

INTERNATIONAL COURT OF JUSTICE

APPLICATION
INSTITUTING PROCEEDINGS

filed in the Registry of the Court
on 26 November 2013

ALLEGED VIOLATIONS
OF SOVEREIGN RIGHTS AND MARITIME SPACES
IN THE CARIBBEAN SEA

(NICARAGUA *v.* COLOMBIA)

COUR INTERNATIONALE DE JUSTICE

REQUÊTE
INTRODUCTIVE D'INSTANCE

enregistrée au Greffe de la Cour
le 26 novembre 2013

VIOLATIONS ALLÉGUÉES
DE DROITS SOUVERAINS ET D'ESPACES MARITIMES
DANS LA MER DES CARAÏBES

(NICARAGUA *c.* COLOMBIE)

2013
General List
No. 155

I. LETTER FROM THE AGENT OF NICARAGUA TO THE REGISTRAR
OF THE INTERNATIONAL COURT OF JUSTICE

26 November 2013.

I have the honour to accompany the original Application of the Republic of Nicaragua against the Republic of Colombia for violations of Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of 19 November 2012 and the threat of use of force by Colombia in order to implement these violations. This original document and its Annexes dated today is signed by the Ambassador of Nicaragua to The Netherlands and Agent named for these proceedings, with the purpose of its being filed with the Registry in accordance with Article 52, paragraph 1, of the Rules of Court.

This original Application and its Annexes is accompanied by a copy that the undersigned Agent certifies as identical to the original for purposes of communication to the other party in accordance with Article 43, paragraph 4, of the Statute.

In addition, I have the honour to accompany 20 copies of the Application and its Annexes for the discretionary use of the Court.

The annexed documents are certified as accurate and identical to the originals, and the translations are also certified as true and accurate translations into the English language.

(Signed) Carlos J. ARGÜELLO GÓMEZ,
Agent of the Republic of Nicaragua.

II. APPLICATION INSTITUTING PROCEEDINGS

26 November 2013.

To the Registrar of the International Court of Justice,

The undersigned being duly authorized by the Republic of Nicaragua and being the Ambassador of the Republic of Nicaragua at The Hague has the honour to file the following Application:

1. The Republic of Nicaragua (“Nicaragua”) has the honour to submit to the Court, in accordance with Articles 36 and 40 of the Statute of the Court and Article 38 of the Rules of Court, this Application instituting proceedings against the Republic of Colombia (“Colombia”) in respect of the dispute described below.

I. SUBJECT OF THE DISPUTE

2. The dispute concerns the violations of Nicaragua’s sovereign rights and maritime zones declared by the Court’s Judgment of 19 November 2012 and the threat of the use of force by Colombia in order to implement these violations.

II. THE FACTS

3. Seized by an Application filed by Nicaragua on 6 December 2001, the Court, by a Judgment dated 19 November 2012, decided as follows:

“(1) Unanimously,

Finds that the Republic of Colombia has sovereignty over the islands at Alburquerque, Bajo Nuevo, East-Southeast Cays, Quitasueño, Roncador, Serrana and Serranilla;

(2) By fourteen votes to one,

Finds admissible the Republic of Nicaragua’s claim contained in its final submission I (3) requesting the Court to adjudge and declare that ‘[t]he appropriate form of delimitation, within the geographical and legal framework constituted by the mainland coasts of Nicaragua and Colombia, is a continental shelf boundary dividing by equal parts the overlapping entitlements to a continental shelf of both Parties’;

(3) Unanimously,

Finds that it cannot uphold the Republic of Nicaragua’s claim contained in its final submission I (3);

(4) Unanimously,

Decides that the line of the single maritime boundary delimiting the continental shelf and the exclusive economic zones of the Republic of Nicaragua and the Republic of Colombia shall follow lines connecting the points with co-ordinates:

| Latitude north | Longitude west |
|------------------|----------------|
| 1. 13° 46' 35.7" | 81° 29' 34.7" |
| 2. 13° 31' 08.0" | 81° 45' 59.4" |
| 3. 13° 03' 15.8" | 81° 46' 22.7" |
| 4. 12° 50' 12.8" | 81° 59' 22.6" |
| 5. 12° 07' 28.8" | 82° 07' 27.7" |
| 6. 12° 00' 04.5" | 81° 57' 57.8" |

