

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



2015

Public sitting

held on Monday, 30 March 2015, at 10 a.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)

Verbatim Record

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

Ghana is represented by:

Ms Marietta Brew Appiah-Opong, Attorney General and Minister for Justice,
as Agent;

Ms Helen Awo Ziwu, Solicitor-General,
H.E. Ms Akua Dansua, Ambassador of the Republic of Ghana to the Federal
Republic of Germany, Berlin, Germany,

as Co-Agents;

and

Mr Philippe Sands QC, Professor of International Law, University College of
London, Matrix Chambers, London, United Kingdom,
Mr Paul S. Reichler, Partner, Foley Hoag LLP,
Mr Daniel Alexander QC, 8 New Square, University College, London, United
Kingdom,
Ms Clara Brillembourg, Partner, Foley Hoag LLP,
Mr Pierre Klein, Professor, Centre of International Law, Université Libre de
Bruxelles, Brussels, Belgium,
Ms Alison Macdonald, Member of the Bar of England and Wales, Matrix
Chambers, London, United Kingdom,
Ms Anjolie Singh, Member of the Indian Bar, New Delhi, India,

as External Counsel;

Mr Fui Tsikata, Reindorf Chambers, Accra,
Mr Martin Tsamenyi, Professor, A. M. University of Wollongong, Australia,

as Counsel;

Mr Kwame Mfodwo, Maritime Boundaries Secretariat, Office of the President,
Ms Jane Aheto, Ministry of Foreign Affairs and Regional Integration,

as International Law Advisers;

Mr Korshie Gavor, Ghana National Petroleum Corporation (GNPC),
Ms Vivienne Gadzekpo, Ministry of Energy,

as Advisers;

Mr Alex Tait, Vice-President, International Mapping Associates,
Mr Theo Ahwiring, Chief Executive, Petroleum Commission, Regulatory Issues
and Petroleum,
Mr Thomas Manu, Director of Exploration, Ghana National Petroleum
Corporation (GNPC), Petroleum,

Mr Lawrence Apaalse, Lead Geologist, Ghana National Petroleum Corporation (GNPC), Continental Shelf and Petroleum,

Mr Kwame Ntow-Amoah, Ghana National Petroleum Corporation (GNPC), Petroleum,

Mr Nana Asafu-Adjaye, Consultant, Petroleum,

Mr Kojo Agbenor-Efunam, Environment Protection Authority, Environmental Affairs,

Dr Joseph Kwadwo Asenso, Ministry of Finance, Economics and Finance,

Mr Nana Poku, Ghana National Petroleum Corporation (GNPC), Cartographer,

as Technical Advisers;

Ms Nancy Lopez, Assistant, Foley Hoag LLP,

Ms Anna Aviles-Alvaro, Legal Assistant, Foley Hoag LLP,

as Assistants.

Côte d'Ivoire is represented by:

Mr Adama Toungara, Minister for Petroleum and Energy,

as Agent;

Dr Ibrahima Diaby, Director-General of Hydrocarbons, Ministry of Petroleum and Energy,

as Co-Agent;

and

Mr Thierry Tanoh, Deputy Secretary-General to the Presidency,

H.E. Mr Léon Houadja Kacou Adom, Ambassador of Côte d'Ivoire to the Federal Republic of Germany, Berlin, Germany,

as Special Advisers;

Mr Michel Pitron, Avocat, Paris Bar, Partner, Gide Loyrette Nouel, Paris, France,

Mr Adama Kamara, Avocat, Côte d'Ivoire Bar, Partner, Adka,

Mr Alain Pellet, Professor emeritus, University of Paris Ouest, Nanterre La Défense, former Chairman of the International Law Commission, Member of the Institut de droit international, France,

Sir Michael Wood, K.C.M.G., Member of the International Law Commission, Member of the English Bar, United Kingdom,

Ms Alina Miron, Doctor of Law, Centre de droit international de Nanterre,
University of Paris Ouest, Nanterre La Défense, France,

as Counsel and Advocates;

Ms Isabelle Rouche, Avocate, Paris Bar, Gide Loyrette Nouel, France,
Mr Jean-Sébastien Bazille, Avocat, Paris Bar, Gide Loyrette Nouel, France,
Mr Eran Sthoeger, LL.M., New York University School of Law, New York, United
States of America,

as Counsel;

Mr Lucien Kouacou, Directorate-General of Hydrocarbons, Ministry of
Petroleum and Energy,
Ms Lucie Bustreau, Gide Loyrette Nouel, France,

as Advisers.

1 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*): Good
2 morning, ladies and gentlemen. First of all, I must apologize for the slight delay. We
3 encountered some last-minute technical problems, but these things do happen.
4

5 Yesterday we completed the first round of oral pleadings. This morning we will begin
6 the second round of oral pleadings on the dispute concerning delimitation of the
7 maritime boundary between Côte d'Ivoire and Ghana in the Atlantic Ocean in respect
8 of provisional measures.
9

10 The day will be organized as follows. This morning we will hear Côte d'Ivoire for an
11 hour and a half, and I will allow for the 21-minute delay we had at the beginning. We
12 will resume this afternoon with Ghana from three o'clock until 4.30.
13

14 The first speaker is Mr Kamara, to whom I give the floor right away.
15

16 **MR KAMARA** (*Interpretation from French*): Thank you, Mr President.
17

18 Mr President, honourable Judges, in the second round of this hearing Côte d'Ivoire
19 will deal with three topics.
20

21 First, we will reply to Ghana's argument that Côte d'Ivoire accepted the existence of
22 a line, a customary maritime boundary, by its conduct, with all ensuing legal
23 consequences to its detriment. I will share this presentation with Sir Michael Wood.
24

25 Côte d'Ivoire will then return to the existence of the conditions required by UNCLOS
26 to justify the prescription of the provisional measures which it is requesting from you
27 – and Mr Pitron will take charge of that.
28

29 Professor Pellet will analyze and comment on each of the five applications for
30 provisional measures presented by Côte d'Ivoire.
31

32 Finally, Mr Toungara, in his capacity as Agent, will conclude the presentation for
33 Côte d'Ivoire.
34

35 Ghana has been repeating *ad nauseam*, to take up the alimentary metaphor of one
36 of its Counsel, that the dispute between the Parties simply does not exist for the
37 following reasons:
38

39 - for more than 40 years the two States have apparently recognized the existence of
40 an equidistance line "reflected in the oil concession agreements" as a maritime
41 boundary.
42

43 - it is in the light of that alleged recognition that the two States developed
44 investments in oil operations.
45

46 - lastly, Ghana therefore claims sovereign rights to the east of this "customary line".¹

¹ Ghana, first round of oral pleadings, speech 2, paras 41, 44 and 45.

1 This picture is quite simply false: first, having regard to the existing commitments
2 between the two countries and, second, having regard to the corresponding
3 cartographical references.

4
5 I regret that I have to come back to this because this debate is not for this forum. In
6 reality it is an argument that Ghana will present in support of its application on the
7 merits in February 2017. Nevertheless, it has become quite clear to us that instead
8 of wishing to enter into the real debate, Ghana would prefer quite simply to avoid it,
9 claiming a situation of vested rights.

10
11 I will restrict my comments to you today in connection with this request for the
12 prescription of provisional measures to demonstrating the existence and the
13 plausibility of the dispute between the Parties.

14
15 On the question of the reciprocal commitments of the Parties, Côte d'Ivoire has
16 never recognized, either in practice or in law, any kind of customary maritime
17 boundary with Ghana.

18
19 I will simply recall a few key dates that show incontestably that the two countries
20 have always left open the question of delimitation of their common maritime
21 boundary since the question was first raised, and not just since 2009 as Ghana
22 claims.²

23
24 On 14 October 1970 the late President Houphouët-Boigny signed a decree, as Paul
25 Reichler said yesterday,³ which granted a licence for oil research to Esso, Shell and
26 ERAP, the eastern limit of which is “the border line separating the Ivory Coast from
27 Ghana between points K and L”. That decree is not accompanied by a map; on the
28 contrary, it states in article 2 that “the coordinates of points A, B, K, L, M and T are
29 approximate”. “Approximate” means not definitive.

30
31 I regret that Ghana omitted to mention this important clarification.

32
33 On 29 October 1975, five years later, the late President Houphouët-Boigny published
34 a new decree concerning the geographical coordinates of the limits of the licence
35 granted by Côte d'Ivoire. In regard to the maritime area it states very precisely that
36 “the coordinates of points M, L and K separating Ivory Coast from Ghana are
37 provided for information only and shall not be considered as the limits of the national
38 jurisdiction of Ivory Coast”. You cannot be clearer than this as regards the absence
39 of an agreement on Côte d'Ivoire's maritime boundary with Ghana.

40
41 On 17 November 1977, two years later, the Law delimiting the Maritime Zones
42 placed under the National Jurisdiction of the Republic of the Ivory Coast was
43 promulgated. It is stated in article 8 of this law:

44
45 *(Continued in English)*

46 With respect to adjoining coastal States, the territorial sea and the zone
47 referred to in Article 2 of this Law shall be delimited by agreement in

² Ghana, first round of oral pleadings, speech 2, para. 22; Ghana, first round of oral pleadings, speech 4, paras 5 and 12.

