

**APPLICATION FOR PERMISSION TO INTERVENE BY THE GOVERNMENT OF THE
REPUBLIC OF HONDURAS IN THE CASE CONCERNING THE *TERRITORIAL
AND MARITIME DISPUTE (NICARAGUA v. COLOMBIA)***

[Translation by the Registry]

1. Acting on behalf of the Government of the Republic of Honduras and as Agent, I have the honour to invoke Articles 36 and 62 of the Statute of the International Court of Justice and to request permission to intervene in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, now pending before the Court.

Article 81 of the Rules of Court states that an application for permission to intervene must set out:

- “(a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in th[e] case [in question];
- (b) the precise object of the intervention;
- (c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case”.

These three points will be dealt with below; first, however, Honduras wishes to preclude all doubt as to the context in which this Application is being submitted to the Court, as to Honduras’s legal interest and as to the object of its intervention.

**I. SCOPE AND OBJECT OF THE APPLICATION FOR
PERMISSION TO INTERVENE**

2. Nicaragua instituted proceedings against Colombia in December 2001 by filing an Application requesting the Court *inter alia* “to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia”¹. In its Memorial of April 2003, Nicaragua requests the Court to adjudge and declare that “the appropriate form of delimitation, within the geographical and legal framework constituted by the mainland coasts of Nicaragua and Colombia, is a single maritime boundary in the form of a median line between these mainland coasts” and that all

¹Application of Nicaragua, para. 8

Colombian islands and cays lying on the Nicaraguan side of that line should be accorded 12- and 3-nautical-mile enclaves, respectively.

3. In the 13 December 2007 Judgment on “Preliminary Objections” handed down in the case concerning the *Territorial and Maritime Dispute* between Nicaragua and Colombia, the Court determined that the maritime boundary had not been fixed by the Barcenas-Esguerra Treaty of 1928 and the Protocol of 1930 and found that it had jurisdiction

“to adjudicate upon the dispute concerning sovereignty over the maritime features claimed by the Parties other than the islands of San Andrés, Providencia and Santa Catalina . . . [and] upon the dispute concerning the maritime delimitation between the Parties”².

4. Colombia’s Counter-Memorial of November 2008 requests the Court to adjudge and declare

“that the delimitation of the exclusive economic zone and the continental shelf between Nicaragua and Colombia is to be effected by a single maritime boundary, being the median line every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial seas of the Parties is measured, as depicted on Figure 9.2 of this Counter-Memorial”.

5. In its Reply of September 2009, Nicaragua amended its claim, asking the Court to adjudge and declare that “the appropriate form of delimitation, within the geographical and legal framework constituted by the mainland coasts of Nicaragua and Colombia, is a continental shelf boundary”, the entirety of which lies more than 200 nautical miles from Nicaragua and which is therefore further east than the line claimed in its Memorial. Nicaragua’s request that the Court enclave all the islands and cays on the Nicaraguan side of this line remains largely the same as that in the Memorial.

6. Honduras has thus been led to the conclusion that Nicaragua’s written pleadings in the case advance maritime claims pursuant to which its maritime boundary would inevitably extend into maritime areas in which third States have rights and interests. Honduras is among such States.

²*Preliminary Objections, Judgment, I.C.J. Reports 2007 (II)*, p. 876, para. 142 (3) (a) and (b).

7. Unlike in the case of other third States, the Court, in its Judgment of 8 October 2007 on the *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea*, has already determined part of the maritime boundary between Nicaragua and Honduras. The two States have just recently decided to ask the Mixed Boundary Commission to complete the delimitation process in accordance with the Judgment (Ann. 1)³. The relevant passage of the operative part is found in paragraph 321 (3) of the Judgment and provides that the Court:

“[d]ecides . . . From point E the boundary line shall follow the 12-nautical-mile arc of the territorial sea of South Cay in a northerly direction until it meets the line of the azimuth at point F (with co-ordinates 15° 16' 08" N and 82° 21' 56" W). From point F, it shall continue along the line having the azimuth of 70° 14' 41.25" until it reaches the area where the rights of third States may be affected; . . .”

8. In other words, Honduras is justified in considering that the Court recognized Honduran rights which may extend into maritime zones in which third States, as understood in the Judgment of 8 October 2007, may claim rights. The Court stated in paragraph 312 of its Judgment of 8 October 2007:

“As for the endpoint, neither Nicaragua nor Honduras in each of their submissions specifies a precise seaward end to the boundary between them. The Court will not rule on an issue when in order to do so the rights of a third party that is not before it, have first to be determined (see *Monetary Gold removed from Rome in 1943, Judgment, I.C.J. Reports 1954*, p. 19).”

Consequently, in order to avoid prejudicing the rights of third States, the Court refrained in the case between Honduras and Nicaragua from specifying an endpoint⁴.

9. In these proceedings Nicaragua continues to claim rights extending beyond the endpoint fixed by the Court in October 2007. In the light of Honduras's absence from the proceedings, Nicaragua argues that Colombia should not be able to claim rights vis-à-vis Nicaragua in areas Colombia recognized as appurtenant to Honduras in the 1986 Maritime Delimitation Treaty between Honduras and Colombia (see fig. 6-7 annexed to Nicaragua's Reply). The Court was itself aware of the possibility of such a situation arising when it noted in paragraph 316 of the Judgment of 8 October 2007:

³Joint declaration of the President of the Republic of Nicaragua, Mr. José Daniel Ortega Saavedra, and the President of the Republic of Honduras, Mr. Porfirio Lobo Sosa, dated 9 April 2010.

