

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

DISPUTE CONCERNING DELIMITATION OF THE
MARITIME BOUNDARY BETWEEN GHANA AND CÔTE D'IVOIRE
IN THE ATLANTIC OCEAN
(GHANA/CÔTE D'IVOIRE)

List of cases: No. 23

ORDER OF 12 JANUARY 2015

2015

TRIBUNAL INTERNATIONAL DU DROIT DE LA MER

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

DIFFÉREND RELATIF À LA DÉLIMITATION DE LA
FRONTIÈRE MARITIME ENTRE LE GHANA ET LA CÔTE D'IVOIRE
DANS L'OCÉAN ATLANTIQUE
(GHANA/CÔTE D'IVOIRE)

Rôle des affaires : No. 23

ORDONNANCE DU 12 JANVIER 2015

Official citation:

*Delimitation of the Maritime Boundary in the
Atlantic Ocean (Ghana/Côte d'Ivoire),
Order of 12 January 2015, ITLOS Reports 2015, p. 122*

Mode officiel de citation :

*Délimitation de la frontière maritime dans
l'océan Atlantique (Ghana/Côte d'Ivoire),
ordonnance du 12 janvier 2015, TIDM Recueil 2015, p. 122*

12 JANUARY 2015
ORDER

**DISPUTE CONCERNING DELIMITATION OF THE
MARITIME BOUNDARY BETWEEN GHANA AND CÔTE D'IVOIRE
IN THE ATLANTIC OCEAN
(GHANA/CÔTE D'IVOIRE)**

**DIFFÉREND RELATIF À LA DÉLIMITATION DE LA
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12 JANVIER 2015
ORDONNANCE

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



YEAR 2015

12 January 2015

List of cases:
No. 23

DISPUTE CONCERNING DELIMITATION OF THE
MARITIME BOUNDARY BETWEEN GHANA AND CÔTE D'IVOIRE IN THE
ATLANTIC OCEAN

(GHANA/CÔTE D'IVOIRE)

Constitution of chamber

ORDER

Present: President GOLITSYN; *Vice-President* BOUGUETAIA; *Judges* CHANDRASEKHARA RAO, AKL, WOLFRUM, NDIAYE, JESUS, COT, LUCKY, PAWLAK, YANAI, KATEKA, HOFFMANN, GAO, PAIK, KELLY, ATTARD, KULYK, GÓMEZ-ROBLEDO, HEIDAR; *Registrar* GAUTIER.

THE TRIBUNAL,

composed as above,

after deliberation,

Having regard to articles 15, paragraphs 2 and 4, 17, 24 and 27 of the Statute of the Tribunal (hereinafter “the Statute”),

Having regard to articles 19, 30, 31, 45, 48, 55, 59 and 61 of the Rules of the Tribunal (hereinafter “the Rules”),

Makes the following Order:

1. Whereas during consultations held by the President of the Tribunal with representatives of the Republic of Ghana and the Republic of Côte d'Ivoire in Hamburg on 2 and 3 December 2014, a Special Agreement was concluded between the two States to submit to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute, the dispute concerning the delimitation of their maritime boundary in the Atlantic Ocean;
2. Whereas the Special Agreement and Notification between Ghana and Côte d'Ivoire dated 3 December 2014 (hereinafter “the Special Agreement”), in its relevant part, reads as follows:

Special Agreement and Notification

Pursuant to Article 15, paragraph 2, of the Statute of the Tribunal, the Republic of Ghana and the Republic of Côte d'Ivoire hereby record their agreement to submit to a special chamber of International Tribunal for the Law of the Sea the dispute concerning the delimitation of their maritime boundary in the Atlantic Ocean. The agreement was reached on 3 December 2014, under the conditions reflected in the agreed Minutes of Consultation (3 December 2014), attached hereto.