From point 1, the maritime boundary line shall continue due east along the parallel of latitude (co-ordinates 13° 46' 35.7" N) until it reaches the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured. From point 6 (with co-ordinates 12° 00' 04.5" N and 81° 57' 57.8" W), located on a 12-nautical-mile envelope of arcs around Albuquerque, the maritime boundary line shall continue along that envelope of arcs until it reaches point 7 (with co-ordinates 12° 11' 53.5" N and 81° 38' 16.6" W) which is located on the parallel passing through the southernmost point on the 12-nautical-mile envelope of arcs around East-Southeast Cays. The boundary line then follows that parallel until it reaches the southernmost point of the 12-nautical-mile envelope of arcs around East Southeast Cays at point 8 (with co-ordinates 12° 11' 53.5" N and 81° 28' 29.5" W) and continues along that envelope of arcs until its most eastward point (point 9 with co-ordinates 12° 24' 09.3" N and 81° 14' 43.9" W). From that point the boundary line follows the parallel of latitude (co-ordinates 12° 24' 09.3" N) until it reaches the 200-nautical-mile limit from the baselines from which the territorial sea of Nicaragua is measured;

(5) Unanimously,

Decides that the single maritime boundary around Quitasueño and Serrana shall follow, respectively, a 12-nautical-mile envelope of arcs measured from QS 32 and from low-tide elevations located within 12 nautical miles from QS 32, and a 12-nautical-mile envelope of arcs measured from Serrana Cay and the other cays in its vicinity;

(6) Unanimously,

Rejects the Republic of Nicaragua's claim contained in its final submissions requesting the Court to declare that the Republic of Colombia is not acting in accordance with its obligations under international law by preventing the Republic of Nicaragua from having access to natural resources to the east of the 82nd meridian."¹

4. The very day when the Judgment was rendered, the Colombian authorities strongly criticized its contents and attacked the Court itself. Mr. Juan Manuel Santos, the Colombian President stated:

¹ *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgment, I.C.J. Reports 2012 (II), pp. 718-720, para. 251.

“Today this Court rejected the claims of sovereignty of Nicaragua over our archipelago. It is a final and unappealable judgment on this issue.

.....

The Court, in its judgment draws a line that begins on the west of the archipelago, between our islands and the coast of Nicaragua.

While this is positive for Colombia, the Court, when drawing the maritime delimitation line, made serious mistakes that I must stress, and [those mistakes] affect us negatively.

Inexplicably — after recognizing the sovereignty of Colombia over the entire archipelago and holding that it [the archipelago] as a unit generated continental shelf and exclusive economic zone rights — the Court adjusted the delimitation line, leaving the Keys of Serrana, Serranilla, Quitasueño and Bajo Nuevo separated from the rest of the archipelago.

This is inconsistent with what the Court itself acknowledged, and is not compatible with the geographical conception of what is an archipelago.

All of these are really omissions, errors, excesses, inconsistencies that we cannot accept.

Taking into account the above, Colombia — represented by its Head of State — emphatically rejects that aspect of the judgment rendered by the Court today.

.....

The Government respects the rule of law but considers that the Court has committed serious mistakes in this matter.”² (Emphasis added.)

5. In a similar vein, Colombia’s Foreign Minister, María Angela Holguín, described the ICJ as an “enemy” of the region, claiming its unanimous Judgment was not based on the law. Foreign Minister Holguín stated that

“the enemy is the Court which did not base its decision on the law, that Judgment is full of inadequacies and one reads it and cannot believe that the States parties that conform the Court elected those judges to decide such an important Judgment”³.

