

*Lauterpacht Centre for International Law  
University of Cambridge*

# INTERNATIONAL LAW REPORTS

VOLUME

144

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## PREFACE

The present volume is devoted to a small group of important international decisions. It contains the judgments of the International Court of Justice in the *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea* and *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* respectively and the arbitral awards in the *Rhine Chlorides* and *Abyei* arbitrations.

There are many people, to all of whom the Editors are most grateful, whose work has made this volume possible. Mr Aloysius P. Llamzon, Legal Counsel, Permanent Court of Arbitration and Acting Registrar in the arbitration, wrote the summary of *Abyei*. Mr Joshua Brien, Senior Legal Adviser and Program Leader (Maritime Boundaries), Special Advisory Services Division, Commonwealth Secretariat, London, prepared the summaries of the two judgments of the International Court of Justice. Ms Karen Lee, Assistant Editor, summarized the *Rhine Chlorides* case as well as seeing the volume through the press. We are grateful to Terralink International Limited for permission to reproduce the maps marked with its copyright in *Abyei* (Appendices 1, 2 and 3). Ms Tara Grant prepared the Tables of Cases and Digest and provided general and secretarial assistance. Miss Maureen MacGlashan, CMG compiled the Table of Treaties and the Index. Mrs Diane Ilott checked the copy and Ms Caroline Burkitt read the proofs.

In addition we would like to extend our thanks to all the others who have worked to complete this volume, particularly our publishers, Cambridge University Press, and typesetters, Aptara, and their staff.

E. LAUTERPACHT

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FOR INTERNATIONAL LAW,  
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C. J. GREENWOOD

THE PEACE PALACE,  
THE HAGUE

July 2011

## EDITORIAL NOTE

The *International Law Reports* endeavour to provide within a single series of volumes comprehensive access in English to judicial materials bearing on public international law. On certain topics it is not always easy to draw a clear line between cases which are essentially ones of public international law interest and those which are primarily applications of special domestic rules. For example, in relation to extradition, the *Reports* will include cases which bear on the exception of "political offences" or the rule of double criminality, but will restrict the number of cases dealing with purely procedural aspects of extradition. Similarly, while the general rules relating to the admission and exclusion of aliens, especially of refugees, are of international legal interest, cases on the procedure of admission usually are not. In such borderline areas, and sometimes also where there is a series of domestic decisions all dealing with a single point in essentially the same manner, only one illustrative decision will be printed and references to the remainder will be given in an accompanying note.

### DECISIONS OF INTERNATIONAL TRIBUNALS

The *Reports* seek to include so far as possible the available decisions of every international tribunal, e.g. the International Court of Justice, or *ad hoc* arbitrations between States. There are, however, some jurisdictions to which full coverage cannot be given, either because of the large number of decisions (e.g. the Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of Justice of the European Union). In these instances, those decisions are selected which appear to have the greatest long-term value.

*Human rights cases.* The number of decisions on questions of international protection of human rights has increased considerably in recent years and it is now impossible for the *Reports* to cover them all. As far as decisions of international jurisdictions are concerned, the *Reports* will continue to publish decisions of the European Court of Human Rights and of the Inter-American Court of Human Rights, as well as "views" of the United Nations Committee on Human Rights. Decisions of national courts on the application of conventions on human rights will not be published unless they deal with a major point of substantive human rights law or a matter of wider interest to public international

lawyers such as the relationship of international law and national law, the extent of the right of derogation or the principles of the interpretation of treaties.

*International arbitrations.* The *Reports* of course include arbitral awards rendered in cases between States which involve an application of public international law. Beyond this, however, the selection of arbitral decisions is more open to debate. As these *Reports* are principally concerned with matters of public international law, they will not include purely private law commercial arbitrations even if they are international in the sense that they arise between parties of different nationality and even if one of them is a State. (For reports of a number of such awards, see *Yearbook Commercial Arbitration* (ed. Albert Jan van den Berg, under the auspices of the International Council for Commercial Arbitration).) But where there is a sufficient point of contact with public international law then the relevant parts of the award will be reported. Examples of such points of contact are cases in which the character of a State as a party has some relevance (e.g. State immunity, stabilization clauses, *force majeure*) or where there is a choice of law problem involving discussion of international law or general principles of law as possible applicable laws. The same criteria will determine the selection of decisions of national courts regarding the enforcement of arbitral awards.

