

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

AFFAIRE DE LA FRONTIÈRE TERRESTRE
ET MARITIME ENTRE LE CAMEROUN
ET LE NIGÉRIA

(CAMEROUN c. NIGÉRIA)

DEMANDE EN INDICATION DE MESURES
CONSERVATOIRES

ORDONNANCE DU 15 MARS 1996

1996

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CASE CONCERNING
THE LAND AND MARITIME BOUNDARY
BETWEEN CAMEROON AND NIGERIA

(CAMEROON v. NIGERIA)

REQUEST FOR THE INDICATION OF PROVISIONAL
MEASURES

ORDER OF 15 MARCH 1996

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THE LAND AND MARITIME BOUNDARY
BETWEEN CAMEROON AND NIGERIA(CAMEROON *v.* NIGERIA)REQUEST FOR THE INDICATION OF PROVISIONAL
MEASURES

ORDER

Present: President BEDJAOUÏ; *Vice-President* SCHWEBEL; *Judges* ODA, GUILLAUME, SHAHABUDDEEN, WEERAMANTRY, RANJEVA, HERCZEGH, SHI, FLEISCHHAUER, KOROMA, VERESHCHETIN, FERRARI BRAVO, HIGGINS, PARRA-ARANGUREN; *Judges ad hoc* MBAYE, AJIBOLA; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 41 and 48 of the Statute of the Court and to Articles 73, 74 and 75 of the Rules of Court,

Makes the following Order:

1. Whereas, by an Application filed in the Registry of the Court on 29 March 1994, the Republic of Cameroon (hereinafter referred to as

“Cameroon”) instituted proceedings against the Federal Republic of Nigeria (hereinafter referred to as “Nigeria”) in respect of a dispute described as “relat[ing] essentially to the question of sovereignty over the Bakassi Peninsula”;

2. Whereas in that Application Cameroon refers, as a basis for the jurisdiction of the Court, to the declarations made by the two States pursuant to Article 36, paragraph 2, of the Statute;

3. Whereas in the aforementioned Application it is stated that “Cameroon’s title [to the Bakassi Peninsula] is contested” by Nigeria; that “since the end of 1993, this contestation has taken the form of an aggression by . . . Nigeria, whose troops are occupying several Cameroonian localities in the Bakassi Peninsula”; and that this “has resulted in great prejudice to . . . Cameroon, for which the Court is respectfully requested to order reparation”;

4. Whereas in its Application Cameroon further states that the “delimitation [of the maritime boundary between the two States] has remained a partial one and [that], despite many attempts to complete it, the two parties have been unable to do so”; and whereas it accordingly requested the Court, “in order to avoid further incidents between the two countries, . . . to determine the course of the maritime boundary between the two States beyond the line fixed in 1975”;

5. Whereas at the close of its Application Cameroon presented the following submissions:

“On the basis of the foregoing statement of facts and legal grounds, the Republic of Cameroon, while reserving for itself the right to complement, amend or modify the present Application in the course of the proceedings and to submit to the Court a request for the indication of provisional measures should they prove to be necessary, asks the Court to adjudge and declare:

- (a) that sovereignty over the Peninsula of Bakassi is Cameroonian, by virtue of international law, and that that Peninsula is an integral part of the territory of Cameroon;
- (b) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*);
- (c) that by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;
- (d) that the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;
- (e) that in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian terri-

- tory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian Peninsula of Bakassi;
- (e') that the internationally unlawful acts referred to under (a), (b), (c), (d) and (e) above involve the responsibility of the Federal Republic of Nigeria;
 - (e'') that, consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria.
 - (f) In order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions";

6. Whereas the Registrar notified the Government of Nigeria on 29 March 1994, by telex and by letter, of the filing of that Application, and a certified copy thereof was transmitted to it;

7. Whereas on 6 June 1994 Cameroon filed in the Registry an Additional Application "for the purpose of extending the subject of the dispute" to a further dispute, described in that Additional Application as "relat[ing] essentially to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad";