The Republic of Ghana and the Republic of Côte d'Ivoire further record their agreement that the special chamber shall be comprised of the following five individuals:

Judge Boualem Bouguetaia, as President

Judge Rüdiger Wolfrum

Judge Jin-Hyun Paik

Mr Thomas Mensah, Judge *ad hoc* (Ghana)

Judge Ronny Abraham, Judge *ad hoc* (Côte d'Ivoire)

Delivery on today's date of an original of this Agreement and Notification to the Registry of the Tribunal shall constitute the notification contemplated in Article 55 of the Rules of the Tribunal.

Pursuant to Article 56, paragraph 3, of the Rules, the Republic of Ghana and the Republic of Côte d'Ivoire have the honour to notify the Tribunal that the Government of Ghana has appointed H.E. Ms Marietta Brew Appiah-Opong, Attorney General and Minister for Justice, as its Agent and the Government of Côte d'Ivoire has appointed Mr Adama Toungara, Minister of Petroleum and Energy, as its Agent, and Dr Ibrahima Diaby, Director General of Hydrocarbons, Ministry of Petroleum and Energy, as co-Agent, for the purpose of all proceedings in connection with said dispute.

The address[es] for service to which all communications concerning the case are to be sent in accordance with Article 56, paragraph 1, of the Rules are as follows:

For the Government of Ghana:

Embassy of the Republic Ghana
Stavangerstrasse 17-19
10439 Berlin
Germany
...

For the Government of Côte d'Ivoire:

Embassy of the Republic of Côte d'Ivoire
Schinkel Strasse 10
14193 Berlin
Germany
...

Dated: 3 December 2014

Signed:

[*signed*]

H.E. Ms Marietta Brew

Appiah-Opong

For the Government of Ghana

[*signed*]

Dr. Ibrahima Diaby

For the Government of Côte d'Ivoire

3. Whereas the Minutes of Consultations agreed between Ghana and Côte d'Ivoire on 3 December 2014 and attached to the Special Agreement read as follows:

**Consultations by the President of the Tribunal
with representatives of Ghana and Côte d'Ivoire,
under article 3 of annex VII
to the United Nations Convention on the Law of the Sea**

Minutes of consultations

1. At the invitation of the President of the International Tribunal for the Law of the Sea, delegations from Ghana and Côte d'Ivoire participated in consultations with the President under Annex VII to the Convention, held on 2 and 3 December 2014, at the premises of the Tribunal in Hamburg, Germany, on matters relating to the arbitration proceedings instituted by Ghana in the dispute between Ghana and Côte d'Ivoire concerning the delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean, including the possible transfer of the dispute to a special chamber of the Tribunal under article 15, paragraph 2, of the Statute of the Tribunal.

2. The composition of the delegations was as follows:

For Ghana:

H.E. Ms Marietta Brew Appiah-Opong, Attorney General and Minister for Justice, Agent

Ms Sylvia Adusu, Chief State Attorney, Counsel

Prof. Philippe Sands QC, Matrix Chambers

Mr Larry Martin, Foley Hoag

Mr Fui Tsikata, Counsel

Mr Kwame Mfodwo, Advisor

H.E. Ms Akua Sena Dansua, Ambassador of Ghana to Germany

For Côte d'Ivoire:

Dr Ibrahima Diaby, Co-Agent, Directeur Général des Hydrocarbures au
Ministère du Pétrole et de l'Énergie de Côte d'Ivoire

Mr Michel Pitron, Avocat au Barreau de Paris

Mr Adama Kamara, Avocat au Barreau de Côte d'Ivoire

Sir Michael Wood, Barrister, 20 Essex Street

3. During the consultations, the parties agreed to transfer the arbitral proceedings instituted by Ghana in the dispute between Ghana and Côte d'Ivoire concerning the delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute, it being understood between the parties that, if any objection to jurisdiction or admissibility were to be raised before the special chamber, it shall be dealt with together with the merits.

4. The proceedings of the special chamber shall be governed by the provisions contained in the Rules of the Tribunal and the agreement referred to in paragraph 3 above.

5. The parties request the special chamber to authorize that the written proceedings shall consist, in the following order, of: a Memorial presented by Ghana and a Counter-memorial presented by Côte d'Ivoire. The special chamber may authorize or direct that there shall be a Reply by Ghana and a Rejoinder by Côte d'Ivoire if it decides, at the request of a party or *proprio motu*, that these pleadings are necessary.

