THE MARITIME BOUNDARY DISPUTE BETWEEN HONDURAS AND NICARAGUA IN THE CARIBBEAN SEA

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BIOGRAPHY

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The International Boundaries Research Unit works to enhance the resources available for the peaceful resolution of problems associated with international boundaries on land and at sea, including their delimitation, demarcation and management. Since its foundation in 1989 IBRU has built up an international reputation as a source of information and expertise on boundary and territorial issues around the world.

ABSTRACT

Boundary disputes have dogged the relationship between Honduras and Nicaragua for nearly two hundred years, and on several occasions the two states have sought third-party assistance in resolving their territorial problems. Now the two countries are before the International Court of Justice again, this time over their maritime boundary in the Caribbean Sea.

On first examination the dispute appears fairly straightforward, at least compared to other recent boundary-related cases. Honduras claims that a customary boundary already exists along the parallel 14º 59' 8" N, while Nicaragua argues that no maritime boundary has ever been agreed and appears to favour a line running in a more north-easterly direction. In its application to the ICJ, Nicaragua simply asked the Court to determine the course of the maritime boundary between the two countries.

The closer one looks at the case, however, the more complex and interesting it becomes, both geopolitically and technically. From the geopolitical perspective, the dispute cannot fully be understood without reference to another longstanding dispute between Nicaragua and Colombia over a number of islands and banks in the southwest Caribbean. This dispute casts a long shadow over the Nicaragua-Honduras case and may restrict the ICJ's room for manoeuvre in making its award. In technical terms, the case raises a number of interesting questions concerning the location of the land boundary terminus, the nature and status of offshore insular features, and the alignment of the relevant coastal front. The aim of this paper is to provide an overview of this intriguing dispute and to examine some of the issues that are likely to confront the Court as the case progresses.

INTRODUCTION

Boundary disputes have dogged the relationship between Honduras and Nicaragua more or less continuously since the end of Spanish colonial rule in the 1820s, and on several occasions the two states have sought third-party assistance in resolving their territorial problems. In 1906 the king of Spain was asked to arbitrate a dispute over the alignment of the eastern section of the land boundary, and in 1960 the International Court of Justice (ICJ) was asked to determine whether the 1906 award – which Nicaragua had rejected – was binding (the Court decided that it was). In 1986 Nicaragua took Honduras to the ICJ over alleged cross-border activities by armed bands from Honduras[1], and in 1989 Nicaragua intervened in the ICJ boundary case between El Salvador and Honduras to protect its rights

[1] The *Case Concerning Border and Transborder Armed Actions* was never actually heard by the ICJ. Despite the Court determining that it had jurisdiction over the case, Nicaragua withdrew its application in May 1992 following an out-of-court agreement with Honduras.

in the Gulf of Fonseca. Now the two countries are before the ICJ again, this time over their maritime boundary in the Caribbean Sea.

On first examination, the dispute appears fairly straightforward, at least compared to other recent boundary-related cases such as Qatar v. Bahrain and Cameroon v. Nigeria. However, the closer one looks, the more complex and interesting it becomes. The purpose of this article is to provide an overview of this intriguing dispute and to examine some of the issues that are likely to confront the Court as the case progresses.

THE ICJ PROCEEDINGS

The dispute was brought before the ICJ by Nicaragua on 8 December 1999. In its Application to the Court[2] Nicaragua indicated that the Court's jurisdiction with regard to the dispute exists by virtue of Article XXXI of the American Treaty on Pacific Settlement (the "Pact of Bogotá") of 30 April 1948, which states that, for parties to the treaty, the jurisdiction of the Court is compulsory *ipso facto* without the necessity of any special agreement in all disputes of a juridicial nature concerning (amongst other things) any question of international law. The Application also notes that, since the final settlement of the land boundary between the two countries in the early 1960s, Nicaragua has "maintained the position that its maritime Caribbean border with Honduras has not been determined", while Honduras' position is said to be that "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed [in the 1906 Award by the king of Spain] on the mouth of the Coco river". It adds that "the position adopted by Honduras has been constantly opposed by Nicaragua and has brought repeated confrontations and mutual capture of vessels of both nations in and around the general border area" and further notes that "diplomatic negotiations have failed".