8. Whereas in that Additional Application it is indicated that "Cameroon's title to [that part of the territory] is contested by . . . Nigeria"; and that

"that contestation initially took the form of a massive introduction of Nigerian nationals into the disputed area, followed by an introduction of Nigerian security forces, effected prior to the official statement of its claim by the Government of the Federal Republic of Nigeria quite recently, for the first time";

9. Whereas in its Additional Application Cameroon also requested the Court "to specify definitively" the frontier between the two States from Lake Chad to the sea, and asked it to join the two Applications and "to examine the whole in a single case";

10. Whereas at the close of its Additional Application Cameroon presented the following submissions:

"On the basis of the foregoing statement of facts and legal grounds, and subject to the reservations expressed in paragraph 20 of its Application of 29 March 1994, the Republic of Cameroon asks the Court to adjudge and declare:

- (a) that sovereignty over the disputed parcel in the area of Lake

Chad is Cameroonian, by virtue of international law, and that that parcel is an integral part of the territory of Cameroon;

- (b) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*), and its recent legal commitments concerning the demarcation of frontiers in Lake Chad;
- (c) that the Federal Republic of Nigeria, by occupying, with the support of its security forces, parcels of Cameroonian territory in the area of Lake Chad, has violated and is violating its obligations under treaty law and customary law;
- (d) that in view of these legal obligations, mentioned above, the Federal Republic of Nigeria has the express duty of effecting an immediate and unconditional withdrawal of its troops from Cameroonian territory in the area of Lake Chad;
- (e) that the internationally unlawful acts referred to under (a), (b), (c) and (d) above involve the responsibility of the Federal Republic of Nigeria;
- (e') that consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria.
- (f) That in view of the repeated incursions of Nigerian groups and armed forces into Cameroonian territory, all along the frontier between the two countries, the consequent grave and repeated incidents, and the vacillating and contradictory attitude of the Federal Republic of Nigeria in regard to the legal instruments defining the frontier between the two countries and the exact course of that frontier, the Republic of Cameroon respectfully asks the Court to specify definitively the frontier between Cameroon and the Federal Republic of Nigeria from Lake Chad to the sea”;

11. Whereas on 7 June 1994 the Registrar informed the Agent of Nigeria of the filing of the Additional Application and transmitted to him a certified copy thereof;

12. Whereas at a meeting which the President of the Court held with the representatives of the Parties on 14 June 1994 the Agent of Nigeria stated that he had no objection to the Additional Application being treated, in accordance with the wish expressed by Cameroon, as an amendment to the initial Application, so that the Court could deal with the whole in a single case; and whereas by an Order dated 16 June 1994 the Court indicated that it had no objection itself to such a procedure,

and fixed 16 March 1995 and 18 December 1995 as the time-limits for the filing of the Memorial of Cameroon and the Counter-Memorial of Nigeria, respectively;

13. Whereas, in accordance with Article 40, paragraph 3, of the Statute and Article 42 of the Rules of Court, copies of the initial Application and of the amendment to it were transmitted to the Members of the United Nations through the Secretary-General, as well as to the other States entitled to appear before the Court; and whereas the text of the Order of 16 June 1994 was communicated to them under the same cover;

14. Whereas within the time-limits fixed by that Order Cameroon filed its Memorial and Nigeria filed certain preliminary objections to the jurisdiction of the Court and the admissibility of the claims of Cameroon; and whereas by an Order dated 10 January 1996 the President of the Court, noting that by virtue of Article 79, paragraph 3, of the Rules of Court the proceedings on the merits were suspended, fixed 15 May 1996 as the time-limit within which Cameroon might present a written statement of its observations and submissions on the preliminary objections, in accordance with that same provision;

15. Whereas, since the Court includes upon the bench no judge of the nationality of either of the Parties, Cameroon chose Mr. Kéba Mbaye, and Nigeria Mr. Bola Ajibola, to sit as judges *ad hoc* in the case, in accordance with Article 31, paragraph 3, of the Statute;

