

IN THE INTERNATIONAL COURT OF JUSTICE

THE REPUBLIC OF NICARAGUA

APPLICANT

V.

THE REPUBLIC OF COLUMBIA

RESPONDED

MEMORIAL OF THE REPUBLIC OF NICARAGUA

STATEMENT OF JURISDICTION

The Republic of Nicaragua approaches the International Court of Justice (ICJ) regarding its dispute with the Republic of Colombia over maritime boundaries and sovereignty in the western Caribbean Sea. Nicaragua seeks affirmation of its sovereign rights over maritime zones in accordance with international law, recognition of its entitlement to an extended continental shelf beyond 200 nautical miles, and measures to address any violations of its maritime rights. This case is critical to ensuring compliance with international law, protecting Nicaragua's maritime resources, and resolving a long-standing dispute that threatens regional stability.

STATEMENT OF LAW

- UNCLOS Article 56, coastal states like Nicaragua have exclusive rights over natural resources in their EEZ. "In the exclusive economic zone, the coastal State has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources... whether living or nonliving."
- UNCLOS Article 58, foreign states are required to respect the rights and jurisdiction of the coastal state in its EEZ. "In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State."

STATEMENT OF FACTS

- In 1928 Nicaragua and Colombia signed the Esguerra-Bárcenas Treaty, where Nicaragua recognized Colombia's sovereignty over the San Andrés Archipelago, while Colombia acknowledged Nicaragua's sovereignty over the Mosquito Coast and Corn Islands.

- In 1930 it was ratified. However Nicaragua later claimed the treaty was invalid due to U.S. occupation at the time.
- In 1970, both Nicaragua and Colombia began expanding their maritime claims in the western Caribbean, leading to overlapping assertions of sovereignty over resource-rich waters and escalating tensions.
- In 1972 the Esguerra-Bárceñas Treaty was officially ratified, solidifying the terms. However, disputes over the maritime boundary persisted due to overlapping claims in resource-rich waters.
- In 2001 Nicaragua is bringing the case to the International Court of Justice (ICJ), seeking resolution of its maritime boundaries with Colombia and challenging Colombia's sovereignty over certain maritime features.

ARGUMENTS

- The Esguerra-Bárceñas Treaty was signed under coercion during a period of U.S. military occupation, compromising its sovereignty in entering the agreement. Additionally, the treaty only addressed the sovereignty of specific islands, not the delimitation of maritime boundaries.
- Nicaragua is alarmed by the Colombia's assertions of sovereignty over maritime zones surrounding the San Andrés Archipelago violate Nicaragua's sovereign rights under international law, including the principles outlined in the United Nations Convention on the Law of the Sea (UNCLOS), particularly concerning exclusive economic zones (EEZs) and continental shelves.
- Nicaragua notes that the natural continental shelf extends beyond 200 nautical miles, and under international law it has the right to claim these zones. The lack of an agreed maritime boundary leaves Colombia's actions in these areas unlawful.
- Nicaragua highlights that the San Andrés Archipelago is geographically closer to Nicaragua than to Colombia, strengthening its claim to the surrounding maritime zones. The republic argues that historical records favor Nicaraguan jurisdiction over portions of the disputed areas.
- Nicaragua declares that Colombia's actions in the disputed areas, such as resource exploration, fishing activities, and attempts to assert control, amount to violations of Nicaragua's sovereign rights and economic interests in its maritime zones.
- Nicaragua is seeking a fair and equitable delimitation of the maritime boundaries. The current situation creates uncertainty and hinders peaceful use of the Caribbean Sea and contradicts the international law's goals of stability and cooperation.
- The Republic of Nicaragua asserts the ICJ's jurisdiction to adjudicate the dispute and emphasizes that peaceful resolution under international law is essential to resolving the long-standing tensions and safeguarding regional stability.

SUMMARY AND REQUESTS

Nicaragua seeks a judgment from the International Court of Justice (ICJ) affirming its sovereign rights over the maritime areas and extending its continental shelf beyond 200 nautical miles, consistent with international law.

Nicaragua argues that its geographic position and natural continental shelf formation entitle it to this extension, ensuring access to vital marine resources and aligning with the United Nations Convention on the Law of the Sea (UNCLOS).

The Republic of Nicaragua requests that the Court order Colombia to cease all unauthorized activities, including fishing and resource exploration, within Nicaragua's exclusive economic zone (EEZ).

The republic of Nicaragua requests that the Republic of Columbia respect the maritime boundaries. By enforcing these rights, Nicaragua contends that the ICJ will uphold the principles of international law and restore fairness in the face of Colombia's continued violations, which undermine Nicaragua's sovereignty and economic interests and infringes upon Nicaragua's access to critical resources.