⁴On the subject of the rights of third States, see also paragraphs 313 to 319 of the Judgment.

“Thus, it might be argued, any extension of the delimitation line in this case past the 82nd meridian could be interpreted as indicating that Honduras negotiated a treaty involving maritime areas that did not actually appertain to it and could thereby prejudice Colombia’s rights under that treaty. The Court places no reliance on the 1986 Treaty to establish an appropriate endpoint for the maritime delimitation between Nicaragua and Honduras. The Court nevertheless observes that any delimitation between Honduras and Nicaragua extending east beyond the 82nd meridian and north of the 15th parallel (as the bisector adopted by the Court would do) would not actually prejudice Colombia’s rights because Colombia’s rights under this Treaty do not extend north of the 15th parallel.”

Honduras seeks to have its rights and interests protected.

10. Nicaragua maintains that under the 1986 Maritime Delimitation Treaty with Honduras Colombia waived its rights north of the 15th parallel. In the view of the intervening State in the proceedings, Nicaragua cannot rely on the existence of the 1986 Treaty to maintain that the maritime area in question can only appertain to Nicaragua alone. This is tantamount to claiming in these proceedings that Nicaragua alone possesses rights to maritime areas north of the 15th parallel. Nicaragua eliminates one of the parties from the proceedings, even though no State can derive rights from a convention in force between other States.

11. Honduras and Colombia possess rights in this maritime zone north of the 15th parallel. They are generated by the Honduran coast, on the one hand, and by the Archipelago of San Andrés, Serranilla and the island of Providencia, on the other. The overlapping of these rights prompted Honduras and Colombia to come to an agreement, set out in the 1986 Treaty, on a delimitation of those zones from the 82nd meridian along parallel 14° 59' 08" eastwards to roughly the 80th meridian, from which point the boundary continues northwards to latitude 16° 04' 15" N and longitude 79° 52' 32" W.

12. The 1986 Treaty between Honduras and Colombia vests rights in Honduras in that maritime zone. Thus, any claim by Nicaragua to maritime areas north of the 15th parallel is liable to affect the rights and interests of Honduras as a third State, as the Court recognized in its Judgment in October 2007. As such, Honduras has an actual, present, direct and concrete interest of a legal nature in the delimitation of the maritime areas in the zone to the north of the boundary line deriving from the 1986 Treaty.

13. In late 2008 Honduras already indicated to the parties to these proceedings⁵ and to the Court⁶ that it intended to file an application for permission to intervene. The permission to intervene which Honduras is now requesting from the Court is aimed at protecting Honduras's interests of a legal nature by eliminating the existing uncertainty in respect of the fixing of its maritime boundaries with Nicaragua in the maritime zone north of the 15th parallel that is the subject of these proceedings, with a view to enhancing legal security for all States wishing to carry on their legitimate activities in the region. These legal interests are at stake in the proceedings. The present Application for permission to intervene is aimed at ensuring that they are not affected by the Court's decision in the future.

14. It is against this *background* that Honduras turns today to the Court and requests permission to intervene in the proceedings.

15. Honduras wishes to prevent any doubt from arising in the minds of Members of the Court or of the parties to these proceedings. Honduras *declares* that its intervention is in no way aimed at challenging the effect of the operative part of the Judgment of 8 October 2007 as *res judicata*.

16. In addition, Honduras would like to make a *first observation*: the intervention for which it requests permission is confined exclusively to the maritime delimitation in the zone delineated by the 1986 Treaty and excludes islands, cays and all other geographical features situated outside the maritime areas at issue.

17. A *second observation* concerns the fact that Honduras's intervention relates solely to that part of the maritime zone to be delimited between Nicaragua and Honduras in the proceedings which lies in the north-western corner of figure 3-1 annexed to Nicaragua's Reply. The zone containing the interests of a legal nature which may be affected by the Court's decision in the case lies roughly in a rectangle the starting point of which is the intersection of the 82nd meridian and

⁵Annex II, Note Verbale *Oficio* No. 170-DSM to the Colombian Minister for Foreign Affairs and Note Verbale *Oficio* No. 171-DSM to the Nicaraguan Minister for Foreign Affairs, both dated 24 October 2008.

⁶Letter of 10 November 2008 from Ambassador Julio Rendón Barnica to the Registrar.

parallel 14° 59' 08". Running eastwards, the lower boundary follows that parallel to the 80th meridian and the eastern side of the rectangle runs northwards along that meridian to the intersection with parallel 16° 20'; from there the northern boundary runs westwards along that parallel until it intersects with the 82nd meridian and the western side of the rectangle runs down that meridian to the starting point.