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2 The full text of the application is available at http://www.icj-cij.org/icjwww/idocket/iNH/iNHframe.htm.

Against such a background, Nicaragua asks the Court "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary". It notes that "this request for the determination of a single maritime boundary is subject to the power of the Court to establish different delimitations, for shelf rights and fisheries respectively, if … this course should be necessary in order to achieve an equitable solution".

Additionally, Nicaragua states that: "Whilst the principal purpose of this Application is to obtain a declaration concerning the determination of the maritime boundary or boundaries, the Government of Nicaragua reserves the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua, found to the north of the parallel of latitude 14° 59' 08" claimed by Honduras to be the course of the delimitation line". It also reserves the right to claim compensation for any "natural resources that may have been extracted or may be extracted in the future to the south of the line of delimitation that will be fixed by the Judgment of the Court".

On 21 March 2000 the ICJ issued an Order fixing time-limits for the filing of the written pleadings, namely 21 March 2001 for the Memorial of the Republic of Nicaragua and 21 March 2002 for the Counter-Memorial of the Republic of Honduras. Subsequent procedure in the case (for example the submission of a Reply by Nicaragua and a Rejoinder by Honduras) is subject to a further decision by the Court. The Nicaraguan Agent in the case is H.E. Mr. Carlos Argüello Gómez; the Honduran Agent is H.E. Mr. Max Velásquez Díaz.

So far, so straightforward. However, the dispute between Honduras and Nicaragua cannot fully be understood without an appreciation of the wider geopolitical and legal context, in particular the existence of a longstanding dispute between Nicaragua and Colombia concerning sovereignty over a number of islands and banks in the southwest Caribbean and the question of whether a maritime boundary has been delimited between the two countries. Once this dispute is factored into the equation, the ICJ case begins to take on a whole new dimension.

THE COLOMBIAN CONNECTION

In essence the dispute between Nicaragua and Colombia revolves around a 1928 treaty (the "Bárcenas Meneses-Esguerra" treaty) in which Colombia recognised Nicaraguan sovereignty over the Mosquito Coast in exchange for Nicaragua's recognition of Colombia's sovereignty over the islands of San Andrés and Providencia, which lie on the Nicaraguan Rise around 100 nautical miles off the Nicaraguan coast. A diplomatic note attached to the instruments of ratification of the treaty further indicated that Colombia would not have claims to the west of the 82º meridian. Following the Sandanista revolution of 1979, the new government in Nicaragua rejected the Bárcenas Meneses-Esguerra treaty, arguing that it had been agreed while Nicaragua was under the control of the USA, and claiming that the islands were geographically, historically and juridically an integral part of Nicaragua. On similar grounds Nicaragua also disputes Colombian sovereignty over the banks of Seranilla, Bajo Nuevo, Quita Sueño, Serrana and Roncador.[3]

Thus when Colombia and Honduras signed a maritime boundary agreement in 1986 which implicitly recognised Colombian sovereignty over the abovementioned islands and banks, Nicaragua was quick to protest in order to protect its claimed rights. However, a major confrontation with Honduras was avoided at the time because the agreement also met with opposition within Honduras, which has a constitutional claim to Seranilla Bank[4], and the Honduran congress refused to ratify it.

Despite the fact that the constitutional claim to Seranilla Bank remains, on 30 November 1999 the Honduras congress voted 128-0 to ratify the 1986 agreement, apparently in response to reports that

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[3] Until 1972 the latter three banks were also claimed by the USA but, in a treaty of 8 September 1972, the USA recognised Colombia's *de facto* sovereignty in exchange for fishing rights in the area.

[4] Article 10 of Honduras' 1982 Constitution lists the following islands as Honduran territory: "las islas, islotes y cayos en el Golfo de Fonseca que histórica, geográfica y jurídicamente le corresponden, así como las Islas de la Bahía, las Islas del Cisne (Swan Islands) llamadas también Santanilla o Santillana, Virillos, Seal o Foca (o Becerro), Caratasca, Cajones o Hobbies, Mayores de Cabo Falso, Cocorocuma, Palo de Campeche, Los Bajos Pichones, Media Luna, Gorda y los Bancos Salmedina, Providencia, De Coral, Cabo Falso, Rosalinda y Serranilla, y los demás situados en el Atlántico que histórica, geográfica y jurídicamente le corresponden."