³ Ghana, first round of oral pleadings, speech 2, para. 10.

1 conformity with equitable principles and using, if necessary, the median line
2 or the equidistance line, taking all pertinent factors into account.

3
4 (*Interpretation from French*) Ghana misconstrued this provision when it stated, in
5 paragraph 12 of the oral statement by Paul Reichler, that:

6
7 This is important because of the emphasis it places on equidistance in the
8 determination of Côte d'Ivoire's maritime boundaries. There are only two,
9 with Ghana and Liberia. So it must be assumed that Côte d'Ivoire understood
10 equidistance to be an equitable solution in respect to those boundaries,
11 including the one with Ghana.⁴

12
13 This interpretation is not consistent with the content of the text.

14
15 - The text notes, first of all, the need for an agreement on the maritime boundary
16 and, therefore, its absence in this case, whether that be with Ghana or with Liberia.

17
18 - It then indicates the principles that must be applied to reach this agreement,
19 namely equitable principles.

20
21 - Finally, it states by way of illustration, "if necessary", the median line or the
22 equidistance line and all pertinent factors.

23
24 The median line or the equidistance line are references, but not definitive choices. It
25 could not be clearer that delimitation of the maritime boundary between the two
26 countries remains an open subject.

27
28 Let me remind you of the official telegram from 1992, which was commented on by
29 Professor Pellet yesterday. Contrary to what Paul Reichler states,⁵ I do not read from
30 it that Côte d'Ivoire accepts that the border is nothing other than along the customary
31 equidistance boundary line that both Parties recognized in practice as well as law.

32
33 Finally, I will cite the Joint Communication of the Presidents of the two countries at
34 the end of the official visit of former Côte d'Ivoire President Laurent Gbagbo to
35 Ghana on 3 and 4 November 2009, which states that:

36
37 the two Presidents recognized the importance of well determined land and
38 maritime boundaries. The two Presidents have indicated that the land
39 boundary had been defined while the discussions regarding the delimitation
40 of the maritime boundary had been initiated by the two countries. They have
41 urged the competent authorities from both countries to pursue their
42 discussions in order to reach a conclusion shortly.

43
44 How can I show you better than that, Mr President, honourable Judges, that the
45 Parties never agreed on the delimitation of their maritime boundary?

46
47 As regards the cartographical issues raised by Ghana, I will make three comments.
48

⁴ Ghana, first round of oral pleadings, speech 2, para. 12.

⁵ Ghana, first round of oral pleadings, speech 2, paras 14 and 15.

1 First, Côte d'Ivoire is presented as an irresponsible, wavering State that proposes
2 endless delimitations – meridian, then bisector – to the detriment of consistency.⁶
3 You will have seen that these proposals were made in 2009, 2010 and 2011 at
4 meetings of the Bilateral Commission that was created specifically to attempt to
5 resolve the dispute between the Parties concerning their common maritime
6 boundary. These proposals reflect, to the contrary, the fact that Côte d'Ivoire
7 endeavoured in good faith to find a positive solution, as opposed to the attitude of
8 Ghana, which refused categorically to discuss the existence of pertinent
9 circumstances and alternative methods of delimitation to the equidistance method.

10
11 Côte d'Ivoire was not aware that Ghana had in any event decided to oppose any
12 agreement and was merely seeking to win time to pursue its activities in the disputed
13 area and to rely on a *status quo*.

14
15 Furthermore, Ghana criticizes the equidistance line as calculated by Côte d'Ivoire in
16 its Request for the prescription of provisional measures in so far as, first, Côte
17 d'Ivoire had not explained how this line had been drawn and, second, the baseline
18 that was used by Côte d'Ivoire was between 500 and 800 metres seaward of the
19 coastlines.⁷

20
21 This line was drawn on the basis of reliable and precise scientific and technical data
22 gathered *in situ*. The presentation of this line of strict equidistance is a response to
23 Ghana, which states in its document instituting proceedings that the equidistance
24 line that it claims is approximate.⁸

25
26 Côte d'Ivoire considered that it was not helpful at this stage of the discussions to
27 enter into technical exchanges that will take place in the proceedings on the merits. It
28 is for this reason that the document presented is a sketch map and not a map.

29
30 Lastly, Ghana cannot, as it does, systematically claim that Côte d'Ivoire recognizes a
31 common maritime boundary in the light of the limit of the oil blocks shown on maps
32 produced by PETROCI.⁹

33
34 Mr President, honourable Judges, PETROCI is a private commercial company. It
35 does not have the power to determine Côte d'Ivoire's shared boundary lines with
36 Ghana or Liberia. Côte d'Ivoire clearly informed Ghana of this during the eighth
37 meeting of the Joint Commission on delimitation of their common maritime boundary.
38 Only the Directorate-General of Hydrocarbons is entitled to draw up maps on behalf
39 of Côte d'Ivoire.

40
41 The maps by PETROCI cannot therefore be claimed to represent the official position
42 of Côte d'Ivoire.

43
44 Mr President, honourable Judges, Sir Michael Wood will now reply from a legal point
45 of view to the alleged recognition by Côte d'Ivoire of the so-called customary
46 equidistance line. Thank you. I ask that you kindly give him the floor.

⁶ Ghana, first round of oral pleadings, speech 2, para. 35.

⁷ Ghana, first round of oral pleadings, speech 2, paras 38 and 39.

⁸ Ghana, Statement of Claim, para. 19.

⁹ Ghana, first round of oral pleadings, speech 2, paras 16 to 18 and 24.

1
2 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):
3 Thank you, Mr Kamara, for your statement.

4
5 (*Continued in English*) Sir Michael Wood, please.

6
7 **SIR MICHAEL WOOD:** Mr President, Members of the Chamber, I shall address
8 briefly some of the legal issues raised by Ghana's attempt yesterday to show the
9 existence of what it termed a "customary equidistance boundary".

10
11 I should recall at the outset, as Mr Kamara has just done, that Ghana's arguments in
12 this regard are clearly matters for the merits. They are not for the present provisional
13 measures stage. Yesterday Ghana sought to overcome this rather obvious point by
14 seeking to portray Côte d'Ivoire's claim to any part of the disputed triangle as so
15 weak as to be implausible.

16
17 That is a wholly untenable position. Notwithstanding Ghana's plea to this Chamber,
18 you surely cannot conclude, at this provisional measures stage, that the claim to any
19 part of the disputed area is (even provisionally) implausible. That would take you into
20 the heart of the substance of the case. In order to form such a view you would need
21 to consider the detailed written and oral pleadings that will only be made available by
22 the Parties at the merits stage.

23
24 It would seem that Ghana's real aim in raising these merits points now is so to
25 prejudice you against Côte d'Ivoire's maritime claim that you will be reluctant to
26 prescribe provisional measures. It is for that reason, and without prejudice to the
27 arguments that we shall make on the merits, that it is necessary to counter some of
28 the wilder suggestions from our friends opposite. Mr Kamara has already dealt with
29 the factual aspects; I shall address one or two of the legal issues.

30
31 First, Ghana's claim to a "customary equidistance boundary" has no basis in
32 international law. There is no such thing in international law. It seems to be pure
33 invention by Ghana's lawyers. UNCLOS, which is the applicable law between the
34 Parties to this case, prescribes that maritime boundaries "shall be effected by
35 agreement on the basis of international law ... in order to achieve an equitable
36 solution". The Convention further provides that "[i]f no agreement can be reached ...,
37 the States concerned shall resort to the procedures provided for in Part XV".

38
39 In short, maritime boundaries are to be established either by agreement or through
40 dispute settlement. In the present case, it is, I believe, common ground that the
41 Parties have not reached an agreement on the delimitation of their maritime
42 boundary,¹ and the matter has been submitted to third-party dispute settlement
43 under Part XV.

44
45 It is not in fact at all clear what Ghana means by a "customary equidistance
46 boundary". Perhaps it is arguing that there is a tacit agreement, perhaps that Côte
47 d'Ivoire is somehow estopped from denying that the line claimed in these
48 proceedings by Ghana is the maritime boundary between the two States. Neither

¹ Ms Marietta Brew Appiah-Opong, "Ghana and Côte d'Ivoire share a maritime boundary which has been mutually recognised for decades in numerous ways, although not formally delimited".