6. On 27 November 2012, Colombia denounced the Pact of Bogotá, in a letter from the Colombian Minister of Foreign Affairs to the Secretary-General of the Organization of American States claiming that,

“I have the honour to address Your Excellency pursuant to Article LVI of the American Treaty on Pacific Settlement in order to give notice to the

² “Declaration of President Juan Manuel Santos on the judgment of the International Court of Justice”, 19 November 2012 (Annex 1) (http://wsp.presidencia.gov.co/Prensa/2012/Noviembre/Paginas/20121119_02.aspx). See also: “ICJ ruling on San Andrés a ‘serious judgment error’: Santos”, *Colombia Reports*, 20 November 2012 (<http://colombiareports.co/icc-j-ruling-on-san-andres-a-serious-judgment-error-santos/>); “International Court Gives Nicaragua More Waters, Outlying Keys to Colombia”, *Diálogo*, 21 November 2012 (http://dialogoamericas.com/en_GB/articles/rmisa/features/regional_news/2012/11/21/feature-ex-3687), or “Caribbean Crisis: Can Nicaragua Navigate Waters It Won from Colombia? ”, *Time World*, 28 November 2012 (<http://world.time.com/2012/11/28/caribbean-crisis-can-nicaragua-navigate-waters-it-won-from-colombia/>) or BBC, United Kingdom, “Colombia pulls out of International Court over Nicaragua”, 28 November 2012 (<http://www.bbc.co.uk/news/world-latin-america-20533659>).

³ “The Colombian Foreign Minister Calls The Hague an Enemy”, *El Nuevo Herald*, 28 November 2012 (Annex 2) (<http://www.elnuevoherald.com/2012/11/27/1353049/canciller-colombiana-califica.html>).

General Secretariat of the Organization of American States, which you head, as the successor to the Pan American Union, that the Republic of Colombia denounces as of today the ‘American Treaty on Pacific Settlement’, signed on 30 April 1948, whose instrument of ratification was deposited by Colombia on 6 November 1968.

The denunciation of the American Treaty on Pacific Settlement shall be in effect as of today with respect to procedures initiated after this notice, pursuant to the second paragraph of Article LVI, which reads: ‘The denunciation shall have no effect with respect to pending procedures initiated prior to the transmission of the particular notification.’⁴

7. Colombia’s denunciation of the Pact of Bogotá was explained the next day by President Santos:

“I have decided that the highest national interests demand that the territorial and maritime boundaries be fixed through treaties, as has been the legal tradition of Colombia, and not through judgments rendered by the International Court of Justice.

.....

This is why yesterday Colombia denounced the Pact of Bogotá. Proper notice was given to the Secretary-General of the Organization of American States. It will become effective for procedures that are initiated after the notification.

.....

The decision I have made obeys a fundamental principle: the boundaries between States should be fixed by States themselves. *Land borders and maritime boundaries between States should not be left to a Court, but rather must be fixed by States through treaties of mutual agreement.*”⁵ (Emphasis added.)

8. President Daniel Ortega invited President Santos to meet with him in an effort to forge a constructive dialogue⁶. The meeting was held in Mexico City on 1 December 2012. President Ortega reiterated Nicaragua’s willingness to discuss issues relating to the implementation of the Court’s Judgment and its determination to manage the situation peacefully. President Santos rejected the dialogue by stating that his country would not abide by the Judgment until “we see that Colombian rights, that have been violated, are re-established and guaranteed in the future”⁷.

9. Since the Judgment was rendered on 19 November 2012, Colombia has consistently resorted to the threat of the use of force.

(a) During a meeting of Governors on the Island of San Andrés on 18 February 2013, President Santos told his audience:

⁴ See letter from Colombia to Secretary-General of the Organization of American States dated 27 November 2012 (GACIJ No. 79357) (Annex 3).

⁵ Declaration of President Juan Manuel Santos on the denunciation of the Pact of Bogotá, 28 November 2012 (Annex 4) (http://wsp.presidencia.gov.co/Prensa/2012/Noviembre/Paginas/20121128_04.aspx).

⁶ “Santos and Ortega will meet this Saturday in Mexico City”, *La República*, 29 November 2012 (Annex 5) (http://www.larepublica.co/economia/santos-y-ortega-se-reunir%C3%A1-este-s%C3%A1bado-en-ciudad-dem%C3%A9xico_26792).