Nicaragua had entered into negotiations with Jamaica concerning maritime boundary delimitation.[5] Eight days later Honduras found itself summoned to the International Court of Justice by Nicaragua.

Although the Nicaraguan Application to the ICJ makes no mention of the Colombia-Honduras agreement, it is surely no coincidence that it followed so swiftly on the heels of the Honduran ratification of that agreement. If Nicaragua had been able to launch a legal challenge against the agreement, it almost certainly would have done so; however, international law provides no mechanism for third states to challenge bilateral treaties. Nevertheless, in asking the Court to adjudicate on the Honduras-Nicaragua boundary, Nicaragua is also indirectly attempting to undermine the practical effect of the Colombia-Honduras agreement and protect its maritime claims in the area.

As can be seen in Figure 1, a significant portion of the Colombia-Honduras boundary follows the parallel of 14º 59' 08" N – the same parallel that Honduras claims to be its maritime boundary with Nicaragua. If the Court rejects Honduras' claim and determines that the boundary runs to the north of parallel 14º 59' 08" N, it will take considerable ingenuity on the part of the judges to avoid implying that Honduras had no right to enter into a boundary agreement with Colombia. Thus the stakes in the case are considerably higher than they first appear.

THE CLAIMS OF THE PARTIES

Nicaragua

Nicaragua has kept its cards close to its chest with regard its claimed maritime boundary with Honduras. From time to time officials have suggested that Nicaragua claims sovereign rights "up to the 17th parallel"[6] but such a definition is clearly open to several possible interpretations. A paper published on the website of the Nicaraguan Ministry of Foreign Affairs[7] clarifies the situation somewhat, stating that the boundary should be inclined to the northeast, and noting that the rights of

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5 *Honduras This Week*, 29/12/99 (Online edition – http://www.marrder.com/htw/dec99/national.htm); *Managua La Prensa*, 30/11/99 (Internet version cited in FBIS-LAT-1999-1130).

6 For example, Nicaraguan foreign minister Ernesto Leal, quoted by the Notimex News Agency, 3 January 1996.

Nicaragua extend as far as Rosalinda Bank, which is midway between Cabo Gracias a Dios (the terminus of the Honduras-Nicaragua land boundary) and Jamaica. A sketch map accompanying the paper shows the line extending east-northeastwards from the land boundary terminus at an azimuth of around 58º.

