

CHINA COULD AND SHOULD LEARN A LESSON OR TWO FROM AFRICA IN THE AREA OF PEACEFUL DISPUTE SETTLEMENT

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China has been actively seeking international support for its position that the South China Sea dispute with the Philippines should be resolved exclusively by negotiations among the parties directly concerned and thus should not have been submitted to arbitration.¹ Among the 40 countries that apparently support China are several African countries, including Burundi,² Mozambique,³ Niger,⁴ and Togo.⁵ China is also seeking the support of Cameroon,⁶ Côte d'Ivoire,⁷ and Senegal.⁸

Some Western experts have dismissed these countries as “small, poor and inconsequential.” They allegedly support China because they receive massive Chinese assistance. Niger’s oil industry is said to be almost totally dependent on Chinese enterprises and the CNPC (China National Petroleum Corporation).⁹ It is true that Mozambique declared its support during a state visit of its president to China, when the two states agreed to establish a Strategic Partnership for Comprehensive Cooperation and China promised to assist in Mozambique’s industrialization and modernization.¹⁰ Nevertheless, China rightly pointed out that the dismissive attitude is “permeated with arrogance, prejudice and snobbishness... China believes that all countries, big or small, rich or poor, should be respected as equals. We find it particularly preposterous to judge right and wrong based on the size and wealth of a country.”¹¹

China believes that China and Africa should support each other on issues concerning their vital interests, since they had all been “victims of colonization.”¹² China conveniently forgets that the Philippines was also a victim of colonization – and was in fact a victim of two colonial powers, not to mention two other occupying powers (the UK in the 18th century and Japan in the 20th century) - and that China was never a colony.

The Philippines would be better advised to argue that China could and should learn a lesson or two from the African countries in the area of peaceful dispute settlement. More and more African countries now accept the principle of dispute settlement through international courts and actually submit specific disputes to the International Court of Justice (ICJ). Moreover, the actual conduct at the ICJ of three African states whose support China is seeking is exactly the opposite of that of China in the *Philippines v. China* arbitration.

I. African States Accept Dispute Settlement by International Courts

The consent of states that are involved in a dispute is required before an international court can hear their dispute. A dispute may be submitted to the ICJ if states have given their consent in advance under Article 36(2) of its Statute, through a special agreement, or through a treaty on another subject. States that are parties to the 1982 UN Convention on the Law of the Sea may also give their consent in advance to submission of their disputes to the International Tribunal for the Law of the Sea (ITLOS), created by the Convention.

States prefer to resolve their disputes by negotiation, mainly because they believe that they remain in control of the process without the intervention of third parties. In addition, socialist states believe that (Western) international law is a tool of capitalism; for developing countries, it was an instrument of imperialism. At present only 72 UN members (less than one-third of the total), have given their consent to dispute settlement by the ICJ under Article 36(2) of the Statute.¹³

As an officially socialist state China is viscerally opposed to dispute settlement by international courts.¹⁴ In contrast, the attitudes of developing countries, in particular the African countries, have evolved considerably since the 1980s. Before that time only 12 African states had recognized the Court's compulsory jurisdiction;¹⁵ since then the number has nearly doubled to twenty-two (out of 72).¹⁶ This group includes four of the countries that officially support China: Cameroon, Côte d'Ivoire, Senegal and Togo. Although the number is still less than half of the total number of African states (54), African countries now constitute the second largest group of countries that have recognized the Court's compulsory jurisdiction, second only to the group of European countries (27). The number of Asian states (six, including the Philippines and Japan, but not China) has not increased at all since the 1980s. Understandably, Africa's role in reconciling the Third World with the ICJ has been described as "considerable".¹⁷

Of the 22 African states on the list, eight have been involved in eight cases.¹⁸ Ten more African states have been parties in seven cases on the basis of a special agreement,¹⁹ while five others have been parties to disputes submitted on the basis of a treaty.²⁰ A total of 23 African states have thus been involved in 19 out of 83 cases heard by the Court since 1980. The figures might seem very low, in view of the multitude of disputes among African states, but arguably the reluctance of Asian states vis-à-vis international courts is even greater. Since 1980 the Court has heard only two "Asian" cases, in which three Asian states (Indonesia, Malaysia and Singapore) were parties.²¹

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ITLOS has been functioning only since 1996. Of 167 states parties to the 1982 Convention, 36 states have recognized ITLOS compulsory jurisdiction. The African states, which number six,²² constitute the second largest group, together with the Latin American and Caribbean group, that has accepted binding dispute settlement by ITLOS, after the European group.

