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NOTE: This document is submitted by the counsel

Memorandum of Uganda

International Court of Justice

Topic 1: Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)

Submitted by: Counsel Jane Doe

On Behalf of Nicaragua

Date: 18/01/2024

I. Statement of Jurisdiction:

The alleged violations of sovereign rights and maritime spaces in the Caribbean Sea are the subject of today's case. The problem arose after Nicaragua filed a request to start legal action against Colombia over a dispute involving Colombia's alleged violations of Nicaragua's maritime zones and sovereign rights, as stated in the court's judgment from November 19, 2012, and because Colombia had threatened to use force to carry out those violations. The court asserted that it had jurisdiction under article XXXI of the Pact of Bogotá in response to Colombia's claim that the court lacked jurisdiction.

II. Statement of Law:

The ICJ ruled in April 2022 that Colombia's "integral contiguous zone" established by a 2013 Presidential Decree (as amended) ("ICZ Decree") did not comply with customary international law. The Court noted that Article 33 of The United Nations Convention on Law and Seas (UNCLOS) reflected customary international law as regards to the powers that a coastal State may exercise in the contiguous zone and the limit of 24 nautical miles into Nicaragua's EEZ. The ICZ Decree conferred powers on Colombia "to exercise control over infringements of its laws and regulations" not permitted under Article 33(1) of UNCLOS.

III. Statement of Facts:

Colombia withdrew from the Bogotá Pact on November 7, 2012. Following that ruling, Nicaragua initiated the current lawsuit in response to Colombia's conduct in the delimited area. The Court ruled, by a 10-5 vote, that Colombia had infringed Nicaragua's sovereign rights and jurisdiction by interfering with the fishing and maritime scientific research activities of Nicaraguan-flagged or Nicaraguan-licensed vessels and purporting to implement conservation measures in Nicaragua's EEZ.

IV. Arguments:

- The ICJ ruled that Colombia's "integral contiguous zone" established by a 2013 Presidential Decree (as amended) ("ICZ Decree") did not comply with customary international law.
- The Mexican-flagged research ship "Dr. Jorge Carranza Fraser" was caught by the Colombian naval vessel ARC-51 "Almirante Padilla" on October 6, 2018, and was told to stop its operations and was not allowed to proceed since it was in Colombian territorial waters. However, the "Dr. Jorge Carranza Fraser" was really sailing in Nicaraguan seas south of the enclave near Quitasuefio (13°51'50.79"N - 81°27'18.066" W), having been properly granted permission by Nicaragua as part of a research project supported by the UN Food and Agricultural Organization.
- Around 110 nautical miles northeast of Nicaragua's Miskito Cays (14°58'00" - 81°00'00"), the Honduran-flagged vessel "Observer" was found illegally fishing in Nicaraguan waters by the Nicaraguan naval ship "Tayacan" on December 10. 7 The

"Tayacan" boarded the "Observer" and found 5357 pounds of lobster, 150 lobster traps, and a Colombian fishing license among other things on board.

V. Summary and Prayer for Relief:

Nicaragua requested the Court to adjudge and declare that Colombia was in breach of several of its international obligations and was obliged to fully reparate for the harm caused by its internationally wrongful acts.

Last Reminders

I, the undersigned, duly authorized by the Government of the Republic of Nicaragua, of which I

am the Agent, have the honor to submit to the International Court of Justice, in accordance with

Articles 36 (I) and 40 (I) of its Statute and Article 38 of its Rules, an application instituting a proceeding brought by the Republic of Nicaragua against the Republic of Colombia in the following case.

References

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

<https://www.icj-cij.org/case/155>

International Court of Justice. (2022). *ALLEGED VIOLATIONS OF SOVEREIGN RIGHTS AND MARITIME SPACES IN THE CARIBBEAN SEA (NICARAGUA v. COLOMBIA)*.

<https://www.icj-cij.org/public/files/case-related/155/155-20220421-JUD-01-00-EN.pdf>

Murphy, H. (2012, November 28). Colombia leaves pact recognizing U.N. court rulings.

<https://www.reuters.com/article/us-colombia-icj-idUSBRE8AR11Q20121128>

New documents submitted by Nicaragua after the Closure of the Written Proceedings | INTERNATIONAL COURT OF JUSTICE. (n.d.).

<https://www.icj-cij.org/node/106099>



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