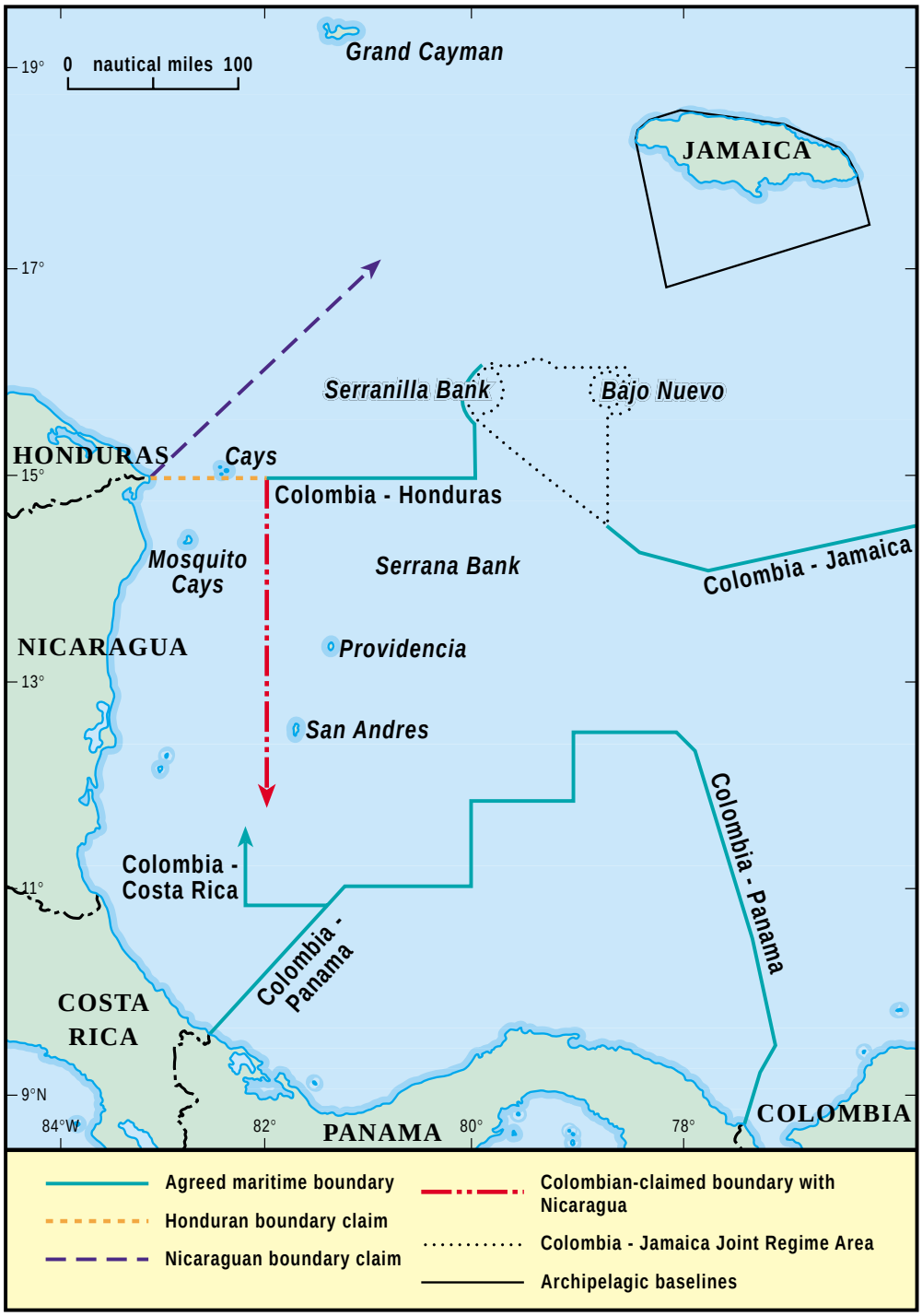

Figure 1: Agreed and claimed maritime boundaries in the southwest Caribbean

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7 http://www.cancilleria.gob.ni/diferendo/index.html.

It is worth noting that Nicaragua is one of a handful of countries that claims a 200 nm territorial sea. Such a claim is in violation of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which entitles coastal states to claim only a 12 nm territorial sea, although they may also claim an exclusive economic zone beyond the territorial sea up to 200 nm from their baselines. Whether this 'illegal' claim has any significant bearing on the case with Honduras remains to be seen. Given the wording of Nicaragua's request to the ICJ to "determine the course of the single maritime boundary between the areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras" it could be that Nicaragua is planning to revise its legislation to conform with UNCLOS, which it ratified in May 2000.

Honduras

The Honduran position is much more clear-cut. In a memorandum issued by the Honduran Ministry of Foreign Affairs on 6 December 1999, it was stated that:

"Parallel 14º 59' 08" is the consuetudinary border between Honduras and Nicaragua, as demonstrated by the behaviour of both countries. This is corroborated by:

- Concessions granted for petroleum exploration that Nicaragua has granted south of this parallel and Honduras north of it.
- The traditional exercise of fishing rights, which respect this parallel.
- Patrolling by naval forces also confirms this limit as the customary border.
- Honduran presence in the cays and banks north of this parallel has been in effect."[8]

Although Nicaragua has asked the ICJ to delimit a maritime boundary, Honduras will presumably argue that no delimitation is necessary as a boundary already exists. The basis for the choice of parallel 14º 59' 08" N is not entirely clear. It is, as noted above, the same parallel as used for the western portion of Honduras' maritime boundary with Colombia. However, it is also around 1.25 km to the south of the latitude of the Honduras-Nicaragua land boundary terminus as defined in the 1960s

8 *Honduras This Week*, 29 December 1999.

(see below) and it will be interesting to see how Honduras accounts for this discrepancy in its pleadings.[9]

ISSUES FOR THE COURT

Even if the case was not haunted by the spectre of the Colombia-Nicaragua dispute, there are at several other issues which ensure that the Court will not have an easy time determining the alignment of the Honduras-Nicaragua boundary.