18. A *third observation* is that in Honduras's view, while the 1986 Treaty with Colombia definitively settled the question of the maritime boundaries between the two countries, a delimitation dispute endures between Honduras and Nicaragua. While Colombia does claim in paragraph 8.54 of its Counter-Memorial that it is in no way precluded from asserting maritime rights north of the 15th parallel, it expressly states that these are rights vis-à-vis Nicaragua alone. The setting of the dispute between Colombia and Nicaragua is to the east of the endpoint of the maritime boundary established by the Judgment of 8 October 2007 (see the map "The Median Line", Vol. III, p. 89, of Colombia's Counter-Memorial).

19. Like that of many other States, the legal policy of Honduras is to seek to establish stable and final outer limits for its maritime jurisdiction and hence to delimit fully the maritime areas to which it is entitled under international law, as it proclaimed in its domestic legislation in 1999. Its interests of a legal nature in its intervention derive from this concern.

20. Honduras is aware that in matters of intervention, as the Court has said, the introduction of a fresh dispute must satisfy "the basic principle that the jurisdiction of the Court to deal with and judge a dispute depends on the consent of the parties thereto" (*Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984, p. 22, para. 34*).

21. Honduras is not asking the Court to resolve a dispute, or part of one, between Honduras and the parties to the proceedings without the parties' consent, since both Nicaragua and Colombia have consented in advance to having the Court settle a dispute with Honduras, in accordance with Article XXXI of the Pact of Bogotá, to which the three States are parties.

22. The dispute which Honduras seeks to join to these proceedings involves determining: a maritime boundary between Honduras and Nicaragua; and a tripoint among Honduras, Nicaragua and Colombia. Honduras is thus asking the Court to define the maritime boundary segment from the endpoint of the bisector boundary line fixed in October 2007 for these maritime areas and the tripoint among the three States, to be fixed by the Court along the course of the boundary line resulting from the 1986 Treaty between Colombia and Honduras.

23. Honduras's *fourth observation* may be expressed in the following terms: whether or not the Court decides to permit Honduras to intervene as a party in the proceedings, Honduras wishes in all events to safeguard its rights to a delimitation in the future with its neighbours beyond the endpoint fixed in the October 2007 Judgment and to the determination in the future of a tripoint along the boundary line defined by the 1986 Maritime Delimitation Treaty; consequently, it wishes to inform the Court of the nature of Honduras's rights that may be affected in the proceedings. Honduras is therefore asking in the alternative for permission to intervene as a non-party in the proceedings.

24. As a *final observation*, Honduras submits that the *object of its intervention* is two-fold:

- firstly, it is to determine the course of the maritime boundary between the three States in the maritime zone situated in the north-western corner of Nicaragua's figure 3-1 annexed to its Reply, together with the tripoint on the boundary line under the 1986 Treaty, since the three States, as parties to the Pact of Bogotá, have already consented to the jurisdiction of the Court. In this situation Honduras seeks to intervene by becoming a party to the proceedings;
- secondly, it is, in the alternative, to protect Honduras's rights and interests of a legal nature and to inform the Court of their character, lest they be affected by the maritime delimitation between Nicaragua and Colombia which the Court is being requested to make in these proceedings. In this situation, Honduras seeks to intervene without becoming a party to the proceedings.

II. THE CRITERIA LAID DOWN BY ARTICLE 81 OF THE RULES OF COURT

A. The interest of a legal nature which Honduras considers may be affected in these proceedings

25. The interest of a legal nature relied upon in submitting a request to the Court for permission to intervene is understood to be an interest defined “by reference to a rule of law or a legal criterion” [*translation by the Registry*] (Kéba Mbaye, “L’intérêt pour agir devant la Cour internationale de justice”, *RCADI*, 1988, Vol. 209, p. 263). In addition, when it submits a request to intervene, a State does not have to show that it has “rights which need to be protected, but merely an interest of a legal nature which may be affected by the decision in the case” (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990*, p. 129). A State seeking to intervene “has only to show that its interest ‘may’ be affected, not that it will or must be affected” (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene, Judgment, I.C.J. Reports 1990*, p. 117, para. 61).

26. The decision of Honduras to sign the United Nations Convention on the Law of the Sea on 10 December 1982 and to ratify it on 5 October 1993 confirmed Honduras’s desire to see its sovereignty and jurisdiction over maritime areas clearly defined and delimited, and its natural resources properly protected and exploited in accordance with international law. This is reflected, for example, in the Act on the exploitation of natural marine resources of 28 April 1980 (*Ley sobre el aprovechamiento de los recursos naturales del mar, La Gaceta*, No. 23.127, 13 June 1980) and Executive Decree No. PCM 007-2000 of 21 March 2000 on straight baselines (*Decreto ejecutivo No. 007-2000, La Gaceta*, No. 29.135, 29 March 2000). The declaration of an exclusive economic zone was included in Article 2 of the 1999 Act on Honduran Maritime Areas (Legislative Decree No. 172-99 of 30 October 1999, *La Gaceta*, No. 29.054, 23 December 1999). This legislation contains provisions on the continental shelf extending beyond 200 nautical miles whose terms are considered to be in accordance with Honduras’s rights under international law and under the United Nations Convention on the Law of the Sea. Honduras has thus adopted the definition in Article 76 of UNCLOS whereby its continental shelf comprises the sea-bed 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 (Art. 9 of the Act). Paragraphs 1 and 2 of Article 12 of the Act provide for the delimitation of the maritime areas to be effected through an agreement which must arrive at an equitable solution, taking into account, amongst other things, equidistance (Ann. III).