⁷ “Government of Colombia will not implement ICJ judgment until the rights of Colombians are not restored”, *El Salvador Noticias.net*, 3 December 2012 (<http://www.elsalvador-noticias.net/2012/12/03/gobierno-decolombia-no-aplicara-fallo-cij-mientras-no-se-restablezcan-derechos-de-colombianos/>).

“It should be] absolutely and totally clear that: I have given peremptory and precise instructions to the Navy; the historical rights of our fishermen are going to be respected no matter what. No one has to request permission to anybody in order to fish where they have always fished . . .

Colombia fishermen are going to be able to exercise their historical fishing rights — that is what we have been saying. We will make sure of that.

.....

This afternoon the Minister of Defence will arrive, the Commander of the Navy is coming [too] and I am going to reiterate this in front of all the San Andrés people: You do not have to request permission from anybody in order to fish where you have traditionally fished.”⁸

- (b) On 13 August 2013, the newly designated Commander of the Navy, Vice Admiral Hernando Willis, reaffirmed President Santos’ orders and manifested that its biggest challenge would be in relation to the waters that were the subject of the 19 November 2012 Judgment, as it was necessary to “protect the fishermen in the area where they have historically exercised that task, as well as to maintain permanent presence”⁹.
- (c) On 23 August 2013 the Vice-President of Colombia, Mr. Angelina Garzón, stated that the Judgment of the Court was not binding for Colombia. He emphasized that “the judgment of the Court of The Hague is unenforceable in our country”¹⁰.
- (d) On 19 September 2013, President Santos ordered the Colombian Navy to defend the continental shelf “a capa y espada” (cloak and sword). The Commander of the Navy, Vice-Admiral Hernando Willis, answered the President’s speech by emphasizing that his forces would comply with the orders of the Head of State to exercise sovereignty in the entire Colombian Caribbean Sea including up to the 82 meridian. For her part, the Governor of San Andrés, Mrs. Aury Guerrero, addressed President Santos saying that “the whole territory, including the 82 [meridian], is yours and we count on its defence”¹¹.

10. These declarations by the highest Colombian authorities culminated with the enactment of a decree that openly violated Nicaragua’s sovereign rights over its maritime areas in the Caribbean. Article 5 of this Presidential Decree 1946, reads as follows:

“Article 5

*Contiguous zone of the Western Caribbean Sea
insular territories*

1. Without prejudice to that which is established in Number 2 of the present Article, the contiguous zone of the Western Caribbean Sea insular territo-

⁸ “Declaration of President Juan Manuel Santos during the Summit of Governors in San Andres”, 18 February 2013 (Annex 6) (http://wsp.presidencia.gov.co/Prensa/2013/Febrero/Paginas/20130218_09.aspx).

⁹ “Waters of San Andres, main challenge of new Commander of the Navy”, *Blue Radio.com*, 13 August 2013, (<http://www.bluradio.com/38934/aguas-de-san-andres-principal-reto-del-nuevo-comandante-de-la-armadana-nacional>).

¹⁰ “World Court ruling on maritime borders unenforceable in Colombia: Vice President”, *Colombia Reports*, 23 August 2013, (<http://colombiareports.co/hague-judgment-unenforceable-colombia-vice-president/>).

¹¹ “Santos orders to defend the continental shelf with cloak and sword”, *El Espectador*, 19 September 2013 (Annex 7) (<http://www.elespectador.com/noticias/politica/santos-ordena-defender-plataforma-continental-capay-es-articulo-447445>).

ries of Colombia extends to a distance of 24 nautical miles measured from the baselines referred to in Article 3 of this Decree.

2. The contiguous zones adjacent to the territorial sea of the islands that conform the Western Caribbean Sea insular territories of Colombia, except those of the Serranilla and Bajo Nuevo Islands, upon intersecting create a contiguous zone and uninterrupted zone of the whole of the San Andrés, Providencia and Santa Catalina Archipelago Department over which the competent national authorities shall exercise their powers as recognized by international law and the Colombian laws mentioned in Number 3 of the present article.

