



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*

#### **The Court finds that Colombia has violated Nicaragua's sovereign rights and jurisdiction in the latter's exclusive economic zone**

THE HAGUE, 21 April 2022. The International Court of Justice, the principal judicial organ of the United Nations, has today delivered its Judgment in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*.

In its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

(1) By ten votes to five,

*Finds* that its jurisdiction, based on Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by the Republic of Colombia of the Republic of Nicaragua's rights in the maritime zones which the Court declared in its 2012 Judgment to appertain to the Republic of Nicaragua, covers the claims based on those events referred to by the Republic of Nicaragua that occurred after 27 November 2013, the date on which the Pact of Bogotá ceased to be in force for the Republic of Colombia;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; *Judge ad hoc* Daudet;

AGAINST: *Judges* Abraham, Bennouna, Yusuf, Nolte; *Judge ad hoc* McRae;

(2) By ten votes to five,

*Finds* that, by interfering with fishing and marine scientific research activities of Nicaraguan-flagged or Nicaraguan-licensed vessels and with the operations of Nicaraguan naval vessels in the Republic of Nicaragua's exclusive economic zone and by purporting to enforce conservation measures in that zone, the Republic of Colombia has violated the Republic of Nicaragua's sovereign rights and jurisdiction in this maritime zone;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; *Judge ad hoc* Daudet;

AGAINST: *Judges* Abraham, Bennouna, Yusuf, Nolte; *Judge ad hoc* McRae;

(3) By nine votes to six,

*Finds* that, by authorizing fishing activities in the Republic of Nicaragua's exclusive economic zone, the Republic of Colombia has violated the Republic of Nicaragua's sovereign rights and jurisdiction in this maritime zone;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; *Judge ad hoc* Daudet;

AGAINST: *Vice-President* Gevorgian; *Judges* Abraham, Bennouna, Yusuf, Nolte; *Judge ad hoc* McRae;

(4) By nine votes to six,

*Finds* that the Republic of Colombia must immediately cease the conduct referred to in points (2) and (3) above;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa; *Judge ad hoc* Daudet;

AGAINST: *Vice-President* Gevorgian; *Judges* Abraham, Bennouna, Yusuf, Nolte; *Judge ad hoc* McRae;

(5) By thirteen votes to two,

*Finds* that the "integral contiguous zone" established by the Republic of Colombia by Presidential Decree 1946 of 9 September 2013, as amended by Decree 1119 of 17 June 2014, is not in conformity with customary international law, as set out in paragraphs 170 to 187 [of the Judgment];

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Daudet;

AGAINST: *Judge* Abraham; *Judge ad hoc* McRae;

(6) By twelve votes to three,

*Finds* that the Republic of Colombia must, by means of its own choosing, bring into conformity with customary international law the provisions of Presidential Decree 1946 of 9 September 2013, as amended by Decree 1119 of 17 June 2014, in so far as they relate to maritime areas declared by the Court in its 2012 Judgment to appertain to the Republic of Nicaragua;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Bennouna, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Daudet;

AGAINST: *Judges* Abraham, Yusuf; *Judge ad hoc* McRae;

(7) By twelve votes to three,

*Finds* that the Republic of Nicaragua's straight baselines established by Decree No. 33-2013 of 19 August 2013, as amended by Decree No. 17-2018 of 10 October 2018, are not in conformity with customary international law;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Daudet;

AGAINST: *Judges* Bennouna, Xue; *Judge ad hoc* McRae;

(8) By fourteen votes to one,

*Rejects* all other submissions made by the Parties.

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte; *Judge ad hoc* Daudet;

AGAINST: *Judge ad hoc* McRae.

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Vice-President GEVORGIAN appends a declaration to the Judgment of the Court; Judges ROBINSON, TOMKA and YUSUF append separate opinions to the Judgment of the Court; Judges BENNOUNA and IWASAWA append a declaration to the Judgement of the Court; Judge XUE appends a declaration to the Judgment of the Court; Judges NOLTE and ABRAHAM append a dissenting opinion to the Judgment of the Court; Judge *ad hoc* MCRAE appends a dissenting opinion to the Judgment of the Court.

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### **History of the proceedings**

The history of the proceedings can be found in [press releases](#) Nos. 2013/36, 2014/34, 2015/25, 2016/8, 2017/35, 2018/59, 2021/25 and 2022/12, available on the Court's website.

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A summary of the Judgment appears in the document entitled "Summary 2022/3", to which summaries of the opinions and declarations are annexed. This press release, the summary and the full text of the Judgment are available on the Court's website under the heading [Cases](#).

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*Note:* The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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