None of the six African states has been a party to any of the 23 inter-state cases that have been heard by ITLOS, but five other African states have in fact appeared before it. Two of them, Ghana and Côte d'Ivoire, concluded a special agreement requesting that the Tribunal delimit the maritime boundary between them.²³ Ghana and three other states (Guinea, Seychelles and Guinea-Bissau) have appeared in five cases relating to the release of vessels.²⁴

Beyond the statistics, the conduct at the ICJ of three African states whose support China is seeking vividly demonstrates the great differences between Chinese and African attitudes towards international courts.

II. African States Appear Before the ICJ

A state that agrees to the submission of disputes to an international court faces two risks. If it has given its consent in advance, it cannot anticipate when and over what issue another state may bring a case against it. In this scenario, it might challenge the court's power to hear the particular case. If it has given its consent by special agreement, it cannot predict the outcome of the proceedings.

In 1999, Burundi was accused by the Democratic Republic of the Congo (DRC) of acts of aggression, violations of international humanitarian law and massive violations of human rights. An accusation of armed aggression is one of the gravest violations of international law that may be made against a state. After all, the prohibition of the use of force is a cardinal principle of international law, and the maintenance of international peace and security is the fundamental aim of the UN. No state, big or small, wishes to be accused of committing armed aggression. Burundi's conduct in this case should be instructive to China. It was not on the list of states that had given consent in advance to the ICJ's jurisdiction, and it believed that the DRC's allegations were baseless, yet it did not boycott the proceedings. Burundi appointed an Agent to represent it in the case; attended a consultation with the DRC and the ICJ President over the procedure; denied during the consultation that the ICJ had jurisdiction to hear the case; and insisted that the written procedure should first deal with the issue of jurisdiction. Burundi complied with the deadline set by the Court

for the submission of its written arguments.²⁵ It pointed out that it had never recognized the Court's compulsory jurisdiction under Art. 36(2) and that the other treaties invoked by the DRC as the basis for the Court's jurisdiction (the 1984 Convention against Torture and the 1971 Montreal Convention) were inapplicable.²⁶ However, before the Court could rule on its competence, the DRC withdrew the case in 2001.²⁷

The legal situation in which Senegal found itself between 1985 and 1995 was less dramatic, but the process was protracted. It became a party to three proceedings before two international tribunals over one issue, maritime delimitation with Guinea-Bissau. The first was before an arbitral tribunal, while the other two were brought before the ICJ. The arbitral tribunal held that a 1960 exchange of letters between France and Portugal, the then colonial powers, had determined the boundary between Senegal and Guinea-Bissau, but that it did not delimit their EEZs (Exclusive Economic Zones).²⁸ In the second and third cases, Guinea-Bissau requested that the ICJ declare that the judgment was non-existent and null and void²⁹ and delimit the maritime boundaries between the two countries.³⁰ It was not in Senegal's interest to participate in the second case, given that the Tribunal's decisions was partly favorable to its theses. But the two countries had made declarations under Article 36(2) of the Statute. Senegal had no choice but to appear before the Court.

The conduct of Senegal in this case could not be more different from that of China in the *Philippines v. China* arbitration. Senegal appointed an Agent to represent it in the case; participated in the exchange of views on the procedure;³¹ submitted its written arguments by the deadline;³² and took part in all oral proceedings. Senegal argued that Guinea-Bissau's application was an abuse of process intended to deprive it of the benefits of the award's validity. However, the ICJ, did not agree with Senegal.³³ In the end, the Court ruled that the arbitral award was valid and binding for the two parties.³⁴ The ICJ's judgment paved the way for negotiations between the two states for the delimitation of all maritime areas and the withdrawal of the third case in 1994.³⁵

Niger has been party to two frontier disputes before the Court, which heard them on the basis of special agreements. In the dispute with Benin (2002-05) and that with Burkina Faso (2010-13), the states involved submitted them to the Court after the failure of decades of negotiations following independence from France in 1960 to resolve their disputes. This conduct again contrasts sharply with that of China, which insists on bilateral negotiations despite the fact that they have failed over many years.