#### DECISIONS OF NATIONAL TRIBUNALS

A systematic effort is made to collect from all national jurisdictions those judicial decisions which have some bearing on international law.

#### EDITORIAL TREATMENT OF MATERIALS

The basic policy of the Editors is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of fact having no bearing on the points of international law involved in the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.

#### PRESENTATION OF MATERIALS

The material in the volume has been typeset for this volume. The source of all such material is indicated by the reference to the "Report" in square brackets at the end of the case. The language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text in non-English cases indicate the pagination of the original report.

#### NOTES

*Footnotes.* Footnotes enclosed in square brackets are editorial insertions. All other footnotes are part of the original report.

*Other notes.* References to cases deemed not to be sufficiently substantial to warrant reporting will occasionally be found in editorial notes either at the end of a report of a case on a similar point or under an independent heading.

#### DIGEST OF CASES

With effect from Volume 75 the decisions contained in the *Reports* are no longer arranged according to the traditional classification scheme. Instead a Digest of Cases is published at the beginning of each volume. The main headings of the Digest are arranged alphabetically. Under each heading brief details are given of those cases reported in that volume which contain points covered by that heading. Each entry in the Digest gives the name of the case concerned and the page reference, the name of the tribunal which gave the decision and an indication of the main points raised in the case which relate to that particular heading of the Digest. Where a case raises points which concern several different areas of international law, entries relating to that case will appear under each of the relevant headings in the Digest. A list of the main headings used in the Digest is set out at p. xvii.

#### CONSOLIDATED INDEX AND TABLES

A Consolidated Index and a Consolidated Tables of Cases and Treaties for volumes 1-80 were published in two volumes in 1990 and 1991. A further volume containing the Consolidated Index and Consolidated Tables of Cases and Treaties for volumes 81-100 was published in 1996. A Consolidated Index, a Consolidated Tables of Cases and a Consolidated Table of Treaties for volumes 1-125 were published in 2004. Volume 140 contains Consolidated Tables of Cases for volumes 126-140.

# DIGEST OF CASES

## List of Main Headings

(Those headings for which there are entries in the present volume are printed in italics.  
For a guide to the Digest, see the Editorial Note at p. xi.)

Air	International Tribunals
Aliens	Jurisdiction
<i>Arbitration</i>	Lakes and Landlocked Seas
Canals	Nationality
Claims	Recognition
Comity	Relationship of International Law and Municipal Law
Conciliation	Reprisals and Countermeasures
Consular Relations	<i>Rivers</i>
Damages	<i>Sea</i>
Diplomatic Relations	Sources of International Law
Economics, Trade and Finance	Space
Environment	State Immunity
Expropriation	State Responsibility
Extradition	State Succession
Governments	States
Human Rights	<i>Territory</i>
<i>International Court of Justice</i>	Terrorism
International Criminal Law	<i>Treaties</i>
International Organizations	War and Armed Conflict

# CONTENTS

	<i>Page</i>
PREFACE	vii
EDITORIAL NOTE	ix
TABLE OF CASES (alphabetical)	xiii
TABLE OF CASES (according to courts and countries)	xv
DIGEST (main headings)	xvii
DIGEST OF CASES REPORTED IN VOLUME 144	xix
TABLE OF TREATIES	xxv
REPORTS OF CASES	1
INDEX	701



# TABLE OF CASES REPORTED

## ALPHABETICAL

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word "note" in parentheses after the page number of the report.)

Abyei Arbitration (Government of Sudan/ Sudan People's Liberation Movement/ Army) (Final Award) 348	Maritime Delimitation in the Black Sea (Romania v. Ukraine) (Judgment) 179
Auditing of Accounts between the Nether- lands and France pursuant to the Addi- tional Protocol of 25 September 1991 to the Convention on the Protection of the Rhine against Pollution by Chlorides of 3 December 1976 (Netherlands/France) (Award) 259	Rhine Chlorides Arbitration 259
	Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Judgment) 1

# TABLE OF CASES REPORTED

ARRANGED ACCORDING TO COURTS AND  
TRIBUNALS (INTERNATIONAL CASES) AND  
COUNTRIES (MUNICIPAL CASES)

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word "note" in parentheses after the page number of the report.)