1 argument would be remotely plausible. As the International Court held in *Nicaragua*
2 *v. Honduras* (and repeated in *Peru v. Chile*), “[t]he establishment of a permanent
3 maritime boundary is a matter of grave importance.” It went on to say, “[e]vidence of
4 a tacit legal agreement must be compelling”.² No such compelling evidence exists.
5

6 As for estoppel, nothing Ghana said yesterday gets remotely near to meeting the
7 stringent requirements of international law. Almost everything they said related to the
8 limits of oil concession blocks, and not to an international maritime boundary. A line
9 indicating the boundary of a block is just that, no more and no less. There is, of
10 course, extensive case law on the relevance for maritime delimitation, if any, of oil
11 concessions: this was set out for example in the 2002 *Cameroon v. Nigeria*
12 *Judgment*.³ It is not a straightforward matter, but what one can say is that each case
13 will turn on its own particular facts.
14

15 There will be plenty of opportunity, I have no doubt, to delve into these complexities
16 at the merits phase. All I would say now is that there may be many reasons why a
17 State decides not to go beyond a certain line in licensing blocks. This may above all
18 be to avoid conflict, a desire not to exacerbate a dispute, or prejudice an eventual
19 agreement or third-party decision. It most certainly does not mean that the State
20 accepts a permanent international maritime boundary. As Maître Kamara has just
21 explained, and as indeed we explained in the first round, Côte d’Ivoire has
22 repeatedly (over decades, one might say) made clear to Ghana that there is no
23 agreed maritime boundary between Ghana and Côte d’Ivoire.
24

25 In its written pleadings and yesterday Ghana produced plenty of maps and sketches,
26 but these have no relevance for establishing a boundary. Many of the sketches of oil
27 concessions were produced by private entities.⁴ Maître Kamara has already
28 described the position of the sketches produced by PETROCI.⁵
29

30 Other maps referred to by Ghana, including maps referring to Ghana’s own oil
31 concession blocks, contain clear disclaimers that they do not depict the international
32 maritime boundary.⁶
33

34 As for the one sketch unrelated to oil concessions put forward by Ghana yesterday,
35 concerning Côte d’Ivoire’s submission to the Commission on the Limits of the
36 Continental Shelf, I would simply ask you in due course to compare yesterday’s
37 figure, containing Ghana’s superimposed and very thick lines, with the one submitted
38 by Ghana in its written pleadings.⁷ The latter clearly shows that Côte d’Ivoire’s
39 submission bears no relation to the so-called “customary equidistance line” claimed
40 by Ghana.
41

² *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, *Judgment*, *I.C.J. Reports 2007*, p. 659, at 735, para. 253; *Maritime Dispute (Peru v. Chile)*, *Judgment [of 27 January 2014]*, *I.C.J. Reports 2014*, para. 91.

³ *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, *Judgment*, *I.C.J. Reports 2002*, p. 303, at 447-448, para. 304.

⁴ Annexes M4, M5, M8, M12, M17, M19-M22, M24.

⁵ Annexes M6, M7, M9, M14.

⁶ Annexes M17, M19, M5, M4, M8.

⁷ cf. Tab PR-13 with Annex M13.

1 More interesting. however, is the Revised Executive Summary of Ghana's own
2 submission to the CLCS, which is dated 21 August 2013.⁸ You will find this at tab 9
3 in the Judges' folders. Section 4 of Ghana's submission states, "Ghana has
4 overlapping maritime claims with adjacent States in the region, and has not signed
5 any maritime boundary delimitation agreements with any of its neighbouring States
6 to date".

7
8 Section 5 states *inter alia* that

9
10 The submission of data and information by Ghana to the Commission is
11 without prejudice to the delimitation of maritime boundaries with the Republic
12 of Togo, the Republic of Benin, the Federal Republic of Nigeria, and the
13 Republic of Côte d'Ivoire.

14
15 Mr President, I think that speaks for itself.

16
17 If Ghana continues to present such maps and sketches at the merits stage, they will
18 each have to be examined very carefully, and often, it has to be said, with a
19 magnifying glass. For example, one map presented by Ghana, Annex M21, actually
20 marks the two claim lines before this Chamber and has a very small box stating that
21 "there is no ratified international maritime border treaty between Ghana and Côte
22 d'Ivoire".

23
24 In fact, maps and sketches of the kind shown to you by Ghana are accorded no
25 particular significance in the case law; see, for example, the Court's treatment of
26 maps in *Indonesia/Malaysia*, in which even large-scale maps published by
27 Malaysia's national mapping agency, which clearly identified the maritime boundary
28 claimed by Indonesia, were dismissed by the Court as being "inconclusive" evidence
29 of the existence of a maritime extension of an international boundary agreed in
30 1891.⁹

31
32 Moreover, UNCLOS requires that lines of delimitation drawn in accordance with
33 articles 15, 74 and 83 shall be shown on charts "of a scale or scales adequate for
34 ascertaining their position" or, where appropriate, by lists of geographical
35 coordinates, which must be given, and in either case these must be deposited with
36 the UN Secretary-General. Ghana has not suggested that that has been done. And I
37 would add that no published nautical charts depict any maritime boundary between
38 Côte d'Ivoire and Ghana.

39
40 Mr Reichler yesterday gave much weight to the type of line symbolization on some of
41 the maps he referred to. He argued that the "line is depicted cartographically as an
42 international boundary, with a dash and two dots".

43
44 Contrary to Mr Reichler's assertion, while two dots and a dash are sometimes used
45 to depict an international land boundary, even that is far from customary. To date
46 there are no international guidelines on the depiction of land boundaries. Two dots
47 and a line are even less common for international maritime boundaries. In fact, when

⁸ http://www.un.org/depts/los/clcs_new/submissions_files/gha26_09/gha_2013execsummary_rev.pdf

⁹ *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Judgment, I.C.J. Reports 2002*, p. 625, at p. 668, paras 90-91.

1 it comes to navigation charts, the International Hydrographic Organization
2 recommends that international boundaries be depicted with plus signs and dashes.¹⁰
3

4 Ghana tried to make much yesterday of occasional wording in certain relatively
5 secondary items of correspondence. Such references need to be approached with
6 great circumspection, having regard to context and the surrounding facts. They
7 certainly cannot be seen as amounting to acquiescence or estoppel. One only has to
8 recall the *Peru v. Chile* judgment of the International Court. There were many
9 references to boundaries and so forth in a variety of correspondence, but none
10 seems to have been regarded as particularly significant by the Court.
11

12 Mr President, before I leave the question of estoppel, I would like finally to address
13 one rather separate point. Ghana also seems to be saying that we are estopped
14 from seeking provisional measures because of our failure to protest. On this I will just
15 note that Ghana has known, at least since 1988, that the Parties differ on their
16 understanding of the location of the boundary. Even taking the facts as presented by
17 Ghana and the statements it has attached to its written pleadings at face value,
18 Ghana was aware of the existence of a dispute since 2009. Tullow, the owner of the
19 concessions in the Jubilee and TEN blocks, asked Ghana for instructions on how to
20 conduct itself given the dispute over the TEN block in September 2011, and was told
21 by Ghana to ignore Côte d'Ivoire's protest, despite the fact that at that point the
22 Parties had been negotiating their maritime boundary for several years and clearly
23 differed on its location.
24

25 All of this occurred several years ago, when most of the financial investment in the
26 disputed triangle had yet to take place, and yet Ghana claims that billions of dollars
27 invested and possibly lost were made based on representations made by Côte
28 d'Ivoire. Clearly, the time lines do not support Ghana's argument. Whatever it had
29 invested in exploration and exploitation in the last period, or allowed private
30 companies to invest, was done in full awareness of the dispute and in full knowledge
31 that the rights granted might not belong to it. Even by its own account, this is so
32 since 2009, and yet it proceeded at its own risk. In reality, Ghana has not relied on
33 Côte d'Ivoire's representations but has simply been trying to present a *fait accompli*.
34

35 Mr President, that concludes my statement, and I would request that you invite
36 Maître Pitron to the podium.
37

38 **THE PRESIDENT OF THE SPECIAL CHAMBER:** Thank you, Sir Michael Wood.
39

40 *(Interpretation from French)* I now give the floor to Mr Pitron.
41

42 **MR PITRON** *(Interpretation from French):* Mr President, Members of the Chamber,
43 yesterday I discussed the conditions required in law to justify the ordering of
44 provisional measures, i.e. urgency and the risk of serious harm or damage to Côte
45 d'Ivoire.
46

47 Before discussing Ghana's sharp criticism of yesterday's demonstration, allow me to
48 comment on one of their arguments on which they placed heavy emphasis in

¹⁰ http://www.iho-ohi.net/iho_pubs/standard/S-4/INT1_FR_Ed5_2012.pdf, p. 52.

1 yesterday's hearing, which is that no evidence has been provided, because Côte
2 d'Ivoire had produced no expert testimony, no witness, nor did we call those of
3 Ghana to be heard.

4
5 Ghana simply forgets the type of procedure which brings us before you today. This is
6 a summary procedure that is part of the procedure on the merits. It concerns the
7 ordering of provisional measures, which are rendered necessary by the urgency of
8 the situation.

9
10 This is not a procedure that requires recourse to third parties. Recourse to third
11 parties is, moreover, viewed with some circumspection by the International Court of
12 Justice. In *Libya v. Malta*, 1985, the Court judged that it could not decide between
13 contradictory scientific arguments and preferred to rely on legal criteria.¹

14
15 None of Ghana's documents concern scientific advice, which the Tribunal does not
16 want to deal with, nor arguments justifying the intervention of specialists or experts
17 representing Côte d'Ivoire.

18
19 We are not talking here about expertise or affidavits. We are talking simply about
20 statements under oath from the Ministry of Finance of Ghana; the Production
21 Manager of the national petroleum company, GNPC; the Director of the
22 Environmental Protection Agency and the Chief Operating Officer of Tullow.