27. The areas of continental shelf claimed by Honduras were the subject of the 1986 Maritime Delimitation Treaty with Colombia. From the 82nd meridian, the maritime boundary follows parallel 14° 59' 08" N due east up to meridian 79° 56' 00" W, turning north after crossing the 80th meridian.

28. In accordance with the principles of international law, Honduras has sought in good faith to settle by agreement the questions of maritime delimitation which concern it, as reflected by the conclusion of the 1986 Maritime Delimitation Treaty with Colombia. Honduras is clearly anxious that the whole of that treaty should be entirely respected. The treaty defines the areas of the continental shelf that are claimed by Honduras. In the current proceedings, therefore, Nicaragua is laying claim to maritime areas to which Honduras is entitled and in respect of which the latter has a legal interest that may be affected by the decision of the Court. The interest which Honduras considers to be at issue in these proceedings involves a number of considerations. *Firstly*, it concerns respect for Honduras's legal title to the continental shelf under general international law, customary international law and the 1982 United Nations Convention on the Law of the Sea. That title, whereby the coasts of a coastal State may be projected seaward, allows the Honduran continental shelf to be extended to the outer edge of the continental margin, up to the dividing line established by the 1986 Treaty. The interest *next* concerns Honduras's right to delimit its maritime areas in the Caribbean Sea which overlap with the competing rights of Nicaragua, so as to secure the exercise of sovereign rights and jurisdiction in the maritime area situated north-west of the area which is to be delimited between Nicaragua and Colombia.

29. *Lastly*, the interest concerns respect for the rights of Honduras and Colombia resulting from the 1986 Maritime Delimitation Treaty concluded between them. The legal interest entitling

Honduras to intervene as a party derives specifically from the fact that Colombia has recognized, through that treaty, that Honduras has rights to the maritime areas north of the 15th parallel. That being so, some uncertainty remains as regards the fact that the Court could attribute this maritime area to Nicaragua alone, whereas the 1986 Maritime Delimitation Treaty is the outcome of a settlement between Colombia and Honduras concerning their rights to maritime areas which overlap. This is the principal ground, of those set out above, on which Honduras is requesting permission to intervene as a party and, in the alternative, as a non-party.

30. Permitting Honduras to intervene as a party would allow it to present and actively defend its legal interests in these proceedings. Settlement of the dispute which Honduras is seeking to join to the current proceedings would entail the Court's decision becoming binding on Honduras, as stipulated in Article 59 of the Statute of the Court. This solution offered by the Statute appears to be in keeping with Honduras's aims of delimiting its maritime boundaries as swiftly as possible and of avoiding in this respect the uncertain timescale of the pacific settlement of disputes by means of negotiation alone.

31. Should the Court not permit Honduras to intervene as a party, Honduras nevertheless wishes to be permitted to intervene as a non-party, since, to use the words of the Court, "the protection afforded by Article 59 of the Statute may not always be sufficient". Such permission to intervene has been granted by the Court even though there is merely the possibility of Article 59 not protecting the States seeking to intervene "from the effects — even if only indirect — of a judgment affecting their legal rights" (*Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Judgment, I.C.J. Reports 2002, p. 421, para. 238).

32. Honduras has thus established that it has "an interest of a legal nature which may be affected by the Court's decision in the case, or that *un intérêt d'ordre juridique est pour lui en cause*", to use the words of the Judgment of 13 September 1990 in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, Application to Intervene, I.C.J.

Reports 1990 (p. 114, para. 52). The Court may therefore permit Honduras to intervene pursuant to Article 62 of the Statute.

B. The precise object of the intervention of Honduras

33. The object of this Application is:

Firstly, in general terms, to protect the rights of the Republic of Honduras in the Caribbean Sea by all the legal means available and, consequently, to make use for that purpose of the procedure provided for in Article 62 of the Statute of the Court.

Secondly, to inform the Court of the nature of the legal rights and interests of Honduras which could be affected by the decision of the Court, taking account of the maritime boundaries claimed by the parties in the case brought before the Court. As the Chamber of the Court found in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application to Intervene*: “So far as the object of Nicaragua’s intervention is ‘to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute’, it cannot be said that this object is not a proper one: it seems indeed to accord with the function of intervention.” (*I.C.J. Reports 1990*, p. 130, para. 90.)

Thirdly, to request the Court to be permitted to intervene in the current proceedings as a State party. In such circumstances, Honduras would recognize the binding force of the decision that would be rendered. Should the Court not accede to this request, Honduras requests the Court, in the alternative, for permission to intervene as a non-party.

C. The basis of jurisdiction which Honduras claims to exist as between itself and the parties

34. In the opinion of Honduras, the Court has jurisdiction to entertain the dispute which Honduras is seeking to join to the current proceedings under Article XXXI of the American Treaty on Pacific Settlement, officially designated, according to Article LX thereof, as the “Pact of Bogotá”. This reads as follows:

“In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute the breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.”