6. The parties agreed that the special chamber to be formed pursuant to article 15, paragraph 2, of the Statute shall be composed of five members, two of whom will be judges ad hoc chosen by the parties in accordance with article 17 of the Statute of the Tribunal. The composition of the special chamber will be determined by the Tribunal with the approval of the parties. In this respect, the parties have agreed on the following names:

Judge Bouguetaia

Judge Paik

Judge Wolfrum

The judges ad hoc shall be Mr Thomas Mensah (nominated by Ghana) and Mr Ronny Abraham (nominated by Côte d'Ivoire).

Hamburg, Germany
3 December 2014

[*signed*]

For Ghana,
H.E. Ms Marietta Brew
Appiah-Opong, Agent

[*signed*]

For Côte d'Ivoire
Dr Ibrahima Diaby,
Co-Agent

4. Whereas the Special Agreement provides that the delivery on 3 December 2014 of an original of it to the Registry of the Tribunal shall constitute the notification contemplated in article 55 of the Rules; and whereas an original copy of the Special Agreement was delivered to the Registrar of the Tribunal on that day;
5. Whereas the Special Agreement states that Ghana has appointed H.E. Ms Marietta Brew Appiah-Opong as Agent, and Côte d'Ivoire has appointed Mr Adama Toungara as Agent, and Dr Ibrahima Diaby as Co-Agent;
6. Whereas Ghana and Côte d'Ivoire are States Parties to the United Nations Convention on the Law of the Sea;
7. Whereas the Tribunal has before it a request by the two States Parties that the dispute concerning delimitation of their maritime boundary in the Atlantic Ocean be heard and determined by a special chamber to be formed under article 15, paragraph 2, of the Statute;
8. Whereas, in the Special Agreement, the Parties conveyed their views regarding the composition of the special chamber of the Tribunal;
9. Whereas, in the Special Agreement, Ghana notified the Tribunal of its choice of Mr Thomas Mensah to sit as judge *ad hoc* in the special chamber, and Côte d'Ivoire notified the Tribunal of its choice of Mr Ronny Abraham to sit as judge *ad hoc* in the special chamber; and whereas no objection to such choices appears to the Tribunal itself;

THE TRIBUNAL,

Unanimously,

1. *Decides* to accede to the request of Ghana and Côte d'Ivoire to form a special chamber of five judges to deal with the dispute concerning delimitation of their maritime boundary in the Atlantic Ocean;
2. *Determines*, with the approval of the Parties, the composition of the Special Chamber formed to deal with this case as follows:

President	Bouguetaia
Judges	Wolfrum Paik
Judges <i>ad hoc</i>	Mensah Abraham;

3. *Declares* that the Special Chamber as composed above is duly constituted;
4. *Decides* that the proceedings before the Special Chamber shall be governed by the provisions contained in the Rules, provided that if any objection to jurisdiction or admissibility were to be raised before the Special Chamber, it shall be dealt with by the Special Chamber together with the merits of the case;
5. *Decides* that the quorum required for meetings of the Special Chamber is three members of the Special Chamber;
6. *Decides* that the written proceedings shall consist of a Memorial presented by Ghana and a Counter-Memorial presented by Côte d'Ivoire;
7. *Decides* that the Special Chamber may authorize or direct the presentation of a Reply by Ghana and a Rejoinder by Côte d'Ivoire if it decides, at the request of a party or *proprio motu*, that these pleadings are necessary;
8. *Reserves* the subsequent procedure for further decision by the Special Chamber.

Done in English and in French, both texts being equally authoritative, in the Free and Hanseatic City of Hamburg, this twelfth day of January, two thousand and fifteen, in three copies, one of which will be placed in the archives of the Tribunal and the others transmitted to the Government of Ghana and to the Government of Côte d'Ivoire, respectively.

(signed) VLADIMIR GOLITSYN
President

(signed) PHILIPPE GAUTIER
Registrar