

**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA**



2017

Public sitting

held on Monday, 13 February 2017, at 3 p.m.,

at the International Tribunal for the Law of the Sea, Hamburg,

President of the Special Chamber, Judge Boualem Bouguetaia, presiding

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

(Ghana/Côte d'Ivoire)

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**Verbatim Record**

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Uncorrected

Special Chamber  
of the International Tribunal for the Law of the Sea

<i>Present:</i>	President	Boualem Bouguetaia
	Judges	Rüdiger Wolfrum Jin-Hyun Paik
	Judges <i>ad hoc</i>	Thomas A. Mensah Ronny Abraham
	Registrar	Philippe Gautier

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1 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

2 Please be seated.

3

4 The Tribunal is now in session. We will continue to hear the oral pleadings from  
5 Ghana. We will continue until 6 o'clock, with a break at 4.30 for coffee, and resume  
6 at 5 o'clock this afternoon.

7

8 I give the floor to Mr Reichler, who will begin his statement. Mr Reichler, you have  
9 the floor.

10

11 **MR REICHLER:** Thank you very much, Mr President.

12

13 (*Continued in English*) Good afternoon, Mr President, Members of the Special  
14 Chamber.

15

16 I have been asked by Ghana to respond to Côte d'Ivoire on Ghana's alternative  
17 argument, that in case you find that there is no agreed boundary, the delimitation  
18 should be performed by means of the equidistance/relevant circumstances method.  
19 In particular, I will respond to Côte d'Ivoire on the relevant coasts, the relevant  
20 circumstances, adjustment of the provisional equidistance line, delimitation beyond  
21 200 M, and the proportionality of the resulting boundary line.

22

23 Mr President, I am afraid that there are two unfortunate consequences of my  
24 assignment. First, you will be deprived of the pleasure of hearing once again from  
25 Ms Brillembourg and Ms Singh. Second, you will be asked to listen to me for a rather  
26 long time. I apologize for both of these inconveniences. I will try to abate them by  
27 attempting as efficiently as possible to identify the principal issues that still divide the  
28 Parties, by addressing these differences in a clear and concise manner, and by  
29 proposing solutions, in some cases alternative solutions, that you might find helpful  
30 in your deliberations.

31

32 I begin with the relevant coasts. The Parties are largely in agreement on this issue.  
33 We agree especially that the relevant coasts are those whose seaward projections  
34 overlap.<sup>1</sup> As a result, we also agree that the only part of Ghana's coast that is  
35 relevant is the segment between the land boundary terminus and Cape Three  
36 Points.<sup>2</sup> It is further agreed that the rest of Ghana's coast – the part that is east of  
37 Cape Three Points – faces away from the area to be delimited and does not  
38 generate any entitlements that overlap with Côte d'Ivoire's, and that this part of  
39 Ghana's coast can be "excluded", to quote my friend Professor Alina Miron.<sup>3</sup> Finally,  
40 we are also agreed that Ghana's relevant coast measures 121 kilometres.<sup>4</sup>

41

42 As you have heard, there is a disagreement over how much of Côte d'Ivoire's coast  
43 is relevant. They say their entire 510 kilometres of coast are relevant. We say that

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<sup>1</sup> Public Sitting of the International Tribunal for the Law of the Sea, Verbatim Record, ITLOS/PV.17/C23/5 (10 Feb. 2017) (hereinafter "ITLOS/PV.17/C23/5"), p. 28:1-6 (Miron); Audience publique du Tribunal international du droit de la mer, Compte rendu, TIDM/PV.17/A23/5 (10 février 2017) (hereinafter "TIDM/PV.17/A23/5"), p. 34:1-10 (Miron).

<sup>2</sup> ITLOS/PV.17/C23/5, p. 28:8-10 (Miron); TIDM/PV.17/A23/5, p. 34:12-14 (Miron).

<sup>3</sup> ITLOS/PV.17/C23/5, p. 28:10 (Miron); TIDM/PV.17/A23/5, p. 34:14 (Miron).

<sup>4</sup> ITLOS/PV.17/C23/5, p. 28:31-32 (Miron); TIDM/PV.17/A23/5, p. 34:37-38 (Miron).

1 not all of it is relevant. The difference turns out to be of very little, if any,  
2 consequence, so I will address it very briefly, using Côte d'Ivoire's own map, which  
3 serves the purpose nicely. As you can see, most of Ghana's relevant coast projects  
4 seaward in parallel with the projection of Côte d'Ivoire's coast, as shown by the pink  
5 Ghanaian arrows. The only part of Ghana's coast that projects across Côte d'Ivoire's  
6 coastal front is the small, easternmost segment. But as you can see, that segment  
7 reaches the limit of Ghana's 200 nautical miles entitlement before it encounters the  
8 seaward projection of the westernmost portion of Côte d'Ivoire's coast. In this area,  
9 Ghana cannot claim any entitlement beyond 200 nautical miles. It is on this basis  
10 that we say there is no overlap with any Ghanaian entitlement with any projections  
11 emanating from the western segment of the Ivorian coast, and therefore that western  
12 part of Côte d'Ivoire's coast cannot be relevant to the delimitation.

13  
14 However, as I said, this difference between the Parties is not consequential. In the  
15 first round, I said that it does not matter whether the ratio of relevant coastal lengths  
16 is 4.2:1, as Côte d'Ivoire maintains, or 2.55:1, as Ghana measures it. In either case,  
17 the disparity is not significant. Côte d'Ivoire claimed only three relevant  
18 circumstances in their first round. Coastal length disparity was not one of them; and,  
19 as Mr Pitron demonstrated on Friday, even if the coastal length ratio were 4.2:1, it  
20 would not lead to a disproportionate result, in the third stage of the delimitation  
21 process,<sup>5</sup> regardless of which of the Parties' proposed boundaries you adopt.

22  
23 There is, nevertheless, an issue of some apparent significance regarding the  
24 relevant coasts. At least, it is an issue that Côte d'Ivoire has tried to make appear  
25 significant. This is Côte d'Ivoire's repeated reference to the allegedly "tiny"<sup>6</sup> segment  
26 of coast that, according to them, generates the provisional equidistance line. Their  
27 insistence on this point led to some entertainment about how fast Usain Bolt could  
28 traverse it.<sup>7</sup> But, entertainment value aside, this is a non-issue. Certainly it has no  
29 bearing on the application of equidistance methodology.

30  
31 Either our friends on the other side are unfamiliar with the way equidistance lines are  
32 constructed, or they are cleverly trying to divert your attention from it. In fact, the  
33 equidistance line here is not constructed only from the coastal segment where the  
34 base points lie. It is constructed from the relevant coasts of both Parties, in their  
35 entirety: in this case a relevant coastline of 510 plus 121, or 631 kilometres.

36  
37 I apologize for being a bit technical here, Mr President, but the subject matter  
38 requires it; and this is something that the Special Chamber can confirm with its own  
39 technical expert, should you retain one. The entire length of relevant coast, here  
40 631 kilometres, is digitized and fed into a computer with the Caris software. The  
41 software reviews the entire coast and identifies the turning points on the coast, or, as

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<sup>5</sup> See Public Sitting of the International Tribunal for the Law of the Sea, Verbatim Record, ITLOS/PV.17/C23/6 (10 Feb. 2017) (hereinafter "ITLOS/PV.17/C23/6"), p. 18:11-35 (Pitron); Audience publique du Tribunal international du droit de la mer, Compte rendu, TIDM/PV.17/A23/6 (10 février 2017) (hereinafter "TIDM/PV.17/A23/6"), pp. 23:34 - 24:8 (Pitron).

<sup>6</sup> TIDM/PV.17/A23/5, pp. 21:26, 22:2, 24:4 (Pitron); ITLOS/PV.17/C23/5, pp. 17:41, 18:10, 19:48 (Pitron); Audience publique du Tribunal international du droit de la mer, Compte rendu, TIDM/PV.17/A23/4 (9 février 2017) (hereinafter "TIDM/PV.17/A23/4"), pp. 5:26, 6:17 (Pitron); Public Sitting of the International Tribunal for the Law of the Sea, Verbatim Record, ITLOS/PV.17/C23/4 (9 Feb. 2017) (hereinafter "ITLOS/PV.17/C23/4"), pp. 5:4, 5:40 (Pitron).

<sup>7</sup> ITLOS/PV.17/C23/5, p. 19:30-31 (Pitron); TIDM/PV.17/A23/5, p. 23:28-29 (Pitron).

1 we have been calling them here, the base points, from which the equidistance line is  
2 constructed. The software always selects the closest base points, on either side of  
3 the land boundary terminus, which are needed to generate the equidistance line.  
4 Once it generates the line, to 200 nautical miles or beyond, it stops identifying base  
5 points. Both Parties have used the Caris software in this fashion.  
6

7 The Parties agree that the coast in the vicinity of the land boundary terminus is  
8 almost perfectly straight.<sup>8</sup> But this is not just in the immediate vicinity of the land  
9 boundary terminus. I said last Tuesday that the coast is straight for over  
10 200 kilometres, at least 100 kilometres on either side of the LBT,<sup>9</sup> and Côte d'Ivoire  
11 did not dispute that. Thus, base points could be placed anywhere along this  
12 200 kilometres segment, and you would end up with the same equidistance line, or  
13 something indistinguishable from it. As I explained last week – and Côte d'Ivoire did  
14 not challenge it - a straight coastline will always generate very few base points, and  
15 they will always lie in close proximity to the LBT: the straighter the coast, the closer  
16 to it the base points will lie. That, as I said, is science.<sup>10</sup>  
17

18 It is not only myopic but misleading for Côte d'Ivoire to suggest that the equidistance  
19 line is based on only a tiny, non-representative portion of the coast. It is also  
20 self-contradictory. While Mr Pitron, with great enthusiasm, emphasized that Usain  
21 Bolt could cover the distance between base points in 17 seconds,<sup>11</sup> Professor Miron  
22 acknowledged that base points C-3 and G-7, which control the equidistance line  
23 beyond 200 nautical miles, are situated 19 and 119 kilometres from the  
24 LBT, respectively.<sup>12</sup> I do not know if Mr Bolt has ever run a 138 kilometres race, but I  
25 am confident he would agree that there is nothing tiny about that distance. The main  
26 point, as I have described, is that the equidistance line takes into account, and  
27 therefore represents, the entire 631 kilometres of relevant coast, not just the distance  
28 between the base points. It only excludes the portion of Ghana's coast that Professor  
29 Miron agrees should be excluded.  
30

31 With that, Mr President, I turn next to relevant circumstances. Côte d'Ivoire alleges  
32 that there are three. This is down from five, so we are making progress. The first of  
33 the three, as presented by Professor Pellet, is the alleged cutoff of Côte d'Ivoire's  
34 maritime entitlement, caused, in his explanation, by the concavity of Côte d'Ivoire's  
35 coast and the convexity of Ghana's.<sup>13</sup> Let us examine this on Côte d'Ivoire's own  
36 map.  
37

38 *This*, again, is their map, except that we have superimposed the customary  
39 equidistance boundary for the purposes of examining whether it produces a cut-off  
40 effect. As we proceed out the equidistance line from the LBT, we first see a cutoff at  
41 98 nautical miles, but it is not Côte d'Ivoire that is cut off; it is Ghana. As we go

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<sup>8</sup> See, e.g., ITLOS/PV.17/C23/5, pp. 3:4 (Pitron), 28:44-45 (Miron); TIDM/PV.17/A23/5. pp. 3:5 (Pitron), 35:12 (Miron).

<sup>9</sup> Public Sitting of the International Tribunal for the Law of the Sea, Verbatim Record, ITLOS/PV.17/C23/2 (7 Feb. 2017) (hereinafter "ITLOS/PV.17/C23/2"), p. 30:39-42 (Reichler); Audience publique du Tribunal international du droit de la mer, Compte rendu, TIDM/PV.17/A23/2 (7 février 2017) (hereinafter "TIDM/PV.17/A23/2"), pp. 37:42 - 38:1 (Reichler).

<sup>10</sup> ITLOS/PV.17/C23/2, p. 32:30-33 (Reichler); TIDM/PV.17/A23/2, pp. 39:42 - 40:1 (Reichler).

<sup>11</sup> ITLOS/PV.17/C23/5, p. 19:30-31 (Pitron); TIDM/PV.17/A23/5, p. 23:28-29 (Pitron).

<sup>12</sup> ITLOS/PV.17/C23/5, p. 33:22-24 (Miron); TIDM/PV.17/A23/5, p. 41:9-11 (Miron).