Niger's dispute with Benin concerned 25 border islands (the largest being Lété island) situated on the delta of the Niger River and the Mekrou River between the two countries. Incidents had occurred in 1960, 1993, and 1998; joint commissions meeting in 1961, 1963 and between 1995 and 2000 failed to delimit the border. The two states finally signed an agreement in 2001 to submit the dispute to the ICJ.³⁶

African observers believe that the Court's judgment on the whole represented a balanced settlement. In one sector of the boundary, the Court accepted Niger's thesis; in another sector of the boundary, it was Benin's thesis that was followed. Benin thus had title to 9 islands situated between the boundary and the right bank of the River, while Niger was granted title to 16 islands (including Lété island) situated between the boundary and the left bank of the River.³⁷ Benin lost Lété island, but its area increased by 1118 km²; that of Niger increased by 38 km².³⁸

Negotiations between Niger and Burkina Faso for nearly fifty years had also failed before the border dispute was submitted to the ICJ. Commissions meeting in 1964, 1988 and 1991 had been unable to demarcate the border. In February 2009, the two states finally concluded a special agreement to submit the dispute to the Court.³⁹

African assessments believe that the Court's judgment split the difference between the two states.⁴⁰ It rejected Burkina Faso's request for delimitation in two sectors in the North and the South, while at the same time rejecting Niger's request to modify slightly the delimitation around two localities.⁴¹

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The Court's judgment attributed 786 km² of what had been until then been Nigerien territory to Burkina Faso, which acquired 14 villages; at the same time 277 km² of Burkina territory were returned to Niger, which received 4 villages.⁴² A Burkina source implies that Burkina Faso obtained a slight advantage over Niger by being granted greater access to the River Sirba, an affluent of the Niger River, than Niger would have wanted. Yet Niger's Minister of Justice declared that the two states were winners, because there would be no more disagreement regarding the border.⁴³ It would seem, then, that the Court gave reasons for satisfaction to both states.⁴⁴

Conclusion

It is sad that China should have to be reminded of the conduct of African states at the ICJ, conduct that is well-known to and taken for granted by most states and observers. China cannot dismiss African countries' attitudes to and conduct before international courts, alleging that their disputes have low stakes and that they are small countries. China would do well to stop canvassing their support for its position and emulate their conduct. After all, it was the Chinese Foreign Ministry spokesperson herself who stressed that "it [is]...preposterous to judge right and wrong based on the size and wealth of a country."⁴⁵ 