The Land Boundary Terminus

In its Application to the ICJ, Nicaragua notes the location of the Atlantic terminus of the land boundary as defined in the 1906 arbitral award, namely: "The extreme common boundary point on the coast of the Atlantic will be the mouth of the River Coco, Segovia or Wanks, where it follows out in the sea close to Cape Gracias a Dios, taking as the mouth of the river its principal arm between Hara and the Island of San Pio where said Cape is situated, leaving to Honduras the islets and shoals existing within said principal arm before reaching the harbour bar, and retaining for Nicaragua the southern shore of the said principal mouth with the said Island of San Pio, and also the bay and town of Cape Gracias a Dios and the arm or estuary called Gracias which flows to Gracias a Dios Bay, between the mainland and said Island of San Pio."

Following the ICJ judgement confirming the 1906 award, a Mixed Commission (made up of one representative each from Honduras, Nicaragua and the Inter-American Peace Committee) was appointed to demarcate the land boundary. Assisted by a Committee of Engineers, the Commission

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[9] One possible explanation is that the Honduran government which first claimed parallel 14º 59' 08" N to be the maritime boundary with Nicaragua believed that that *was* the parallel on which the land boundary terminus was located. It is certainly not difficult to mistake 14º 59.8' for 14º 59' 08"; indeed, no less an authority than the United States Department of State made that very error in its 1964 analysis of the Honduras-Nicaragua boundary (*International Boundary Study* No. 36). However, when Honduras established a straight baseline system in March 2000, the final point in that system was described as "the termination of the land boundary between Honduras and Nicaragua at the mouth of the Coco (Wanks) or Segovia River on Cape Gracias a Dios, with the following coordinates: 14º 59.8' north latitude, 83º 08.9' west longitude". Since Honduras clearly still recognises 14º 59.8' north as the latitude of the land boundary terminus, it is difficult to understand why it would claim that the maritime boundary extends along a more southerly parallel.

identified the main mouth of the river Coco to be the Brazo del Este, with the terminal point of the boundary being located at 14º 59.8' N, 83º 08.9' W.[10]

That was in 1963. After nearly forty years of fluvial deposition, 14º 59.8' N, 83º 08.9' W is significantly inland of the current mouth of the Coco – perhaps several kilometres inland, although it is difficult to be certain because the mouth of the estuary has not been surveyed in recent years.[11]

Thus the Court is faced with the task of identifying the starting point of the maritime boundary in a situation where the position of the land boundary terminus is far from clear. Given the highly unstable nature of the coastline – while the geomorphological trend is towards deposition and eastwards expansion, the area is also vulnerable to hurricanes which can erode large swathes of alluvial coastline overnight – one option might be to fix a starting point for the maritime boundary a short distance offshore and leave the two governments to agree on a means of connecting it to the land boundary. A solution of this kind was adopted by Mexico and the USA in a 1970 agreement with regard to the maritime boundary in the Gulf of Mexico: the boundary was defined as starting at the centre of the mouth of the Rio Grande "wherever it may be located" and then running in a straight line to a fixed point approximately 2,000 feet seawards. An 'ambulatory' leg of this kind may be appropriate for Honduras and Nicaragua, although if the Court does not address the question of where the land boundary now terminates, it may open the door to further disputes between the two countries.[12]

The geography of the coastline at the land boundary terminus also raises some interesting questions in terms of the method of delimitation that the Court may apply. Assuming for the time being that offshore cays are ignored for delimitation purposes, the combination of a convex coastline and the

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[10] *Informe de la Comision Interamericana de Paz al Consejo de la Organizacion de los Estados Americanos sobre la Terminacion de las Actividades de la Comision Mixta Honduras-Nicaragua*, OAE/Ser.L/III/II.9 (español); July 1963.

[11] US chart 28140, which was published in 1985, shows the mouth of the Coco to be located at approximately 14º 59.7' N, 83º 08.0' W – nearly 1.6 km east of the position identified in 1963.