<sup>13</sup> ITLOS/PV.17/C23/6, p. 3:15-21 (Pellet); TIDM/PV.17/A23/6, p. 3:24-30 (Pellet).



1 further seaward, we do see a cutoff of Côte d'Ivoire's coastal projection, but not until  
2 the equidistance line is a full 160 nautical miles from the LBT. As we trace this  
3 Ivorian arrow back to its source at the coast, we find that it is at Abidjan. Professor  
4 Pellet told you, correctly, that the main impact of the cutoff is on Abidjan.<sup>14</sup> However,  
5 as you can see, the seaward projection of the Abidjan coast reaches 181 nautical  
6 miles before it hits the customary equidistance line on their own chart, and that is the  
7 only part of Côte d'Ivoire's coast, according to their own map, that appears to  
8 intersect the equidistance line before the limit of national jurisdiction beyond  
9 200 nautical miles.

10  
11 We say that this is not a true cutoff. It is certainly not a cutoff that requires  
12 abatement. Let me rely on science again, as well as the case law. In regard to  
13 adjacent States, the equidistance line will almost always produce a cutoff. That is  
14 inevitable. The question is thus not whether there is a cutoff but whether the cutoff  
15 produces its effects in a shared and mutually balanced way. For this proposition,  
16 I cite my friend Professor Pellet himself,<sup>15</sup> as well as the ICJ in the *Black Sea* and  
17 *Nicaragua v. Colombia* cases,<sup>16</sup> and, of course, ITLOS in *Bangladesh v. Myanmar*.

18  
19 Applying that principle here, we see on this Ivorian map that while the cutoff is  
20 mutual, it is not shared equally. It falls harder on Ghana, because it cuts off Ghana's  
21 coastal projection closer to the coast. However, for the moment let us ignore this and  
22 assume that only Côte d'Ivoire is cut off. Is the cutoff significant enough to warrant  
23 abatement? We say: no, not when it does not occur until a point that is over or is  
24 180 nautical miles from the Ivorian coast. But, suppose we were inclined to bend  
25 over backwards to accommodate our Ivorian friends. The cutoff, so to speak, could  
26 be completely eliminated by deflecting the customary equidistance boundary at that  
27 point, that is 160 nautical miles seaward from the LBT, so that seaward from there, it  
28 follows the same azimuth as the seaward projection of the coast from Abidjan.  
29 Based on this map, that is approximately 172 degrees.

30  
31 However, although that would entirely eliminate the cutoff for Côte d'Ivoire, it would  
32 create a new cutoff for Ghana at almost precisely the same 160 nautical miles point.  
33 That cannot be regarded as an equitable solution, but here is one that might be: if,  
34 contrary to Ghana's position, the Special Chamber were inclined to alleviate Côte  
35 d'Ivoire's alleged cutoff. *This* line divides the impact of that cutoff equally between  
36 the two Parties. It distributes some, but not all, of the cutoff to Ghana. It shares the  
37 impact in a balanced manner. As our friends on the other side have shown, the case  
38 law does not mandate the complete elimination of the effects of a cutoff, which in any  
39 event is impossible here, because if you eliminate it for one, you exacerbate it for the  
40 other. Thus, when islands are the cause of a cutoff, they are frequently given half  
41 effect, thus ameliorating but not entirely eliminating the cutoff. After Bangladesh's  
42 cases against Myanmar and India, in both of which its cutoff was partially abated,  
43 Bangladesh could still feel the effects of the cutoff, as you can see *here*.<sup>17</sup> We say

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<sup>14</sup> ITLOS/PV.17/C23/6, p. 2:40-49 (Pellet). TIDM/PV.17/A23/6, pp. 2:46-50, 3:1-8 (Pellet).

<sup>15</sup> ITLOS/PV.17/C23/6, 10:46-47 (Pellet); TIDM/PV.17/A23/6, p. 14:35-36 (Pellet).

<sup>16</sup> *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, Judgment, ICJ Reports 2009, p. 61, para. 201; *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgment, ICJ Reports 2012, p. 624 (hereinafter "*Nicaragua v. Colombia*, Judgment"), para. 215.

<sup>17</sup> See *Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India)*, UNCLOS Annex VII Tribunal, Award of 7 July 2014, p. 163, Map 12.

1 that there is no justification for doing this, even the half effect line, but if anything is to  
2 be done, this would be the absolute maximum without inequitably prejudicing Ghana.

3  
4 Before concluding on this point, I offer these comments on concavity and convexity.  
5 Ghana has always acknowledged that Côte d'Ivoire's coast is mildly concave. That is  
6 not the issue. It is whether that mild concavity causes the equidistance line to cut  
7 across Côte d'Ivoire's coast in an unbalanced and prejudicial way.<sup>18</sup> Côte d'Ivoire's  
8 own chart proves that it does not. The equidistance line imposes more of a cutoff on  
9 Ghana than on Côte d'Ivoire, since Ghana is cut off 98 nautical miles from the LBT,  
10 long before Côte d'Ivoire is cut off at 160 nautical miles. What these maps show is  
11 that Côte d'Ivoire's mild concavity does not produce effects that are sufficient to  
12 warrant any adjustment to the equidistance line.

13  
14 Nor is there any reason to adjust the line due to convexity. Yes, Ghana's coast is  
15 convex at Cape Three Points; but convexity is a problem only when there are base  
16 points along it that influence, that push, the equidistance line. If there are no base  
17 points on it, the convexity is irrelevant to the delimitation. Here, there are no base  
18 points on the convexity that influence the line out to 200 M. The single Ghanaian  
19 base point at Cape Three Points does not begin to influence the equidistance line  
20 until it reaches 220 M. At that point, its influence is offset by Côte d'Ivoire's base  
21 point at the mouth of Aby Lagoon. There is no cut-off of Côte d'Ivoire. Even if, *quod*  
22 *non*, we were to assume there were, at the very most a slight adjustment beyond  
23 200 nautical miles would eliminate it entirely. We say: this is all theoretical. There is  
24 no significant or unbalanced cut-off. This is not a relevant circumstance. There is no  
25 need for an adjustment of the equidistance line.

26  
27 Before leaving this subject, I want to say a word about another Ivorian map, which  
28 was displayed several times last week. The word is "disappointing." This is a blatant  
29 cartographic manipulation. First, as you can see, the green arrows are drawn  
30 perpendicular not to the actual coastline, but to Côte d'Ivoire's subjectively and  
31 self-servingly drawn coastal façade, which they use to construct their angle bisector.  
32 Second, the arrows are extended to the north so that they touch the coastline,  
33 apparently to give the misleading impression that they are perpendicular to that  
34 coastline, which they are not, and that they reflect its seaward projection, which they  
35 do not. Beyond this, the chart is contradictory with itself. It draws its façade and  
36 green arrows based on an angle bisector, and then superimposes an equidistance  
37 line. This mixing of methods reveals that the chart is intended to mislead more than  
38 enlighten. In any event, as you can see here, it is entirely inconsistent with Côte  
39 d'Ivoire's other chart, the one we have been using today, which represents a more  
40 accurate depiction of the relevant coastal façades and their true seaward projections.

41  
42 Mr President, I can now move to Côte d'Ivoire's second alleged relevant  
43 circumstance, the Ghanaian land territory that they still insist on calling the "Jomoro  
44 Peninsula". I addressed this last week, and will avoid repeating myself. I just have a  
45 few points to make in response to Maître Pitron and Professor Pellet. First, I am  
46 grateful to Maître Pitron for clarifying that they regard this territory as a "strip of  
47 land",<sup>19</sup> and a "land barrier"<sup>20</sup> between 5.5 and 14 kilometres wide, and thereby

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<sup>18</sup> See Reply of Ghana (25 July 2016) (hereinafter "RG"), para. 3.22.

<sup>19</sup> ITLOS/PV.17/C23/5, p. 3:11 (Pitron); TIDM/PV.17/A23/5, p. 3:11-12 (Pitron).

<sup>20</sup> ITLOS/PV.17/C23/5, p. 4:46 (Pitron); TIDM/PV.17/A23/5, p. 5:4-5 (Pitron).

1 acknowledge that it is in fact Ghana's sovereign land territory rather than just a  
2 beach.

3  
4 Where they go wrong is when they argue that it is a "protuberance"<sup>21</sup> that "block[s]  
5 the projections" of Côte d'Ivoire's "entitlement" seaward.<sup>22</sup> What protuberance? This  
6 land does not protrude into the sea. Our friends would have you believe that this was  
7 truly a peninsula or protrusion, as shown on the sketch map in front of you. If it were,  
8 they might have a point; but that is a complete re-fashioning of geography. This  
9 territory is the unbroken continuation of Ghana's coastline that is perfectly aligned  
10 with that coastline, and perfectly aligned with Côte d'Ivoire's coastline on the other  
11 side of the LBT. What Ivorian "entitlement" are they talking about here? There is no  
12 Ivorian coast, so they have no entitlement seaward from Ghana's side of the LBT.  
13

14 Professor Pellet struggles mightily to reconcile this geographic reality with the case  
15 law. He said (quoting in English): "It may be that islands – that is often the case – or  
16 strips of land ... that ha[ve] a cut-off effect on the projections of the coast of a  
17 State"<sup>23</sup> would be a relevant circumstance requiring adjustment of the equidistance  
18 line. Islands, yes, of course, but strips of land? Where is the support for that? We say  
19 there is none.

20  
21 Professor Pellet purports to find it in the Anglo/French case.<sup>24</sup> He tries in vain. We  
22 are very good friends, and I know he would never, ever mislead you, or any court or  
23 tribunal – or for that matter anyone else – but it is possible that he inadvertently gave  
24 you the wrong impression about that award. Quoting from the English translation, he  
25 read: "...the further projection westwards of the Scilly Isles when super-added to the  
26 greater projection of the Cornish mainland"<sup>25</sup> and here my friend interjected his own  
27 words "not a small peninsula,"<sup>26</sup> before he continued to read:

28  
29 has much the same tendency to distortion of the equidistance line, as the  
30 projection of an extremely long promontory, which is generally recognized to  
31 be one of the potential forms of "special circumstance".<sup>27</sup>  
32

33 Maybe it is my fault and I misunderstood, but if there was a suggestion that the Court  
34 of Arbitration considered any part of the Cornish mainland, including the Cornish  
35 peninsula, to be a special circumstance, that suggestion would be mistaken. The  
36 only special circumstance in that part of the delimitation area was the Scilly Isles  
37 themselves. This was made abundantly clear in the sentence immediately following  
38 the one read to you by Professor Pellet:

39  
40 In the present instance the Court considers that the additional projection of the  
41 Scilly Isles into the Atlantic region does constitute an element of distortion  
42 which is material enough to justify the delimitation of a boundary other than

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<sup>21</sup> ITLOS/PV.17/C23/4, p. 5:9 (Pitron); TIDM/PV.17/A23/4, p. 5:31 (Pitron).

<sup>22</sup> ITLOS/PV.17/C23/6, p. 4:22 (Pellet); TIDM/PV.17/A23/6, p. 5:6 (Pellet).

<sup>23</sup> ITLOS/PV.17/C23/6, p. 4:23-26 (Pellet); ITLOS/PV.17/C23/6, p. 5:7-11 (Pellet).

<sup>24</sup> ITLOS/PV.17/C23/6, p. 4:39-5:14 (Pellet); TIDM/PV.17/A23/6, pp. 5:26, 6:11 (Pellet).

<sup>25</sup> *Delimitation of the Continental Shelf between the United Kingdom of Great Britain and Northern Ireland, and the French Republic (United Kingdom v. France)*, Decision of 30 June 1977, 18 UNRIAA 3 (1978) (hereinafter "*Anglo/French Continental Shelf*"), para. 244.

<sup>26</sup> ITLOS/PV.17/C23/6, p. 4:46-47 (Pellet); TIDM/PV.17/A23/6, p. 5:31-34 (Pellet).

<sup>27</sup> *Anglo/French Continental Shelf*, para. 244.

1 the strict median line.<sup>28</sup>

2  
3 The Scilly Isles, not the Cornish Peninsula – and this is clear from the map Professor  
4 Pellet displayed. The Scilly Isles were given half effect. The Cornish Peninsula was  
5 given full effect.