23
24 These are persons who quite clearly are under the instructions of Ghana or are
25 obligated to Ghana. Côte d'Ivoire certainly could have obtained the same type of
26 statement to its advantage as those produced by Ghana. They would have had no
27 greater value and they would simply have taken up time without facilitating the
28 reaching of a decision.

29
30 May I recall the jurisprudence of ITLOS in Bangladesh/Myanmar, in which the
31 Tribunal cited the case law of the ICJ in Nicaragua/Honduras, to the effect that

32
33 Witness statements produced in the form of affidavits should be treated with
34 caution. In assessing such affidavits the Court must take into account a
35 number of factors. These would include whether they were made by State
36 officials or by private persons not interested in the outcome of the
37 proceedings and whether a particular affidavit attests to the existence of facts
38 or represents only an opinion as regards certain events.²

39
40 Côte d'Ivoire prefers the written pleadings that it has submitted.

41
42 Now to urgency. Back to my original remark, Ghana contends that

43
44 The very essence of a request for the prescription of provisional measures
45 resides in the fact that such request is based on urgency. It is self-evident,

¹ ICJ, *Case concerning the Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Judgment, 3 June 1985, available online: <http://www.icj-cij.org/docket/files/68/6414.pdf>

² ITLOS, *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal*, Judgment, 14 March 2012, para. 112; available online: https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/C16_Judgment_14_03_2012_rev.pdf

1 as one can see from the fully settled case law both of the International
2 Tribunal for the Law of the Sea and the International Court of Justice.³

3
4 Yet Ghana gives no reference for this supposedly constant case law.

5
6 Specifically, Ghana argued that there can be no urgency “because there is no
7 imminent risk of irreparable harm likely to be caused to its [Côte d'Ivoire’s] rights”.⁴
8 Thus, For Ghana, urgency arises from the existence of imminent risk.

9
10 Such categorical assertions unfortunately do not reflect what the law says.

11
12 The criterion of urgency was clearly defined in 1991 in the *Great Belt* case,⁵ ICJ, as
13 follows. I am going to quote this. I know that the Chamber is fully familiar with it, of
14 course.

15
16 Considering that the provisional measures under article 41 of the Statute are
17 indicated pending a final decision by the Court on the merits and
18 consequently are only justified to the extent that there is urgency, in other
19 words, if it is probable that an action harmful to the rights of one or the other
20 Party is committed before the final decision is delivered.

21
22 That case law is subsequently referred to by the Tribunal in *M/V “SAIGA”*⁶ in 1998.

23
24 You will observe that there is no reference to the imminent nature of irreparable
25 damage or, more specifically, that the time criterion for establishing the existence of
26 urgency is limited to the occurrence of the prejudice before the final decision is
27 given. That is the very essence of provisional measures: to preserve the rights of the
28 parties *pendente lite*.

29
30 The legal literature likewise provides no support for Ghana’s position. In the
31 77 pages or so that Ghana has submitted on this subject, only one refers to the
32 concept of an imminent risk as a condition for establishing urgency, and that is the
33 contribution of Judge Ndiaye.

34
35 The state of law was perfectly summarized by Judge Wolfrum in an article also
36 communicated by Ghana, which I did not quote yesterday but will do so today:

37
38 *(Continued in English)*

39 The International Court of Justice provisional measures are only justified if
40 there is urgency in the sense that action prejudicial to the rights of either
41 party to the dispute is likely to be taken before the final decision is given.⁷

42

³ ITLOS/PV.15/C23/2, p. 18.

⁴ ITLOS/PV.15/C23/2, p. 18.

⁵ ICJ, *Case concerning Passage through the Great Belt, Provisional Measures, Order of 29 July 1991*, para. 23, available online: <http://www.icj-cij.org/docket/files/86/6968.pdf>

⁶ ITLOS, *M/V “SAIGA” (No. 2) Case (Saint Vincent and the Grenadines v. Guinea), Request for Provisional Measures, Order of 11 March 1998*, para. 41, available online: https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_2/provisional_measures/order_110398_eng.pdf

⁷ Rüdiger Wolfrum, “Provisional Measures of the International Tribunal for the Law of the Sea”, *Indian Journal of International Law*, Vol. 37, No. 3 (1997), p. 429. Ghana PM, Vol. IV, Annex LA-8.

1 *(Interpretation from French)* Now to the facts of this case. Ghana contends that
2 imminent risk of harm being done to the rights of Côte d'Ivoire arises from the
3 acceleration of the granting by Ghana of oil blocks in the disputed area – seven of
4 the nine in the period 2013-2014 alone.⁸

5
6 Unfortunately, as Ghana itself says later on, this is not the position defended by Côte
7 d'Ivoire, even though the awarding of blocks is an established fact. Côte d'Ivoire
8 bases its case regarding the existence of urgency on the risk of occurrence of harm
9 to its right before the delivery of your order in 2017 at the earliest. In this case we are
10 talking about drilling operations and the exploitation of the TEN field, which I
11 discussed at length yesterday, and I note that Ghana did not challenge the
12 destructive and invasive nature of those operations to the seabed and subsoil.

13
14 This analysis relies on the *Aegean Sea* and *Guyana/Suriname* case law, which I
15 summarized, in order to identify alternative circumstances in which oil activities
16 under way are likely to give rise to the ordering of provisional measures. I shall not
17 dwell on those examples or on Ghana's sharp criticism of the way in which they were
18 presented. Côte d'Ivoire considers that they should not be dignified by granting them
19 an answer.

20
21 More interestingly, Ghana claims that the distinctive feature of this case law is the
22 fact that the *status quo* between the parties was upset by the occurrence of an event
23 which could justify indicating provisional measures – in other words, seismic
24 exploration in the Aegean Sea by Turkey or drilling operations by Suriname in the
25 Atlantic Ocean, those two maritime zones disputed by Greece and Guyana,
26 respectively.

27
28 According to Ghana, in the present case there is no such new element inasmuch as
29 "Ghana has done nothing, including since 2009, which might bring about a change in
30 the state of affairs in the area concerned".⁹

31
32 I shall not repeat the arguments developed at length by Mr Kumara and Professor
33 Pellet to show that Côte d'Ivoire has never accepted the existence of a *status quo* in
34 the disputed area.

35
36 In conclusion, let me simply demonstrate that Ghana has, to the contrary, been
37 extremely active in the disputed area since 2009, riding roughshod over the *status*
38 *quo* that they invoke today, thereby attempting to support its position that the case
39 law in the *Aegean Sea* and *Guyana/Suriname* is relevant to the present case.

40
41 *(Projection of slide MP2-1)*

42
43 On *this* first slide you will see that in 1985 there were no drilling operations in the
44 disputed area. The area appears on the left of the slide.

45
46 *(Projection of slide MP2-2)*

47

⁸ ITLOS/PV.15/C23/2, p. 19.

⁹ ITLOS/PV.15/C23/2, p. 19.

1 The next slide shows three boreholes, drilled in 1989, 1999 and 2002, which are
2 indicated by three black dots inside the orange circle, on the left side.

3
4 *(Projection of slide MP2-3)*

5
6 During the same period from 1985 to 2009 we see that Côte d'Ivoire challenges
7 Ghana's unilateral policy between 1988 and 1992 and then sets up with its
8 neighbour a joint maritime boundaries commission.

9
10 *(Projection of slide MP2-4)*

11
12 Then in 2009, which, no matter what Ghana says, is a critical year. It was on 11 and
13 12 February 2009 that a ministerial meeting of ECOWAS countries was held in Abuja
14 in which Côte d'Ivoire and Ghana participated as members. The subject of the
15 meeting was the outer limits of the continental shelf. The meeting decided that "the
16 limit of adjacent/opposite boundaries shall continue to be discussed in a spirit of
17 cooperation to arrive at a definite delimitation ...".¹⁰

18
19 On 23 February Côte d'Ivoire formally rejected Ghana's proposal of a boundary
20 along the line of the concessions and called for a stop to unilateral activities.

21
22 Concomitantly – and this is very interesting – in March 2009 Ghana discovered a
23 significant oil deposit in the TEN field.

24
25 In December of the same year it made a declaration relating to article 298 of the
26 Convention, excluding the right of action before an international jurisdiction to settle
27 disputes between two States regarding their boundaries.

28
29 Thus, in 2009 we have simultaneously a reiteration of Côte d'Ivoire's position
30 regarding the absence of agreement between it and Ghana; secondly, the discovery
31 of oil in the disputed area; and, thirdly, Ghana taking up a position behind the
32 rampart of article 298.

33
34 *(Projection of slide MP2-5)*

35
36 As we can see in the following slide, that rampart has been effective over that period,
37 when, during the five-year period from 2010 to 2014, some 30 drilling operations
38 were carried out by Ghana.

39
40 *(Projection of slide MP2-6)*

41
42 On the last slide you can see the dots representing the 34 boreholes drilled in the
43 disputed area so far, with a comparison of the situation in 1985. Can one really talk
44 about a *status quo*?

45
46 Mr President, Members of the Chamber, let us stop pretending that the seas are
47 calm in the disputed area Ghana is rowing about under the distracted gaze of Côte

¹⁰ Document available online:
http://www.un.org/depts/los/clcs_new/submissions_files/preliminary/ben_2009_annex_ii.pdf.

