

MUNEA'26



Study Guide

ICJ

Agenda Item: The Territorial and Maritime
Dispute (Nicaragua v. Colombia)

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LETTER FROM THE UNDER SECRETARY GENERAL

Esteemed Participants;

My name is Mustafa Gürmeriç and I am serving as the Secretary General of MUNEA'26. It is a great honour to welcome you all to the 2nd edition of Ankara Erman Ilıcak Science High School's Model United Nations Conference, MUNEA'26.

This conference means a lot to me, not just because I helped organize it, but because I began my MUN career in 9th grade with MUNER'24, our school's mock MUN. Since then, I've continued to participate in conferences, and I've finally come back to where I started but this time not as a delegate, but as someone organizing it. This entire process has not only taught me a great deal but has also been a significant experience that has shaped who I am today.

As the MUNEA'26 community, we have dedicated ourselves fully to this process and worked tirelessly to bring you one of the best conferences possible. And I cannot conclude without thanking the entire academic community and the organizing team, especially my colleagues on the executive team for their contributions to this process.

And finally, dear delegates, I would like to thank you for joining us on this journey; it would not be complete without you. I hope you come to your committees well prepared and enjoy three days that are as academic and fun as possible. I look forward to seeing you all at our school from May 22–24. Debate. Collaborate. Make a Change.

Sincerely,

Mustafa Gürmeriç

Secretary General of MUNEA'26

LETTER FROM THE UNDER SECRETARY GENERAL

Dear advocates and judges,

I am Melissa Karya Namođlu and I am currently studying in Bestepe Anatolian Highschool. It is my utmost honor to serve as the Under Secretary General of the International Court of Justice committee at this conference.

First and foremost, I would like to thank my honorable Secretary General Mustafa Gürmeniç and Director General Yiđit Efe Koçak for giving me this opportunity.

I would like to extend my heartfelt appreciation to Deniz ,writing the guide together was such a great experience, and I really appreciated your patience, dedication, and ideas throughout the process. Beyond being an amazing academic assistant, you are also such a kind and supportive friend. Thank you for everything.

Court committees have always held a special place in my heart, and I consider it a privilege to take part in leading this ICJ. I am confident that with the commitment of our judges and advocates, this court will reach yet another level of excellence.

My sincere advice to all committee members is to read the comprehensive study guide thoroughly and use all available resources ,online and offline, to deepen your understanding of the case at hand. The more prepared you are, the more successful and engaging our sessions will be.

I wish each and every one of you a productive, fair, and insightful experience.

Melissa Karya Namoglu

Under Secretary General of ECHR

LETTER FROM THE ACADEMIC ASSISTANT

Esteemed participants of MUNEA'26,

I am Deniz Ustaömer, an 11th grade student at TED Ankara College. It is a great pleasure for me to serve as the Academic Assistant of the International Court of Justice at MUNEA'26.

For me, Court committees have always felt more exceptional than other MUN committees, and I hope our fellow Judges and Advocates will feel the same way throughout the upcoming three days.

I would like to begin by thanking the Executive, Organization and Academic Teams of this conference that made this committee possible. I would also like to thank my TEDMUN family as they have always been by my side throughout my MUN journey.

My most sincere thanks goes to my Under Secretary-General Melissa. Working on this committee with you has been such a memorable experience for me. Your dedication, ideas, and support throughout this process meant a lot. I am truly grateful to have shared this journey with you. Beyond being an amazing Under Secretary-General, you are also a wonderful friend. It has been a pleasure to work alongside you, and I could not have asked for a better partner for this committee.

Last but not least, I would like to address our honorable Judges and Advocates. With your participation, this conference will surely be both amazing and prestigious. We look forward to an inspiring and productive session with all of you.

For any additional information or inquiries, please feel free to contact me at:

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Yours sincerely,

Deniz Ustaömer

Academic Assistant of ICJ

II. INTRODUCTION TO THE LAW OF THE SEA

1. History of the Law of the Sea

The Law of the Sea constitutes one of the oldest branches of public international law, originating from the necessity to regulate navigation, trade, resource exploitation, and maritime sovereignty among states. For centuries, the legal regime governing the seas was dominated by customary international law, particularly the doctrine of *mare liberum* (the freedom of the seas), most famously articulated by Hugo Grotius in the 17th century. According to this doctrine, the high seas were considered incapable of appropriation and open to all states for navigation and commerce.