6  
7 None of the other cases cited by Professor Pellet supports his proposition. All involve  
8 islands – every one of them.<sup>29</sup> None involves a strip of land. There is no case –  
9 none – in which a court or tribunal has disregarded, or given less than full effect, to  
10 continental land territory that constitutes an integral part of a State's coast; and it  
11 makes no difference what is in the interior behind that coastal land territory. This was  
12 made clear by the ICJ in the *Libya v. Malta* case:

13  
14 Land mass has never been regarded as a basis of entitlement to continental  
15 shelf rights, and such a proposition finds no support in the practice of States,  
16 in the jurisprudence, in doctrine, or indeed in the Third United Nations  
17 Conference on the Law of the Sea. It would radically change the part played  
18 by the relationship between coast and continental shelf. What distinguishes a  
19 coastal State with continental shelf rights from a landlocked State which has  
20 none, is certainly not the land mass, which both possess, but the existence of  
21 a maritime front in one State and its absence in the other.<sup>30</sup>

22  
23 From the case law, let us move back to the geography for two quick points. First, as  
24 you can see, Ghana's land territory is not promontory, and it is not a peninsula. The  
25 fact that our friends insist on calling it that is just a further indication of how fantastical  
26 their argument is. They have to re-fashion it into a peninsula in order to make their  
27 claim. But there is a peninsula along this coast – and it is on the other side of the  
28 LBT. This is a peninsula, but it is Côte d'Ivoire's peninsula, not Ghana's. We have  
29 heard a lot about Ghana's base points being located along the so-called Jomoro  
30 Peninsula. What you did not hear from the other side is that Côte d'Ivoire's base  
31 points are located on this same stretch of coast. Thus, the coastline in this area treats  
32 both States equally, and allows them both to enjoy their respective seaward  
33 projections, on either side of the equidistance line, without any cut-off out to 200 M  
34 and beyond.

35  
36 Second, and finally, there is nothing anomalous about this geographic configuration  
37 that would justify disregarding a significant part of Ghana's coast, in effectively  
38 moving the LBT 42 km to the east, as Professor Pellet has proposed. In fact, a  
39 significant stretch of the Ghana/Côte d'Ivoire land border lies even farther west than  
40 the LBT. I did find my good friend's reference to Cyrano enlightening, although  
41 perhaps not in the way he intended. Instead of a Ghanaian tongue extending beneath  
42 Côte d'Ivoire's territory, it is just as easy to envision an anomalous Ivorian nose

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<sup>28</sup> *Ibid.*

<sup>29</sup> See *Arbitration between Newfoundland and Labrador and Nova Scotia concerning Portions of the Limits of Their Offshore Areas (Newfoundland and Labrador/Nova Scotia)*, Award of the Tribunal in the Second Phase (26 Mar. 2002), paras. 5.13, 5.15; *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* Judgment, ICJ Reports 2009, p. 61, para. 187; *Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*, Judgment of 14 March 2012, ITLOS Reports 2012, (hereinafter "*Bangladesh v. Myanmar*, Judgment"), para. 318; *Nicaragua v. Colombia*, Judgment, para. 215.

<sup>30</sup> *Continental Shelf (Libyan Arab Jamahiriya v. Malta)*, Judgment, ICJ Reports 1985, p. 13, para. 49.

1 protruding into Ghanaian territory.

2

3 This brings me to Côte d'Ivoire's third and final alleged relevant circumstance: what  
4 they call the "exceptional" presence of hydrocarbons.<sup>31</sup> Last week, we told you that  
5 Côte d'Ivoire's entire case boils down to this: there is oil out there, plenty of it, on  
6 Ghana's side of the customary equidistance boundary, and they want access to it.<sup>32</sup>  
7 This is no longer in dispute. Professor Pellet himself confirmed it (quoting from the  
8 English transcript): "Côte d'Ivoire's goal is to obtain a fair share."<sup>33</sup>

9

10 And again: "Côte d'Ivoire would only welcome this situation if Ghana had not  
11 deprived Côte d'Ivoire of her fair share in oil prosperity, which it has a right to aspire  
12 towards."<sup>34</sup>

13

14 And again: Côte d'Ivoire wants: "access to these resources in a somewhat less unfair  
15 way."<sup>35</sup>

16

17 My question is this: How does my friend reconcile this with his statement, with which  
18 we entirely agree, that,

19

20 It is precisely a rule of law that calls for the application of equitable principles.  
21 There is consequently no question in this case of any decision *ex aequo et*  
22 *bono*, such as would only be the case under the conditions prescribed by  
23 article 38, paragraph 2 of the ICJ's Statute?<sup>36</sup>

24

25 The case law runs completely counter to the concept of delimitation by means of  
26 sharing the natural resources of the seabed. A case directly on point is *Guinea v.*  
27 *Guinea-Bissau*. Now my good friend has already told us that this case is not his "cup  
28 of tea".<sup>37</sup> That is an understatement. For our favourite master of the Socratic method,  
29 the award in that case is more like a cup of hemlock - and we truly, truly love him too  
30 much to serve him anything more than a tiny spoonful:

31

32 Some States may have been treated by nature in a way that favours their  
33 boundaries or their economic development, others may be disadvantaged....  
34 The fact is that the Tribunal does not have the power to compensate for the  
35 economic inequalities of the States concerned, by modifying the delimitation  
36 which it considers called for by objective and certain conditions.<sup>38</sup>

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<sup>31</sup> ITLOS/PV.17/C23/6, p. 7:1 (Pellet); TIDM/PV.17/A23/6, p. 8:24 (Pellet).

<sup>32</sup> Public Sitting of the International Tribunal for the Law of the Sea, Verbatim Record, ITLOS/PV.17/C23/3 (7 Feb. 2017) (hereinafter "ITLOS/PV.17/C23/3"), p. 1:13-18 (Reichler); Audience publique du Tribunal international du droit de la mer, Compte rendu, TIDM/PV.17/A23/3 (7 février 2017) (hereinafter "TIDM/PV.17/A23/3"), p. 1:18-26 (Reichler).

<sup>33</sup> ITLOS/PV.17/C23/6, p. 8: 19-20 (Pellet); TIDM/PV.17/A23/6, p. 10: 23-25 (Pellet).

<sup>34</sup> ITLOS/PV.17/C23/6, p. 8: 35-37 (Pellet); TIDM/PV.17/A23/6, p. 11: 11-13 "La Côte d'Ivoire ne pourrait que s'en réjouir si les agissements de la "part de prospérité" pétrolière à laquelle est, de son côté, en droit d'aspirer."

<sup>35</sup> ITLOS/PV.17/C23/6, p. 9:17-18 (Pellet); TIDM/PV.17/A23/6, p. 9:16-17 (Pellet).

<sup>36</sup> TIDM/PV.17/A23/5, p. 11:9-13 (Pellet); ITLOS/PV.17/C23/5, p. 10:21-26 (Pellet) (citing *North Sea Continental Shelf (Federal Republic of Germany/Netherlands)*, Judgment, ICJ Reports 1969, p. 3, para. 88).

<sup>37</sup> ITLOS/PV.17/C23/5, p. 12:27 (Pellet); TIDM/PV.17/A23/5, p. 14:13 (Pellet).

<sup>38</sup> *Délimitation de la frontière maritime entre la Guinée et la Guinée-Bissau [Delimitation of the maritime boundary between Guinea and Guinea-Bissau]*, Sentence du 14 février 1985, réimprimé dans 19 UNRIAA 149 (1985), par. 123.

1 In any event, as Professor Sands has shown you, Côte d'Ivoire already has plenty of  
2 its own oil, which it has been regularly extracting on its side of the customary  
3 equidistance boundary, including from the same basin from which Ghana's oil is  
4 derived. They have produced more oil than Ghana has, and they have access to a  
5 vastly larger share of that basin. In other words, they already have their fair share, if  
6 not more.

7  
8 No court or arbitral tribunal – not a single one – has ever adjusted an equidistance  
9 line, or any other provisional delimitation line, based on the presence of  
10 hydrocarbons. Côte d'Ivoire invokes the *Jan Mayen* case, where the median line was  
11 adjusted to assure that Denmark's fishermen would not be deprived of access to fish  
12 on which they were historically dependent.<sup>39</sup> But the Court in that case found that  
13 Denmark had met the standard set in the *Gulf of Maine* case, that access to natural  
14 resources should be taken into account only in situations where shifting the boundary  
15 is required to avoid “catastrophic repercussions for the livelihood and economic  
16 wellbeing of the population of the countries concerned.”<sup>40</sup>

17  
18 The ICJ affirmed that standard in the *Nicaragua v. Colombia* judgment of 2012.<sup>41</sup>

19  
20 Last week, Côte d'Ivoire said nothing about catastrophic repercussions. They  
21 conspicuously avoided any mention of the *Gulf of Maine* case on this point, or the  
22 standard set in that case that the ICJ has repeatedly reaffirmed. Plainly, there is  
23 nothing remotely resembling a catastrophic repercussion for Côte d'Ivoire or its  
24 population. In *Jan Mayen* the boundary was adjusted to avoid depriving a party of  
25 resources that its nationals had previously enjoyed in the past.<sup>42</sup> There is no  
26 authority, and no basis, for adjusting a boundary to allow a State access to resources  
27 that it never previously enjoyed.

28  
29 Professor Pellet erroneously conflates Côte d'Ivoire's claim of relevant circumstances  
30 with Ghana's. Quoting from the English transcript:

31  
32       There is no doubt that our Ghanaian friends consider the concentration of  
33       wealth in terms of hydrocarbons in the disputed area as being a relevant  
34       circumstance to shift the equidistance line in their favour so as to leave them  
35       all of the discovered or probable deposits.<sup>43</sup>

36  
37 This is incorrect: Ghana does not claim that the concentration or presence of  
38 hydrocarbons is a relevant circumstance. In fact, Ghana rejects that assertion.  
39 Ghana's position is that the Parties' longstanding and mutual recognition of the  
40 customary equidistance line as the international border between the two States,  
41 supported by 50 years of consistent practice by both States, constitutes a tacit

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<sup>39</sup> ITLOS/PV.17/C23/6, p. 8:1-18 (Pellet); TIDM/PV.17/A23/6 10:2-19 (Pellet).

<sup>40</sup> *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway)*, Judgment, ICJ Reports 1993, p. 38 (hereinafter “*Denmark v. Norway (Jan Mayen)*, Judgment”), para. 75.

<sup>41</sup> See *Nicaragua v. Colombia*, Judgment, para. 220.

<sup>42</sup> *Denmark v. Norway (Jan Mayen)*, Judgment, para. 76.

<sup>43</sup> ITLOS/PV.17/C23/6, p. 7:22-25 (Pellet); TIDM/PV.17/A23/6, p. 9:10-14 (Pellet) “Pas de doute, nos ami ghanéens considèrent...la concentration des richesses en hydrocarbures situées dans la zone litigieuse comme étant une circonstance pertinente pour déplacer la ligne d'équidistance en leur faveur de telle manière qu'elle leur laisse l'intégralité des gisement découverts ou probable.”

1 agreement on the location of the boundary, or, in the alternative, a relevant  
2 circumstance requiring adjustment of the provisional equidistance line.

3  
4 Mr President, Côte d'Ivoire spent its first round avoiding this issue, as if they were  
5 dodging an incoming missile. They said remarkably little about it. To the limited  
6 extent that they did engage with us, they mischaracterized our claim as one based  
7 merely on "oil practice". Sir Michael Wood, who is another very good friend, told you  
8 our claim of relevant circumstances was based on "the shaky foundation of limited  
9 petroleum conduct".<sup>44</sup>

10  
11 Given what Mr Tsikata and Professor Sands have shown, the use of the word  
12 "limited" seems hardly appropriate. Professor Pellet also said that "oil practice cannot  
13 be taken into consideration unless in exceptional circumstances".<sup>45</sup>

14  
15 Their aim, of course, is to diminish our claim and fit it within the confines of  
16 *Cameroon/Nigeria*, but it doesn't fit there; the facts were very different. In that case,  
17 unlike this one, there was only coincidental use of the same line as to the limit of  
18 each State's oil concessions and, for only seven years;<sup>46</sup> at other times the Parties'  
19 concessions overlapped.<sup>47</sup> In that case, unlike ours, there was no repeated reference  
20 in the concession agreements of either party to the limit as an international boundary.  
21 There were no official maps issued by State entities showing the line as an  
22 international boundary. There were no presidential decrees, or national legislation, or  
23 official correspondence from Ministers of State, referring to the line as an  
24 international border. There were no seismic surveys in which one State approved the  
25 requests of the other with explicit reference to the crossing of their international  
26 maritime boundary. There was no consistent, unbroken conduct, over a 50-year  
27 period, evidencing that each of the Parties recognized the line as an international  
28 border and consistently respected it as such.<sup>48</sup>

29  
30 In Ghana's view, that half-century of law – Ivorian law – and mutual practice is proof  
31 of an agreement that a boundary exists. In the alternative, we argue that, if a  
32 boundary is to be newly delimited, the Parties' longstanding and mutual practice must  
33 be, at the very least, a relevant circumstance justifying an adjustment to the  
34 provisional equidistance line, so that the final boundary is the customary equidistance  
35 line that has been long respected by both of them. We say again, as we said in the  
36 first round, that a half-century of express recognition of a boundary and consistent  
37 practice in respect of it by both States cannot be ignored. It cannot mean nothing.<sup>49</sup>

38  
39 Yet that is precisely Côte d'Ivoire's position: that it all means nothing. That is the  
40 consequence of their refusal to accept it even as a relevant circumstance requiring  
41 only a very modest adjustment of the provisional equidistance line.