35. In the case of intervention as a non-party under the terms of Article 62 of the Statute, the Court has had occasion to permit such intervention without requiring the existence of a jurisdictional link. Thus, in the case concerning the *Land, Island and Maritime Frontier Dispute*, the Court concluded that “the absence of a jurisdictional link . . . is no bar to permission being given for intervention” (*I.C.J. Reports 1990*, p. 135, para. 101).

III. CONCLUSION

36. Honduras seeks the Court’s permission to intervene as a party in the current proceedings in order to settle conclusively, on the one hand, the dispute over the delimitation line between the endpoint of the boundary fixed by the Judgment of 8 October 2007 and the tripoint on the boundary line in the 1986 Maritime Delimitation Treaty, and, on the other hand, the determination of the tripoint on the boundary line in the 1986 Maritime Delimitation Treaty between Colombia and Honduras. *In the alternative*, Honduras seeks the Court’s permission to intervene as a non-party in order to protect its rights and to inform the Court of the nature of the legal rights and interests of the Republic of Honduras in the Caribbean Sea which could be affected by the decision of the Court in these proceedings.

37. Honduras remains at the Court’s disposal to provide it with further information on the conditions for its intervention as a party in the proceedings, should, for example, Article 85, paragraph 1, of the Rules of Court not prove sufficient to deal with the organization of the proceedings and with the question of the choice of a judge *ad hoc* by Honduras.

38. ANNEXES

- ANNEX I. Joint declaration of the President of the Republic of Nicaragua, Mr. José Daniel Ortega Saavedra, and the President of the Republic of Honduras, Mr. Porfirio Lobo Sosa, dated 9 April 2010 (extracts in Spanish, French and English).
- ANNEX II. Note Verbale *Oficio No. 170-DSM* to the Colombian Minister for Foreign Affairs and Note Verbale *Oficio No. 171-DSM* to the Nicaraguan Minister for Foreign Affairs, both dated 24 October 2008.
- ANNEX III. Articles 6, 9 and 12 of the Act on Honduran Maritime Areas of 20 October 1999 (in Spanish, French and English), *La Gaceta*, 23 December 1999, pp. 4-5.

10 June 2010

Agent of the Government
of the Republic of Honduras,

(Signature and stamp)

Carlos López CONTRERAS.

ANNEXE I

Déclaration conjointe des Présidents de la République du Nicaragua, le Commandant José Daniel Ortega Saavedra et de la République du Honduras, M. Porfirio Lobo Sosa, en date du 9 avril 2010. Extraits. (En espagnol, en français et en anglais).

* * *

« Los Presidentes de la República de Nicaragua y de la República de Honduras

...

Declaramos :

...

3. Reinstalar a partir de este momento las Comisiones de Límites de ambas naciones vecinas creadas el dos de octubre del año dos mil ocho, a fin de concluir a la brevedad el proceso de delimitación en cumplimiento de la sentencia del 8 octubre de 2007, que dejó pendiente, en el resolutive cuarto, que ambos países, de buena fe, deberán negociar el trecho de mar territorial que hay desde la desembocadura del Río Coco de conformidad con el Laudo del Rey de España del 23 de diciembre de 1906, hasta su desembocadura en el Mar Caribe.

...

Ambos Presidentes nos congratulemos por los acuerdos alcanzados y hacemos votos por el éxito de los mismo.

Managua, nueve de abril de dos mil diez.

(firmado)

José Manuel Ortega Saavedra
Presidente de la Republica
de Nicaragua

(firmado)

Porfirio Lobo Sosa
Presidente de la Republica
de Honduras »

* * *

(Traductions)

Nous, Présidents de la République du Nicaragua et de la République du Honduras

...

Déclarons :

...

3. Réinstaller à partir de ce moment les Commissions des limites des deux nations voisines créées le 2 octobre 2008, aux fins de conclure dans les plus brefs délais le processus de délimitation en exécution de l'arrêt du 8 octobre 2007, qui a été laissé en suspens, visé à l'alinéa quatre [de son paragraphe 321], [et qui déclare] que les deux pays, de bonne foi, devront négocier l'espace de mer territoriale située entre l'embouchure du rio Coco en

conformité avec la sentence du Roi d'Espagne du 23 décembre 1906, jusqu'à ce qu'il se jette dans la mer Caraïbe.

...

Nous, les Présidents nous félicitons pour les accords conclus et faisons des vœux pour leurs succès.

Managua, le 9 avril 2010.

(signé)

José Manuel Ortega Saavedra

Président de la République
du Nicaragua

(signé)

Porfirio Lobo Sosa

Président de la République
du Honduras

* * *

The presidents of the Republic of Nicaragua and the Republic of Honduras

....

Hereby declare

...

3. To reinstall from this moment on, the Commissions of Limits of both nations created on October two of two thousand eight, in order to conclude in short time the process of delimitation in compliance with the judgment dated October eight of two thousand seven, which left unsettle the fourth resolute, that both countries, in good faith, must negotiate the stretch of territorial sea that goes from the mouth of the River Coco in conformity to the Laudo of the King of Spain dated 23 December of 2006, to its mouth in the Caribbean Sea.

...

We both presidents welcome the agreements reached and make votes for the success of same.

Managua, April nine of two thousand ten.

