

**14 SEPTEMBRE 2010**

**ORDONNANCE**

**DIFFÉREND FRONTALIER  
(BURKINA FASO/NIGER)**

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**FRONTIER DISPUTE  
(BURKINA FASO/NIGER)**

**14 SEPTEMBER 2010**

**ORDER**

**INTERNATIONAL COURT OF JUSTICE**

**YEAR 2010**

**2010  
14 September  
General List  
No. 149**

**14 September 2010**

**FRONTIER DISPUTE  
(BURKINA FASO/NIGER)**

**ORDER**

*Present:* *President* OWADA; *Vice-President* TOMKA; *Judges* KOROMA, SIMMA, ABRAHAM, KEITH, SEPÚLVEDA-AMOR, BENNOUNA, SKOTNIKOV, CANÇADO TRINDADE, YUSUF, GREENWOOD, XUE, DONOGHUE; *Registrar* COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 40 and 48 of the Statute of the Court and to Articles 39, 40, 44 and 46 of the Rules of Court;

Whereas by a joint letter dated 12 May 2010 and filed in the Registry on 20 July 2010, the Minister for Foreign Affairs and Regional Co-operation of Burkina Faso and the Minister for Foreign Affairs, Co-operation, African Integration and Nigeriens Abroad of the Republic of Niger notified to the Registrar a Special Agreement between the two States, which was signed at Niamey

on 24 February 2009 and entered into force on 20 November 2009, whereby the Governments of the two States have agreed to submit to the Court the frontier dispute between them over a section of their shared boundary;

Whereas in Article 2 of the Special Agreement the Parties request the Court to:

- “1. determine the course of the boundary between the two countries in the sector from the astronomic marker of Tong-Tong (latitude 14° 25' 04" N; longitude 00° 12' 47" E) to the beginning of the Botou bend (latitude 12° 36' 18" N; longitude 01° 52' 07" E);
2. place on record the Parties' agreement on the results of the work of the Joint Technical Commission on Demarcation of the Burkina Faso-Niger boundary with regard to the following sectors:
  - (a) the sector from the heights of N'Gouma to the astronomic marker of Tong-Tong;
  - (b) the sector from the beginning of the Botou bend to the River Mekrou”;

Whereas by the above-mentioned joint letter the Government of Burkina Faso informed the Court of the appointment of H.E. Mr. Zakalia Kote as Agent, of Their Excellencies Messrs. Clément P. Sawadogo and Kadré Désiré Ouedraogo as Co-Agents, and of Messrs. Dramane Ernest Diarra, Raymond Bruno Bamouni and Vincent Zakane as Deputy Agents; and whereas by that same letter the Government of Niger informed the Court of the appointment of H.E. Ms Aminata Djibrilla Maïga Touré as Agent, of Their Excellencies Mr. Cissé Ousmane, Mr. Abdoulaye Djibo and Brigadier-General Mamadou Ousseini as Co-Agents, and of Mr. Sadé Elhadj Mahamane and H.E. Mr. Abdou Abarry as Deputy Agents;

Whereas in Article 3, paragraph 1, of the Special Agreement the Parties have agreed that, without prejudice to any question as to the burden of proof, the written pleadings should include:

- “(a) a Memorial filed by each Party not later than nine (9) months after the seising of the Court;
- (b) a Counter-Memorial filed by each Party not later than nine (9) months after exchange of the Memorials;
- (c) any other written pleading whose filing, at the request of either of the Parties, shall have been authorized or directed by the Court”;

*Fixes* the following time-limits for the filing of the initial written pleadings in the case:

20 April 2011 for the filing of a Memorial by each Party;

20 January 2012 for the filing of a Counter-Memorial by each Party; and

*Reserves* the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this fourteenth day of September, two thousand and ten, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Burkina Faso and the Government of the Republic of Niger, respectively.

*(Signed)* Hisashi OWADA,  
President.

*(Signed)* Philippe COUVREUR,  
Registrar.

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