## I. DECISIONS OF INTERNATIONAL TRIBUNALS

<i>Arbitration Tribunals</i>	<i>International Court of Justice</i>
2004 Case Concerning the Auditing of Accounts between the Kingdom of the Netherlands and the French Republic Pursuant to the Additional Protocol of 25 September 1991 to the Convention on the Protection of the Rhine Against Pollution by Chlorides of 3 December 1976 (Netherlands/France) (Award) 259	2007 Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Judgment) 1
2009 Abyei Arbitration (Government of Sudan/Sudan People's Liberation Movement/ Army) (Final Award) 348	2009 Maritime Delimitation in the Black Sea (Romania v. Ukraine) (Judgment) 179

# DIGEST OF CASES REPORTED IN VOLUME 144

Page

## Arbitration

Evidence — Value of different types of evidence — Cartographic evidence — Requirement that findings be based on evidence and properly reasoned — Arbitration Tribunal

*Abyei Arbitration (Government of Sudan/Sudan People's Liberation Movement/Army) (Final Award)*

348

Jurisdiction — Dispute between the Netherlands and France — Dispute concerning financing of operations contemplated by 1991 Additional Protocol to Convention on the Protection of the Rhine against Pollution by Chlorides, 1976 — Auditing of accounts — Dispute relating to calculation of amount France to repay the Netherlands — The Netherlands proposing calculation based on 61.5 French francs per ton of chlorides stored — France proposing calculation based on actual costs per unit — Annex III to Protocol concerning financial arrangements — Point 4.2.1 of Annex III to Protocol — Method of calculation — Submission of dispute to Arbitration Tribunal pursuant to Article 13 of Convention and Article 7 of Protocol — Article 13 of Convention — Annex B to Convention concerning arbitration — Arbitration Tribunal

*Case Concerning the Auditing of Accounts between the Kingdom of the Netherlands and the French Republic Pursuant to the Additional Protocol of 25 September 1991 to the Convention on the Protection of the Rhine Against Pollution by Chlorides of 3 December 1976 (Netherlands/France) (Award)*

259

Jurisdiction — Extent of mandate — Power to interpret mandate — *Compétence de la compétence* — Finality and review of arbitral awards — Panel of experts — Arbitration tribunal with power to review decision of experts — Standard of review — Test of whether experts exceeded mandate — Whether interpretation of mandate reasonable — Whether implementation of mandate reasonable — Failure to state reasons — Whether amounting to excess — Procedural irregularities — Whether power to annul decision in part implicit in mandate of arbitration tribunal — Arbitration Agreement between the Government of Sudan and

**Arbitration** (*cont.*)

the Sudan People's Liberation Movement/Army — Arbitration Tribunal

*Abyei Arbitration (Government of Sudan/Sudan People's Liberation Movement/Army) (Final Award)* 348

**International Court of Justice**

Admissibility — New claim introduced during proceedings — Whether new claim inherent in original claim — International Court of Justice

*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Judgment)* 1

International maritime boundary delimitation between Nicaragua and Honduras — Dispute regarding boundary line dividing territorial sea, exclusive economic zone and continental shelf in the Caribbean Sea — Effect of islands — Sovereignty over islands — International Court of Justice

*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (Judgment)* 1

Jurisdiction — Compromissory clause contained in bilateral treaty — Whether conditions for exercise of jurisdiction satisfied — Exercise of jurisdiction — Whether jurisdiction restricted to delimitation of the exclusive economic zone and continental shelf — International Court of Justice

*Maritime Delimitation in the Black Sea (Romania v. Ukraine) (Judgment)* 179

**Rivers**

Rhine — Environmental standards — Convention on the Protection of the Rhine against Pollution by Chlorides, 1976 — Distribution of costs between France and the Netherlands — Auditing of accounts — Arbitration Tribunal

*Case Concerning the Auditing of Accounts between the Kingdom of the Netherlands and the French Republic Pursuant to the Additional Protocol of 25 September 1991 to the Convention on the Protection of the Rhine Against Pollution by Chlorides of 3 December 1976 (Netherlands/France) (Award)* 259

## Sea

Delimitation of maritime boundaries — Geographical context — Semi-enclosed sea — Territorial sea — Exclusive economic zone — Continental shelf — Governing law — United Nations Convention on the Law of the Sea, 1982 ("UNCLOS") — UNCLOS Articles 15, 74 and 83 — Establishment of single maritime boundary delimiting several coincident zones — Methods of delimitation — Whether equidistance/relevant circumstances approach suitable in light of circumstances — Relevant coasts — Identification of baselines — Bisector method of delimitation — Relevant geographical circumstances — Principle of *uti possidetis juris* — Whether applicable to delimitation of maritime space — International Court of Justice