1 d'Ivoire. Ghana is bent on hegemony. Its neighbour has systematically voiced its
2 concern about that policy, and that is what brings us before you today.

3
4 Thank you. I request that you now hear my colleague Professor Pellet.

5
6 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

7 Thank you, Mr Pitron.

8
9 Mr Alain Pellet now has the floor.

10
11 **MR PELLET** (*Interpretation from French*): Thank you very much, Mr President.

12
13 Mr President, Members of the Chamber, this morning my task is to recall the
14 provisional measures that Côte d'Ivoire requests you to prescribe and the
15 justification for them. This will also give me an opportunity to summarize the main
16 lines of our argument.

17
18 These measures, which remain unchanged, are five in number. They all revolve
19 around the same fundamental idea, the idea set out in article 290, paragraph 1, of
20 the Montego Bay Convention. It is about preserving the rights of Côte d'Ivoire –
21 noting that Ghana's rights are not threatened in any way – pending a final decision,
22 and, specifically in respect of the fourth measure, "prevent[ing] serious harm to the
23 marine environment".

24
25 I shall go through each of the five measures requested, it being clear that the central
26 measure that Côte d'Ivoire requests you to prescribe, distinguished Members of the
27 Chamber, is clearly the first request, the "mother of all the measures", as it were,
28 which the other four define and amplify to some degree. I shall not follow the order in
29 which we presented them in our Request but will instead move from the most
30 general to the most specific.

31
32 The Chamber has been requested, in the first case, to prescribe as a provisional
33 measure that Ghana be required to "take all steps to *suspend* all ongoing oil
34 exploration and exploitation operations in the disputed area".¹ Let me make it clear at
35 the outset that it is not correct to assert, as Ghana has in its written observations,
36 that (*Continued in English*) "what Côte d'Ivoire seeks in effect is an order from the
37 Special Chamber to close down large parts of Ghana's well-established offshore oil
38 and gas industry".²

39
40 (*Interpretation from French*) We are not asking for Ghana's offshore oil and gas
41 industry to be "closed down". We are not asking for installations to be dismantled
42 which Ghana unlawfully, or in any case very unwisely, has installed on the seabed
43 and in the subsoil of the disputed area. Côte d'Ivoire is solely requesting that
44 *ongoing activity be suspended*. At this stage we request only that Ghana not
45 authorize the placement of any further installations in the future and, pending your
46 judgment on the merits, that it refrain from causing irreparable damage to the
47 resources in the disputed area.

¹ Italics added.

² Ghana's Written Statement, para. 2. See also ITLOS/PV.15/C23/2, 29 March 2015, p. 27, para. 3 (Mr Sands).

1
2 As I pointed out yesterday morning,³ we are fully aware that the Chamber cannot
3 pre-judge the merits of the case by an order prescribing provisional measures and
4 that “the right of each of the Parties to submit arguments in respect of the merits
5 must remain unaffected by the ... decision”.⁴ Ghana insists, quite rightly, that the
6 Chamber should preserve the rights of *both* Parties – not just the Party requesting
7 provisional measures.⁵ Ghana is right. That is exactly what Côte d’Ivoire is
8 requesting of you, distinguished Members of the Chamber: to “ensure full
9 compliance with the applicable rules of international law, thus preserving the
10 respective rights of the Parties”.⁶ In her introductory speech, the Agent of Ghana,
11 speaking of the rights that she portrayed as acquired rights in the disputed area, said
12 – not once but twice – “These are Ghana’s *prima facie* sovereign rights”.⁷

13
14 However, Mr President, for the moment, as we speak, these are not sovereign rights,
15 neither *prima* nor *secunda facie*. It is precisely their existence that Ghana will have to
16 demonstrate when we come to the merits, just as it will be up to us to demonstrate
17 that these rights are ours. At this juncture it is not for the Chamber to say where the
18 boundary is (or where it is not), but to prevent Ghana from behaving as if the
19 disputed area were its own, creating an irreversible *fait accompli* there, as it has
20 been doing since 2009 at least and particularly so, as Mr Pitron has just
21 demonstrated, since 2011, with a spike in activities in 2013 and 2014.⁸

22
23 This is the case when Ghana installs, or allows to be installed, on the seabed, or in
24 the subsoil of the continental shelf, equipment that it will be impossible to get rid of if
25 the Chamber decides upon a boundary line other than the one advanced by Ghana.
26 *A fortiori*, this will be the case if Ghana moves, as it proposes to do in the months to
27 come, into full exploitation of the resources located in the disputed area, especially
28 since it would be done under conditions that would not guarantee the maximum yield
29 on the resources, which could lead to putting the integrity of the deposits at risk and
30 jeopardize the possibility of exploiting a large part of these reserves. At the same
31 time, Ghana would deprive – and, if we let them do so, would continue to deprive
32 irremediably – Côte d’Ivoire of its sovereign right to decide when, how and under

³ ITLOS/PV.15/C23/2, 29 March 2015, p. 9, para. 5 (Pellet).

⁴ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Provisional Measures, Order of 1 July 2000, I.C.J. Reports 2000*, pp. 127-128, para. 41; see also *Factory at Chorzów [Indemnities], Order of 21 November 1927, P.C.I.J., Series A, No. 12*, p. 10; *Prince von Pless Administration, [Application for the Indication of Interim Measures of Protection,] Order of 4 February 1933, P.C.I.J., Series A/B, No. 52*, p. 153; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993*, p. 22, para. 44; *Land and Maritime Boundary between Cameroon and Nigeria [Cameroon v. Nigeria: Equatorial Guinea intervening], Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996*, p. 23, para. 43; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Provisional Measures, Order of 8 March 2011, I.C.J. Reports 2011*, p. 19, para. 8; *M/V “SAIGA” (No. 2) (Saint Vincent and the Grenadines v. Guinea), Provisional Measures, Order of 11 March 1998, ITLOS Reports 1998*, para. 43; *“ARA Libertad” (Argentina v. Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012*, para. 106.

⁵ ITLOS/PV.15/C23/2, 29 March 2015, p. 32, lines 31-37 (Sands).

⁶ *“ARA Libertad” (Argentina v. Ghana), Provisional Measures, Order of 15 December 2012, ITLOS Reports 2012*, para. 100.

⁷ ITLOS/PV.15/C23/2, 29 March 2015, p. 3, line 31 (Ms Marietta Brew Appiah-Opong).

⁸ See Request submitted by Côte d’Ivoire, Annex 1.

1 what conditions the exploitation of these resources will take place, and even *whether*
2 it should take place.

3
4 Let me point out in passing that Ghana does not wish merely to impose its current
5 and actual presence in the disputed area. Our learned friends on the other side go
6 so far as to seek to dictate to Côte d'Ivoire its future conduct by asserting that Côte
7 d'Ivoire would obviously have followed the same policy as Ghana and will
8 necessarily do so if it recovers all or part of the disputed area⁹. We thank the other
9 side for this advice; but, Mr President, Côte d'Ivoire would like to decide for itself,
10 and sovereignly, its own petroleum policy in the maritime area belonging to it.

11
12 The suspension of Ghana's oil and gas activities that Côte d'Ivoire requests you to
13 prescribe preserves this right without threatening that of Ghana to exercise it were
14 you to decide at the end of the proceedings, though it is scarcely conceivable, that
15 some or all of this area fell to Ghana – and keeping in mind that even if the strict
16 equidistance line that Ghana seeks to impose on us is where Ghana says it is, *quod*
17 *non* – there is at least one oilfield that straddles that equidistance line.

18
19 Such a ruling that offers the possibility for the Chamber to satisfy the claims of both
20 Parties, or to decide in favour of one line or another, precisely fulfils the *raison d'être*
21 of provisional measures. Nothing prevents you from innovating, but in any event it
22 would not be an innovation with respect to the case law of either your Tribunal or the
23 ICJ on provisional measures. Thus, in the *Bluefin Tuna Cases* ITLOS prescribed that
24 the Parties “shall each refrain from conducting an experimental fishing programme
25 involving the taking of a catch of southern bluefin tuna”,¹⁰ which was tantamount to
26 enjoining Japan to suspend its experimental fishing programme. In the same spirit,
27 we could think of the orders handed down by the ICJ in the *Fisheries Jurisdiction*
28 cases or, more recently, in the case of *Certain Activities Carried Out by Nicaragua in*
29 *the Border Area* (specifically, the border with Costa Rica).¹¹

30
31 Stretching for arguments, Ghana, which for some time now has been acting as
32 though the disputed area were its own despite Ivorian protests (and, it must be said,
33 Ghana pays as little heed to these in its oral argument as it has since 1970), invites
34 you, distinguished Members of the Chamber,

35
36 *(Continued in English)*

37 to have regard to the severe disproportionality of the impact on Ghana of
38 granting the measures sought when weighed against the inability of Côte
39 d'Ivoire to articulate any genuine, non-compensatory harm which it would
40 suffer if these issues were resolved at the conclusion of the case.¹²

41

⁹ ITLOS/PV.15/C23/2, 29 March 2015, p. 24 (Macdonald), p. 28, lines 42-43 (Sands).