42  

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<sup>44</sup> ITLOS/PV.17/C23/4, p. 18:40 (Wood); TIDM/PV.17/A23/4 p. 21:34 (Wood).

<sup>45</sup> ITLOS/PV.17/C23/6, p. 10:18-19 (Pellet); TIDM/PV.17/A23/6, p. 14:1-2 (Pellet).

<sup>46</sup> See *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Rejoinder of Nigeria (4 Jan. 2001), Chapter 10, Appendix (1970-76).

<sup>47</sup> See *ibid.*, Chapter 10, Appendix (1977-1999).

<sup>48</sup> See *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Judgment, ICJ Reports 2002, p.303, para. 282.

<sup>49</sup> ITLOS/PV.17/C23/3, p. 3:27 (Reichler); TIDM/PV.17/A23/3, p. 4:10-11 (Reichler).

1 The 1957 French decree, which defines (*Interpretation from French*) “the limit of the  
2 territorial waters of Côte d’Ivoire and the Gold Coast”<sup>50</sup> (*Continued in English*) means  
3 nothing?  
4  
5 The 1970 Ivorian decree which gives the co-ordinates of (*Interpretation from French*)  
6 “the boundary line separating Côte d’Ivoire from Ghana”<sup>51</sup> (*Continued in English*)  
7 means nothing? The 1975 Ivorian decree which (*Interpretation from French*) “as an  
8 indication” (*Continued in English*) gives the co-ordinates of the “*points repères ...*  
9 (*Interpretation from French*) separating Côte d’Ivoire from Ghana”<sup>52</sup> (*Continued in*  
10 *English*) means nothing?  
11  
12 This 1976 map, published by the Ivorian Ministry of Economy and Finance,<sup>53</sup> very  
13 shortly after the 1975 decree, means nothing?  
14  
15 The 1977 Ivorian law, stating that Côte d’Ivoire’s EEZ boundaries should be based  
16 on equidistance,<sup>54</sup> means nothing?  
17  
18 This 1990 map, published by the Ivorian Ministry of Mines,<sup>55</sup> means nothing?  
19  
20 This 1991 map, published by the Ivorian Ministry of Industry, Mines and Energy<sup>56</sup>  
21 means nothing?  
22  
23 This 1993 map, published by PETROCI,<sup>57</sup> means nothing?  
24  
25 This 1997 letter, from Côte d’Ivoire’s Minister of Petroleum Resources to Ghana’s  
26 Minister of Mines and Energy, referring to (*Interpretation from French*) “the Ivorian  
27 territorial waters close to the maritime boundary between Ghana and Côte d’Ivoire,”<sup>58</sup>  
28 (*Continued in English*) means nothing?  
29

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<sup>50</sup> Décret octroyant à la Société africaine des pétroles un permis général de recherches du type « A » en Côte d’Ivoire pour les substances minérales de la première catégorie (29 juillet 1957), art. 2. CMCI, Vol. IV, Annex 57.

<sup>51</sup> Republic of Côte d’Ivoire, *Décret No. 70-618 accordant un permis de recherches pétrolières aux sociétés ESSO, SHELL et ERAP* (14 Oct. 1970), art. 1. CMCI, Vol. IV, Annex 59.

<sup>52</sup> Décret n°75-769 portant renouvellement du permis de recherches d’hydrocarbures n°1, 29 octobre 1975, Art. 2. CDI, Annex 61.

<sup>53</sup> Ministry of Economy and Finance, Secretary of State of Mines, Hydrocarbon Directorate of the Republic of Côte d’Ivoire, *Permis de Recherche d’Hydrocarbures (SRG/893) [Hydrocarbons Exploration Permit]* (Côte d’Ivoire) reprinted by Ghana Geological Survey (23 March 1976, Ghana). MG, Vol. II, Annex M2.

<sup>54</sup> Loi n°77-926 portant délimitation des zones marines placées sous la juridiction nationale de la République de Côte d’Ivoire (17 novembre 1977), art. 8. MCCI, Vol. III, Annex 2.

<sup>55</sup> *Blocks Delineation* in Ministry of Mines of the Republic of Côte d’Ivoire, *Côte d’Ivoire: Petroleum Evaluation* (1990, Côte d’Ivoire), p. 2. MG, Vol. II, Annex M4.

<sup>56</sup> Ministry of Industry, Mines & Energy of the Republic of Côte d’Ivoire, Société Nationale d’Opérations Pétrolières de la Côte d’Ivoire (PETROCI), *Carte du Domaine Minier, Block CI-06 [Map of the Mining Area]* (January 1991, Côte d’Ivoire). MG, Vol. II, Annex M5.

<sup>57</sup> [Evaluation Concessions Offered] in Société Nationale d’Opérations Pétrolières de la Côte d’Ivoire (PETROCI), *Côte d’Ivoire 1993 Petroleum Evaluation Concessions* (1993, Côte d’Ivoire), p. 2. MG, Vol. II, M6.

<sup>58</sup> *Letter* from M. Lamine Fadka, Minister of Petroleum Resources, Republic of Côte d’Ivoire, to F. Ohene-Kena, Minister of Mines and Energy, Republic of Ghana, No. 0907 MIRMP/CAB/dh (28 Nov. 1997). MG, Vol. VI, Annex 68.



1 These maps, published by PETROCI in 2002<sup>59</sup> and 2005,<sup>60</sup> mean nothing?  
2

3 This map, sent by the Managing Director of PETROCI to Ghana's Minister of Mines  
4 and Energy in 2007, as part of an official request to turn a vessel around in Ghana's  
5 waters,<sup>61</sup> means nothing?  
6

7 Mr President, as Mr Tsikata and Professor Klein have already explained, every one  
8 of these Ivorian maps, laws and official correspondence indicates Côte d'Ivoire's  
9 express recognition of an existing maritime boundary with Ghana, and every one of  
10 them places it in the same location: the customary equidistance boundary, and not  
11 just these; other examples have been provided. We listened carefully during Côte  
12 d'Ivoire's presentations last week. They refused to engage with any of these Ivorian  
13 maps individually. Instead, Sir Michael tried to brush them all off generally, on the  
14 grounds that they were produced by "private actors not representing or engaging  
15 either State,"<sup>62</sup> or that they "stand alone, without any accompanying text or  
16 explanation,"<sup>63</sup> but as both Mr Tsikata and Professor Sands explained, these  
17 arguments are manifestly incorrect. All of these are publications by the Ivorian State,  
18 including at its highest levels, and, far from standing alone without accompanying  
19 explanation, they clearly and expressly indicate an existing maritime boundary, a  
20 *ligne frontière*, separating the maritime areas of Côte d'Ivoire and Ghana.  
21

22 Sir Michael even goes to the extreme of saying that all of these Ivorian decrees and  
23 laws are "mere legislative action."<sup>64</sup> Mere legislative action? What would the House  
24 of Commons think of that? As Mr Tsikata and Professor Sands showed, every one of  
25 Côte d'Ivoire's oil concessions and wells in the area was to the west of the  
26 equidistance boundary with Ghana identified in these decrees and laws. At no time  
27 between 1957 and 2009 did Côte d'Ivoire ever grant a concession or drill for oil east  
28 of that line. Nor has Côte d'Ivoire ever produced a map or chart, dated between 1957  
29 and 2009, showing that the boundary with Ghana is in any other place than along the  
30 customary equidistance boundary.  
31

32 Mr President, in *Tunisia/Libya*, the ICJ said that it  
33

34 could not fail to note the existence of a *de facto* line ... which was the result of  
35 the manner in which both Parties initially granted concessions for offshore  
36 exploration and exploitation of oil and gas. This line of adjoining concessions,  
37 which was tacitly respected for a number of years [in fact, it was only for 10  
38 years] ... does appear to the Court to constitute a circumstance of great  
39 relevance for the delimitation.<sup>65</sup>  
40

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<sup>59</sup> MG, Figure 3.19.

<sup>60</sup> MG, Figure 3.20.

<sup>61</sup> *Email* from Boblai Victor Glohi, Société Nationale d'Opérations Pétrolières de la Côte d'Ivoire (PETROCI), to Thomas Manu, Ghana National Petroleum Corporation (GNPC) (13 Mar. 2007). RG, Vol. IV, Annex 138.

<sup>62</sup> ITLOS/PV.17/C23/4, p. 28:1 (Wood); TIDM/PV.17/A23/4, p. 31:16-18 (Wood).

<sup>63</sup> ITLOS/PV.17/C23/4, p. 28:2 (Wood); TIDM/PV.17/A23/4, p. 31:17-18 (Wood).

<sup>64</sup> ITLOS/PV.17/C23/4, p. 25:31-32 (Wood); TIDM/PV.17/A23/4, p. 29:10-11 (Wood).

<sup>65</sup> *Continental Shelf (Tunisia v. Libyan Arab Jamahiriya)*, Judgment, ICJ Reports 1982, p. 18 (hereinafter "*Tunisia v. Libya*, Judgment"), para. 96.

1 The Court made clear that it was “not here making a finding of tacit agreement  
2 between the Parties”.<sup>66</sup>

3  
4 Nevertheless:

5  
6 it is evident that the Court must take into account whatever indicia are available  
7 of the line or lines which the Parties themselves may have considered  
8 equitable or acted upon as such – if only as an interim solution affecting part  
9 only of the area to be delimited. ... It was drawn by each of the two States  
10 separately, Tunisia being the first to do so, for the purposes of delimiting the  
11 eastward and westward boundaries of petroleum concessions, a fact which, in  
12 view of the issues at the heart of the dispute between Tunisia and Libya, has  
13 great relevance.<sup>67</sup>

14  
15 Mr President, that is our case, except that our case for relevant circumstance is far  
16 stronger. Instead of a 10-year *modus vivendi*,<sup>68</sup> here there was a 50-year *modus*  
17 *vivendi*. Professor Pellet has helpfully described this “scholarly Latin term” as “the  
18 practice pursued by the two countries – a longstanding practice”.<sup>69</sup> Without any  
19 explanation or citation to authority, however, he tells us: “even if existence were to  
20 be established *quod non*, a *modus vivendi* cannot be held to be a relevant  
21 circumstance leading to a readjustment of the line”.<sup>70</sup> Why not? His brusque  
22 conclusory statement does not appear to be supported by the case law. To the  
23 contrary, it contradicts the fundamental holding of *Tunisia/Libya*.

24  
25 To be sure, that case preceded the blossoming of the three-step  
26 equidistance/relevant circumstances process, but *Tunisia/Libya* tells us at least two  
27 things. First, the longstanding practice of the Parties to respect a *de facto* line,  
28 separately adopted, as the common limit of their oil concessions “constitute[s] a  
29 circumstance of great relevance for the delimitation”.<sup>71</sup>

30  
31 Mr President, we respectfully submit that a “circumstance of great relevance” is a  
32 relevant circumstance.

33  
34 Second, the Parties’ longstanding practice constitutes proof of the delimitation line  
35 that both Parties considered equitable.<sup>72</sup> We say these factors are present here, and  
36 they entirely support Ghana’s case that the 50-year practice of the Parties  
37 constitutes, at the very least, a relevant circumstance requiring an adjustment of the  
38 provisional equidistance line. All this practice and all of these laws cannot mean  
39 nothing.

40  

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<sup>66</sup> *Ibid.*, para. 118.

<sup>67</sup> *Ibid.*, para. 118.

<sup>68</sup> See *ibid.*, para. 21 (noting that Tunisia “granted its first offshore concession in 1964[,]” 10 years before Libya, in 1974, “granted a concession ... further west than the equidistance line”, resulting in “an overlapping of claims”).

<sup>69</sup> ITLOS/PV.17/C23/6, p. 9:38-39 (Pellet); TIDM/PV.17/A23/6, p. 12:40 - 13:1 (Pellet).