[12] For a more detailed discussion of issues relating to the location of the mouth of the Coco, see Sandner, G. and Ratter, B., 1991, 'Topographical problem areas in the delimitation of maritime boundaries and their political relevance: case studies from the western Caribbean', *Ocean and Shoreline Management* 15, pp. 289-308.

pronounced headland of the Cabo Gracias a Dios means that it is possible that any equidistance-based delimitation might be controlled entirely by two points, one on either side of the river mouth.

Since the relative position of those two points appears to change on a regular basis, it seems unlikely that the Court will seek to delimit a boundary based on 'real' equidistance. A boundary perpendicular to the general direction of the coast (which is effectively a simplified form of equidistance) remains a possibility, although defining the general direction of a convex coast is another challenging and potentially controversial technical exercise.

Status of Offshore Features

The waters off the Mosquito Coast are littered with coral reefs, many of which have built up to produce cays which are above water at least some of the time. A cluster of such features lie just to the north of the 15th parallel between 30 and 40 nm offshore, namely Media Luna Reefs, Media Luna Cay, Bobel Cay, Savanna Reefs, South Cay and Alargardo Reef (see Figure 2). Ownership of these features has never been agreed, and it will be interesting to see how they affect the case between Nicaragua and Honduras.

Both parties' boundary claims imply a claim to sovereignty over the cluster, although the only formal claim that either country appears to have made is the listing of Media Luna as Honduran territory in the Honduran constitution.[13] Honduras has also cited a "Honduran presence in the cays and banks" north of parallel 14º 59' 08" N as evidence of a customary boundary along the parallel. This presence was the source of friction in February 2000 when Nicaragua accused Honduras of maintaining troops on South Cay and demanded that they should leave. The Honduran defence minister denied the accusation, stating that there were only "four cats" on the cay, but the foreign minister indicated that Honduras had "always" had troops on South Cay, although they had no "belligerent goals". In fact, when Honduras allowed an inspection of the cay by five foreign military attachés, no evidence of a military presence was found and no further confrontation has been reported. However, the incident

[13] Newspapers in both countries have noted that South Cay was listed as Honduran territory in a 1976 treaty on commerce and cooperation between Honduras and the USA, but this author has not been able to find any record of such a treaty.

prompted an interesting comment from the commander-in-chief of the Nicaraguan army, Joaquín Cuadra: "The fact that one of the countries is occupying an island in the area is an important asset for their arguments in the World Court. They're going to say 'It's ours – it's ours because we've already been there.'" [14]