Throughout the 20th century, technological developments, increased maritime traffic, and the discovery of offshore natural resources created the need for a more comprehensive and codified legal framework. This process culminated in the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, which is widely regarded as the “Constitution of the Oceans.” UNCLOS systematized and unified the existing rules of maritime law by establishing clear legal regimes for maritime zones, defining the rights and obligations of coastal and non-coastal states, and introducing mechanisms for the peaceful settlement of maritime disputes.

Today, the Law of the Sea is primarily governed by UNCLOS, supplemented by customary international law and the jurisprudence of international courts and tribunals, particularly the International Court of Justice (ICJ).

2. Fundamental Principles of the Law of the Sea

The modern Law of the Sea is structured around several fundamental principles that guide the interpretation and application of maritime rules, especially in cases concerning maritime delimitation and competing state claims.

a. *The Principle of Coastal State Sovereignty*

Under international law, a coastal state exercises sovereignty over its **territorial sea**, which extends up to 12 nautical miles from its baselines, as provided by *Article 2 of UNCLOS*. This sovereignty is comparable to sovereignty over land territory, subject only to the right of innocent passage of foreign vessels. The principle reflects the fundamental notion that the coastal state has primary authority over maritime areas closely connected to its land territory.

b. *The Freedom of the High Seas*

Beyond national maritime zones lies the high seas, which are governed by the principle of freedom. According to *Article 87 of UNCLOS*, the high seas are open to all states, whether coastal or landlocked, and include freedoms such as navigation, overflight, fishing, and scientific research. No state may validly claim sovereignty over any part of the high seas, which remain a global commons under international law.

c. *The Principle of Equity in Maritime Delimitation*

In cases of overlapping maritime claims, international law does not require a strictly mechanical or mathematical approach. Instead, *Articles 74 and 83 of UNCLOS* provide that maritime boundaries must be established by agreement in order to achieve an *equitable solution*. The ICJ has consistently held that maritime delimitation is governed by equitable principles and that the final boundary must avoid producing an unjust or disproportionate result.

d. *The Principle of Non-Encroachment*

This principle holds that the maritime entitlements of one state should not unjustifiably encroach upon or “cut off” the natural maritime projection of another state’s coastline. In its

jurisprudence, the ICJ has emphasized that maritime delimitation should avoid creating a situation where one state's access to maritime areas is unfairly restricted by the claims of another.

e. Principle of Proportionality

Proportionality serves as a corrective test in maritime delimitation. While not a method of delimitation in itself, it is used by international courts to verify that the final boundary line does not produce a manifestly disproportionate result when comparing the length of relevant coastlines to the maritime areas attributed to each state. This principle has been repeatedly affirmed in the case law of the ICJ, including in cases such as *Romania v. Ukraine* and *Nicaragua v. Colombia*.

3. Maritime Zones under International Law

UNCLOS establishes a comprehensive system of maritime zones, each with a distinct legal regime and scope of rights.

a. Territorial Sea

The territorial sea extends up to 12 nautical miles from the baselines of a coastal state, in accordance with *Article 3 of UNCLOS*. Within this zone, the coastal state exercises full sovereignty, subject to the right of innocent passage for foreign vessels.

b. Contiguous Zone

The contiguous zone extends up to 24 nautical miles from the baselines, as provided by *Article 33 of UNCLOS*. In this zone, the coastal state may exercise control necessary to

prevent or punish infringements of its customs, fiscal, immigration, or sanitary laws within its territory or territorial sea.

c. *Exclusive Economic Zone (EEZ)*

The *Exclusive Economic Zone (EEZ)* extends up to 200 nautical miles from the baselines, pursuant to *Article 57 of UNCLOS*. Within the EEZ, the coastal state enjoys *sovereign rights* for the purpose of exploring, exploiting, conserving, and managing natural resources, both living and non-living, of the waters and the seabed, as set out in *Article 56*.

d. *Continental Shelf*

The continental shelf comprises the seabed and subsoil of the submarine areas extending beyond the territorial sea, up to 200 nautical miles or beyond, depending on geological criteria, in accordance with *Article 76 of UNCLOS*. The coastal state exercises sovereign rights over the continental shelf for the purpose of exploring and exploiting its natural resources, and these rights exist *ipso facto* and *ab initio*, without the need for formal proclamation.

