

THE INTERNATIONAL COURT OF JUSTICE

COLUMBIA,

APPLICANT

V.

NICARAGUA,

RESPONSE

APPLICATION TO INTERVENE BY THE GOVERNMENT OF COSTA RICA CASE CONCERNING THE TERRITORIAL MARITIME DISPUTE (NICARAGUA VS. COLOMBIA)

STATEMENT OF LAW:

1. Both Colombia and Nicaragua are signatories to the United Nations Convention on the Law of the Sea. Specifically; Article 57 on the Breadth of the Exclusive Economic Zone specifies that the economic zone shall not exceed 200 nautical miles from the breadth of the territorial sea.
2. Costa Rica adheres to the Facio - Fernandez Treaty (1977) in which both Colombia and Costa Rica recognize the maritime and submarine borders limited therein, established on equitable principles established by Colombia and Costa Rica.

STATEMENT OF FACT:

Costa Rica shares a maritime border with Nicaragua. Nicaragua acknowledges the legitimacy of the United Nations Convention on the Law of the Sea (1982), which entitles them to Roncado, Quitasueño, Serrana and Serranilla Keys. Colombia has been actively involved in patrolling these areas. Nicaragua views this as illegal actions and wants the ICJ to address the issue and establish their borders in line with the Convention on the Law of the Sea (1982).

The dispute between Nicaragua and Colombia directly affects Costa Rica because the outcome of the case may impact their maritime borders and economic sphere of influence. Costa Rica and Colombia have agreed to the Facio - Fernandez Treaty (1977), which states that an agreement was made as to where their influence in the Caribbean Sea extends. Costa Rica wants to make it clear that the decision of the Court could affect the already agreed upon boundaries in Facio - Fernandez Treaty and alter our maritime borders in the Caribbean.

STATEMENT OF JURISDICTION:

1. Costa Rica is not requesting to become a party to the case between Nicaragua and Colombia, but does wish to intervene as a non-party under Article 62 of the Statutes of the court.
2. Article 81 of the Rules of the Court state that Costa Rica has the right to an Application

to Intervene because the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case, the precise object of the intervention, and any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.

3. Colombia, Costa Rica, and Nicaragua all adhere to the United Nations Convention on the Law of the Sea (UNCLOS) In accordance with Article 57, Costa Rica is entitled to a maximum economic territory extending 200 nautical miles beyond our territorial sea.

ARGUMENTS:

1. Costa Rica and Colombia are both signatory to the 1977 Facio-Fernandez Treaty, which delimited a boundary between the Exclusive Maritime territories of both Costa Rica and Colombia. The decision made by the Court may be in contradiction to this treaty and therefore, Costa Rica must be involved.
2. The outcome of the case (Nicaragua v. Colombia) will have direct effects on the agreed upon area granted to Costa Rica as our exclusive maritime territory, therefore we have a vested interest in the court's decision and should be included as a non-party.

SUMMARY AND REQUESTS:

Reiterating that the outcome of this case will affect the maritime territory of third states in the region, the Republic of Costa Rica has asked to present an application to intervene in the present proceedings of the International Court of Justice case relating to Nicaragua v. Colombia. Costa Rica asks that whatever decision is made by the court respects our current maritime borders while adhering to the United Nations Convention on the Law of the Sea. Costa Rica asks that the agreed upon borders with Colombia from the 1977 Facio - Fernandez treaty are recognized and not ignored by the Court when they make their decision.

The Republic of Costa Rica hopes that the parties involved can come to an amicable agreement on the delimitation of maritime boundaries in a way that respects the sovereignty of all parties involved.

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