<sup>70</sup> ITLOS/PV.17/C23/6, p. 10:16-18 (.Pellet); TIDM/PV.17/A23/6, p. 13:37-39 (Pellet): “quand bien meme son existence serait établie *quod non*, un *modus vivendi* ne saurait tenir lieu de circonstance pertinente conduisant à un réajustement de la ligne”.

<sup>71</sup> *Tunisia v. Libya*, Judgment, para. 96.

<sup>72</sup> *Ibid.*, para. 118.

1 Mr President, before turning to the extension of the boundary beyond 200 nautical  
2 miles, I would like to contribute a few thoughts, which, hopefully, the Special  
3 Chamber will find helpful, on which provisional equidistance line we are asking you  
4 to adjust. There are two: Ghana's and Côte d'Ivoire's. As both Parties have told you,  
5 there is very little difference between them. Ghana told you last week that the two  
6 lines were separated by less than a mile at the territorial sea limit, and by less than  
7 five nautical miles at the EEZ limit.<sup>73</sup> Professor Miron placed them even closer, at a  
8 separation of just 800 metres at 12 nautical miles, and 8.6 km at 200 nautical  
9 miles.<sup>74</sup> We will accept her measurements.

10  
11 The sources of these very minor differences are two. First, we take different routes to  
12 get from BP 55 to the low water line and the starting point for the maritime boundary.  
13 Ghana's route is shorter and more direct. It extends for 157 metres. Côte d'Ivoire  
14 extends the azimuth connecting BP 54 and BP 55, to the low water line, effectively  
15 converting BP 54 into the land boundary terminus, contrary to the Parties'  
16 agreement. Also, their route to the low water line is longer. There was some  
17 confusion generated by the fact that the Parties' calculated these distances on  
18 different charts but if the same chart is used, Ghana's route to the low water line is  
19 shorter and more direct, and is faithful to the agreement recognizing BP 55, not  
20 BP 54, as the LBT.

21  
22 The second difference is caused by the Parties' reliance on different charts to depict  
23 the low water line. Mr President, neither chart is perfect. BA 1383, which is Ghana's  
24 official chart, is based on coastal data collected in the mid-19<sup>th</sup> century.<sup>75</sup> So is  
25 SHOM chart 7786, which was the chart Côte d'Ivoire relied on until 2015. The two  
26 charts are virtually identical. They were considered authoritative by the Parties  
27 throughout their negotiations, between 2008 and 2014, and right up through the  
28 commencement of these proceedings. The newly collected satellite data confirms  
29 their reliability. There is very little difference between the satellite-derived coastlines  
30 produced by Argans and EOMAP and the coastlines shown on the BA and SHOM  
31 charts. That is why the two equidistance lines are so close together.

32  
33 Côte d'Ivoire argues that BA 1383 is "not the most appropriate for delimitation"  
34 because of its scale of 1:350,000.<sup>76</sup> But that was not ITLOS's view in  
35 *Bangladesh/Myanmar*, where the Tribunal constructed the provisional equidistance  
36 line based on chart BA 817,<sup>77</sup> which has the same scale.<sup>78</sup>

37  
38 As regards the age of the data, Ghana can understand that there might be a  
39 preference to use charts based on more recently obtained data. All things being  
40 equal, newer is probably better than older, but we would caution the Special  
41 Chamber about doing this in this case, for the four reasons provided by  
42 Ms Brillembourg.

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<sup>73</sup> ITLOS/PV.17/C23/2, p. 31:38-40 (Reichler); TIDM/PV.17/A23/2, p. 39:2-4 (Reichler).

<sup>74</sup> ITLOS/PV.17/C23/5, p. 33:1-3 9 (Miron); TIDM/PV.17/A23/5, p. 40:34-35 (Miron).

<sup>75</sup> See RG, para. 3.28.

<sup>76</sup> ITLOS/PV.17/C23/5, p. 31:30-32 (Miron); TIDM/PV.17/A23/5, p. 38:36-37 (Miron).

<sup>77</sup> *Bangladesh v. Myanmar*, Judgment, para. 156.

<sup>78</sup> See Maryland Nautical, British Admiralty Nautical Chart 817 Elephant Point to Manaung (Cheduba) Island, available at <https://mdnautical.com/i-bay-of-bengal/6897-british-admiralty-nautical-chart-817-elephant-point-to-manaung-cheduba-island.html>.

1 First, it would be unusual for a court or tribunal to rely on a chart prepared and  
2 adopted by a State party during the course of litigation to establish the provisional  
3 equidistance line. Such a chart is inherently suspect<sup>79</sup> especially where, as here, it  
4 leads to a new provisional equidistance line that just so happens to give Côte d'Ivoire  
5 its desired "fair share" of an active oil field. What a happy coincidence for Côte  
6 d'Ivoire. Professor Miron cited three cases, but in fact this has not been done before.  
7 The closest case is *Guyana v. Suriname* in which the new chart added just a single  
8 base point, which, it was agreed, had only negligible effect on the provisional  
9 equidistance line.<sup>80</sup> It did not result in an entirely new one.

10  
11 Second, neither Côte d'Ivoire nor Argans have explained how their satellite images  
12 were used to create the coastlines depicted on the new chart. Professor Miron said  
13 she did not want to burden you with the technical details,<sup>81</sup> but you – or your  
14 technical expert – will not find this adequately explained in Argans' report either.  
15 They do not explain, for example, how they went about combining the various data  
16 elements to achieve their composite depiction of the low water lines. Ghana's  
17 technical experts have tried to replicate the results depicted by Argans, using  
18 Argans' own data and based on their report, but they have been unable to do so.

19  
20 Third, satellite-derived bathymetry data is subject to question when it is derived from  
21 coasts like the ones here. This is because, as Ms Brillembourg explained, the high  
22 degree of turbidity produced by the wave action in the vicinity of the LBT makes it  
23 difficult to know whether the image reflects the seafloor or particles floating in the  
24 water.<sup>82</sup> On the Côte d'Ivoire side, Argans supplemented this with ground surveys of  
25 the beach profile and water depth, but it never sought permission to do this on  
26 Ghana's side. This presents a related problem. Different methods were used to  
27 determine the coastline on each side of the LBT. The coastline on the Ghana side,  
28 as depicted by Argans, is therefore less reliable.<sup>83</sup>

29  
30 Fourth, there was an agreement between the Parties to use their then-existing  
31 official charts.<sup>84</sup> The meeting at which this agreement was reached was co-chaired  
32 by the Attorney General and former Agent of Ghana, and the current Agent of Côte  
33 d'Ivoire, Mr Toungara. It was not a mere technical meeting.<sup>85</sup> Professor Miron is  
34 correct to point out that the agreement contemplated the use of satellite imagery.<sup>86</sup>  
35 But, as was clarified at the very next meeting of the Parties, this was intended to  
36 supplement the data on the official charts, not to replace it.<sup>87</sup>

<sup>79</sup> ITLOS/PV.17/C23/5, p. 31:30-32 (Miron); TIDM/PV.17/A23/5, p. 38:36-37 (Miron).

<sup>80</sup> *Delimitation of the Maritime Boundary between Guyana and Suriname (Guyana v. Suriname)*, UNCLOS Annex VII Tribunal, Guyana's Reply of 1 April 2006, para. 1.10.

<sup>81</sup> ITLOS/PV.17/C23/5, p. 32:24-26 (Miron); TIDM/PV.17/A23/5, p. 40:5-7 (Miron).

<sup>82</sup> ITLOS/PV.17/C23/2, p. 18:11-34 (Brillembourg); TIDM/PV.17/A23/2, p. 23:18-37 (Brillembourg).

<sup>83</sup> See ITLOS/PV.17/C23/2, p. 18:2-9 (Brillembourg); TIDM/PV.17/A23/2 pp. 22:34 -23:8 (Brillembourg).

<sup>84</sup> ITLOS/PV.17/C23/2, p. 14:1-15:18 (Brillembourg); TIDM/PV.17/A23/2, pp. 18:24 – 20:7 (Brillembourg).

<sup>85</sup> Government of Ghana and Government of Côte d'Ivoire, *Minutes of the Ninth Meeting of the Ghana-Côte d'Ivoire Maritime Boundary Negotiations* (23-24 April 2014), p. 1. MG, Vol. V, Annex 60.

<sup>86</sup> ITLOS/PV.17/C23/5, p. 30:35 (Miron); TIDM/PV.17/A23/5 p. 37:34 (Miron).

<sup>87</sup> See Government of Ghana, *Presentation of Ghana to the 10th Ghana-Côte d'Ivoire Meeting* (May 2014), p. 2. MG, Vol. V, Annex 62A.

1 Mr President, Ghana assumes that the Special Chamber will consult its own  
2 technical expert to evaluate these issues, and in any event trusts in your wisdom to  
3 select the appropriate chart or charts for the construction of the provisional  
4 equidistance line. What is most important to the achievement of the equitable  
5 solution required by articles 74 and 83 is that the provisional equidistance line be  
6 adjusted to take account of the relevant circumstance that Ghana has identified  
7 based on the longstanding practice of the Parties.  
8

9 With this in mind, Côte d'Ivoire tells us in its written pleadings that its provisional  
10 equidistance line has an average bearing of 191 degrees.<sup>88</sup> This is very similar to the  
11 customary equidistance boundary, whose average bearing is 192 degrees. What this  
12 means is that the adjustment required to get from Côte d'Ivoire's provisional  
13 equidistance line to the customary equidistance boundary is only one degree. Surely  
14 50 years of consistent practice is worth at least a single degree. If a 50-year *modus*  
15 *vivendi* based on the Parties' mutual recognition and respect for the customary  
16 equidistance boundary is worth nothing, then it must at least be worth an adjustment  
17 that is only a single degree, and this is especially so where, as here, such an  
18 adjustment would avoid a significant number of practical difficulties, as Mr Alexander  
19 will explain shortly.  
20

21 I turn now to the boundary beyond 200 nautical miles. Mr President, at this point in  
22 the proceedings there is very little that need be said. The Parties are agreed that the  
23 boundary beyond 200 nautical miles is to be delimited by the same method that you  
24 adopt for delimitation within 200 nautical miles, and this is consistent with the case  
25 law, including especially ITLOS' judgment in *Bangladesh v. Myanmar*.  
26

27 Accordingly, it is Ghana's submission that the adjusted provisional equidistance line,  
28 or customary equidistance boundary, be extended along the same azimuth to the  
29 outer limit of national jurisdiction, as established by the CLCS.  
30

31 On this point, I wish to call only one other matter to your attention. In Ghana's written  
32 pleadings, and in the oral presentation of Ms Singh last week, we showed you *this*  
33 Ivorian map, which they submitted to the CLCS in May 2009, depicting the precise  
34 location of their claim beyond 200 nautical miles, including its lateral limits. As we  
35 showed you previously, their claim ends in the east at the customary equidistance  
36 boundary. This raises what we consider a pertinent question: why did they stop their  
37 outer limit line there? Why at that particular point?  
38

39 They have never answered this question either in two rounds of written pleadings or  
40 in three sessions of oral argument. To be sure, they extended their claim eastward in  
41 2016, seven years later, after we were well into this litigation. However, the as yet  
42 unanswered question is why, in the first place, they took the position, in 2009, that  
43 their claim beyond 200 nautical miles terminated at the customary equidistance  
44 boundary. To borrow a phrase from Professor Sands, the question answers itself.  
45

46 Mr President, I come now to my final topic, which is the equitableness of the  
47 customary equidistance boundary. This, of course, is determined at the third and last  
48 stage of the equidistance/relevant circumstances process: the test for

---

<sup>88</sup> CMCI, para. 7.27.

1 disproportionality. This is a test that the customary equidistance boundary plainly  
2 passes. In fact, I do not think there is any disagreement from the other side on this  
3 point.