I. INTRODUCTION TO THE INTERNATIONAL COURT OF JUSTICE

1. Historical Background

The idea of establishing a world court to address the international community developed as a result of the 1899 and 1907 Hague Conferences. The creation of the Permanent Court of Arbitration (PCA), despite not being truly permanent and not functioning as a court, represented a significant step in terms of developing an international legal system.

Nevertheless, it was not until the aftermath of World War I that concrete and enduring progress was made in this regard. In 1920, The Covenant of the League of Nations urged the development of plans to establish a world court, leading to the establishment of the Permanent Court of International Justice (PCIJ) and this move encouraged the enhancement of international arbitration mechanisms. Together with arbitration, the Permanent Court of International Justice was designed to offer a fairly comprehensive system for the international community. Its main purpose was to prevent conflicts by offering easily accessible dispute resolution methods within a legal and organisational framework. Explained as the 'principal judicial organ' of the United Nations in Article 92 of the Charter, the PCIJ was succeeded by the International Court of Justice (ICJ), after World War II. Essentially, the International Court of Justice serves as a continuation of the Permanent Court, maintaining virtually the same statute and jurisdiction. With a continuing line of cases, not only those by the International Court of Justice.

2. Structure

The International Court of Justice is composed of 15 judges who are selected by the United Nations General Assembly (UNGA) and the Security Council (UNSC) each serving for nine-year terms. To be elected as a judge, a candidate must obtain the absolute majority of the votes received by both bodies. The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court. In order to ensure a degree of continuity, one-third of the Court is elected every three years. Judges are eligible for re-election.

Judges must be elected from individuals with high moral character, meet the qualifications required in their respective countries for appointment to the highest judicial offices, or serve as jurisconsults of international law. The Court may not include more than one national from the same State.

Upon selection, a member of the court does not represent a state. Taking into consideration that the Members of the Court are independent and impartial judges, the ICJ is not composed of government representatives. In addition, each member of the Court is prohibited from engaging in political activities or administrative roles or acting as an agent, counsel, or advocate in any case.

3. Conclusion of a Case

Decisions on all questions brought before the Court will be determined by a majority of the judges present. In such cases where there is an equality of votes, the President or the Member of the Court who acts as the President will have the decisive vote.

In terms of the conclusion of the cases, Article 55 of the International Court of Justice Statute states;

“A case may be concluded in three ways;

- 1. Before the judgement of the Court, parties of the case may achieve a settlement and withdraw from the case by informing the Court,*
- 2. Applicant party may withdraw before the judgement of the Court,*
- 3. If none occurs, the Court will adjudicate and deliver a judgement.”*

4. Jurisdiction

The jurisdiction of the International Court of Justice falls into two distinct jurisdictional functions. Firstly, it has the authority to provide advisory opinions upon request from qualified entities. These opinions offer guidance on legal matters of general importance. Secondly, it has the authority to settle conflicts between states.

a. Advisory Opinion An advisory opinion can be defined as legal advice provided to the United Nations or another specialised agency by the International Court of Justice, following Article 96 of the UN Charter which establishes as follows:

“1. The General Assembly or the Security Council may request the International Court of

Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialised agencies, which may at any time be so authorised by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.”

The advisory opinions of the Court are not binding, namely the organ, agency, or organisation that requested the opinion retains the discretion to decide, if it seems appropriate, what effect to give to these opinions.

Although there is a lack of binding authority, the advisory opinions of the Court possess significant legal weight and moral authority. They serve as a valuable tool for preventive diplomacy and contribute to maintaining peace. Advisory opinions, in their own right, aid in clarifying and advancing international law, ultimately bolstering peaceful relations among states.

b. Contentious Jurisdiction

When the International Court of Justice exercises its jurisdiction in contentious cases, the Court resolves legal disputes submitted by States under international law. An international legal dispute refers to a disagreement or conflict pertaining to legal questions or factual matters, or clashes of legal perspectives or interests.