With the objective of ensuring the due administration and the orderly management of the whole San Andrés, Providencia and Santa Catalina Archipelago, its islands, keys and other formations and their maritime areas and resources, as well as to avoid the existence of irregular shapes or contours that make difficult their practical implementation, the lines that indicate the outer limits of the contiguous zones shall be joined by geodesic lines. Similarly, these shall be joined to the contiguous zone of Serranilla Island by geodesic lines that shall follow the direction of parallel 14° 59' 08" N through to meridian 79° 56' 00" W, and from there to the north, thus conforming the Integral Contiguous Zone of the San Andrés, Providencia and Santa Catalina Archipelago Department.

3. Further to what is established in the above provision, the Colombian State shall exercise in the established Integral Contiguous Zone, its sovereign authority and the powers for the implementation and the necessary control regarding:

- (a) Prevention and control of violations of laws and by-laws regarding the integral security of the State, including piracy, drug trafficking, as well as behaviours that endanger security at sea and national maritime interests, customs, fiscal, immigration and health matters committed in its insular territories or in their territorial sea. Similarly, violations of laws and by-laws regarding environmental protection, cultural patrimony and the exercise of historic rights to fishing held by the State of Colombia, shall be prevented and controlled.

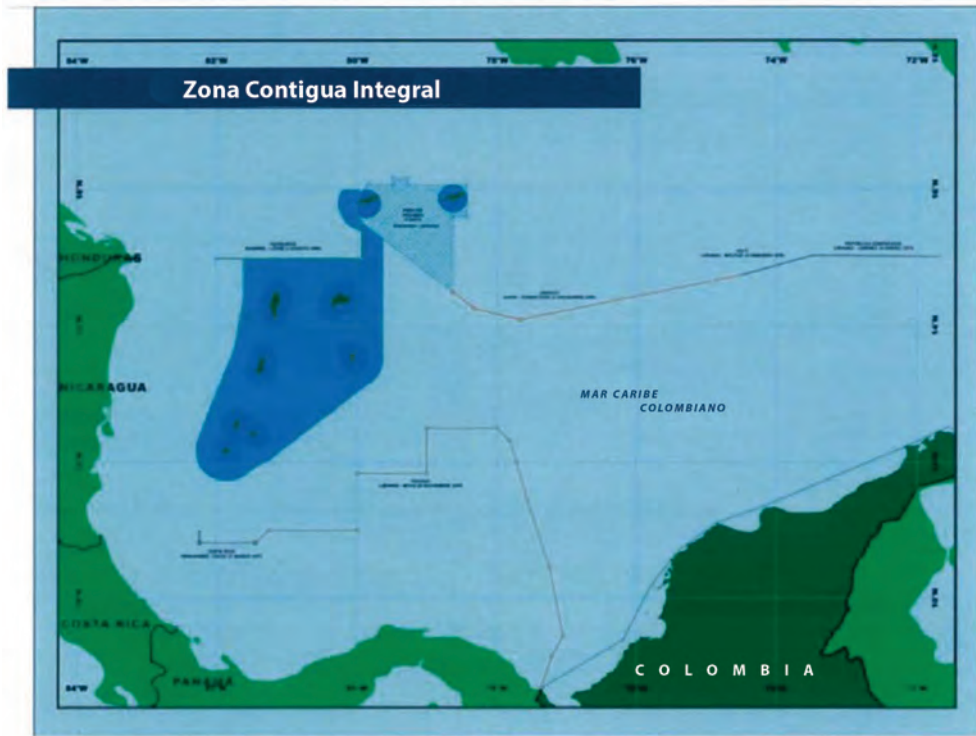
- (b) Punishment of violations of laws and by-laws regarding the matters mentioned in (a) above, and that were committed in the insular territories or their territorial sea.”¹²

11. Colombia’s self-proclaimed maritime boundaries in the Western Caribbean, pursuant to this Decree, were depicted in the following map, published by the Colombian Government¹³.