*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*  
(Judgment)

1

Exclusive economic zone — Continental shelf — Delimitation of maritime boundaries between opposite and adjacent coastal States — Geographical context — Enclosed sea — Governing law — UNCLOS Articles 74(1) and 83(1) and (4) — Practical approach to delimitation to achieve equitable solution — Application of equidistance/relevant circumstances approach — Three-stage approach — Relevant coasts — Baselines — Provisional equidistance line — Whether requiring adjustment — Relevant geographical circumstances — International Court of Justice

*Maritime Delimitation in the Black Sea (Romania v. Ukraine)*  
(Judgment)

179

## Territory

Boundaries — Internal administrative boundary — Relevance of international law principles respecting boundaries between States — Territory inhabited by tribal and nomadic peoples — Transfer of the area of certain chiefdoms from one province to another in 1905 — Extent of territory so transferred — Whether to be approached on tribal or territorial basis — Grazing rights of nomads — Sudan — Abyei area — Arbitration Tribunal

*Abyei Arbitration (Government of Sudan/Sudan People's Liberation Movement/Army) (Final Award)*

348

Islands — Sovereignty over minor maritime features — Whether sovereignty established by post-colonial *effectivités* — Application

**Territory** (*cont.*)

of criteria formulated by Permanent Court of International Justice in *Legal Status of Eastern Greenland* case — Whether activities relied upon established overall pattern of conduct sufficient to demonstrate intention to act as sovereign — International Court of Justice

*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*  
(Judgment)

1

**Treaties**

Interpretation — Application — 1991 Additional Protocol to Convention on the Protection of the Rhine against Pollution by Chlorides, 1976 — Annex III to Protocol on financial arrangements — Auditing of accounts — Interpretation of point 4.2.1 of Annex III to Protocol — Interpretation of treaties in accordance with international law — Vienna Convention on the Law of Treaties, 1969 — Whether Articles 31 and 32 of Vienna Convention applicable — Whether codifying customary law — Whether general rule of interpretation in Article 31 forming integral whole — Basis for treaty interpretation — Relative importance of constituent elements of rule — Role of good faith — Relationship between Articles 31 and 32 — Subsequent practice of the Parties — Context of point 4.2.1 — Article 4 of Protocol — 1991 Declaration of the Heads of the Delegation — Object and purpose of Protocol — Relevant rules of international law — Supplementary means of interpretation — Point 4.2.1 of Annex III to Protocol providing for final auditing of accounts — Method of calculation — Reimbursement sum France obliged to pay the Netherlands — Arbitration Tribunal

*Case Concerning the Auditing of Accounts between the Kingdom of the Netherlands and the French Republic Pursuant to the Additional Protocol of 25 September 1991 to the Convention on the Protection of the Rhine Against Pollution by Chlorides of 3 December 1976 (Netherlands/France)* (Award)

259

Interpretation — Bilateral treaties — Procès-Verbaux concluded between Romania and Soviet Union — Treaty between Parties concluded in 2003 — Whether concerning the delimitation of the exclusive economic zone and continental shelf — International Court of Justice

*Maritime Delimitation in the Black Sea (Romania v. Ukraine)*  
(Judgment)

179

Interpretation — Multilateral treaty — United Nations Convention on the Law of the Sea, 1982 (“UNCLOS”) — UNCLOS Articles 15, 74 and 83 — International Court of Justice

*Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*  
(Judgment)

1

Interpretation — Multilateral treaty — United Nations Convention on the Law of the Sea, 1982 (“UNCLOS”) — UNCLOS Articles 74 and 83 — Vienna Convention on the Law of Treaties, 1969 — Article 31 of Vienna Convention — General rule of interpretation — Reservations and declarations — UNCLOS Article 310 — Declaration by Romania regarding effect of uninhabited islands devoid of economic life upon delimitation of maritime spaces — International Court of Justice

*Maritime Delimitation in the Black Sea (Romania v. Ukraine)*  
(Judgment)

179

Interpretation — Vienna Convention on the Law of Treaties, 1969 — Application of principles of treaty interpretation in international law to agreements between Government of Sudan and Sudan People’s Liberation Movement/Army — Arbitration Tribunal

*Abyei Arbitration (Government of Sudan/Sudan People’s Liberation Movement/Army) (Final Award)*

348

# TABLE OF TREATIES

This table contains a list, in chronological order according to the date of signature, of the treaties referred to in the decisions printed in the present volume. It has not been possible to draw a helpful distinction between treaties judicially considered and treaties which are merely cited.