The International Court of Justice exclusively accepts applications and appearances from States.

International organisations, other authorities, and private individuals do not have the right to initiate proceedings before the Court.

Article 35 of the Statute outlines the criteria for States to access the International Court of Justice;

1. The Court shall be open to the States parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the

special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

The first paragraph indicates that the Court is accessible to States that are parties to the Statute.

The second paragraph concerns States that are not parties to the Statute and establishes that their access to the Court is determined by the Security Council. However, such access must not lead to unequal treatment before the Court. Consent from the involved States is essential for the Court to handle a dispute. Therefore, no State can be involved in proceedings before the Court without giving its consent in some form.

5. The Effects of the Judgment and Enforcement of the International Court of Justice

“The decisions rendered by the International Court of Justice are considered definitive, obligatory, and not subject to further appeal. Nevertheless, should there arise a need for clarification or revision pertaining to the interpretation of the court's judgement, the court may provide clarification solely upon the request of one of the parties involved...”

The effects of the judgement and enforcement of the International Court of Justice (ICJ) judgement and enforcement are of significant consequence. Once the International Court of Justice pronounces a judgement, the Court carries a legal weight and holds an authoritative status. The judgement of the International Court of Justice establishes binding obligations on

the concerned parties, necessitating their adherence to the Court's decisions. It enhances clarity regarding legal rights and responsibilities, resolves disputes, and contributes to the progressive development of international law.

However, it is important to note that enforcing ICJ judgments can prove intricate. Unlike national courts, the ICJ lacks direct enforcement mechanisms. According to the Charter, it is mandatory for the Member States, who are parties to the Charter, to adhere to any decision or law in any given case. In the event that a party fails to fulfil its obligations, the court is authorised to bring the matter to the attention of the Security Council, seeking their assistance in enforcing the judgement. In conclusion, while ICJ judgments wield significant influence and authority, the effectiveness of the Court relies on the willingness and cooperation of the parties concerned.

6. Sources of Law Applicable to the International Court of Justice

Article 38 of the ICJ Statute outlines the sources of law that apply to the International Court of Justice;

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- *international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;*
- *international custom, as evidence of a general practice accepted as law;*
- *the general principles of law recognized by civilised nations;*
- *subject to the provisions of Article 59, judicial decisions and the teachings of the*

most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

According to this article, the decisions of the Court are based on a hierarchy of sources. The Primary sources of law are treaties, which are agreements between states. Customary international law, which consists of longstanding practices accepted as law by the international community, is also considered a crucial source. The Court may also refer to general principles of law recognized by civilised nations, as well as judicial decisions and the teachings of highly qualified publicists. These sources provide the basis for the jurisprudence of ICJ and assist in the interpretation and application of international law.

IV. INTRODUCTION TO THE CASE

1. Historical Background & Key Concepts

a. *Nicaragua*

i. Historical Development of Nicaragua's Caribbean Coast

Nicaragua emphasized that its Caribbean Coast developed outside direct Spanish control and was historically influenced by British presence, particularly through the Mosquito Coast. In its pleadings, Nicaragua argued that full sovereignty over the coast was consolidated only in the late 19th century, and that earlier arrangements did not affect its modern maritime entitlements. The Court accepted Nicaragua's sovereignty over its mainland coast as undisputed, while treating historical arrangements as context rather than a basis for limiting maritime rights.

ii. Nicaragua's Maritime Claims and Strategic Interests

Nicaragua claimed maritime zones up to '200' nautical miles from its coast, asserting rights over the exclusive economic zone and continental shelf under customary international law. Before the ICJ, it argued that the 1928 Treaty with Colombia did not establish maritime boundaries, but only addressed sovereignty over islands. Nicaragua's submissions stressed its

entitlement to a broad maritime area in the Caribbean and its interest in securing sovereign control over natural resources and strategic sea space.

iii. Economic and Geopolitical Importance of the Caribbean Sea

Nicaragua highlighted the Caribbean Sea as essential for fisheries, potential hydrocarbon resources, and national development. It argued that equitable delimitation was necessary to prevent disproportionate restriction of its access to these resources.