4  
5 On Friday, Maître Pitron showed you *this* chart. We do not accept it. We consider it  
6 misleading in several ways, but it will serve the present purpose nonetheless. Based  
7 on the measurement shown here, Maître Pitron calculated that their proposed  
8 boundary – a provisional equidistance line adjusted to conform to their angle bisector  
9 – distributed the relevant area in a ratio of 7.3:1 in favour of Côte d'Ivoire. He  
10 compared this with the ratio of relevant coastal lengths, as measured by Côte  
11 d'Ivoire, of 4.2:1. From these figures, he produced what he called a ratio of ratios  
12 and told us that this was 1.73:1 in favour of Côte d'Ivoire. This, he declared, was  
13 proof of non-disproportionality, citing *Nicaragua v. Colombia*.<sup>89</sup>

14  
15 Mr President, we examined the judgment in *Nicaragua v. Colombia* and could not  
16 find a reference to any ratio of ratios. In that case, the Court determined that the  
17 relevant area ratio was 3.44:1 in favour of Nicaragua and the relevant coast ratio  
18 was a more robust 8.2:1 in favour of Nicaragua.<sup>90</sup> Nevertheless, the Court found that  
19 this was not disproportional.<sup>91</sup> By that standard, the result achieved by Ghana's  
20 customary equidistance boundary, likewise, it is not even close to being  
21 disproportional. *This* slide shows Ghana's demonstration of the  
22 non-disproportionality of the customary equidistance boundary, from our Reply. It  
23 shows that the relevant area ratio is 2.02:1 in favour of Côte d'Ivoire, as compared  
24 with a ratio of relevant coastal lengths of 2.55:1. Plainly there is no disproportionality  
25 here, and we consider these ratios to be the correct ones. However the same  
26 conclusion is reached if we use Côte d'Ivoire's measurement of its relevant coast,  
27 510 kilometres. The coastal length ratio would then be 4.2:1, as compared to a  
28 coastal length ratio of 2.55:1. That, too, would be less disproportional than the result  
29 in *Nicaragua v. Colombia*. Maître Pitron's test, if the Special Chamber were to accept  
30 it, confirms this. The customary equidistance boundary would produce a ratio of  
31 ratios of 2.08:1, which is less than that in *Nicaragua v. Colombia*, which Maître Pitron  
32 tells us was 2.4:1 – hence no disproportionality.<sup>92</sup>

33  
34 Mr President, disproportionality appears to be somewhat like pornography. As the  
35 justices of the United States Supreme Court once said, "We cannot define it, but we  
36 know it when we see it".<sup>93</sup> We appreciate Maître Pitron's effort to define it,  
37 disproportionality that is. There may be other ways to test for it, but we see no  
38 reason to object to his method of reducing it to mathematics, by dividing the coastal  
39 length ratio by the relevant area ratio; and, by that standard, the inevitable  
40 conclusion that is reached is that the customary equidistance boundary is not  
41 disproportional and that it constitutes an equitable solution for both Parties. *This*  
42 chart, at tab 12, depicts Ghana's submission on the course of that boundary, from  
43 the land boundary terminus to the outer limit of national jurisdiction. The turning  
44 points are identified on the chart.

89 ITLOS/PV.17/C23/6, p. 18:11-35 (Pitron); TIDM/PV.17/A23/6, p. 41:41 - 42: 9 (Pitron).

90 *Nicaragua v. Colombia*, para. 243.

91 *Id.*, para. 247.

92 ITLOS/PV.17/C23/6, p. 18:27-28 (Pitron); TIDM/PV.17/A23/6, p. 25:3 (Pitron).

93 See *Jacobellis v. Ohio*, 378 U.S. 184, 197 (Potter, J., concurring).

1 Mr President, I am sure you will be relieved to hear that this concludes my  
2 submission on the delimitation of the maritime boundary by the equidistance/relevant  
3 circumstances method. It is Ghana's primary position that the boundary is already  
4 agreed and that no new delimitation is necessary. However, in the event that the  
5 Special Chamber determines that a new delimitation is required, the boundary  
6 should be in precisely the same location. Ghana's submission on the course of that  
7 boundary is depicted on *this* chart. This will also be reflected in the formal written  
8 submissions presented by the Agent of Ghana at the conclusion of this session.

9  
10 Mr President, distinguished Members of the Special Chamber, it remains only for me  
11 to thank you for your kind courtesy and especially your patient attention today and  
12 throughout these hearings, and to reiterate what a great honour it has been for me to  
13 appear before you.

14  
15 I respectfully request that you call my colleague Mr Alexander to the podium.

16  
17 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

18 Thank you, Mr Reichler, for your presentation. I now give the floor to Mr Daniel  
19 Alexander.

20  
21 **MR ALEXANDER:** Mr President, Members of the Special Chamber, may I respond  
22 briefly to the points made concerning the provisional measures Order and deal with a  
23 specific consideration arising out of the various petroleum concession agreements.  
24 Given the timing, it may be convenient to deal with the first before the coffee break  
25 and the second after the break, but we will see how we go.

26  
27 On provisional measures, first, we entirely agree with Côte d'Ivoire that provisional  
28 measures have a binding character. Put simply, failure to comply with such orders  
29 amounts to a breach of international law. As I have said, Ghana believes that it did  
30 comply with the Special Chamber's Order, to it and its contracting partners'  
31 considerable cost. Moreover, subject to a few points of clarification, which I will come  
32 on to, there is also much agreement on the facts, although there are important ones  
33 which Côte d'Ivoire does not mention.

34  
35 The real difference between the Parties surrounds interpretation of the Order. We  
36 agree with Côte d'Ivoire that it was, in the words of Mr Kamara, a compromise, which  
37 sought to protect the interests of both Parties in a balanced way. The central  
38 question for the Special Chamber is how you treat that compromise as having been  
39 struck, against the background of the realities on the ground, of which you were very  
40 obviously aware.

41  
42 Your Order did not seek to micro-manage the relationship between these mature and  
43 generally cooperative Parties. Instead, you provided measures in general terms. The  
44 issue that divides the Parties is how the general prescriptions are to be applied to  
45 particular factual situations. With respect, Côte d'Ivoire only looks at one side of this  
46 compromise in its approach to interpretation. Ghana invites you to hold that its  
47 interests, as reflected in the Order, are equally important in determining how it  
48 should apply to these circumstances.

1 Let me deal first with the point on Ghana’s approach to requiring compliance with the  
2 Order. On this, Mr Kamara is, with respect, not right to say that all Ghana did was to  
3 act as a messenger.<sup>94</sup> The letter sent to all operators not only enclosed the Order but  
4 specifically requested the operators to comply with it. It said: “I invite you to read the  
5 Order carefully and take appropriate steps to ensure that [your company’s] activities  
6 comply with it.”<sup>95</sup>

7  
8 That was a request made in a formal letter from the authorized representative of the  
9 State, the Attorney General and Minister for Justice, which you have in tab 13 of your  
10 Judges’ folder. It was copied to representatives of Côte d’Ivoire. It was the best way  
11 for Ghana both to ensure that the terms of the Order were communicated and that  
12 the right undertakings were required to ensure compliance. Ghana itself would not  
13 be in a position to undertake a number of the acts proscribed by the Order. Ghana  
14 does not operate its own oil rigs. In order to optimize compliance, it had to send the  
15 Order to the operators and instruct them to comply with it, which is what Ghana did.

16  
17 As to compliance, again it is not right to say that Tullow does not confirm  
18 compliance. “Instructions” were defined as including the Order in Mr McDade’s  
19 statement.<sup>96</sup> Mr McDade said specifically that Tullow and its co-venturers “have  
20 complied strictly with the Instructions”.<sup>97</sup> The evidence before you states that there  
21 was compliance.

22  
23 I then turn to the two issues on which Côte d’Ivoire has focused – cooperation and  
24 new drilling – and I will first deal with cooperation.

25  
26 As to this, may I reinforce three points to highlight that Ghana cooperated fully and  
27 reasonably within the terms of the Order?

28  
29 First, as the materials before you at the provisional measures stage showed, the  
30 Parties had already cooperated together in a number of respects. The Order  
31 provided that the Parties should “pursue cooperation” (in English) or “*poursuivront*  
32 *leur coopération*” (in French).<sup>98</sup>

33  
34 In ordering that cooperation should be pursued or continued, the Special Chamber  
35 did not require Ghana to agree to any request made by Côte d’Ivoire, no matter how  
36 onerous, and no matter what information it sought.

37  
38 In particular, the Order did not require Ghana to undertake a specific new set of  
39 activities by way of cooperation in this respect quite different to those which had  
40 taken place before. Ghana had not provided detailed records of activities in the  
41 disputed area before this claim commenced. None had previously been requested by  
42 Côte d’Ivoire. Recall also that there was no shortage of public information about the

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<sup>94</sup> A “simple messenger, voire coursier”, to use the words of Mr Kamara. TIDM/PV.17/A23/6, p. 38:31 (Kamara); ITLOS/PV.17/C23/6, p. 31:1 (Kamara).

<sup>95</sup> Second Statement of Paul McDade on Behalf of Tullow Poil plc (11 July 2016), Annex C (emphasis added). RG, Vol. IV, Annex 166.

<sup>96</sup> *Ibid.* para. 2.

<sup>97</sup> *Ibid.* para. 10.

<sup>98</sup> Order on Provisional Measures, para. 108(1)(e).



1 pursuit of the TEN project throughout the period. Côte d'Ivoire itself sent some of this  
2 to Ghana, so it was not in the dark as to what was happening.

3  
4 Ghana continued to cooperate, as it had previously done. In fact, it stepped up and  
5 formalized cooperation in a number of key areas such as with respect to the  
6 environment. There were more meetings in that area and a specific summary report  
7 to Côte d'Ivoire, which Côte d'Ivoire did not then follow up.

8  
9 A general summary was sufficient for Côte d'Ivoire in the context of the  
10 environmental issues. There is no reason why Côte d'Ivoire should not have similarly  
11 been content with the general information as to continuation of well activities, which  
12 was already publicly available.

13  
14 Second, Côte d'Ivoire did not make any specific requests as to how Ghana should  
15 cooperate in its request for provisional measures. To the contrary, its key request  
16 was that there should be no petroleum activities of any kind in the disputed area. The  
17 Special Chamber did not make any specific order as to how cooperation should take  
18 place.

19  
20 Third, Côte d'Ivoire first asked for daily records of well activity in July 2015,<sup>99</sup> some  
21 two to three months after the Order. Ghana considered, as I have said, that this was  
22 not necessary or reasonable. Records of that kind had never been provided before.  
23 It is important to understand that these are *prima facie* confidential. Third parties  
24 have contractual and intellectual property rights in records of that kind; they cannot  
25 simply be handed over without a specific order of a court or a tribunal.<sup>100</sup> Côte  
26 d'Ivoire did not follow this up for a year. In July 2016, they requested daily records  
27 again, personnel on site and a host of other information.

28  
29 It was only after that, when it approached you for the first time with a request for an  
30 order for specific documents, a class of historical records were provided to confirm  
31 the facts concerning activity in the disputed area as soon as the Special Chamber  
32 ordered them. They confirm what was said in Mr McDade's statement, and we would  
33 respectfully submit that that indicates Ghana's cooperative approach, not a lack of  
34 cooperation.

35  
36 Can I turn to the "new" drilling point? Again here, Côte d'Ivoire seeks to diminish the  
37 effect of your Order taken as a whole. May I touch on two general points and then  
38 make a few remarks about NT07-WI, on which we have all focused?

39  
40 First, the Special Chamber was informed that there would be activity particularly on  
41 the TEN fields to make the fields ready for production. You took that into account in  
42 striking the balance. There was duly authorized development activity undertaken by  
43 drilling rigs in the period.

---

<sup>99</sup> Letter from Agent of Côte d'Ivoire to Agent of the Republic of Ghana, No. 068 MPE/CAB (27 July 2015). CMCI, Vol. IV, Annex 54.

<sup>100</sup> See Petroleum Agreement among the Government of the Republic of Ghana/ Ghana National Petroleum Corporation (GNPC), and Tullow Ghana Limited/Sabre Oil and Gas Limited/Kosmos Energy Ghana HC, in respect of The Deepwater Tano Contract Area (10 March 2006) (excerpts), Art. 16.4 (requiring Ghana to treat such records as confidential). MG, Vol. IV, Annex 18.

1 Côte d'Ivoire does not dispute that such rigs undertake a wide range of activities with  
2 respect to wells, many of which do not involve drilling. You can see that in the  
3 sample records provided by Côte d'Ivoire in the Judges' folders. It would not have  
4 been possible to continue exploration and exploitation of the kind expressly  
5 permitted by the Order, or to avoid irreparable harm, without such activity. On Côte  
6 d'Ivoire's theory, instead of being free to exploit the already drilled wells, Ghana  
7 would have had to make its own irreparable damage worse.

8  
9 Second, as to the programme of work, one would naturally expect some increase in  
10 activity to prepare fields for production once a viable discovery had been made. That  
11 is what the materials show – there was no particular acceleration.

12  
13 Third, Côte d'Ivoire greatly exaggerates the impact of completing NT07-WI to its  
14 full length. Moreover, it omits to mention that, before that was done, NT07-WI had  
15 already been drilled to a depth approaching 3 kilometres. None of its slides refer to  
16 this and they take up the story only after the provisional measures Order.