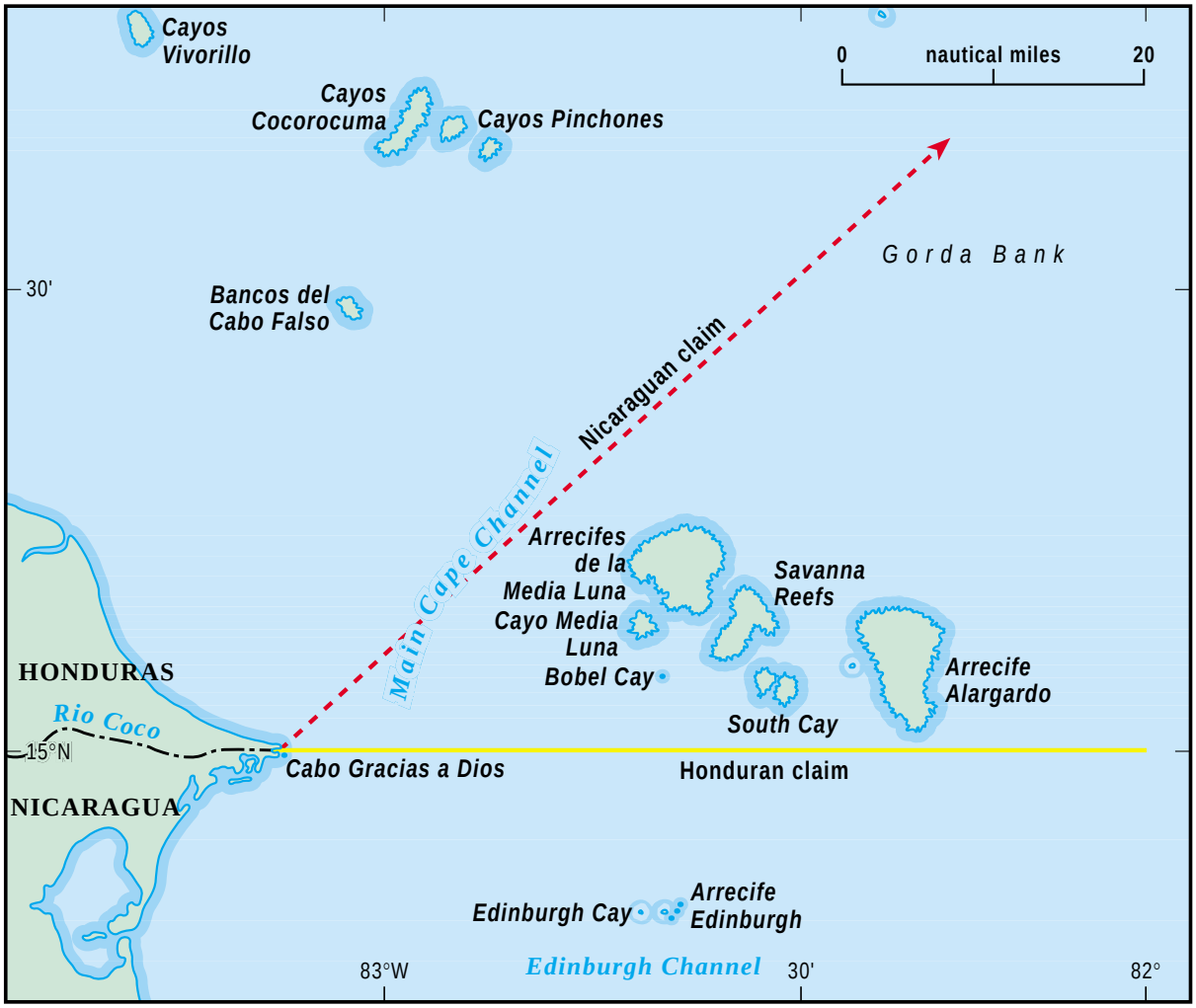

Figure 2: Insular features east of Cabo Gracias a Dios

Although Nicaragua has not asked the ICJ to determine the sovereignty of offshore features, if either side could clearly demonstrate effective occupation and administration of South Cay and its neighbours, it could well have a significant influence on the Court's decision (provided that at least

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[14] *Miami Herald*, 22/2/00 (http://www.rose-hulman.edu/~delacova/nicaragua/island.htm). See also *Laprensa on the Web*, 16/2/00 (http://www.laprensahn.com/natarc/0002/n16001.htm) and *El Nuevo Diaro*, 17/2/00 (http://www.elnuevodiario.com.ni/archivo/2000/febrero/17-febrero-2000/nacional/nacional17.html).

some of the features are 'true' islands – see below for further discussion). If Honduras could prove sovereignty, the proximity of the cluster to parallel 14º 59' 08" N means that the Court would probably have little choice other than to accept Honduras' boundary claim. If the features are Nicaraguan the Court would have somewhat more room for manoeuvre, but the boundary would almost certainly pass to the north of Media Luna Reefs.

Given the apparent absence of any significant acts of administration over the features under discussion, in practice it seems unlikely that either side will be able to prove its sovereignty – and it is notable that neither side's boundary claim appears to be predicated solely (or even primarily) on ownership of the cluster. Indeed, it is possible that both parties recognise that title to the features is indeterminate and are willing to let sovereignty be determined on the basis of the boundary award rather than *vice versa*.

Charts of the area suggest that almost the entire cluster is submerged at high-tide. Under Article 13 of UNCLOS, low-tide elevations which lie beyond 12 nm from the coast do not generate territorial sea of their own, and if all the features in the cluster are low-tide elevations the Court will almost certainly ignore them for delimitation purposes. If, however, one or more of the features is permanently above water, then the picture becomes somewhat more complicated.