iv. Nicaragua's Legal Position on Maritime Delimitation

Nicaragua relied on the ICJ's established methodology, particularly the equidistance/relevant circumstances approach. It argued that delimitation should:

- *Begin with a provisional equidistance line*
- *Be adjusted to reflect relevant circumstances, especially coastal length disparities*
- *Result in an equitable outcome*

Citing jurisprudence such as *North Sea Continental Shelf Cases*, Nicaragua maintained that strict equidistance could lead to inequity when one state has a long mainland coast and the other relies on small islands. The Court largely accepted this reasoning and adjusted the boundary to avoid a disproportionate result, granting Nicaragua a significantly larger maritime area.

b. Colombia

i. Historical Background of the San Andrés and Providencia Archipelago

Colombia based its sovereignty claims on historical title, particularly the 1928 Barceñas-Esguerra Treaty and subsequent practice. Colombia argued that the San Andrés, Providencia, and Santa Catalina archipelago had long been under its administration following

independence from Spain and integration into the Republic of Colombia. Before the ICJ, Colombia maintained that continuous and peaceful display of authority (*effectivités*), including governance and administration, confirmed its sovereignty over the islands. The Court ultimately upheld Colombia's sovereignty over the principal islands.

ii. *Colombia's Presence in the Western Caribbean*

Colombia emphasized its longstanding presence in the western Caribbean through administrative control, naval activity, and regulation of surrounding waters. In its pleadings, it argued that this sustained presence demonstrated both sovereignty over the islands and jurisdiction in adjacent maritime areas. Colombia also relied on its historical enforcement of laws and economic activity in the region to reinforce its claim as a coastal State with legitimate maritime entitlements derived from the *archipelago*.

iii. *Political and Strategic Importance of the Islands*

Colombia highlighted that the San Andrés and Providencia islands are vital to its national integrity, security, and regional presence. In ICJ submissions, it stressed the islands' role in extending Colombia's reach into the Caribbean, as well as their economic importance through fisheries and local livelihoods. Politically, Colombia framed the islands as an integral part of its territory, making their protection a matter of sovereignty and national identity.

iv. *Colombia's Legal Position on Sovereignty and Maritime Zones*

Colombia's legal argument rested on two main pillars:

- *Valid sovereignty over the islands based on treaty law and effectivités*
- *Maritime entitlements generated from those islands*

Before the Court, Colombia argued that the 1928 Treaty settled territorial questions and that maritime zones should be generated from the islands in accordance with international law. It

supported the use of equidistance in delimitation, giving full effect to its islands. However, while the ICJ confirmed Colombia's sovereignty over the islands, it limited their effect in maritime delimitation to avoid a disproportionate outcome, consistent with its broader jurisprudence.

c. The Disputed Maritime Area

i. Geographic and Strategic Description of the Caribbean Region

The disputed area lies in the western Caribbean Sea, between Nicaragua's mainland coast and Colombia's offshore islands. As described in *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, the region is characterized by Nicaragua's extensive continental coastline facing a scattered group of relatively small Colombian islands located far from Colombia's mainland. This geographic configuration was central to the Court's delimitation analysis, particularly in assessing proportionality and relevant circumstances.

ii. Natural Resources (Fisheries, Hydrocarbons, Trade Routes)

Both parties emphasized in their ICJ pleadings that the disputed maritime area contains valuable natural resources, including rich fishing grounds and potential hydrocarbon deposits. Nicaragua argued that equitable access to these resources was essential for its development, while Colombia stressed its historical use of the waters for fishing and economic activity. Additionally, the Caribbean Sea serves as an important corridor for international navigation and trade, increasing the strategic significance of maritime control in the region.

iii. The Role of Small Islands in Maritime Delimitation

A central issue before the ICJ was the extent to which Colombia's small islands should influence maritime delimitation. Colombia argued that its islands should generate full maritime zones, including exclusive economic zones and continental shelf rights. Nicaragua,

relying on cases such as *North Sea Continental Shelf Cases*, contended that small islands should not disproportionately affect delimitation when faced with a large mainland coast.