(signed)

José Manuel Ortega Saavedra

President of the Republic of Nicaragua

(signed)

Porfirio Lobo Sosa

President of the Republic of Honduras

ANNEXE II

**Note verbale *Oficio No. 170-DSM* au Ministre des
Relations extérieures de la Colombie et note
verbale *Oficio No. 171-DSM* au Ministre des
Relations extérieures du Nicaragua, toutes deux
en date du 24 octobre 2008**

*** * ***



SECRETARIA DE RELACIONES EXTERIORES
DE LA REPUBLICA DE HONDURAS

Oficio No. 170-DSM

Tegucigalpa; M.D.C., 24 de octubre de 2008.

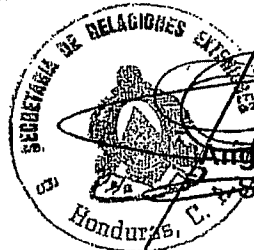
Señor Ministro:

Hónrame saludarlo de la manera más atenta y, en seguimiento a intercambios que han sostenido personeros de nuestras dos Cancillerías con relación a la causa sometida a la decisión de la Corte Internacional de Justicia, por este medio hago de su conocimiento que el Gobierno de la República de Honduras está evaluando la conveniencia nacional de presentar, en aplicación del artículo 62 del Estatuto de la Corte Internacional de Justicia, una solicitud de intervención en la Controversia Territorial y Marítima (Nicaragua contra Colombia), con el fin de expresar nuestra convicción de que tenemos un interés de orden jurídico que pudiera verse afectado por la decisión que la Corte en ese caso.

Con ese propósito, en los próximos días mi Gobierno estará presentando en la Secretaría de la Corte, una comunicación anunciando que eventualmente un interés jurídico de Honduras pudiera verse afectado por la decisión en ese caso, motivo por el cual en su oportunidad y si fuere pertinente, presentará una solicitud formal de intervención en el mismo.

Mi Gobierno abraza la confianza de que el Gobierno de la República de Colombia, estará anuente a que se le brinde a la República de Honduras la mayor amplitud, para que la Corte conozca y tenga muy en cuenta, el interés jurídico que Honduras considera pudiera verse afectado por su decisión.

Agradeciéndole anticipadamente la acogida que tenga a bien conferirle a esta comunicación, aprovecho la oportunidad para renovar las seguridades de mi más alta y distinguida consideración.



Amílcar Edmundo Orellana
Secretario de Estado

Excelentísimo Señor
Doctor Don Jaime Bermúdez Merizalde
Ministro de Relaciones Exteriores de la
República de Colombia.

PODER CIUDADANO
TRANSPARENCIA

ANNEX II

**Note Verbale *Oficio No. 170-DSM* to the Colombian Minister for Foreign Affairs
and Note Verbale *Oficio No. 171-DSM* to the Nicaraguan Minister
for Foreign Affairs, both dated 24 October 2008**

[Translation by the Registry]

**MINISTRY OF FOREIGN AFFAIRS OF
THE REPUBLIC OF HONDURAS**

Oficio No. 170-DSM

Tegucigalpa, 24 October 2008

Your Excellency,

Further to the exchanges between our offices regarding the case brought before the International Court of Justice, I have the honour to inform you that the Government of the Republic of Honduras is currently considering whether it is in the national interest to submit a request, pursuant to Article 62 of the Statute of the International Court of Justice, for permission to intervene in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, in order to express our belief that we have an interest of a legal nature which may be affected by the Court's decision in this case.

With that end in view, my Government will shortly transmit a communication to the Registry of the Court indicating that Honduras has an interest of a legal nature which may be affected by the decision in the case, on which basis it will, if appropriate, submit a formal application to intervene.

My Government is confident that the Government of the Republic of Colombia will agree to afford the maximum scope to the Republic of Honduras, so that the Court is able to entertain and take account of the legal interest of Honduras which may be affected by its decision.

With my appreciation in advance of the spirit in which this Note will be received, may I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Seal of the Ministry) Angel Edmundo ORELLANA,
Minister.

H.E. Dr. Jaime Bermúdez Merizalde,
Minister for Foreign Affairs
of the Republic of Colombia.

CITIZEN POWER — TRANSPARENCY

(Traduction)

MINISTÈRE DES RELATIONS EXTÉRIEURES DE LA RÉPUBLIQUE DU HONDURAS

Oficio N°170-DSM

Tegucigalpa, M.D.C., 24 octobre 2008

Monsieur le Ministre,

J'ai l'honneur de vous saluer de la manière la plus attentionnée et, à la suite des échanges entre deux Chancelleries relativement à l'affaire soumise à la décision de la Cour internationale de Justice, de vous faire connaître que le Gouvernement de la République du Honduras évalue actuellement au niveau national l'opportunité de présenter, en application de l'article 62 du Statut de la Cour internationale de Justice, une demande à fin d'intervention dans l'affaire du *Différend territorial et maritime (Nicaragua c. Colombie)*, avec pour objectif d'exprimer notre conviction de détenir un intérêt d'ordre juridique qui pourrait être affecté par la décision de la Cour en cette affaire.

Dans ce but, dans les prochains jours, mon Gouvernement va présenter au Greffe de la Cour, une communication annonçant qu'éventuellement, un intérêt d'ordre juridique pourrait être affecté par la décision dans cette affaire. Pour cette raison, si cela s'avère opportun et pertinent, il présentera une demande formelle d'intervention.

