article 36 of the ICJ statute.

ARGUMENTS

1. There has been no establishment of maritime boundary between Nicaragua and Honduras. Therefore, the equitable divisional method of maritime space could only be achieved by defining a boundary along the bisector of two lines representing the entire coastal fronts of the two states, running in a northeasterly direction from the land boundary terminus; it should be $53^{\circ}24'07.9''$.

2. The maritime boundary that Honduras suggested is based on the treaty between Columbia and Honduras, without Nicaragua's involvement or consideration. Thus, this claim should be pronounced null and void from this court.

SUMMARY AND PRAYER FOR RELIEF

The Government of the Republic of Nicaragua understands this case to be within the purview of this Court in accordance to UNICLOS, and thus willing to accept this Court's authority and its decision. Further, Nicaragua fully expects that this Court, seeking to uphold international law and to retain its own integrity and credibility, and not wishing to abandon its neutrality when it comes to making a decision on the matter of great importance and complication.