17  
18 This is unfair. It is totally different from the example given by Côte d'Ivoire of drilling  
19 an entirely new well from scratch, which had only been drilled to a depth of one  
20 metre. Most of this well had already been drilled. The incremental impact of  
21 increasing its length was very limited both for that well and more generally.  
22 Remember that on both sides of the border, in Côte d'Ivoire and in Ghana, hundreds  
23 of wells have been drilled over the years. Many had been drilled in, or in close  
24 proximity to, the "disputed area". It is, we respectfully suggest, artificial to focus on  
25 the limited activity of finishing the drilling of one of them and treat that as new drilling.

26  
27 Côte d'Ivoire gives a partial account of the technical issues. They do not dispute that  
28 leaving a well half-drilled can cause problems. It is true that they can be lessened, to  
29 some extent, by temporary capping and securing of a well but it does not mean that  
30 it is best practice. There is a real difference between securing a well temporarily for a  
31 few months and leaving it in that state for up to two years or more, until final  
32 judgment. Yet, that is what, on Côte d'Ivoire's case, Tullow should have done. That  
33 would have caused the kind of disproportionate and irreparable damage to Ghana  
34 that the Order sought to balance against the irreparable harm to Côte d'Ivoire and  
35 would not have been optimal for the environment.

36  
37 Côte d'Ivoire also wrongly plays down the importance of this well for production. It  
38 was, and remains, needed as a water injector well to assist production. As  
39 I explained, it has made possible the optimization of production from an important oil  
40 well, which came on stream shortly after first oil in September 2016.

41  
42 Finally, Côte d'Ivoire says nothing about the impact that Ghana's compliance with  
43 the Order had. The Order held up the drilling of all other wells, not just in the TEN  
44 fields, but in a vast maritime area.

45  
46 This is another instance of its unbalanced approach. It has, yet again, refused to  
47 offer compensation, should you decide that Côte d'Ivoire's claim to the disputed area  
48 was not justified. We would respectfully remind you of the words of Professor  
49 Lawrence Collins in his article *Provisional and Protective Measures in International*  
50 *Litigation*:

1 It is inherent in the system of protective measures that the final decision may  
2 go against that party; and the party whose freedom of action is inhibited by  
3 temporary measures is normally given some recourse if it transpires that the  
4 measures were not justified by the merits of the case.<sup>101</sup>

5  
6 Members of the Special Chamber, you will, of course, all know that this is standard  
7 practice in commercial disputes in many countries of the world. Côte d'Ivoire has  
8 shown no reason why it, alone among litigants, should be exempted from that  
9 principle.

10  
11 Finally, on sanction, Ghana submits that it is reasonable to interpret your Order as it  
12 has done, and that it was right to do so, having regard to its terms. We do not  
13 understand Côte d'Ivoire to be arguing that Ghana has engaged in a deliberate  
14 breach. At worst, on Côte d'Ivoire's case, there would be a reasonable  
15 misunderstanding of what the Order required and permitted.

16  
17 There is therefore no justification for the far-reaching declaration sought by Côte  
18 d'Ivoire. Moreover, Côte d'Ivoire has not yet undertaken to compensate Ghana and  
19 third parties for losses caused by the provisional measures Order, which are real,  
20 significant and ongoing. Even assuming that Côte d'Ivoire's interpretation is the  
21 correct one, which we do not believe to be the case, it would be disproportionate and  
22 unbalanced to sanction Ghana in the manner Côte d'Ivoire seeks.

23  
24 As I said, I have one further short topic concerning the petroleum concession  
25 agreements, which I have been asked to deal with from a commercial lawyer's  
26 perspective, but since it is 27 minutes past four, I do not think I can do it justice in  
27 three minutes and I would invite you to turn to the coffee break and permit me a few  
28 minutes after the coffee break before we conclude with the Agent.

29  
30 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

31 Thank you, Mr Alexander for your statement. Indeed, we will take the coffee break  
32 now and you will have a few minutes to finish your presentation when we return at  
33 five o'clock.

34  
35 (Break)

36  
37 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*): We  
38 resume the oral pleadings for Ghana and straight away I give the floor to the speaker  
39 who was there before the break, Professor Daniel Alexander. You have the floor.

40  
41 **MR ALEXANDER:** Thank you. Mr President, Members of the Special Chamber, may  
42 I finally spend a few minutes on one other aspect of Côte d'Ivoire's approach and  
43 that is to Ghana's petroleum concession agreements? From the perspective of  
44 commercial law, Côte d'Ivoire appears regrettably relaxed about causing Ghana  
45 problems in the middle of its development programme.

46  
47 Let me give an example.

---

<sup>101</sup> L Collins, *Provisional and Protective Measures in International Litigation* in *Receuil des Cours*,  
Collected Courses of the Hague Academy of International Law, Vol. 234 (1992) p. 231 (emphasis  
added). Ghana PM, Vol. IV, Annex LA-5.

1 The Tullow agreement, which covers the TEN blocks that we have been looking at  
2 intensively in this case, was made as long ago as March 2006. That was three years  
3 before Côte d'Ivoire raised any issues with Ghana, and some nine years before it  
4 first put forward its provisional equidistance line. It is, like other concession  
5 agreements, a very long-term agreement; it lasts for 30 years. It entitles the  
6 licensees to explore and produce throughout the licensed area, an area in which  
7 Ghana has been active for many years and in respect of which Côte d'Ivoire had not  
8 protested over decades.

9  
10 Yet Côte d'Ivoire is inviting you to unravel the basis of that and other important  
11 agreements which employ the customary boundary many years after they were  
12 made and implemented.

13  
14 That agreement, like others which employ the customary boundary, provides for a  
15 precise delineation of the block licensed, along the customary equidistance line. You  
16 see that in the slide that is up on the screen, which is taken from the contract  
17 between GNPC, Tullow, Sabre and Kosmos.<sup>102</sup> You have in your papers the precise  
18 delineation of that in the agreement. You also have, in the Reply, a larger-scale-  
19 version map showing the concessions more generally in this area which have  
20 respected this line.

21  
22 You have seen Côte d'Ivoire's case as to the impact their claim would have, namely  
23 to slice through all or part of these carefully marked out blocks. Côte d'Ivoire has  
24 shown itself in this issue to be somewhat aggressive and inconsistent, with limited  
25 regard for the impact of its actions on Ghana or its licensees. In saying that the  
26 Special Chamber should depart from the customary equidistance boundary, they  
27 are, in effect, inviting you to unleash a set of consequential disputes with respect to  
28 these licensed blocks.

29  
30 That, Members of the Special Chamber, is a programme for mayhem, potentially  
31 affecting not just these States and their public authorities but also third parties.  
32 It is a fundamental principle of international law, as much as domestic law, that *pacta*  
33 *sunt servanda*. It is true that Côte d'Ivoire is not party to Ghana's concession  
34 agreements but there is no doubt that its actions are calculated to undermine them.

35  
36 May I add a further point? This is an area of industry in which there are huge upfront  
37 risks and huge upfront costs. Oil is not easy to find and recover, particularly in deep  
38 waters. Investments measured in hundreds of millions, or billions, may show no  
39 return at all for many years. The Tullow agreement is a good example. The  
40 agreement for that block was made in 2006, yet the first oil produced was in 2016,  
41 ten years later. It is particularly undesirable for a State to undermine its neighbour  
42 and partner's work over many years just at the point that this has started to bear fruit.  
43 That, we respectfully submit, is inequitable.

44  
45 There is no value in the Special Chamber adopting an approach which may call into  
46 question existing contractual arrangements, including arrangements relating both to

---

<sup>102</sup> Petroleum Agreement among the Government of the Republic of Ghana/ Ghana National Petroleum Corporation (GNPC), and Tullow Ghana Limited/Sabre Oil and Gas Limited/Kosmos Energy Ghana HC, in respect of The Deepwater Tano Contract Area (10 March 2006) (excerpts), Annex I. MG, Vol. IV, Annex 18.

1 physical and intellectual property, which have been effectively and productively  
2 operated for many years. This is all the more so in the context of longstanding  
3 knowledge, agreement and acquiescence. Parties come before a tribunal to bring  
4 disputes to an end, not to open the door to a set of different ones.

5  
6 The Parties here spent six years attempting unsuccessfully to formalize a boundary  
7 treaty. They made little progress. In fact, as time passed, they grew farther apart as  
8 Côte d'Ivoire repeatedly expanded its claim.

9  
10 In 2014, they both agreed to submit this matter for final and binding determination by  
11 this Special Chamber. Any departure from the customary equidistance boundary,  
12 within the 87 nautical miles that are covered by contractual obligations on both sides,  
13 would generate a specific uncertainty rather than certainty, and specific instability  
14 rather than stability. It would also, we submit, be inconsistent with the sound  
15 administration of justice, and the duty of courts and tribunals, if they can, to finally  
16 resolve the disputes that are brought before them.

17  
18 These are, we would respectfully submit, additional reasons for the principles of  
19 certainty, equity and stability, to apply, principles which the Arbitral Tribunal in  
20 *Barbados v. Trinidad and Tobago* identified as being “integral parts of the process of  
21 delimitation”.<sup>103</sup> They are principles to which both sides are committed, and which  
22 should be upheld. Both Parties agree that these are the fundamental principles upon  
23 which you should act, and we would respectfully submit that they point strongly to  
24 the Special Chamber confirming the customary boundary.

25  
26 May I say this in conclusion: in October 1986, ten years before the foundation stone  
27 of this magnificent building was laid, I was studying the Law of the Sea Convention  
28 at university. It was taught to me as an absolutely exemplary text of international law-  
29 making. Then I was diverted into other areas of commercial law and practice but it  
30 stuck in my mind and it has been a particular pleasure and honour to have appeared  
31 before you in this case. May I thank you for your attention, offer my apologies to the  
32 interpreters and invite you to give the floor to the Agent for Ghana.

33  
34 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

35 Thank you, Mr Alexander, for your presentation.

36  
37 We will now hear the last speaker from the delegation for Ghana. Before I give the  
38 floor to the Agent for Ghana, I would remind you that paragraph 2 of article 75 of the  
39 Rules of the Tribunal provides that at the conclusion of the last statement made by a  
40 party at the hearing, its Agent, without recapitulation of the arguments, shall read  
41 that party's final submissions. A copy of the written text of these, signed by the  
42 Agent, shall be communicated to the Special Chamber and transmitted to the other  
43 party.

44  
45 I now invite the Agent for Ghana, Ms Gloria Afua Akuffo to give her presentation and  
46 to read the final submissions of Ghana.

47  

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<sup>103</sup> See ITLOS/PV.17/C23/5, p. 10:28 – 11:2 (Pellet); TIDM PV, 5, p. 11:15 – 12:1 (Pellet); *Barbados v. Trinidad and Tobago*, UNCLOS Annex VII Tribunal, Award (11 Apr. 2006), para. 244.