¹⁰ *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan)*, *Provisional Measures, Order of 27 August 1999*, ITLOS Reports 1999, para. 90(1)(d).

¹¹ *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*; *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, *Provisional Measures, Order of 22 November 2013*, I.C.J. Reports 2013, p. 369, para. 59. See also *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, *Provisional Measures, Order of 8 March 2011*, I.C.J. Reports 2011, p. 27, para. 86(1).

¹² Ghana's Written Statement, para. 121.

1 (Interpretation from French) We wish to associate ourselves with this request,
2 Mr President.

3
4 Let me first point out that Ghana took the risk of the losses that it invokes by granting
5 the permits and allowing major activities to continue in the disputed area, even
6 though Ghana was fully aware that Côte d'Ivoire challenged Ghana's claimed
7 sovereign rights in the area. Second, let us not exaggerate the importance of these
8 losses. At the latest, your judgment will be handed down probably at some point in
9 2017. In the unlikely event that the Chamber then recognizes the rights that Ghana
10 has already arrogated to itself, exploitation could start almost immediately. Any delay
11 in exploiting the petroleum resources in question would therefore be only about one
12 year. Finally, and above all, as our friends on the other side of the bar propose, we
13 need to weigh this short-lived harm against the irreversible damage that the activities
14 being conducted by Ghana in the disputed area would inflict on the sovereign rights
15 of Côte d'Ivoire in that same area should all or part of it be accorded to Côte d'Ivoire
16 at the end of the proceedings.

17
18 Distinguished Members of the Chamber, Ghana seeks to frighten you by making
19 some apocalyptic descriptions of the consequences that would flow from the
20 provisional measures we are requesting. No fewer than four of our opponents
21 banded together to paint this spectre.¹³ We are persuaded that you will not let
22 yourselves be intimidated.

23
24 Ghana itself recognizes the benefits it has gained. Its economy has profited until now
25 from enormous investments, which have had extremely beneficial effects on
26 employment, GNP and poverty.¹⁴ That is all well and good, Mr President, but let us
27 reflect that at the same time Côte d'Ivoire has been deprived of these enormous
28 benefits, and that is the real weighing exercise. The losses which, according to
29 Ghana, would result from the acceptance by the Special Chamber of our request to
30 suspend activity are essentially lost earnings – or, more precisely, delayed receipt of
31 earnings if the exclusive right to exploit resources in the zone were to be granted to
32 Ghana. Côte d'Ivoire has already been deprived of these profits and will continue to
33 be deprived of them, and in a wholly irremediable fashion because there is no
34 evident way for Côte d'Ivoire's economy to benefit retrospectively from those
35 advantages confiscated by Ghana through its *fait accompli*.

36
37 Let it be noted that we are not in a situation comparable to the *Great Belt* or *Pulp*
38 *Mills* cases before the ICJ. In those cases the Court dismissed the request for
39 suspension of construction by saying that "if it is established that the construction of
40 works involves an infringement of a legal right, the possibility cannot and should not
41 be excluded *a priori* of a judicial finding that such works must not be continued or
42 must be modified or dismantled".¹⁵

13 ITLOS/PV.15/C23/2, 29 March 2015, p. 3 (Ms Marietta Brew Appiah-Opong), pp. 12-15 (Ms Brillembourg); p. 31-33 (Sands). See also tab 24, paras 34; and tab 25, p. 6.

14 See Ghana's Written Statement, paras 48-57.

15 *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Provisional Measures, Order of 13 July 2006, I.C.J. Reports 2006, p. 133, para. 78, referring to *Passage through the Great Belt (Finland v. Denmark)*, Provisional Measures, Order of 29 July 1991, I.C.J. Reports 1991, p. 19, para. 31.

1 In our case it is impossible either to dismantle the installations (pipelines, wellheads
2 and conduits) that are on the seabed or in the subsoil of the continental shelf, or to
3 re-inject the oil or gas that has been extracted and – what is perhaps most important
4 – re-establish the potential for rational and complete exploitation which would have
5 been possible had there been less haste, or to transfer to Côte d’Ivoire the enormous
6 socio-economic benefits Ghana admits to having received thanks to the activities it is
7 conducting in the disputed area, disregarding the precautionary rules that apply
8 when a maritime area is in dispute. Furthermore Ghana, via Ms Brillembourg,
9 asserted yesterday (*Continued in English*) “[o]n top of this, there is the irreversible
10 loss to Ghana’s economy and development ... Such loss is inherently
11 unquantifiable”.¹⁶

12
13 (*Interpretation from French*) We agree: such losses are unquantifiable and
14 irreversible. What can be said of the losses of which Ghana complains can equally
15 be said of the losses whose realization Côte d’Ivoire is asking you, honourable
16 Members of the Chamber, to limit pending your judgment on the merits.

17
18 As to the losses forecast for Tullow and the other oil companies concerned, which
19 constitute a small minority in the Ten field, the only ...

20
21 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*): I am
22 sorry, but apparently there has been an interpretation problem.

23
24 Please continue, Mr Pellet.

25
26 **MR PELLETT** (*Interpretation from French*): As to the losses forecast for Tullow and
27 the other oil companies concerned, which constitute a small minority in the TEN field,
28 the only field whose actual exploitation is likely in the short term, I will make only two
29 comments.

30
31 – The contracts that have been signed were signed with Ghana, not with Côte
32 d’Ivoire, in regard to which they are *res inter alios acta*. It is to Ghana that these
33 companies have to address themselves if they make losses because of the undue
34 haste with which Ghana concluded the contracts.

35
36 – Furthermore, while it is not our intent to interfere in relations that do not concern
37 us, I must point out that Ghana has played fair with Tullow. I refer to the document of
38 19 October 2011, which I analysed yesterday.¹⁷ It is at tab 10 of today’s folder.
39 Ghana’s Minister for Energy wrote to the President and CEO of Tullow Ghana
40 (*Continued in English*): “As regards the maritime boundary, as you are aware, it has
41 always been publicly known that the Republic of Ghana and the Republic of Côte
42 d’Ivoire have not yet delimited their maritime boundary.”¹⁸

43

¹⁶ ITLOS/PV.15/C23/2, 29 March 2015, p. 14 (Ms Brillembourg).

¹⁷ See Ghana’s Written Statement, Letter from Ghana, Minister of Energy, to Mr Dai Jones, President and General Manager of Tullow Ghana Limited, 19 October 2011, vol. III, Appendix TOL-16.

¹⁸ Ghana’s Written Statement, Letter from Ghana, Minister of Energy, to Mr Dai Jones, President and General Manager of Tullow Ghana Limited, 19 October 2011, vol. III, Appendix TOL-16 – my emphasis.

1 (*Interpretation from French*) This is a two-fold and key admission, Mr President. The
2 boundaries between Ghana and Côte d'Ivoire have not been delimited and
3 everybody knows that: "it has always been publicly known"!
4

5 One further word on this first and crucial provisional measure that Côte d'Ivoire
6 requests you to prescribe. When re-reading the "suspensive" provisional measures
7 ordered by ITLOS or the ICJ which I mentioned a few moments ago, I noted that
8 some of them were addressed not just to one but to both parties, even though, as in
9 the *Southern Bluefin Tuna* cases, they could have an impact on only one of them.
10 Côte d'Ivoire would see no problem if the same were to apply in our case – I am of
11 course speaking subject to our Agent's supervision – it being understood that, in
12 effect, only Ghana would need to heed such a prescription. Côte d'Ivoire at the
13 moment is not conducting any activity in the disputed area that is creating an
14 irreversible situation.
15

16 These considerations also apply with respect to the fifth and last provisional
17 measure, by which Côte d'Ivoire requests you to prescribe that Ghana "desist and
18 refrain from any unilateral action entailing a risk of prejudice to the rights of Côte
19 d'Ivoire and any unilateral action that might lead to aggravating the dispute".
20

21 Here we are talking about one of the classic weapons in the arsenal of provisional
22 measures. It is a measure that international courts and tribunals often prescribe
23 *proprio motu* in the absence of any express requests from the parties. I am thinking
24 here of, among others, *Cameroon v. Nigeria*¹⁹ or *Armed Activities on the Territory of*
25 *the Congo*²⁰ – or indeed the Order of 8 March 2001, of which I spoke earlier.²¹
26

27 I now come to the second provisional measure that Côte d'Ivoire requests this
28 Special Chamber to prescribe. This is really only an illustration and a necessary
29 consequence of the more general request to suspend Ghanaian activities in the
30 disputed area as I have just described. It would require Ghana to "refrain from
31 granting any new permit for oil exploration and exploitation in the disputed area". I
32 am not going to dwell on this but let me just say that in the current circumstances,
33 were Ghana so bold as to grant new permits, it would clearly be a real provocation
34 likely to aggravate the dispute considerably. But what goes without saying goes even
35 better when it is said: hence Côte d'Ivoire's insistence in requesting the Chamber to
36 spell this out clearly.