16. Whereas on 8 February 1996 the Minister for External Relations of Cameroon transmitted to the Court the text of a communiqué published by the Cameroonian Government in the wake of an armed incident that had occurred on 3 February 1996 in the Bakassi Peninsula; and whereas, according to that communiqué, the two Parties were currently in contact “to ensure that peace prevail[ed] in this region pending the judgment of the International Court of Justice”;

17. Whereas by a letter dated 10 February 1996 and received in the Registry by facsimile on 12 February 1996 the Agent of Cameroon, referring to the “grave incidents which have taken place between the . . . forces [of the two Parties] in the Bakassi Peninsula since . . . 3 February 1996”, communicated to the Court the text of a request for the indication of provisional measures based on Article 41 of the Statute and on Article 73 of the Rules of Court; and whereas in his letter the Agent of Cameroon laid stress upon the “urgency and gravity of the situation” and asked that “the earliest possible date should be fixed for the hearing”;

18. Whereas in its request for the indication of provisional measures the Cameroonian Government gave, *inter alia*, the following account:

“On Saturday 3 February 1996, at 12 noon, Nigerian forces attacked the Cameroonian troops in the Bakassi Peninsula along the entire cease-fire line of February 1994. Following that attack, as a

result of which there was one death, one person missing and several wounded on the Cameroonian side, as well as substantial material damage, the Idabato Sub-Prefecture and the localities of Uzama, Kombo a Janea and Idabato fell into the hands of the Nigerian forces.

Since then the armed clashes have continued intermittently. Moreover, the means employed by the Nigerian troops, consisting of substantial land and naval forces supported by heavy artillery, indicate clearly the intention of the Nigerian Party to continue the conquest of the Bakassi Peninsula”;

19. Whereas in the aforementioned request for the indication of provisional measures Cameroon, referring to the provisions of Article 73, paragraph 2, of the Rules of Court, went on to specify in the following terms the consequences which, in its view, would flow from the rejection of its request:

“the outcome of the armed conflict on the ground would make it impossible or, at all events, remarkably difficult for effect to be given to the future judgment of the Court; the destruction of items of evidence through the pursuit of hostilities would risk distorting the course of the proceedings; and the continuance of armed clashes would considerably aggravate the injury caused to the Republic of Cameroon — for which the latter has requested reparation in its Application and its Memorial — notably by causing irremediable loss of life as well as human suffering and substantial material damage”;

20. Whereas at the close of its request Cameroon asked the Court to indicate the following measures:

- “(1) the armed forces of the Parties shall withdraw to the position they were occupying before the Nigerian armed attack of 3 February 1996;
- (2) the Parties shall abstain from all military activity along the entire boundary until the judgment of the Court takes place;
- (3) the Parties shall abstain from any act or action which might hamper the gathering of evidence in the present case”;

21. Whereas on 12 February 1996, immediately upon receiving the facsimile communication from the Agent of Cameroon, the Registrar sent a copy thereof to the Agent of Nigeria; and whereas the certified copy of the request for the indication of provisional measures, referred to in Article 73, paragraph 2, of the Rules of Court, was transmitted to the Agent of Nigeria on 16 February 1996, immediately after receipt in the Registry of the original of the aforementioned request;

22. Whereas on 16 February 1996 the Registrar informed the Parties that the Court had fixed 5 March 1996 as the date for the opening of the oral proceedings contemplated in Article 74, paragraph 3, of the Rules of

Court, during which they could present their observations on the request for the indication of provisional measures;

23. Whereas on 16 February 1996 the Agent of Nigeria addressed to the Court a communication entitled "Cameroonian Government forces Nigerians in Bakassi (Disputed Territory) to Register and Vote in Municipal Elections", which reached the Registry on 19 February 1996; whereas in that communication the Agent of Nigeria, having recalled the position of his Government with respect to the proceedings instituted before the Court by the Cameroonian Government, referred to the municipal elections organized by the Cameroonian authorities on 21 January 1996 and, in particular, stated in that regard that:

"The Republic of Cameroon as a Sovereign Nation has every right to fix and conduct elections in her territory. This right however cannot and should not extend to areas in dispute between the Republic of Cameroon and the Federal Republic of Nigeria. In flagrant violation of this cardinal principle, Cameroon delimited parts of Bakassi Peninsula for the municipal election. Worse still, the Government of Cameroon forced Nigerians resident in those areas to register and vote for the ruling CPDM Party led by President Paul Biya. Failure to abide by this directive attracted very severe sanctions from the local police authorities";

and whereas the communication from the Agent of Nigeria concluded in the following terms:

"The Nigerian Government hereby invites the International Court of Justice to note this protest and call the Government of Cameroon to order.

. . . [T]he Government of Cameroon should be warned to desist from further harassment of Nigerian citizens in the Bakassi Peninsula until the final determination of the case pending at the International Court of Justice";

24. Whereas a copy of that communication was immediately transmitted to the Agent of Cameroon, who in a letter dated 29 February 1996, received in the Registry on 1 March by telefax, indicated that his Government would "reply as appropriate to the allegations contained in this document at the hearing on 5 March", and stated that:

"by organizing democratic municipal elections in the communes of the Cameroonian Peninsula of Bakassi which are under its effective control or which were so before the Nigerian invasion which began on 3 February, Cameroon has done no more than exercise the rights which it has under international law";

25. Whereas by a letter dated 26 February 1996, received in the Registry on 29 February 1996, the Agent of Cameroon transmitted to the

Court a number of documents to which his Government intended to refer in support of its oral pleadings; and whereas a copy of that letter and of the documents which accompanied it was immediately transmitted to the Agent of Nigeria;

26. Whereas oral statements on the request for the indication of provisional measures were presented at the public hearings held on 5, 6 and 8 March 1996 by the following:

on behalf of Cameroon:

H.E. Mr. Douala Moutome, *Agent*,
 H.E. Mr. Paul Bamela Engo,
 Mr. Alain Pellet, *Deputy-Agent*,
 Mr. Jean-Pierre Cot,
 Mr. Maurice Kamto, *Co-Agent*,
 Mr. Peter Ntarmack, *Co-Agent*;

on behalf of Nigeria:

H.E. Chief Michael A. Ashikedi Agbamuche, SAN, *Agent*,
 Mr. Ian Brownlie, C.B.E., Q.C., F.B.A.,
 Sir Arthur Watts, K.C.M.G., Q.C.,
 Mr. James Crawford,
 Chief Richard Akinjide, SAN, *Co-Agent*;

whereas oral replies were given by the Parties to the questions put during the hearings by Members of the Court; and whereas Nigeria indicated on that occasion that its communication of 16 February 1996 did not constitute a counter-claim for the indication of provisional measures;

27. Whereas during those hearings various documents were produced by the Parties; whereas Nigeria was authorized by the Court to present written observations on certain documents submitted by Cameroon on 8 March 1996; whereas those observations were received in the Registry by facsimile on 11 March 1996; and whereas a copy thereof was transmitted the same day to the Agent of Cameroon;

* * *

28. Whereas the two Parties have each made a declaration recognizing the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute; whereas the declaration of Nigeria was deposited with the Secretary-General of the United Nations on 3 September 1965 and that of Cameroon on 3 March 1994; whereas neither of the two declarations includes any reservation; and whereas Nigeria has made it clear in its declaration that it was made on the sole condition of reciprocity;

29. Whereas Nigeria has raised preliminary objections to the jurisdiction of the Court in the present case, and has claimed *inter alia* that there is no substantive reciprocity in the recognition of the jurisdiction of the Court by the Parties; and whereas in the course of the present proceed-

ings its Agent expressed the opinion that the Court does not have even “prima facie jurisdiction over the substantive issues”;

30. Whereas on a request for the indication of provisional measures the Court need not, before deciding whether or not to indicate them, finally satisfy itself that it has jurisdiction on the merits of the case, yet it may not indicate them unless the provisions invoked by the Applicant appear, *prima facie*, to afford a basis on which the jurisdiction of the Court might be founded;