12. The violation of Nicaragua’s sovereign rights to its maritime areas in the Caribbean as established by the Court’s Judgment may be appreciated in the following graphic, which superimposes the maritime zones proclaimed as Colombian

¹² Presidential Decree 1946 of 9 September 2013 (Annex 8) (<http://wsp.presidencia.gov.co/Normativa/Decretos/2013/Documents/SEPTIEMBRE/09/DÉCRETO%201946%20DEL%2009%20DE%20SEPTIEMBRE%20DE%202013.pdf>)

¹³ Map presented by President Juan Manuel Santos, 9 September 2013 <http://www.cancilleria.gov.co/newsroom/video/allocucion-del-presidente-juan-manuel-santos-sobre-la-estrategia-integral-colombia>.



by its Decree 1946 (in green and purple), on the Court’s sketch-map No. 11, depicting the course of the maritime boundary established by the Judgment :

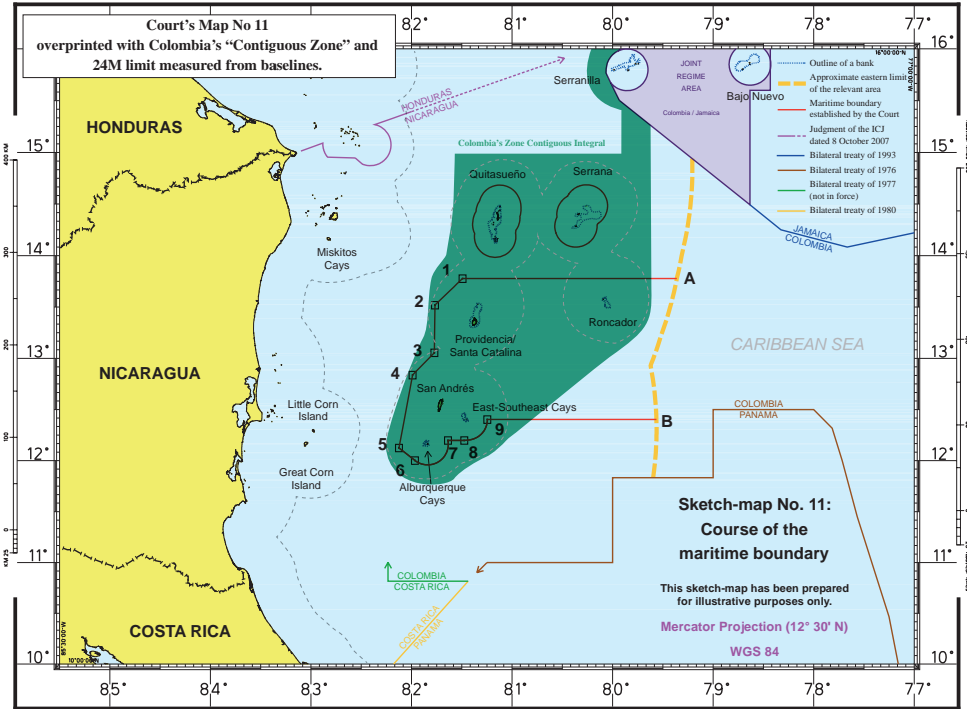
13. The same day the Colombian Decree was issued, President Santos explained :

“All the people of our country continue to feel indignant about the International Court of Justice’s judgment.

.....
Article 101 of our Constitution states that ‘the borders defined as provided in this Constitution shall be subject to modification only by virtue of treaties approved by Congress and duly ratified by the President of the Republic.’

On its part, the Constitutional Court, has clearly stated that these treaties — that is to say, those that refer to the borders and demarcation of Colombia — should always be approved by our Congress.

.....
I repeat the decision I have made: The judgment of the International Court of Justice IS NOT APPLICABLE without a treaty.
.....



[B]ased on Colombia's laws and taking into account clear principles of international law, by way of this decree and as recognized to us by international law, we are establishing jurisdictional and control rights over the mentioned zone.

And we declare the existence of an Integral Contiguous Zone through which we have unified the contiguous zones of all our islands and keys in the Western Caribbean Sea.

This integral area allows us to continue to adequately administrate the Archipelago and its surrounding waters — as an archipelago rather than unconnected territories, thus being able to control our security and protect our resources and environment in the zone.

The Integral Contiguous Zone we have established covers maritime spaces that extend from the south, where the Albuquerque and East-Southeast Keys are situated, and to the north, where Serranilla Key is located.

