

# World Court upholds 1928 treaty on Caribbean islands

The Washington Post  
December 13, 2007

AMSTERDAM (Reuters) - The U.N.'s highest court ruled on Thursday that a 1928 treaty that awarded three isolated Caribbean islands to Colombia was still valid so it could not rule on a bid by Nicaragua for sovereignty over them.

However, the International Court of Justice said it did have jurisdiction to adjudicate on other islets and rocks in the archipelago and the maritime delimitation of the area.

Nicaragua had asked the court in The Hague to grant it sovereignty over the archipelago and to end a dispute which Colombia says started nearly 200 years ago.

The countries, separated by Panama and Costa Rica, both lay claim to the islands San Andres, Providencia and Santa Catalina off Nicaragua's Atlantic Coast, as well as several keys and some 50,000 square km (19,310 sq miles) of rich fishing waters.

Colombia has said that border disputes were inevitable after the fall of the Spanish Empire in the Americas, but that this issue was settled in 1928, when Nicaragua and Colombia signed a treaty granting Colombia sovereignty over the islands.

Nicaragua's Sandinista government annulled the pact in the 1980s, arguing it was signed while it was under U.S. occupation.

"The court finds that the 1928 treaty between Colombia and Nicaragua settled the matter of sovereignty over the islands of San Andreas, Providencia and Santa Catalina," the court said, noting that Nicaragua had not contested the treaty for 50 years.

## Advertisement

"There is no extant legal dispute between the parties on that question," it said. "The court thus cannot have jurisdiction over the question."

"We will continue exercising our sovereignty as we have historically," Colombian Foreign Minister Fernando Araujo told reporters in Bogota.

## DEEP SEA OIL AND NATURAL GAS

Nicaraguan President Daniel Ortega, a former Sandinista, urged Colombia to respect the decision on maritime limits, which would give Nicaragua access to deep sea natural gas and oil reserves. "That continental platform has great riches. ... We hope Colombia obeys what the court decided today," he said.

The court said it did have jurisdiction to determine the sovereignty of other areas in the region that were not addressed in the 1928 treaty and the maritime delimitation.

A spokeswoman said she expected the court to seek new submissions from both sides on these issues within weeks although it could take many months to come before the court.

Many Nicaraguans consider the 1928 treaty a U.S. payoff to Colombia for arranging the independence of Panama from Colombia in order to build the Panama Canal.

The islands and keys in question also fall within the maritime borders of Costa Rica, Honduras and Jamaica.

Nicaragua sued Colombia in 2001, two years after it also took neighboring Honduras to the court, arguing it was forced to act after Honduras and Colombia agreed their own border.

In that treaty, Honduras and Colombia carved up between them 130,000 square km (50,190 square miles) of Atlantic waters traditionally claimed by Nicaragua. The area is rich in fish and, potentially, oil and natural gas. In retaliation, Nicaragua slapped a 35 percent tariff on imports from Honduras.

The ICJ, or World Court based in The Hague, hears disputes between states and its decisions are founded in international law. Its rulings are binding and without appeal.