Endnotes

- ¹ "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on May 25, 2016," http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1366744.shtml (accessed 26 May 2016).
- ² Astere Nduwamungu, "Ambassade de Chine > Présentation de la position de la Chine sur la Mer de Chine méridionale :Pour trouver une solution, la Chine propose une voie de négociation," *Publications de Presse Burundaise*, 11 May 2016, <http://www.ppbdi.com/index.php/extras/politique-cooperation-actualite-internationales/4137-ambassade-de-chine-presentation-de-la-position-de-la-chine-sur-la-mer-de-chine-meridionale> (accessed 1 June 2016); Xinhua, "La Chine salue le soutien mozambicain, burundais et slovène sur la question de la mer de Chine méridionale," 19 May 2016, <http://french.cri.cn/621/2016/05/19/301s479819.htm> (accessed 26 May 2016).
- ³ República de Moçambique, Ministério dos Negócios Estrangeiros e Cooperação, *Moçambique e China estabelecem parceria estratégica para cooperação global*, 20 May 2016, <http://www.minec.gov.mz/index.php/imprensa/destaques/91-mocambique-e-china-estabelecem-parceria-estrategica-para-cooperacao-global> (accessed 1 June 2016).
- ⁴ "Communiqué de presse du Ministère en charge des Affaires Etrangères, relatif au différend entre la République Populaire de Chine et les Philippines en Mer de Chine Méridionale," 24 May 2016, <http://www.nigeriensdebelgique.be/communiquede-presse-du-ministere-en-charge-des-affaires-etrangeres-relatif-au-differend-entre-la-republique-populaire-de-chine-et-les-philippines-en-mer-de-chine-meridionale-le-gouvernement-de-la/> (accessed 25 May 2016).
- ⁵ "Pékin apprécie la position togolaise," *République Togolaise*, 19 May 2016, <http://www.republicoftogo.com/Toutes-les-rubriques/Diplomatie/Pekin-apprecie-la-position-togolaise> (accessed 25 May 2016).
- ⁶ "Afrique Centrale: Conflit sur la mer de Chine méridionale - La Chine veut le soutien du Cameroun," *Cameroonvoice*, 9 May 2016, <http://www.cameroonvoice.com/news/article-news-24297.html> (accessed 29 May 2016)
- ⁷ "L'arbitrage de la mer de Chine méridionale initié par les Philippines viole le droit international selon TANG Weibin, Ambassadeur de Chine en Côte d'Ivoire," *abidjan.net*, 17 May 2016, <http://news.abidjan.net/h/591056.html> (accessed 28 May 2016);
- ⁸ "L'objection de la Chine contre l'arbitrage concernant la Mer de Chine méridionale s'avère complètement légitime et légale," *Le Soleil*, 26 May 2016, <http://www.lesoleil.sn/component/k2/item/50156-l-objection-de-la-chine-contre-l-arbitrage-concernant-la-mer-de-chine-meridionale-s-avere-completement-legitime-et-legale.html> (accessed 30 May 2016).
- ⁹ AFP, "Beijing Lines Up Diplomatic Battle Groups over South China Sea," *Philippine Daily Inquirer*, 25 May 2016, <http://globalnation.inquirer.net/139665/beijing-lines-up-diplomatic-battle-groups-over-south-china-sea> (accessed 25 May 2016).
- ¹⁰ *Moçambique e China estabelecem parceria estratégica para cooperação global*.

¹¹ “Hua Chunying's Regular Press Conference on May 25, 2016.”

¹² Laouali Souleymane, “Conférence de Presse du Directeur général en charge du département Afrique du Ministère des Affaires Etrangères de la République Populaire de Chine : Des clarifications sur la question de la mer de Chine méridionale,” 20 April 2016, <http://www.nigerdiaspora.net/les-infos-du-pays/politique-niger/politique-niger/item/73676-conference-de-presse-du-directeur-general-en-charge-du-departement-afrique-du-ministere-des-affaires-etrangees-de-la-republique-populaire-de-chine-des-clarifications-sur-la-question-de-la-mer-de-chine-meridionale> (accessed 25 May 2016); Eugénio Mateus, “China diz-se soberana sobre as ilhas a Sul,” *O País*, 18 April 2016, <http://opais.co.ao/china-diz-se-soberana-sobre-as-ilhas-a-sul/> (accessed 1 June 2016).

¹³ International Court of Justice, “Declarations Recognizing the Jurisdiction of the Court as Compulsory,” n.d., <http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3> (accessed 27 May 2016).

¹⁴ The American scholar Julian Ku pointed out that China’s statement on peaceful dispute settlement at the UN General Assembly in October 2013 even seemed to imply that recourse to arbitration or adjudication without China’s consent was tantamount to a violation of international law. “China’s Definition of the ‘Peaceful Settlement of International Disputes’ Leaves Out International Adjudication,” *opiniojuris.org*, 15 October 2013, <http://opiniojuris.org/2013/10/15/obligation-seek-peaceful-settlement-international-disputes-include-international-adjudication/> (accessed 5 July 2015). Ku is referring to the “Statement by H.E. Ambassador Wang Min On The Rule of Law at the National and International Levels At the 68th Session of the UN General Assembly,” 10 October 2013, <http://www.china-un.org/eng/hyyfy/t1087084.htm#> (accessed 5 July 2015).

¹⁵ Botswana, Egypt, Gambia, Kenya, Liberia, Malawi, Mauritius, Somalia, Sudan, Swaziland, Togo, and Uganda. ICJ, “Declarations Recognizing the Jurisdiction of the Court as Compulsory.”