Of course, it includes the San Andrés, Providencia and Santa Catalina, Quitasueño, Serrana and Roncador Islands, and the other formations in the area.

In this Integral Contiguous Zone we will exercise jurisdiction and control over all areas related to security and the struggle against delinquency, and

over fiscal, customs, environmental, immigration and health matters and other areas as well.

.....
First: We decided that without a treaty, the sentence is not applicable.

Second: By declaring the zone an Integral Contiguous Zone we have consolidated our Archipelago.

Third: We are making progress in the environmental and social protection of the Seaflower Reserve.

And Fourth: We have stopped Nicaragua’s expansionist ambitions by declaring the unity of two continental shelves which together extend from San Andrés to Cartagena.”¹⁴ (Emphasis added.)

14. Later, President Santos persevered in his rejection of the Court’s Judgment. On 18 September 2013, on the occasion of a military “exercise of sovereignty” in the Caribbean Sea, off the coasts of San Andrés Island, he stated unambiguously:

*“Colombia considers that the judgment of The Hague is not applicable, and we will not apply it, just as we said it then and I repeat it today, until we have a new treaty. And we will not make any action, in any direction, until the Constitutional Court has not pronounced, after the suit filed by me personally against the Pact of Bogotá.”*¹⁵ (Emphasis added.)

15. Prior and especially subsequent to the enactment of Decree 1946, the threatening declarations by Colombian authorities and the hostile treatment given by Colombian naval forces to Nicaraguan vessels have seriously affected the possibilities of Nicaragua for exploiting the living and non-living resources in its Caribbean exclusive economic zone and continental shelf. When even Nicaraguan fishermen are reluctant to enter certain areas that are patrolled by Colombian naval vessels, the effect on vital foreign investment is extremely damaging. These matters will be documented and detailed in the course of these proceedings.

III. THE JURISDICTION OF THE COURT

16. The jurisdiction of the Court in this case is based on Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948. This provision 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 recog-

¹⁴ “Declaration of President Juan Manuel Santos on the integral strategy of Colombia on the Judgment of the International Court of Justice”, 9 September 2013 (Annex 9) (http://wsp.presidencia.gov.co/Prensa/2013/Septiembre/Paginas/20130909_04-Palabras-Santos-Colombia-presenta-su-Estrategia-Integral-frente-al-fallo-de-La-Haya.aspx or, for the video, <http://wsp.presidencia.gov.co/Videos/2013/Septiembre/Paginas/Septiembre.aspx>).

¹⁵ “Declaration of President Juan Manuel Santos during the sovereignty exercises performed in the Caribbean Sea”, 18 September 2013 (Annex 10) (http://wsp.presidencia.gov.co/Prensa/2013/Septiembre/Paginas/20130918_09-Palabras-Presidente-Juan-Manuel-Santos-durante-ejercicio-soberania-que-cumplio-en-el-Mar-Caribe.aspx or, for the video, <http://wsp.presidencia.gov.co/Videos/2013/Septiembre/Paginas/Septiembre.aspx>).

nize, 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.”

Both Nicaragua and Colombia are Parties to the Pact of Bogotá. No reservation in force at the present date has been made by either Nicaragua or Colombia under the Pact.

17. As explained above¹⁶, on 27 November 2012, Colombia gave notice that it denounced as of that date the Pact of Bogotá; and in accordance with Article LVI of the Pact, that denunciation will take effect after one year, so that the Pact will cease to be in force for Colombia after 27 November 2013.

18. Moreover and alternatively, the jurisdiction of the Court lies in its inherent power to pronounce on the actions required by its Judgments.

IV. THE LEGAL GROUND FOR NICARAGUA’S REQUEST

19. In Paragraphs 4 and 5 of the *dispositif* of its Judgment of 19 November 2012, the Court unanimously determined the course of the single maritime boundary delimiting the continental shelf and the exclusive economic zones of the Republic of Nicaragua and the Republic of Colombia. In conformity with Articles 59 and 60 of the Court’s Statute, this Judgment is final and without appeal and has binding force between the Parties. By itself, the decision made by Colombia not to comply with it is a breach of that State’s obligations under international law, which entails its responsibility¹⁷.