Mon Gouvernement est confiant que le Gouvernement de la République de Colombie consentira à accorder à la République du Honduras la plus grande importance à ce que la Cour connaisse et prenne en compte l'intérêt juridique que le Honduras pourrait voir affecté par sa décision.

Etant reconnaissant, par avance, de l'accueil qui sera accordé à cette communication, je saisis l'opportunité pour renouveler les assurances de ma plus haute et distinguée considération,

Cachet du Ministère

Angel Edmundo Orellana
Ministre

S.E Docteur Don Jaime Bermúdez Merizalde
Ministre des Relations Extérieures
de la République de Colombie

POUVOIR CITOYEN – TRANSPARENCE



SECRETARIA DE RELACIONES EXTERIORES
DE LA REPUBLICA DE HONDURAS

Oficio No. 171-DSM

Tegucigalpa; M.D.C., 24 de octubre de 2008.

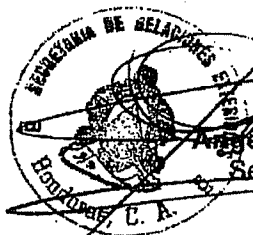
Señor Ministro y estimado amigo:

Hónrame saludarlo de la manera más atenta y, en seguimiento a intercambios que han sostenido personeros de nuestras dos Cancillerías con relación a la causa sometida a la decisión de la Corte Internacional de Justicia, por este medio hago de su conocimiento que el Gobierno de la República de Honduras está evaluando la conveniencia nacional de presentar, en aplicación del artículo 62 del Estatuto de la Corte Internacional de Justicia, una solicitud de intervención en la Controversia Territorial y Marítima (Nicaragua contra Colombia), con el fin de expresar nuestra convicción de que tenemos un interés de orden jurídico que pudiera verse afectado por la decisión que la Corte en ese caso.

Con ese propósito, en los próximos días mi Gobierno estará presentando en la Secretaría de la Corte, una comunicación anunciando que eventualmente un interés jurídico de Honduras pudiera verse afectado por la decisión en ese caso, motivo por el cual en su oportunidad y si fuere pertinente, presentará una solicitud formal de intervención en el mismo.

Mi Gobierno abraza la confianza de que el Gobierno de la República de Colombia, estará anuente a que se le brinde a la República de Honduras la mayor amplitud, para que la Corte conozca y tenga muy en cuenta, el interés jurídico que Honduras considera pudiera verse afectado por su decisión.

Agradeciéndole anticipadamente la acogida que tenga a bien conferirle a esta comunicación, aprovecho la oportunidad para renovar las seguridades de mi más alta y distinguida consideración.



Angel Eusebio Orellana
Secretario de Estado

Excelentísimo Señor
Don Samuel Santos López
Secretario del Exterior de la
República de Nicaragua.

PODER CIUDADANO
TRANSPARENCIA

[Translation by the Registry]

**MINISTRY OF FOREIGN AFFAIRS OF
THE REPUBLIC OF HONDURAS**

Oficio No. 171-DSM

Tegucigalpa, 24 October 2008

Your Excellency,

Further to the exchanges between our offices regarding the case brought before the International Court of Justice, I have the honour to inform you that the Government of the Republic of Honduras is currently considering whether it is in the national interest to submit a request, pursuant to Article 62 of the Statute of the International Court of Justice, for permission to intervene in the case concerning the *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, in order to express our belief that we have an interest of a legal nature which may be affected by the Court's decision in this case.

With that end in view, my Government will shortly transmit a communication to the Registry of the Court indicating that Honduras has an interest of a legal nature which may be affected by the decision in the case, on which basis it will, if appropriate, submit a formal application to intervene.

My Government is confident that the Government of the Republic of Nicaragua will agree to afford the maximum scope to the Republic of Honduras, so that the Court is able to entertain and take account of the legal interest of Honduras which may be affected by its decision.

With my appreciation in advance of the spirit in which this Note will be received, may I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Seal of the Ministry) Angel Edmundo ORELLANA,
Minister.

H.E. Mr. Samuel Santos López,
Minister for Foreign Affairs
of the Republic of Nicaragua

CITIZEN POWER — TRANSPARENCY

(Traduction)

MINISTÈRE DES RELATIONS EXTÉRIEURES DE LA RÉPUBLIQUE DU HONDURAS*Oficio N°171-DSM*

Tegucigalpa, M.D.C., 24 octobre 2008

Monsieur le Ministre,

J'ai l'honneur de vous saluer de la manière la plus attentionnée et, à la suite des échanges entre deux Chancelleries relativement à l'affaire soumise à la décision de la Cour internationale de Justice, de vous faire connaître que le Gouvernement de la République du Honduras évalue actuellement au niveau national l'opportunité de présenter, en application de l'article 62 du Statut de la Cour internationale de Justice, une demande à fin d'intervention dans l'affaire du *Différend territorial et maritime (Nicaragua c. Colombie)*, avec pour objectif d'exprimer notre conviction de détenir un intérêt d'ordre juridique qui pourrait être affecté par la décision de la Cour en cette affaire.