In the case of bilateral treaties, the names of the parties are given in alphabetical order. Multilateral treaties are referred to by the name by which they are believed commonly to be known. References to the texts of treaties have been supplied, including wherever possible at least one reference to a text in the English language. The full titles of the abbreviated references will be found in the list of Abbreviations and Sources printed in the volume containing the Consolidated Table of Treaties to Volumes 1-125.

## 1850

July 25	Nicaragua–Spain .....	54
	Art. I .....	21
	Art. II .....	21

## 1866

Mar. 15	Honduras–Spain (144 ILR 21 (extracts))	
	Art. I .....	21, 54

## 1888

Feb. 2/9	France–Great Britain, Agreement respecting the Gulf of Tajourra and the Somali Coast (19 Hertslet 204 at 204-5; Hertslet, <i>Map of Africa by Treaty</i> , vol. 3, App. 3, p. 976)	
	Art. 1 .....	619

## 1893

July 12	France–Great Britain, Arrangement fixing the Boundary between the British and French Possessions on the Gold Coast (19 Hertslet 228 at 229-30; 179 CTS 67)	
	Art. 5 .....	619

## 1894

Oct. 7	Honduras–Nicaragua, Gámez–Bonilla Treaty ( <i>Compromis</i> ) (ICJ Rep. (1960) <i>Case concerning Arbitral Award made by the King of Spain on 23 December 1906</i> , 199; 30 ILR 457; Tradados celebrados por el Gobierno de Honduras (1895) 25; La Fontaine 478) .....	22, 23-4, 53, 76, 142-3, 152-3
	Art. 1 .....	133
	Art. 2 .....	22, 55-6, 133
	Art. 3 .....	22



**1899**

- July 29 Hague Convention I for the Pacific Settlement of International Disputes (187 CTS 410; 26 Martens NRG, 2nd ser. 920; 91 BFSP 970; 2 US Treaties 2016; 21 RTAF 703; 23 Hertslet 509; USTS 392; 32 Stat 1779; JOF 1 December 1900, 306; 1 AJIL (1907) Supp. 107)  
 Art. 48 ..... 536

**1904/1906**

- Mar. 18 France–Great Britain, Exchange of Notes relative to the (1904) – boundary between the Gold Coast and French Soudan (25 Hertslet 267 at 271; Brownlie *African Boundaries* (1979))  
 July 19 (1906) Art. 3 ..... 619

**1907**

- Oct. 18 Hague Convention No I for the Pacific Settlement of Disputes (3 Martens NRG, 3rd ser. 360; 100 BFSP 298; 2 US Treaties 2220; UKTS 6 (1971), Cmd 4575; 205 CTS 233; USTS 536; 54 LNTS 54; 25 Hertslet 590; 2 AJIL (1908) Supp. 43; JOF 8 December 1910)  
 Art. 9 ..... 528  
 Art. 35 ..... 531, 685  
 Art. 73 ..... 536

**1919**

- Sept. 8 France–Great Britain, Convention supplementary to the Convention of 21 March 1899 defining the limits of the French zone in Africa (225 CTS 480; 30 Hertslet 213) ..... 619

**1928**

- Mar. 24 Colombia–Nicaragua, Treaty Concerning Territorial Questions at Issue (Bárceñas Meneses–Esguerra Treaty) (105 LNTS 337) ..... 81, 174-5

**1945**

- June 26 Statute of the International Court of Justice (9 Hudson 510; UKTS 67 (1946), Cmd 7015; USTS 993; 145 BFSP 832; 1 Peaslee 1322; 3 Bevans 1179; 1945 CanTS 7; 39 AJIL (1945) Supp. 215n; JOF 13 January 1946; 59 Stat 1031)  
 Chapter II  
 Art. 36(1) ..... 193  
 Art. 38 ..... 166  
 Art. 38(1) ..... 199-200