1 **MS AFUA AKUFFO:** Mr President, Members of the Special Chamber, it is my  
2 privilege to address you again on behalf of the Republic of Ghana, this time to bring  
3 to a close our oral submissions.  
4

5 Over the past week the speeches delivered by the Parties in the matter before this  
6 Special Chamber have revealed how far apart they are on many fundamental issues.  
7 The main issues that the Special Chamber must determine are the following:  
8 (1) whether or not there already exists a maritime boundary between the two States,  
9 as recognized over the decades; (2) in the unlikely event that you answer that  
10 question in the negative, the exact location of the maritime boundary between the  
11 two States.  
12

13 We say that our two States have an existing but not-formalized maritime boundary,  
14 which we have called in these proceedings the “customary equidistance boundary”.  
15 For their part, our Ivorian neighbours flatly deny the fact of a common maritime  
16 boundary and suggest that this case concerns an “undelimited area” – a *tabula rasa*,  
17 in effect, a place without a boundary. Separated by such a wide gulf, the Parties  
18 have entrusted this Special Chamber with the task of deciding these issues. It will be  
19 for you, as you deliberate over the coming months, to resolve the question where our  
20 common maritime boundary lies.  
21

22 In finding an answer to these questions, you will, of course, be guided by the need to  
23 arrive at an equitable solution that will do justice to the Parties in accordance with  
24 law. The Special Chamber may not engage in a leap into the world of *ex aequo et*  
25 *bono* simply to secure for our friends on the other side “just a fair share” of the  
26 hydrocarbon resources that, according to them, Ghana unilaterally lays exclusive  
27 claim to.  
28

29 Côte d’Ivoire has hinged its claim on fairness, both when arguing for its bisector  
30 approach and when arguing for an adjustment to a provisional equidistance line.  
31 Fairness or equity for it, however, means getting the Special Chamber to increase its  
32 share of the area’s hydrocarbon resources – at Ghana’s expense. From their  
33 presentations, it would appear that a tribunal hearing a maritime boundary case  
34 could just draw a line wherever a party asked it to, unfettered by jurisprudence,  
35 science or history, simply to give advantage to that party. “Please move the  
36 boundary”, Côte d’Ivoire says, “so we can get a foothold in the newly discovered oil  
37 reserves”.  
38

39 Mr President, it goes without saying that this is not how you will approach your task.  
40 The principles for achieving an equitable solution as laid down by the Convention,  
41 and which have been applied in a wealth of cases, establish that an equitable  
42 solution must be grounded in geography, in science, in a careful understanding of  
43 the history in the unique circumstances of this case, as well as the conduct of the  
44 Parties. It is my submission that only one Party has provided the needed assistance  
45 in this regard to the Special Chamber; that Party is Ghana.  
46

47 As my colleagues before me have explained, Côte d’Ivoire has, unfortunately,  
48 avoided confronting the many problems inherent in the arguments it advances in  
49 opposition to Ghana’s clear, consistent and straightforward case. Instead of  
50 engaging with the maps and charts, and the laws and decrees – including those of

1 Ivorian provenance – it conspicuously avoids them. They are brushed off as the  
2 products of private parties, even though they are produced by the Ivorian State itself.  
3 The presidential decrees and national laws recognizing an international border with  
4 Ghana are swept away as “mere legislation”.<sup>104</sup> Côte d’Ivoire recasts half a century  
5 of mutual practice respecting an agreed equidistance boundary as nothing more than  
6 Ghana’s unilateral attempt to impose a fait accompli on its neighbour.  
7

8 Côte d’Ivoire’s claims of constant opposition in the face of alleged persistent  
9 unilateralism on Ghana’s part are as incredible as they are untrue. They are  
10 designed to avoid engaging with the inescapable evidence, which fundamentally  
11 undermines its case. They simply cannot escape from 50 years of mutual practice,  
12 however hard they try, in implementation of and reinforced by their own official maps,  
13 laws and decrees.  
14

15 Côte d’Ivoire has failed to provide answers to its own maps, which unquestionably  
16 depict the location of the customary equidistance boundary with Ghana’s waters  
17 clearly marked. Côte d’Ivoire has failed to deal with its own legislation, which  
18 demonstrates their commitment to equidistance as the technique employed in  
19 determining the maritime boundary of our countries. Little wonder that Côte d’Ivoire  
20 showed not a single contemporaneous map, presumably because they recognize  
21 that every single historical map depicts the boundary from which they now seek to  
22 depart.  
23

24 Mr President, Members of the Special Chamber, Côte d’Ivoire treated the geography  
25 as casually as they did the history. It was easy to lose count of the different ways in  
26 which they tried to portray the coast. Arrows went one way and then the other,  
27 coastal directions twisting and turning; land was added; land was removed,  
28 depending on what point they wanted to make at any particular moment.  
29

30 Again, we ask you not to be misled by this scattershot approach. As Mr Reichler has  
31 explained, the law here is guided by geography and science, and the law has  
32 developed clear and settled rules for their application to any particular coast. There  
33 is, despite Côte d’Ivoire’s protestations to the contrary, an existing boundary, and it is  
34 based on equidistance. If, contrary to our view, there is no boundary, then the law  
35 dictates that you should not resort to another method of delimitation unless it is  
36 unfeasible to construct an equidistance line, and since both parties have easily done  
37 so, that surely puts an end to this notion of bisector, an argument which should never  
38 have been made, and which appears concocted, unfortunately, only to increase the  
39 so-called “area in dispute”.  
40

41 The plain fact is that Côte d’Ivoire is, quite openly, trying to move the line to the east  
42 so as to get at least a foothold in the TEN reserves, with the chaotic, complicated  
43 and confusing consequences that Mr Alexander outlined.  
44

45 Côte d’Ivoire seems to be arguing for some sort of distributive justice, presenting  
46 itself as a country deprived of hydrocarbon resources. The answer to this is that the

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<sup>104</sup> See ITLOS/PV.17/C23/4, pp. 25:25 – 26:2 (Wood); TIDM/PV.17/A23/4, p. 2/9am, p. 29:11-12 (Wood)

1 law is clear: one does not draw international boundaries so as to share out natural  
2 resources. Côte d'Ivoire's approach is simply wrong in law.

3  
4 In any event, as Professor Sands has shown, Côte d'Ivoire already owns a vast  
5 portion of the resource-rich Tano-Ivorian basin. Contrary to the picture it paints of  
6 itself in these proceedings, Côte d'Ivoire has over many years produced far more oil  
7 than Ghana, and it is today producing oil in significant quantities from its own  
8 maritime territory, in the same basin that extends across into Ghana. It has indicated  
9 that it is proposing to ramp up production in the near future.

10  
11 It is probable that there are greater recoverable oil resources lying in Côte d'Ivoire's  
12 existing territory. If that turns out to be the case, would that constitute a legitimate  
13 and legal basis for a claim by Ghana that fairness requires that a new maritime  
14 boundary be drawn so that Ghana might enjoy a fair share of the newly discovered  
15 reserves on Côte d'Ivoire's maritime territory? Definitely not. I can assure you,  
16 Mr President, Members of the Special Chamber, that we will not try to take their oil,  
17 we will not try to move the boundary or change the shape of their coast or invoke  
18 arguments about historical accidents. We would wish them *bonne chance* in  
19 extracting it and using it wisely, as we are also doing, to better the lives of the  
20 people.

21  
22 But the resources in the eastern extension of the Ivorian-Tano basin on the  
23 Ghanaian side of the customary equidistance boundary are ours, and they are as  
24 important to our development as the resources in the greater part of the basin are  
25 important to Côte d'Ivoire. Ghana as a nation has always respected Côte d'Ivoire's  
26 entitlement on their side of the border, which accords with all of the case law as to  
27 how a boundary line should be determined. Until 2009, they respected our  
28 entitlement. Nothing justifies Côte d'Ivoire's attempts to change that.

29  
30 Mr President, from my perspective as Ghana's Agent, the most regrettable part of  
31 this case has been Côte d'Ivoire's attempts to portray Ghana, as I have said  
32 previously, as reckless and cynical in its development of the oil fields in the border  
33 region. They would have you believe that these developments took place unilaterally,  
34 over decades of protest by Côte d'Ivoire.

35  
36 Ultimately, you will have to judge whether this is an accurate view of our common  
37 history. We have the fullest confidence in you. We came to this Tribunal precisely  
38 because of your clear and principled approach in your case law, your commitment to  
39 stability, certainty and equity. The speakers before me have told you Ghana's side of  
40 the story – a very different picture from Côte d'Ivoire's, and one based on a wealth of  
41 clear and compelling evidence.

42  
43 As a law-abiding state, Ghana has developed oil operations only on territory which  
44 belongs to it, and which Côte d'Ivoire long recognized and accepted as belonging to  
45 Ghana. Mr President, we are not asking you to create new rights for Ghana out of  
46 those operations. Rather, we are asking you to look at how those operations came  
47 about, and what their existence tells you about the Parties' shared intentions as to  
48 the location of the boundary.



1 In this context, we ask you to examine carefully how both Parties' concessions  
2 followed the customary boundary; to look at the many Ivorian government maps,  
3 which clearly mark that boundary; to weigh up the vast range of evidence which  
4 shows where the line was long agreed to lie. We ask you to take note of the fact that  
5 Côte d'Ivoire, which has been in the serious business of oil exploration for about as  
6 long as we have, never once attempted, in all those years, to extend its oil activity  
7 and interests eastwards past the customary equidistance boundary into territory that  
8 it acknowledged and knew belonged to Ghana. Finally, we ask you to reject Côte  
9 d'Ivoire's attempts to argue that an oil field built up and developed over decades  
10 should have been abandoned overnight in 2009 when Côte d'Ivoire decided that a  
11 different boundary would suit it better. The cynicism here is all that of Côte d'Ivoire,  
12 I am afraid to say, not of Ghana.

13  
14 Mr President, Ghana simply asks you to apply well-established legal principles to a  
15 clear and consistent body of evidence. We submit that the law and the evidence  
16 point inexorably to the maritime boundary observed by both Parties for half a century  
17 – the line that we have termed the customary equidistance boundary. We say that  
18 you must uphold that line either as a result of the Parties' tacit agreement or by way  
19 of an adjustment to the provisional equidistance line to achieve an equitable solution.

20  
21 Mr President, Members of the Special Chamber, it remains for me to thank you for  
22 the courteous attention with which you have listened to both Ghana's and Côte  
23 d'Ivoire's Advocates throughout the rounds of oral arguments. We thank the  
24 Registrar and his excellent staff. We thank the interpreters for a job well done. We  
25 express our deep appreciation also to our adversaries for their courtesy and  
26 cooperation.

27  
28 Mr President, eminent Members of this Special Chamber, your duty, in a nutshell, is  
29 to bring finality to this dispute with a most valued neighbour and establish certainty of  
30 legal rights and entitlements of the Parties' fortune in the conduct of their affairs in  
31 the future. It would therefore be most unfortunate should a contrary outcome,  
32 characterized by renewed and disruptive disputation between our two States and  
33 extending to third parties, be triggered by the decision of this Special Chamber.

34  
35 Mr President, I will now conclude by reading the final submissions of Ghana:

36  
37 On the basis of the facts and law set forth in its Memorial and Reply, and its oral  
38 presentations, Ghana respectfully requests the Special Chamber to adjudge and  
39 declare that:

40  
41 1. Ghana and Côte d'Ivoire have mutually recognized, agreed, and applied an  
42 equidistance-based maritime boundary in the territorial sea, EEZ and continental  
43 shelf within 200 M.

44  
45 2. The maritime boundary in the continental shelf beyond 200 M follows an  
46 extended equidistance boundary along the same azimuth as the boundary within  
47 200 M, to the limit of national jurisdiction.

48

1 3. In accordance with international law, by reason of its representations and  
2 upon which Ghana has placed reliance, Côte d'Ivoire is estopped from objecting to  
3 the agreed maritime boundary.

4  
5 4. The land boundary terminus and starting point for the agreed maritime  
6 boundary is at boundary pillar 55 (BP 55).

7  
8 5. As per the Parties' agreement in December 2013, the geographic coordinates  
9 of BP 55 are 05° 05' 28.4" N and 03° 06' 21.8" W (in WGS 1984 datum).

10  
11 6. Consequently, the maritime boundary between Ghana and Côte d'Ivoire in the  
12 Atlantic Ocean starts at BP 55, connects to the customary equidistance boundary  
13 mutually agreed by the Parties at the outer limit of the territorial sea, and then follows  
14 the agreed boundary to a distance of 200 M. Beyond 200 M, the boundary continues  
15 along the same azimuth to the limit of national jurisdiction. The boundary line  
16 connects the following points, using loxodromes:

Point	Latitude	Longitude
CEB-1 (LBT)	05° 05' 28.4" N	03° 06' 21.8" W
CEB-2	04° 53' 39" N	03° 09' 18" W
CEB-3	04° 47' 35" N	03° 10' 35" W
CEB-4	04° 25' 54" N	03° 14' 53" W
CEB-5	04° 04' 59" N	03° 19' 02" W
CEB-6	03° 40' 13" N	03° 23' 51" W
CEB-7 (200 M)	01° 48' 30" N	03° 47' 18" W
CEB-8 (Limit of National Jurisdiction)	01° 04' 43" N	03° 56' 29" W

17  
18  
19 7. Côte d'Ivoire's claim alleging violation of the Special Chamber's Order of  
20 25 April 2015 be rejected.

21  
22 8. Côte d'Ivoire's claim alleging violation of article 83 of UNCLOS and Côte  
23 d'Ivoire's sovereign rights be rejected.

24  
25 Mr President, Members of the Special Chamber, I understand that the Chamber will  
26 not sit tomorrow. Since tomorrow is Valentine's Day, on behalf of the entire team of  
27 Ghana and that of our friends from Côte d'Ivoire, we wish you a happy Valentine's  
28 Day. Thank you.

29  
30 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

31 Thank you, Ms Afua Akuffo, for those kind final words. That was the last presentation

1 from Ghana at this hearing. We will meet again at 10 o'clock on Thursday,  
2 16 February 2017 to hear the second round of oral pleadings for Côte d'Ivoire. I wish  
3 you a pleasant evening and I would also like to wish you an enjoyable Valentine's  
4 Day. The sitting is adjourned.

5  
6

*(The sitting closed at 5.35 p.m.)*