Dans ce but, dans les prochains jours, mon Gouvernement va présenter au Greffe de la Cour, une communication annonçant qu'éventuellement, un intérêt d'ordre juridique pourrait être affecté par la décision dans cette affaire. Pour cette raison, si cela s'avère opportun et pertinent, il présentera une demande formelle d'intervention.

Mon Gouvernement est confiant que le Gouvernement de la République du Nicaragua consentira à accorder à la République du Honduras la plus grande importance à ce que la Cour connaisse et prenne en compte l'intérêt juridique que le Honduras pourrait voir affecté par sa décision.

Etant reconnaissant, par avance, de l'accueil qui sera accordé à cette communication, je saisis l'opportunité pour renouveler les assurances de ma plus haute et distinguée considération,

Cachet du Ministère

Angel Edmundo Orellana
Ministre

S.E Monsieur Don Samuel Santos López
Ministre des Relations Extérieures
de la République du Nicaragua

POUVOIR CITOYEN - TRANSPARENCE

ANNEXE III

Articles 6, 9 et 12 de la loi hondurienne sur les espaces maritimes du 20 octobre 1999.

(En espagnol, en français et en anglais).

*** * ***

« LEY DE ESPACIOS MARÍTIMOS DE HONDURAS

...

ARTICULO 6. - DE LA ZONA ECONOMICA EXCLUSIVA

Honduras establece una zona económica exclusiva a lo largo de sus costas, que se extiende desde el límite exterior del mar territorial hasta una "distancia de doscientas millas marinas, contadas desde la línea de base desde la que se mide la anchura de aquel.

ARTICULO 9. - DE LA PLATAFORMA CONTINENTAL

La plataforma continental hondureña comprende el suelo y subsuelo de las áreas submarinas adyacentes a su mar territorial hasta una distancia de 200 millas marinas contadas desde las líneas de base o bien hasta el borde exterior de su margen continental.

ARTICULO 12. - DE LA DELIMITACION DEL MAR TERRITORIAL DE LA ZONA ECONOMICA EXCLUSIVA Y DE LA PLATAFORMA CONTINENTAL ENTRE ESTADOS CON COSTAS ADYACENTES O SITUADAS FRENTE A FRENTE

- 1) La delimitación de los anteriores espacios marítimos de Honduras con sus países vecinos se efectuará mediante acuerdo entre ellos sobre la base del Derecho Internacional;
- 2) Tales acuerdos deberán llegar a una solución equitativa, para lo cual habrá de tenerse en cuenta, en orden a aplicar el principio de equidad, no solamente la equidistancia, sino también la proporcionalidad como manifestación concreta de la equidad y la existencia de otras circunstancias especiales pertinentes, tales como la existencia de islas; y,

... »

(Traductions)

LOI SUR LES ZONES MARITIMES DU HONDURAS

...

ARTICLE 6. – ZONE ECONOMIQUE EXCLUSIVE

Le Honduras établit une zone économique exclusive le long de ses côtes s'étendant de la limite extérieure de la mer territoriale jusqu'à une distance de 200 milles marins de la ligne de base à partir de laquelle la largeur de la mer territoriale est mesurée.

ARTICLE 9. – PLATEAU CONTINENTAL

Le plateau continental du Honduras comprend les fonds marins et le sous-sol des zones sous-marines adjacentes à sa mer territoriale jusqu'à une distance de 200 milles marins des lignes de base ou jusqu'au rebord extérieur de son plateau continental.

ARTICLE 12. - DELIMITATION DE LA MER TERRITORIALE, DE LA ZONE ECONOMIQUE EXCLUSIVE ET DU PLATEAU CONTINENTAL ENTRE ÉTATS DONT LES COTES SONT ADJACENTES OU SE FONT FACE

1. La délimitation des zones maritimes visées ci-dessus entre le Honduras et les pays voisins est effectuée par voie d'accord entre eux sur la base du droit international ;
2. Lesdits accords aboutissent à une solution équitable, tenant compte, afin d'appliquer le principe d'équité, non seulement de l'équidistance mais aussi de la proportionnalité en tant que représentation concrète de l'équité ainsi que d'autres circonstances spéciales pertinentes, telles que l'existence d'îles ; et

...

ACT ON MARITIME AREAS OF HONDURAS

...

ARTICLE 6. - EXCLUSIVE ECONOMIC ZONE

Honduras establishes an exclusive economic zone along its coasts which extends from the outer edge of the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

ARTICLE 9. - CONTINENTAL SHELF

The Honduran continental shelf comprises the seabed and subsoil of the submarine areas adjacent to its territorial sea to a distance of 200 nautical miles from the baselines or to the outer edge of its continental shelf.

ARTICLE 12. - DELIMITATION OF THE TERRITORIAL SEA, THE EXCLUSIVE ECONOMIC ZONE AND THE CONTINENTAL SHELF BETWEEN STATES WITH OPPOSITE OR ADJACENT COASTS

1. The delimitation of the above-mentioned areas between Honduras and its neighbouring countries shall be effected through an agreement between them on the basis of international law;
2. Such agreements shall arrive at an equitable solution, taking into account, in order to apply the principle of equity, not only equidistance but also proportionality as a concrete manifestation of equity, together with other special circumstances, such as the existence of islands; and

...