



ICJ Introduction:

The International Court of Justice (ICJ), established in June 1945 by the Charter of the United Nations (UN), serves as the principal judicial organ of the UN. Located in the Peace Palace in The Hague, Netherlands, it is unique among the UN's six principal organs in being the only one not located in New York, USA.

The Court's primary function is to resolve legal disputes between Member States in accordance with international law - these are known as contentious cases. In addition to this, the ICJ also provides advisory opinions on legal questions submitted by UN organs and specialized agencies, a process referred to as advisory proceedings.

The Court is composed of 15 judges, each elected to a nine-year term by both the UN General Assembly and the Security Council. Supporting its work in the Registry, the Court's permanent administrative secretariat. Together, they enable the ICJ to function as a judicial, diplomatic, and administrative body. Proceedings at the Court are conducted in both of its official languages: English and French.

Topic I: Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

On August 28, 2014, Somalia filed an application instituting proceedings against Kenya regarding a dispute over the delimitation of maritime zones in the Indian Ocean. Somalia asked the court to determine, in accordance with international law, the complete course of the maritime boundary between Somalia and Kenya, including the portion of the continental shelf that extends beyond 200 nautical miles.

On October 7, 2015, Kenya raised preliminary objections concerning the Court's jurisdiction and the admissibility of Somalia's application. On February 2, 2017, the Court delivered its judgement on the preliminary objections, rejecting them. As a result, the Court confirmed that it had jurisdiction to hear Somalia's application and deemed the application admissible.

The Court delivered its judgement on the merits of the case on October 12, 2021, determining the maritime boundary between Somalia and Kenya. The ICJ found that no agreed maritime boundary existed between the two States along the line of latitude described in paragraph 35 of the Judgment. The Court determined that the starting point of the single maritime boundary would be the intersection of a straight line extending from the final permanent boundary beacon (PB 29), drawn perpendicular to the coast and the low-water line. From this point, the boundary in the territorial sea follows the median line described at paragraph 117 of the Judgement until it reaches the 12-nautical mile limit. Beyond the territorial sea, the Court ruled that the boundary delimiting the exclusive economic zone and continental shelf - up to 200 nautical miles - would follow a geodetic line starting at an azimuth of 114 degrees,



extending until it reached the 200-nautical mile limit. Additionally, the Court rejected claims made by Somalia alleging that Kenya had violated its international obligation.

Questions to Consider

- 1) What legal principles govern maritime boundary delimitation under international law?
- 2) What implications does the ICJ's approach to the delimitation of maritime zones beyond 200 nautical miles have for the interpretation of continental shelf rights under international law?
- 3) What is the significance of the ICJ's findings that there was no agreed maritime boundary between Somalia and Kenya prior to the proceeding?

Topic II: Immunities and Criminal Proceedings (Equatorial Guinea v. France)

On June 13, 2016, the Republic of Equatorial Guinea instituted proceedings against the French Republic concerning a dispute over the criminal jurisdiction immunity of Mr. Teodoro Nguema Obiang Mangue - Second Vice President of Equatorial Guinea responsible for Defense and State Security - and the status of the building housing Equatorial Guinea's Embassy in France.

The facts brought before the Court date back to December 2008, following a money laundering complaint filed with the Paris Public Prosecutor. Transparency International France alleged that Mr. Teodoro Nguema Obiang Mangue had invested in France using funds misappropriated from Equatorial Guinea.

Guinea invoked the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (April 18, 1961), as well as the UN's Convention against Transnational Organized Crime (November 15, 2000). Additionally, Equatorial Guinea filed a request for the Jurisdiction of Provisional Measures and requested the President of the Court to exercise his power under Article 74, paragraph four, of the Rules of the Court. This would allow the President to call upon the parties to refrain from actions that might prejudice the effectiveness of any future order the Court may issue concerning provisional measures.

By an Order dated December 7th, 2016, after hearing both parties, the Court directed France to take all measures at its disposal to ensure that the premises identifies as housing the diplomatic mission of Equatorial Guinea in Paris enjoy treatment equivalent to that outlined by Article 22 of the Vienna Convention on Diplomatic Relations in order to ensure Inviolability. Concerning Equatorial Guinea's claims relating to the immunity of Mr. Teodoro Nguema Obiang Mangue, the Court considered that, *prima facie*, a dispute capable of falling within the provisions of the Convention against Organized Crime did not exist between the two States. Therefore, the Court did not have *prima facie* jurisdiction under that instrument to entertain Equatorial Guinea's request for provisional measures.



On March 31, 2017, France filed preliminary objections against the jurisdiction of the Court and the admissibility of the application, causing the proceedings on the merits to be suspended. The Court upheld the first objection raised by France, which lacked jurisdiction on the basis of Article 35 of the UN Convention against Transnational Organized Crime. However, it also found that it had jurisdiction on the basis of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, as well as that part of the application was admissible.

After public hearings were held in February 2020, the Court issued its decision on December 11, 2020. The Court found that the building in Paris had never acquired the status of “premises of the mission” within the meaning of Article 1(i) of the Vienna Convention on Diplomatic Relations and that France had not breached its obligation under said Convention.

Questions to Consider

- 1) What legal grounds did Equatorial Guinea invoke to claim immunity for Mr. Teodoro Nguema Obiang Mangue and the inviolability of the building identified as its embassy in Paris?
- 2) Why did the Court conclude that it lacked prima facie jurisdiction to hear Equatorial Guinea’s request for provisional measures concerning Mr. Teodoro Nguema Obiang Mangue’s immunity under the UN Convention against transnational Organized Crime?
- 3) How did the ICJ interpret Article 22 of the Vienna Convention on Diplomatic Relations in its order for France to protect the premises identified as Equatorial Guinea’s diplomatic mission?