20. Moreover, by its decision not to comply with the Court’s Judgment, Colombia is also in breach of its obligations, and violates Nicaragua’s rights, under customary international law, as reflected in Parts V and VI of the UNCLOS.

21. These breaches are all the more worrying and serious as they are accompanied by clear threats to use force, in breach of Article 2 (4) of the UN Charter according to which:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

This provision reflects a peremptory norm of general international law.

¹⁶ See para. 6 above.

¹⁷ *Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)*, Judgment, *I.C.J Reports 2009*, p. 213, para. 148 (“[The] obligation to cease wrongful conduct derives both from the general obligation of each State to conduct itself in accordance with international law and from the specific obligation upon States parties to disputes before the Court to comply with its judgments, pursuant to Article 59 of its Statute.”)

V. DECISION REQUESTED

22. On the basis of the foregoing statement of facts and law, Nicaragua, while reserving the right to supplement, amend or modify this Application, requests the Court to adjudge and declare that Colombia is in breach of:

- its obligation not to use or threaten to use force under Article 2 (4) of the UN Charter and international customary law;
- its obligation not to violate Nicaragua's maritime zones as delimited in paragraph 251 of the ICJ Judgment of 19 November 2012 as well as Nicaragua's sovereign rights and jurisdiction in these zones;
- its obligation not to violate Nicaragua's rights under customary international law as reflected in Parts V and VI of UNCLOS;
- and that, consequently, Colombia is bound to comply with the Judgment of 19 November 2012, wipe out the legal and material consequences of its internationally wrongful acts, and make full reparation for the harm caused by those acts.

23. Pursuant to Article 31 of the Statute of the Court and Article 35, paragraph 1 of its Rules, the Republic of Nicaragua will exercise the power conferred by Article 31 of the Statute and choose a person to sit as judge and will so inform the Court in due course.

24. Nicaragua, reserves its right to supplement, amend or modify this Application.

25. The Government of Nicaragua has designated the undersigned as its Agent for the purposes of these proceedings. All communications relating to this case should be sent to the Office of the Agent of the Republic of Nicaragua, Statenlaan 52, 2582 GP, The Hague.

Respectfully submitted,

(Signed) Carlos J. ARGÜELLO GÓMEZ,
Ambassador of the Republic of Nicaragua,
Agent of the Republic of Nicaragua.

CERTIFICATION

26 November 2013.

The undersigned Agent of the Republic of Nicaragua certifies that the documents hereunder listed are true copies and conform to the original documents and that the translations into English made by Nicaragua are accurate translations of the documents annexed to the Application by the Republic of Nicaragua instituting proceedings against the Republic of Colombia for violations of Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of 19 November 2012 and the threat of use of force by Colombia in order to implement these violations.

(Signed) Carlos J. ARGÜELLO GÓMEZ,
Agent of the Republic of Nicaragua.

List of Annexes

- Annex 1.* Declaration of President Juan Manuel Santos on the Judgment of the International Court of Justice, 19 November 2012.
- Annex 2.* "The Colombian Foreign Minister calls The Hague an Enemy", *El Nuevo Herald*, 28 November 2012.
- Annex 3.* Letter from the Minister of Foreign Affairs of Colombia to the Secretary-General of the Organization of American States, 27 November 2012.
- Annex 4.* Declaration of President Juan Manuel Santos on the denunciation of the Pact of Bogotá, 28 November 2012.
- Annex 5.* "Santos and Ortega will meet this Saturday in Mexico City", *La República*, 29 November 2012.
- Annex 6.* Declaration of President Juan Manuel Santos during the Summit of Governors in San Andrés, 18 February 2013.
- Annex 7.* "Santos orders to defend the continental shelf with cloak and sword", *El Espectador*, 19 September 2013.
- Annex 8.* Presidential Decree 1946 of 9 September 2013.
- Annex 9.* Declaration of President Juan Manuel Santos on the integral strategy of Colombia on the Judgment of the International Court of Justice, 9 September 2013.
- Annex 10.* Declaration of President Juan Manuel Santos during the sovereignty exercises performed in the Caribbean Sea, 18 September 2013.
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