¹⁹ *Land and Maritime Boundary between Cameroon and Nigeria, Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996, p. 22-23, para. 41.*

²⁰ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Provisional Measures, Order of 1 July 2000, I.C.J. Reports 2000, p. 128, para. 44. Certain Criminal Proceedings in France (Republic of the Congo v. France), Provisional Measures, Order of 17 June 2003, I.C.J. Reports 2003, p. 111, para. 39.*

²¹ See, for example, *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979, p. 21, para. 47, point (B); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993, p. 24, para. 52, point (B); Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Provisional Measures, Order of 15 March 1996, I.C.J. Reports 1996, p. 24, para. 49, point (1); Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Provisional Measures, Order of 1 July 2000, I.C.J. Reports 2000, p. 129, para. 47, point 1); Pulp Mills on the River Uruguay (Argentina v. Uruguay), Provisional Measures, Order of 23 January 2007, I.C.J. Reports 2007, p. 16, para. 49.*

1
2 The fourth provisional measure whose prescription is requested by Côte d'Ivoire
3 relates to Ghana taking "all necessary steps to preserve the continental shelf, its
4 superjacent waters and its subsoil".

5
6 The objective of this fourth request is to prevent Ghana, for the duration of the
7 proceedings that will lead to your judgment, from continuing to act in the carefree
8 manner that has characterized its actions so far with respect to protection of the
9 marine environment. This is not only a matter of protecting Côte d'Ivoire's own rights
10 but also, "generally", of "prevent[ing] serious harm to the marine environment
11 pending the final decision".

12
13 I would point out *en passant* that, although, curiously, Ms Macdonald asserts the
14 contrary,²² the Convention does not require that this type of prejudice be
15 "irreparable" for provisional measures to be prescribed. To require such a threshold
16 of damage would be tantamount to preventing the Tribunal from fulfilling its mission
17 to protect the marine environment (in the sense of prevention) from serious harm.

18
19 As Alina Miron demonstrated yesterday, Ghana shows in its offshore oilfields
20 considerable indifference to the marine environment, and the activities that it is
21 conducting or allows to be conducted are sources of pollution that may spill over into
22 the disputed area, specifically in the case of the Jubilee field, which is close by and
23 which is being exploited by Tullow.

24
25 Côte d'Ivoire does not ask you to prescribe the suspension of hydrocarbon extraction
26 operations in Jubilee, which would surely be beyond the scope of the instant case.
27 However, in keeping with the letter and spirit of article 290, paragraph 1, of the
28 Convention, we do request that you order Ghana to step up its monitoring or, rather,
29 to genuinely monitor these activities in order to avoid any serious harm to the marine
30 environment in the disputed area.

31
32 I would point out that yesterday, once again, Ghana implicitly confirmed the absence
33 of effective monitoring of petroleum activities, inasmuch as its position is based
34 entirely on affidavits and audits produced by the oil companies themselves.

35
36 Of course, such a measure would be even more necessary with respect to
37 production activities conducted in the disputed area, were the Chamber to dismiss
38 our request for suspension. However, even if the Chamber upholds our request, as
39 we hope it will, it would certainly not be out of place for you, distinguished Members
40 of the Special Chamber, to order not only that Ghana should show vigilance in
41 seeking to prevent the large-scale infrastructure that is already in place from causing
42 serious damage to the marine environment, but also that Ghana should inform the
43 Chamber of measures taken to prevent the recurrence of episodes of pollution that
44 could cause serious harm to the marine environment.

45
46 I do not think it would be superfluous for Côte d'Ivoire to be involved in the
47 management of this process, or at least to be informed of what is going on, probably

²² ITLOS/PV.15/C23/2, 29 March 2015, p. 28, lines 11, 38, p. 26, line 47 (Ms Macdonald).

1 through periodic reports addressed to your Chamber on relevant measures taken
2 and on compliance by concession-holders with environmental rules.

3
4 I think that Côte d'Ivoire should be able to make observations about the risks created
5 by such infrastructure and, as appropriate, these activities, and that Ghana should
6 be firmly invited to take into account such observations. Let me simply call to mind
7 two precedents that are particularly illuminating in this respect²³ and which
8 I respectfully suggest could be a fertile source of inspiration for the specific
9 procedures that you might institute. I am speaking, of course, of the orders handed
10 down by ITLOS in the *MOX Plant* case²⁴ and the *Land Reclamation* case.²⁵

11
12 Yet, I reiterate that as we see it, a provisional measure of this nature has to be
13 combined with the suspension of all exploration and exploitation activities in the
14 disputed area and all activity of whatever nature that could cause serious harm to the
15 marine environment.

16
17 Finally, Côte d'Ivoire asks the Chamber to order Ghana to take:

18
19 all steps necessary to prevent information resulting from past, ongoing or
20 future exploration activities conducted by Ghana, or with its authorization, in
21 the disputed area from being used in any way whatsoever to the detriment
22 of Côte d'Ivoire.

23
24 This point, the third following the order in which they are presented in our Request of
25 27 February, was discussed in detail by Sir Michael yesterday and received scant
26 attention from my learned friends.

27
28 Professor Sands touched on the subject without responding to any of the arguments
29 advanced by Sir Michael. He reiterated Ghana's primary argument, namely that
30 there is no textual foundation in the Convention that would recognize the existence
31 of the right to information relating to resources. Sir Michael showed that this
32 argument cannot succeed. The same applies to the irreparable nature of the harm.
33 Sir Michael has shown that infringement of the exclusive rights relating to information
34 is irreversible and cannot be remedied by financial compensation. This argument has
35 not seriously been rebutted.

36
37 In the *Land Reclamation* case the Tribunal considered that it was not appropriate to
38 specifically order information-sharing, having regard to the assurances given by
39 Singapore during the proceedings, committing itself to share with Malaysia the
40 information it required.²⁶

²³ See Ph. Gautier, "Mesures conservatoires, préjudice irréparable et protection de l'environnement", in *Le procès international: liber amicorum Jean-Pierre Cot*, Brussels, Bruylant, 2009, pp. 132-154.

²⁴ *MOX Plant (Ireland v. United Kingdom)*, *Provisional Measures, Order of 3 December 2001*, ITLOS Reports 2001, paras 82 and 98. See also *Southern Bluefin Tuna (New Zealand v. Japan; Australia v. Japan)*, *Provisional Measures, Order of 27 August 1999*, ITLOS Reports 1999, para. 90.

²⁵ *Ibid.*, para. 106.

²⁶ *Land Reclamation in and around the Straits of Johor (Malaysia v. Singapore)*, *Provisional Measures, Order of 8 October 2003*, ITLOS Reports 2003, para. 76.

1 I hope I am wrong, Mr President, but when I was listening to the opposing party
2 yesterday afternoon, I did not get the impression that Ghana was ready to give such
3 assurances.

4
5 Mr President, I will say just a few words by way of legal conclusions before our Agent
6 addresses them more generally. They may be reduced to a few propositions.

7
8 Our Ghanaian friends persist in conflating merits with provisional measures. Your
9 judgment will have to determine the exact location of the boundary. For the time
10 being all you have to do is to note that there are two defensible and plausible
11 positions on this matter that conflict with one another – and I do not think you will
12 have any difficulty making such a finding.

13
14 Secondly, to try to dissuade you, Ghana repeats time and time again "they have
15 accepted; they have accepted". Well, they can repeat it and shout it from the
16 rooftops and they can even sing it, but they have given you *no* evidence – none – of
17 express acceptance apart from the Esso concession agreement and decree from
18 1970. Even if we were to admit that this constitutes evidence, which I think is highly
19 doubtful because the decree was promptly corrected by the decree of 1975: "the
20 coordinates cannot, in any event, be considered the limits of Côte d'Ivoire's national
21 jurisdiction".

22
23 Thirdly, this clearly confirms the Ivorian line of argument with respect to the
24 prudential limit, which is commonplace in these matters, whereby it is inadvisable to
25 award petroleum concessions extending beyond the furthest limit of the boundary
26 line claimed by an adjacent State, relying for that purpose on a so-called "tacit
27 agreement", the existence of which is subject, for purposes of determining maritime
28 boundaries, to very stringent conditions, conditions that, quite clearly, are not met in
29 the instant case.

30
31 Fourthly, Ghana can stack up as many maps and sketches illustrating this prudential
32 limit as it wishes. It changes nothing in its legal nature, especially because none of
33 these maps and none of these sketch maps came from a governmental source. By
34 contrast, it is interesting to note that the opposing Party has been unable to produce
35 any official chart showing the maritime boundary that it claims.

36
37 Fifthly, neither Ghana nor Côte d'Ivoire considers that the maritime boundaries have
38 been delimited. Following the 2009 ECOWAS meeting,²⁷ Ghana submitted its
39 request to the Commission on the Limits of the Continental Shelf, confirming very
40 explicitly that (*Continued in English*): "Ghana has overlapping maritime claims with
41 adjacent States in the region and has not signed any maritime boundary delimitation
42 agreements with any of its neighbouring States to date".²⁸

²⁷ CEDEAO, Réunion ministérielle des Etats membres sur les limites extérieures du plateau continental (ECOWAS, Ministerial meeting of Member States on the outer limits of the continental shelf), Abuja, 11-12 February 2009, http://www.un.org/depts/los/clcs_new/submissions_files/preliminary/ben_2009_annex_ii.pdf [tab 6 in the Judges' folder].