2. Overview of the Case

a. Timeline

- The territorial and maritime dispute between Colombia and Nicaragua has its origins in competing claims over islands and maritime zones in the western Caribbean Sea.
- In 1928, the two States signed the **Esguerra-Bárcenas Treaty**, under which Colombia claimed sovereignty over the islands of San Andrés, Providencia, and Santa Catalina, while Nicaragua later contested the treaty's validity on grounds of foreign occupation at the time of signature.
- Throughout the twentieth century, tensions persisted regarding the delimitation of maritime boundaries surrounding the islands and adjacent waters rich in fisheries and natural resources.
- In 1980, Nicaragua officially declared the 1928 Treaty invalid, arguing that it had been concluded during the period of United States military presence in Nicaragua.
- Diplomatic efforts between the two States failed to produce a mutually accepted maritime boundary settlement.
- On 6 December 2001, Nicaragua instituted proceedings before the International Court of Justice, requesting the Court to determine sovereignty over certain maritime features and to delimit the maritime boundary between the Parties.
- Colombia objected to the Court's jurisdiction and maintained that the dispute had already been settled by the 1928 Treaty and related instruments.

- In 2007, the Court delivered a preliminary judgment recognizing Colombian sovereignty over San Andrés, Providencia, and Santa Catalina, while reserving maritime delimitation issues for the merits phase.
- On 19 November 2012, the Court rendered its principal judgment on the merits, granting Nicaragua a substantial maritime area east of the 82nd meridian while preserving Colombian sovereignty over the named islands and several smaller cays.
- Colombia criticized the judgment and expressed concerns regarding fishing rights, security interests, and the livelihoods of inhabitants of the islands.
- In subsequent years, Nicaragua returned to the Court, alleging Colombian non-compliance with the 2012 judgment and unlawful interference in waters allocated to Nicaragua.
- Additional proceedings in 2013 and later judgments in 2022 further addressed compliance, maritime conduct, and overlapping continental shelf claims.

b. Procedural Chronology

- On 6 December 2001, Nicaragua filed an Application instituting proceedings against Colombia before the International Court of Justice concerning territorial sovereignty and maritime delimitation in the Caribbean Sea.
- Nicaragua invoked Article 36(2) of the Statute of the Court and the Pact of Bogotá as bases for jurisdiction.
- Colombia raised preliminary objections, contending that the Court lacked jurisdiction because the dispute had been settled by prior treaty arrangements.

- On 13 December 2007, the Court issued its Judgment on Preliminary Objections. It upheld jurisdiction over maritime delimitation questions while confirming Colombian sovereignty over San Andrés, Providencia, and Santa Catalina.
- Written pleadings on the merits were subsequently submitted by both Parties.
- Public hearings were held in The Hague in 2012 concerning sovereignty over remaining maritime features and the delimitation of maritime boundaries.
- On 19 November 2012, the Court delivered its Judgment on the merits, drawing a single maritime boundary and allocating extensive maritime zones to Nicaragua.
- On 26 November 2013, Nicaragua instituted new proceedings alleging Colombia's violations of sovereign rights and maritime zones recognized in the 2012 Judgment.
- Further proceedings were also commenced regarding Nicaragua's claim to an extended continental shelf beyond 200 nautical miles.
- In April 2022, the Court ruled that Colombia had violated certain sovereign rights of Nicaragua, while rejecting several broader claims.

3. Claims of the Parties

a. Claims of the Applicant Party

1. Nicaragua requests the Court to adjudge and declare that it possesses sovereignty over disputed maritime areas in the western Caribbean Sea.

