

**CASE CONCERNING KASIKILI/SEDUDU ISLAND
Republic of Botswana/Republic of Namibia**

This case is still pending. It concerns an Application of Botswana and Namibia to the International Court of Justice asking the Court to determine the boundary between Botswana and Namibia around Kasikili/Sedudu Island and the legal status of the Island. The Island is situated in the Chobe River.

The public hearings in this case started on 15 February 1999. On 5 March 1999 the Court concluded the hearings on the merits of the case and was now ready to consider its judgment. The Court indicated that it will deliver its judgment in Autumn. It will be read at a public hearing on a date to be announced.

BACKGROUND INFORMATION

On 29 May 1996 Botswana and Namibia jointly notified the Registrar of the Court of a Special Agreement between the two states signed at Gaborone (Botswana) on 15 February 1996, which came into force on 15 May 1996. The Special Agreement provided for the submission to the Court of the dispute between them concerning the boundary around Kasikili/Sedudu Island and the legal status of the Island.

The Special Agreement referred to a Treaty signed on 1 July 1890 between Great Britain and Germany on their respective spheres of influence. The Agreement referred to the appointment, on 24 May 1992, of a Joint Team of Technical Experts "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of that Treaty and of the applicable principles of international law. Finding themselves unable to reach agreement on the question, the Joint Team of Technical Experts had recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law".

At the Summit Meeting held in Harare, Zimbabwe on 15 February 1995, President Masire of Botswana and President Nujoma of Namibia agreed "to submit the dispute to the International Court of Justice for a final and binding determination". Under the terms of the Special Agreement, the Parties asked the Court to "determine, on the basis of the Anglo-German Treaty of 1 July 1890 and the rules and principles of international law, the

boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island.”

By an Order of 24 June 1996, the Court fixed 28 February 1997 as the time limit for the filing of a Memorial by each of the parties and 28 November 1997 as the time limit for the filing of their Counter Memorials. Botswana and Namibia had duly filed their written pleadings.

By an Order of 27 February 1998, the Court, taking into account the agreement between the Parties, fixed 27 November 1998 as the time limit for the filing of their respective Replies. Both parties duly filed the Replies.

THE COURT'S PRACTICE WITH RESPECT TO DELIBERATIONS

In accordance with the internal judicial practice of the Court with respect to deliberations, the judges will be holding a preliminary discussion soon, at which the President will outline the issues that require discussion and a decision by the Court.

Each judge will then prepare a written Note setting out his or her views on the case. Each Note will be distributed to the other judges. A full deliberation will be held afterwards, at the end of which, on the basis of the views expressed, a drafting committee will be chosen by secret ballot. That committee will consist of two judges holding the majority view, together with the President, if he shares that view. The draft text will go through two readings during which amendments submitted by the judges will be considered. Meanwhile, judges who wish to do so may prepare a separate or dissenting opinion. The final vote will be taken after the adoption of the final text in the second reading.