

Alleged Violations of Sovereign Rights and Maritime Spaces (Nicaragua v. Colombia, 2022)

On 26 November 2013, Nicaragua filed an Application instituting proceedings against Colombia relating to a “dispute concern[ing] the violations of Nicaragua’s sovereign rights and maritime zones declared by the Court’s Judgment of 19 November 2012 [in the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia)] and the threat of the use of force by Colombia in order to implement these violations”.

In its Application, Nicaragua requested the Court to adjudge and declare that Colombia was in breach of several of its international obligations, and that it was obliged to make full reparation for the harm caused by its internationally wrongful acts.

Nicaragua based the jurisdiction of the Court on Article XXXI of the Pact of Bogotá. It further contended, “[m]oreover and alternatively, [that] the jurisdiction of the Court [lay] in its inherent power to pronounce on the actions required by its Judgments”.

On 19 December 2014, Colombia raised preliminary objections to the jurisdiction of the Court. On 17 March 2016, the Court rendered its Judgment on the preliminary objections raised by Colombia. The Court found that it had jurisdiction, on the basis of Article XXXI of the Pact of Bogotá, to adjudicate upon the dispute regarding the alleged violations by Colombia of Nicaragua’s rights in the maritime zones which, according to Nicaragua, the Court declared in its Judgment of 19 November 2012 appertain to Nicaragua.

In its Counter-Memorial filed on 17 November 2016, Colombia submitted four counter-claims. The first was based on Nicaragua’s alleged breach of its duty of due diligence to protect and preserve the marine environment of the south-western Caribbean Sea; the second related to Nicaragua’s alleged breach of its duty of due diligence to protect the right of the inhabitants of the San Andrés Archipelago to benefit from a healthy, sound and sustainable environment; the third concerned Nicaragua’s alleged infringement of the artisanal fishing rights of the inhabitants of the San Andrés Archipelago to access and exploit their traditional fishing grounds; the fourth related to Nicaragua’s adoption of Decree No. 33-2013 of 19 August 2013, which, according to Colombia, established straight baselines and had the effect of extending Nicaragua’s internal waters and maritime zones beyond what international law permits.

In an Order on the said counter-claims handed down on 15 November 2017, the Court found that the first and second counter-claims submitted by Colombia were inadmissible as such and did not form part of the ongoing proceedings, and that the third and fourth counter-claims submitted by Colombia were admissible as such and did form part of the ongoing proceedings.

Public hearings on the merits of the case were held in a hybrid format from 20 September to 1 October 2021.

On 21 April 2022, the Court rendered its Judgment on the merits, in which it found that Colombia had violated Nicaragua's sovereign rights and jurisdiction in the latter's exclusive economic zone.