31. Whereas the Court, which has taken note of the opinion expressed by the Agent of Nigeria with respect to its *prima facie* jurisdiction, is of the view that the preliminary objections raised by that State are not such as to exclude that jurisdiction; whereas the Court, in fact, considers that the declarations made by the Parties in accordance with Article 36, paragraph 2, of the Statute constitute a *prima facie* basis upon which its jurisdiction in the present case might be founded;

*

32. Whereas Nigeria also raised objections to the admissibility of the claims of Cameroon, and whereas it contended *inter alia* that the Parties had a duty to settle all boundary questions pending between them by means of the existing bilateral machinery; and whereas during the present proceedings Nigeria contended that Cameroon’s Application as amended on 6 June 1994 describes the dispute between the Parties as concerning the whole of the frontier, that no such dispute exists, and that consequently that Application “is not even *prima facie* admissible”;

33. Whereas without ruling on the question whether, faced with a request for the indication of provisional measures, the Court must, before deciding whether or not to indicate such measures, ensure that the Application of which it is seised is admissible *prima facie*, it considers that, in this case, the consolidated Application of Cameroon does not appear *prima facie* to be inadmissible in the light of the preliminary objections raised by Nigeria;

* *

34. Whereas in the present proceedings Cameroon has requested the Court to exercise the power conferred upon it by Articles 41 of the Statute of the Court and 73 of the Rules of Court to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either Party;

35. Whereas this power to indicate provisional measures has as its object to preserve the respective rights of the Parties, pending a decision of the Court, and presupposes that irreparable prejudice shall not be

caused to rights which are the subject of dispute in judicial proceedings; whereas it follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by the Court to belong either to the Applicant or to the Respondent; and whereas such measures are only justified if there is urgency;

36. Whereas, in the course of the present proceedings, Nigeria has contended that the circumstances do not require the indication of provisional measures and that, on account of the mediation conducted by the President of the Republic of Togo, the request of Cameroon has “become moot”;

37. Whereas that mediation has been undertaken to bring about a cease-fire between the armed forces of the Parties and whereas, following the discussions between the Ministers for Foreign Affairs of Cameroon, Nigeria and Togo, a communiqué announcing the cessation of all hostilities was published on 17 February 1996; whereas this circumstance does not, however, deprive the Court of the rights and duties pertaining to it in the case brought before it;

38. Whereas the contradictory versions given by the Parties of the events that took place on 3 February 1996 in the Bakassi Peninsula, as well as those which recurred on 16 and 17 February 1996, have not enabled the Court, at this stage, to form any clear and precise idea of those events; but whereas it is clear from the submissions of both Parties to the Court that there were military incidents and that they caused suffering, occasioned fatalities — of both military and civilian personnel — while causing others to be wounded or unaccounted for, as well as causing major material damage;

39. Whereas the rights at issue in these proceedings are sovereign rights which the Parties claim over territory, and whereas these rights also concern persons; and whereas armed actions have regrettably occurred on territory which is the subject of proceedings before the Court;

40. Whereas, in accordance with the principle set forth by the Permanent Court of International Justice in its Order of 3 August 1932 in the case concerning the *Legal Status of the South-Eastern Territory of Greenland*, and reiterated by a Chamber of the present Court in its Order of 10 January 1986 in the case concerning the *Frontier Dispute*, incidents likely to aggravate or extend the dispute

“cannot in any event, or to any degree, affect the existence or value of the sovereign rights claimed by [either of the Parties] over the territory in question, were these rights to be duly recognized by the Court in [a] future judgment on the merits of the dispute (*P.C.I.J., Series A/B, No. 48, p. 285*)” (*I.C.J. Reports 1986, p. 9, para. 17*);

41. Considering that, independently of the requests for the indication of provisional measures submitted by the Parties to preserve specific rights, the Court possesses by virtue of Article 41 of the Statute the power to indicate provisional measures with a view to preventing the

aggravation or extension of the dispute whenever it considers that circumstances so require (cf. *Frontier Dispute, Provisional Measures, Order of 10 January 1986, I.C.J. Reports 1986*, p. 9, para. 18);