²⁸ Revised Executive Summary of the Submission by the Government of the Republic of Ghana for the Establishment of the Outer Limits of the Continental Shelf of Ghana, Accra, 21 August 2013, p. 4 http://www.un.org/depts/los/clcs_new/submissions_files/gha26_09/gha_2013execsummary_rev.pdf [tab 9 in the Judges' folder].

1
2 (*Interpretation from French*) I would also remind you of the 2011 letter to Tullow that
3 I have mentioned a short while ago.

4
5 Sixthly, Mr President, there is a disputed area where, it must be recognized, Ghana
6 has rushed in to try to create a *fait accompli*. It is striking to note in this respect that it
7 is just this deposit, situated in the most westward part of this area, that Ghana has
8 authorized the concession-holder to exploit as a matter of priority, and as quickly as
9 possible, even though there are other deposits that are surely commercially viable
10 situated elsewhere, as far as we know; but you will not be unaware, distinguished
11 Members of the Bench, that Ghana is not very willing to share its information.

12
13 The seventh point is that Ghana, which has very considerably profited from these
14 investments, can hardly complain about prejudice it might suffer from the prescription
15 of the provisional measures requested by Côte d'Ivoire, whose sole aim is to limit the
16 prejudice that it would inevitably suffer, were your judgment on the merits not to
17 grant the totality of the disputed area to Ghana, all the while preserving Ghana's
18 rights in the highly unlikely event of such a decision.

19
20 This is because – and this is my eighth and last point – need we recall it once again?
21 – it will only be on the day when you hand down your judgment that the rights of the
22 parties will be definitely established. At this stage. all that needs to be done is to
23 ensure the effective application of your future ruling.

24
25 Thank you very much for your kind attention. Mr President, I would request that the
26 Agent of Côte d'Ivoire be called to the bar.

27
28 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):

29 Thank you, Mr Pellet, for your statement.

30
31 Before I give the floor to the Agent of Côte d'Ivoire, Mr Toungara, to present the
32 submissions of Côte d'Ivoire, I would remind you of the provision of article 75,
33 paragraph 2, of the Rules of the Tribunal.

34
35 That provision states that at the conclusion of the last statement made by a party at
36 the hearing, its Agent, without recapitulation of the arguments, shall read that party's
37 final submissions. A copy of the written text of these, signed by the Agent, shall be
38 communicated to the Special Chamber and transmitted to the other party.

39
40 I invite Minister Toungara to deliver the submissions of Côte d'Ivoire. Thank you.

41
42 **MR TOUNGARA** (*Interpretation from French*): At the beginning of my statement, I
43 would like to thank you very sincerely, Mr President, for the wishes for a speedy
44 recovery you expressed to me on behalf of the Chamber.

45
46 Mr President, Members of the Special Chamber, I am pleased and very honoured to
47 appear before you today, after yesterday's excellent sitting, to present a general
48 summary of the responses and supplementary information provided by Côte d'Ivoire
49 in reply to the statements made by Ghana.

1 The Government of President Ouattara remains convinced, and reaffirms in the
2 strongest possible terms, that prior recourse to open, constructive dialogue and then
3 to international justice are the best ways to settle disputes between sovereign States
4 on a lasting basis. This approach is all the more appropriate in a dispute between
5 two countries which have links over many centuries, like Côte d'Ivoire and Ghana,
6 and which still remain brothers.

7
8 Yesterday during the hearing I heard all the speakers for Ghana, without exception,
9 state that for more than 40 years there has been what is termed a customary
10 maritime boundary between our two countries, which has purportedly also been
11 accepted by Côte d'Ivoire.

12
13 No, Mr President, there is not and there has never been an agreement on the
14 maritime boundary ratified by our two countries. The texts of which Ghana speaks
15 have not delimited any of our maritime boundaries with either of our two coastal
16 neighbours, Ghana and Liberia.

17
18 That is the reason why, incidentally, our two countries set up the Côte d'Ivoire-Ghana
19 Joint Commission to settle the question of the location of their common maritime
20 boundary. That Commission actively fulfilled its mandate, holding more than ten
21 meetings, each officially recorded in minutes adopted and signed by the
22 representatives of the two States, until, in a sudden and non-brotherly move, Ghana
23 broke off negotiations in September 2014.

24
25 If our maritime boundary had been delimited with Ghana, why then, Mr President,
26 would our two countries have set up the Côte d'Ivoire-Ghana Joint Commission to
27 delimit our common maritime boundary? Why would we hold all these meetings in
28 Accra and Abidjan?

29
30 It is precisely because our common maritime boundary was still not delimited that the
31 Commission was set up.

32
33 Côte d'Ivoire has always negotiated, which made it possible to finalize the land
34 boundaries in 1988 and then initiate discussions on maritime boundaries.

35
36 I would remind you that our two countries had agreed to submit the results of the
37 work of the Bilateral Commission to our two Heads of State in June 2014 for a
38 decision on the location of our common maritime boundary.

39
40 While we were awaiting the results of the work of the Commission, Ghana abruptly
41 broke off negotiations in September 2014 and opted for judicial means to settle our
42 dispute.

43
44 In any case, neither yesterday nor today, less still 40 years ago, did Côte d'Ivoire
45 recognize the so-called "customary equidistance line", which Ghana unilaterally
46 claims to be our common maritime boundary.

47
48 To confer such rights on oneself unilaterally seems to be behaviour peculiar to the
49 counsel of Ghana in these proceedings. After having unilaterally proclaimed itself the
50 holder of sovereign rights in the disputed area, Ghana is now trying to impose on

1 Côte d'Ivoire and the international community a maritime boundary which it has
2 drawn in disregard of the agreements between President Alassane Dramane
3 Ouattara and John Dramani Mahama.

4
5 Mr President, since yesterday I have heard the lawyers representing Ghana remind
6 us that Côte d'Ivoire does not have any witnesses and should set out its history.

7
8 Mr President, I have more than 40 years' experience in the hydrocarbons sector; I
9 had the good fortune to be appointed by the late President Houphouët-Boigny as the
10 first Director for Hydrocarbons in March 1972. I was the initiator of the laws of 1972,
11 1975, and 1977 which were presented to you yesterday and will be further
12 mentioned today by the opposing Party.

13
14 After creating the Directorate of Hydrocarbons, I was the President of the SIR, the
15 Ivorian Refining Company, and founder of Côte d'Ivoire's national petroleum
16 company, PETROCI. Then I was Special Adviser to the late Félix Houphouët-Boigny
17 for the hydrocarbons sector until his death. Today, I am Minister for Petroleum and
18 Energy of the Republic of Côte d'Ivoire. Côte d'Ivoire has no need for any other
19 witnesses. I am the witness, something which no one else in this room can claim. As
20 a witness to these events, I can confirm to you that at no time did President Félix
21 Houphouët-Boigny, or any of his successors, tacitly or expressly approve any
22 maritime boundary between Côte d'Ivoire and Ghana. I say this on behalf of my
23 country so that the true history of Côte d'Ivoire is known to all.

24
25 Mr President, honourable Judges, in the light of all written and oral statements
26 presented by Côte d'Ivoire, and without prejudice to the decision on the merits of the
27 dispute, Côte d'Ivoire requests the Special Chamber to prescribe provisional
28 measures requiring Ghana to:

- 29
- 30 – take all steps to suspend all ongoing oil exploration and exploitation operations in
31 the disputed area;
 - 32 – refrain from granting any new permit for oil exploration and exploitation in the
33 disputed area;
 - 34 – take all steps necessary to prevent information resulting from the past, ongoing or
35 future exploration activities conducted by Ghana, or with its authorisation, in the
36 disputed area from being used in any way whatsoever to the detriment of Côte
37 d'Ivoire;
 - 38 – and, generally, take all necessary steps to preserve the continental shelf, its
39 superjacent waters and its subsoil; and finally,
 - 40 – desist and refrain from any unilateral action entailing a risk of prejudice to the
41 rights of Côte d'Ivoire and any unilateral action that might lead to aggravating the
42 dispute.

43
44 Pursuant to article 75 of the Rules of the Tribunal, a copy of the written text of our
45 final submissions will be communicated to the Tribunal and transmitted to the
46 delegation of Ghana.

1 I would like to thank the Special Chamber and also the Registrar and all his staff, as
2 well as the interpreters, for the remarkable quality of their work.

3
4 Thank you, Mr President.

5
6 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*):
7 Thank you, Mr Toungara, for those submissions. They bring us to the end of the
8 second round of oral pleadings of Côte d'Ivoire.

9
10 This afternoon we will meet again to hear Ghana, but before closing the sitting I
11 would like to ask Ghana whether, for reasons of impartiality, it would prefer to
12 resume proceedings at 3 o'clock or at 3.15, given that we started this morning at
13 10.15, 15 minutes late?

14
15 **MS BREW APPIAH-OPONG**: 3.15, please.

16
17 **THE PRESIDENT OF THE SPECIAL CHAMBER** (*Interpretation from French*): So
18 we will come back here at 3.15. *Bon appétit!*

19
20 *(The sitting is closed at 11.20 a.m.)*