2. Nicaragua requests the Court to delimit a maritime boundary between the Parties in accordance with international law, particularly the principles of equity and relevant circumstances.
3. Nicaragua contends that the 1928 Treaty did not validly settle all maritime boundary issues between the Parties.
4. Nicaragua requests recognition of sovereign rights over natural resources, fisheries, and seabed areas located within maritime zones claimed by it.
5. Nicaragua argues that Colombia unlawfully exercised jurisdiction in waters that properly belong to Nicaragua under international law.
6. In later proceedings, Nicaragua requests the Court to declare that Colombia failed to comply with the 2012 Judgment and interfered with Nicaragua's sovereign rights.

b. Claims of the Respondent Party

1. Colombia requests the Court to adjudge and declare that it lacks jurisdiction over certain claims submitted by Nicaragua.
2. Colombia contends that sovereignty over San Andrés, Providencia, Santa Catalina, and adjacent cays was definitively settled by the 1928 Esguerra-Bárcenas Treaty.
3. Colombia argues that the 82nd meridian historically functioned as the maritime boundary between the Parties.
4. Colombia requests the Court to preserve its sovereign rights, security interests, and jurisdiction over island territories and surrounding maritime entitlements generated by those territories.
5. Colombia contends that any maritime delimitation must fully respect the rights of its inhabited islands and their population.

6. In subsequent proceedings, Colombia denies unlawful conduct and argues that its naval presence and regulatory measures were lawful and necessary for regional order, environmental protection, and the rights of local communities.

VII. APPLICABLE LAW

1. International Conventions & Treaties
 - a. United Nations Convention on the Law of the Sea

The United Nations Convention on Law of the Sea (UNCLOS) is an international treaty that establishes a comprehensive framework for governing all aspects of the sea. UNCLOS establishes rules governing the rights and obligations of States with respect to their use of the sea. The Convention also provides a framework for the further development of specific areas of the law of the sea, including through the work of international organizations such as International Maritime Organization (IMO).

The following provisions of the UNCLOS are particularly relevant to the present case:

- i. Article 2 (Legal Status of the Territorial Sea)
 1. *The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.*
 2. *This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.*
 3. *The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.*

- ii. Article 15 (Delimitation of the Territorial 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 of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

iii. Article 56 (Rights in the EEZ)

1. In the exclusive economic zone, the coastal State has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

iv. Article 74 (Delimitation of the EEZ)

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

v. Article 76 (Definition of the Continental Shelf)

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

vi. Article 83 (Delimitation of the Continental Shelf)

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

vii. Article 121 (Regime of Islands)

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.

3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

b. Charter of the United Nations

The Charter of the United Nations is the founding document of the United Nations which was signed on 26 June 1945, at the conclusion of the United Nations Conference on International Organization. The Charter came into force on 24 October 1945. Since the founding of the United Nations, the mission and work of the UN have been guided by the UN Charter.

The principal judicial organ of the United Nations is the International Court of Justice. The International Court of Justice functions in accordance with the Statute of the International Court of Justice which is annexed to the UN Charter.

The following provisions of the UN Charter are particularly relevant to the present case:

i. Article 2(3)

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

ii. Article 33(1)

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. ICJ Statute & Procedural Law

a. Statute of the International Court of Justice

The Statute is divided into 5 chapters and consists of 70 articles, being,

- Chapter I: Organization of the Court (Articles 2 - 33)
- Chapter II: Competence of the Court (Articles 34 - 38)
- Chapter III: Procedure (Articles 39 - 64)
- Chapter IV: Advisory Opinions (Articles 65 - 68)
- Chapter V: Amendment (Articles 69 & 70)

All 193 member states of the United Nations are parties to the Statute of the International Court of Justice through their ratification of the UN Charter. Additionally, Article 93(2) of the Charter allows non-member states to become parties to the Statute, provided they receive a recommendation from the UN Security Council and approval from the General Assembly.

The following provisions of the ICJ Statute are particularly relevant to the present case:

i. Article 36(1)

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

ii. Article 38(1)

The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;*
- b. international custom, as evidence of a general practice accepted as law;*
- c. the general principles of law recognized by civilized nations;*
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.*

iii. Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

b. Rules of Court

The Rules of Court explain the procedure of the International Court of Justice. They expand the Statute of the ICJ by explaining procedural rules for proceedings before the Court. The Rules regulate procedures such as written and oral pleadings, submission of documents and evidence, communication between the Parties and the Court, and the general administration of cases. These rules help ensure efficiency as well as fairness in proceedings before the Court. The Rules of the Court are important because they structure how disputes are presented and examined before the Court. As these Rules apply generally to proceedings before the Court, no specific provisions have been specified for the present case.

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