

CASE CONCERNING MARITIME DELIMITATION BETWEEN
NICARAGUA AND HONDURAS IN THE CARIBBEAN SEA
(Nicaragua v Honduras)

This case is still pending.

On 8 December 1999 Nicaragua instituted proceedings against Honduras regarding “legal issues subsisting” between the two States and “concerning maritime delimitation” in the Caribbean Sea.¹ The Court, by an Order on 21 March 2000 required Nicaragua to file its written Memorial by 21 March 2001 and Honduras to file its Counter-Memorial by 21 March 2002.

Diplomatic negotiations to settle the dispute had failed. The last attempt occurred on 29 November 1999 when the Honduran Foreign Minister cancelled his visit to Nicaragua, which Nicaragua alleged was without clear justification. It was against this background that Nicaragua asked the Court for assistance in removing the legal uncertainties that still existed in the Caribbean and to enhance the legal security of those persons who wished to conduct lawful business in the region.

NICARAGUA’S APPLICATION

In its Application, Nicaragua stated *inter alia* that for decades its position on its maritime Caribbean border with Honduras had not been determined. On the other hand, Honduras argued that its position had been determined in accordance with an Arbitral Award of the King of Spain on the land boundary between the two States on 23 December 1906. Quoting the Award, Honduras argued that “there in fact exist[ed] a delimitation line that [ran] straight easterly on the parallel of latitude from the point fixed on the mouth of the Coco river”. Further, Honduras argued that on 18 November 1960 the Court had found the Award valid and binding.²

According to Nicaragua, the position adopted by Honduras had brought repeated confrontation and mutual capture of vessels belonging to both States in and around the general border area. It added that diplomatic negotiations had been unsuccessful and requested the Court to:

¹ International Court of Justice, The Hague, Press Communiqué 99/52.

² Refer Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua) [1960] International Court of Justice Reports 192.

determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary.

This request for the determination of a single maritime boundary is subject to the power of the Court to establish different delimitations, for shelf rights and fisheries respectively, if, in the light of the evidence, this course should be necessary in order to achieve an equitable solution.

In addition, Nicaragua claimed that it reserved the following rights:

the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua, found to the north of the parallel of latitude 14°59' 08" claimed by Honduras to be the course of the delimitation line [and] the right to claim compensation for any natural resources that may have been extracted or may be extracted in the future to the south of the line of delimitation that will be fixed by the Judgment of the Court.

As a basis for the Court's jurisdiction, Nicaragua invoked two provisions:

1. Article XXXI of the American Treaty on Pacific Settlement, officially known as the "Pact of Bogotá", signed by both States on 30 April 1948; and
2. the declarations under Article 36(2) of the Statute of the Court, by which both States had accepted the Court's compulsory jurisdiction.