42. Whereas the events that have given rise to the request, and more especially the killing of persons, have caused irreparable damage to the rights that the Parties may have over the Peninsula; whereas persons in the disputed area and, as a consequence, the rights of the Parties within that area are exposed to serious risk of further irreparable damage; and whereas armed actions within the territory in dispute could jeopardize the existence of evidence relevant to the present case; and whereas, from the elements of information available to it, the Court takes the view that there is a risk that events likely to aggravate or extend the dispute may occur again, thus rendering any settlement of that dispute more difficult;

43. Whereas the Court, in the context of the proceedings concerning the indication of provisional measures, cannot make definitive findings of fact or of imputability, and the right of each Party to dispute the facts alleged against it, to challenge the attribution to it of responsibility for those facts, and to submit arguments, if appropriate, in respect of the merits, must remain unaffected by the Court's decision;

* *

44. Whereas the decision given in the present proceedings in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case, or any questions relating to the admissibility of the Application, or relating to the merits themselves and leaves unaffected the right of the Governments of Cameroon and Nigeria to submit arguments in respect of those questions;

* *

45. Whereas, by letters dated 29 February 1996, the President of the Security Council, acting at the request of its members, addressed the following call to the Governments of the two Parties:

“The members of the Security Council call upon the parties to respect the cease-fire they agreed to on 17 February in Kara, Togo, and to refrain from further violence. They further call upon the parties to take necessary steps to return their forces to the positions they occupied before the dispute was referred to the International Court [of Justice].”

46. Whereas the Secretary-General of the United Nations has proposed to despatch a fact-finding mission into the Bakassi Peninsula; whereas the Members of the Security Council have expressed their satisfaction at

the proposal made by the Secretary-General; and whereas the President of the Security Council, by the aforementioned letters likewise informed the Governments of the two Parties that the members of the Security Council urged them to co-operate fully with that fact-finding mission;

47. Whereas in the course of the present proceedings the representatives of the two Parties have, on several occasions, referred to the fraternal relations which have always existed between their peoples;

48. Whereas Article 75, paragraph 2, of the Rules of Court confers upon the Court the power to indicate measures that are in whole or in part other than those requested;

* * *

49. For these reasons,

THE COURT,

Indicates, pending a decision in the proceedings instituted as aforesaid, the following provisional measures:

(1) Unanimously,

Both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it;

(2) By sixteen votes to one,

Both Parties should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge ad hoc* Mbaye;

AGAINST: *Judge ad hoc* Ajibola;

(3) By twelve votes to five,

Both Parties should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Ranjeva, Herczegh, Fleischhauer, Koroma, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge ad hoc* Mbaye;

AGAINST: *Judges* Shahabuddeen, Weeramantry, Shi, Vereshchetin; *Judge ad hoc* Ajibola;

(4) By sixteen votes to one,

Both Parties should take all necessary steps to conserve evidence relevant to the present case within the disputed area;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge ad hoc* Mbaye;

AGAINST: *Judge ad hoc* Ajibola;

(5) By sixteen votes to one,

Both Parties should lend every assistance to the fact-finding mission which the Secretary-General of the United Nations has proposed to send to the Bakassi Peninsula.

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge ad hoc* Mbaye;

AGAINST: *Judge ad hoc* Ajibola.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this fifteenth day of March, one thousand nine hundred and ninety-six, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Cameroon and the Government of the Federal Republic of Nigeria, respectively.

(Signed) Mohammed BEDJAOUI,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.

Judges ODA, SHAHABUDEEN, RANJEVA and KOROMA append declarations to the Order of the Court; Judges WEERAMANTRY, SHI and VERESHCHETIN append a joint declaration to the Order of the Court; *Judge ad hoc* MBAYE appends a declaration to the Order of the Court.

Judge ad hoc AJIBOLA appends a separate opinion to the Order of the Court.

(Initialled) M.B.

(Initialled) E.V.O.