Both American and British charts suggest that on a number of cays there are small areas which remain permanently above water. It should be noted that the last major hydrographic survey of the Mosquito Bank was undertaken in the mid-nineteenth century, and the charting of the area is not considered to be very reliable – for example, Admiralty chart 1218 notes that Arrecife Alargardo has been reported to lie 2 nm east of the position shown. However, photographs from the February 2000 visit to South Cay revealed that the feature has trees and a wooden hut on it. Regardless of whether the hut is of military origin or (as claimed by Honduras) a shelter used by fishermen from Honduras and Jamaica, South Cay is clearly more or less permanently above water and possibly capable of sustaining human

habitation. If it is above water at high tide, it qualifies as an island under Article 121 of UNCLOS and therefore generates maritime zones in exactly the same manner as land territory – although paragraph 3 of Article 121 states that "Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf", which is why the presence of the hut may be significant.

Courts and tribunals have so far avoided addressing the controversial question of what exactly distinguishes a 'rock' from a full-fledged island, and the ICJ will probably not attempt to do so in this case. But even if it decides to ignore all insular features as basepoints for EEZ and continental shelf delimitation, they may still have an influence on the boundary. Since all islands and rocks (and low-tide elevations less than 12 nm from them) can be used as territorial sea basepoints, if the boundary passes close to the cluster and any of them are entitled to a territorial sea, it may be necessary to make the boundary deviate around the outer edge of a territorial sea zone which could potentially extend as far north as 15º 27' N.[15] Interestingly, a 12 nm territorial sea around South Cay would extend south of parallel 14º 59' 08" N, but Honduras does not appear to be pressing for the boundary to take this into account.

Prospects

The Memorials of the two parties will not be made public until the oral hearings in the Hague, which may be several years away. In the absence of full details of the two parties' positions, it is probably unwise to predict the outcome of the case. Nicaragua wouldn't have brought the case to the ICJ if it didn't feel that it had a significantly stronger claim, but it has been remarkably reticent about the basis for that claim. It appears to be at least partly based on the notion that the northeasterly-trending Nicaraguan Rise is the natural prolongation of Nicaragua's land territory (hence the name), but Nicaragua will also presumably attempt to produce evidence of *effectivités* north of the 14º 59' 08" N parallel. It will be interesting to see how much emphasis Nicaragua places on coastal geography as a

[15] There are a number of examples of such 'semi-enclaving' in state practice, for example the continental shelf boundaries between Iran and Saudi Arabia, Italy and Tunisia, and Italy and Yugoslavia (now Croatia).

factor that should be taken into account in delimiting the boundary. Given the potential problems relating to the land boundary terminus and offshore features discussed above, the Court may be praying that it does not become a major issue in the case!

Unlike most other countries which have claimed a line of latitude or longitude as a maritime boundary, Honduras does not appear to be able to base its claim on the interpretation of a treaty[16], so it will probably be relying heavily on being able to demonstrate Nicaraguan acquiescence and/or recognition of the parallel as a boundary over a long period. No doubt it will also point to the fact that when the governments submitted their land boundary dispute to the King of Spain in 1906, Nicaragua proposed that the boundary should follow the river Patuca until it met the meridian which passes through Cape Camarón, then "along that meridian until it loses itself in the sea, leaving to Nicaragua Swan Island". Although the proposal was rejected, Honduras can at least argue that Nicaragua wanted a boundary which extended offshore along a meridian – which, rotated through 90º, is what Honduras claims to have been accepted in practice by both states.

However the case is argued by the parties, the ICJ is not faced with an easy task in determining the maritime boundary between Honduras and Nicaragua, especially if the Nicaraguan claim prevails. If Honduras demonstrates that a traditional boundary exists, then the Court could simply rule that the boundary extends eastwards along the 14º 59' 08" N parallel until it reaches a tripoint with a third state, thereby sidestepping the issue of the Colombia-Honduras boundary. But if it determines that the boundary should run to the north of the parallel, it will have to find a way of delimiting the boundary without infringing on the rights of third parties, most notably Colombia. If it is unable to do so, it may feel obliged to rule that until other disputes are resolved it is only able to make a partial delimitation, possibly between the land boundary terminus and 82º W.

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[16] For example, Indonesia's claim to sovereignty over the islands of Sipadan and Ligitan off the northeast coast of Borneo is based in large part on its view that the boundary agreed between Great Britain and the Netherlands in 1891 extended offshore along the 4º 10' N parallel. For many years, Vietnam maintained that its maritime boundary with China in the

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Gulf of Tonkin was defined in an 1887 convention between France and China which used a meridian to allocate sovereignty over islands in the Gulf.