¹⁶ Cameroon, Côte d’Ivoire, Djibouti, Democratic Republic of Congo, Guinea, Guinea-Bissau, Lesotho, Madagascar, Nigeria, and Senegal. *Ibid.*

¹⁷ Alain Pellet, “Remarques cursives sur les contentieux ‘africains’ devant la CIJ,” in Maurice Kamga and Makane Moïse Mbengue (eds.), *Liber Amicorum Raymond Ranjeva. L’Afrique et le droit international : variations sur l’organisation internationale* (Paris : Editions Pedone, 2013), p. 278.

¹⁸ Following is the list:

1-2. Arbitral Award of 31 July 1989 <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=gbs&case=82&k=73&p3=0> (1989-91) and Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=dm&case=85&k=59> (1991-94).

3-4. Land and Maritime Boundary between Cameroon and Nigeria, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=52&case=94&p3=0> (1994-98) and Request for Interpretation of the Judgment of 11 June 1998 (Nigeria v. Cameroon), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=52&case=101&p3=0> (1998-99).

5. Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cobe&case=121&k=36&p3=0> (2000-02).

6. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=bs&case=144&k=5e&p3=0> (2009-12).

7. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=co&case=116&k=51>, pending.

8. Maritime Delimitation in the Indian Ocean (Somalia v. Kenya), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=SK&case=161&k=00>, pending.

¹⁹ Following is the list:

1-2. Continental Shelf (Tunisia/Libyan Arab Jamahiriya), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=tl&case=63&k=c4&p3=0> (1978-82) and Application for Revision and Interpretation of the Judgment of 24 February 1982 (Tunisia v. Libyan Arab Jamahiriya), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&k=c4&case=71&p3=0> (1984-85).

3. Continental Shelf (Libyan Arab Jamahiriya/Malta), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=lm&case=68&k=a8&p3=0> (1982-85).
4. Frontier Dispute (Burkina Faso/Republic of Mali), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=hvm&case=69&k=b3&p3=0> (1983-86).
5. Territorial Dispute (Libyan Arab Jamahiriya/Chad), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=dt&case=83&k=cd&p3=0> (1990-94).
6. Kasikili/Sedudu Island (Botswana/Namibia), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=bona&case=98&k=b7&p3=0> (1996-99).
7. Frontier Dispute (Benin/Niger), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=bn&case=125&k=94&p3=0> (2002-05).
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²⁰ Following is the list:

- 1-2. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Rwanda), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cr&case=117&k=85&p3=0> (1999-2001). and Democratic Republic of the Congo v. Burundi, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cb&case=115&k=1d&p3=0> (1999-2001).
- 3-4. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=luk&case=88&k=9c&p3=0> (1992-2003) and Libyan Arab Jamahiriya v. United States of America, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=lus&case=89&k=82&p3=0> (1992-2003).
5. Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=djf&case=136&k=93&p3=0> (2006-08).
6. Certain Criminal Proceedings in France (Republic of the Congo v. France), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=cof&case=129&k=d2&p3=0> (2003-10).

²¹ Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=inma&case=102&k=df&p3=0> (1998-2002); Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&code=masi&case=130&k=2b&p3=0> (2003-08)

²² Angola, Cape Verde, Democratic Republic of the Congo, Madagascar, Tunisia, and the United Republic of Tanzania.

²³ Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire), <https://www.itlos.org/cases/list-of-cases/case-no-23/>. It should be noted that Ghana's judge ad hoc in the case, Thomas A. Mensah, was the first president of ITLOS (1996-99) and is the president of the Tribunal in the *Philippines v. China* arbitration.

²⁴ Following is the list:

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2. Case No. 2: The M/V "SAIGA" (No. 2) Case (Saint Vincent and the Grenadines v. Guinea), <https://www.itlos.org/cases/list-of-cases/case-no-2/> (1998-99).
3. Case No. 6: The "Monte Confurco" Case (Seychelles v. France), Prompt Release, <https://www.itlos.org/cases/list-of-cases/case-no-6/> (2000).

19. Case No. 19: The M/V "Virginia G" Case (Panama/Guinea-Bissau), <https://www.itlos.org/cases/list-of-cases/case-no-19/> (2011-14).

20. Case No. 20: The "ARA Libertad" Case (Argentina v. Ghana), Provisional Measures, <https://www.itlos.org/cases/list-of-cases/case-no-20/> (2012).

²⁵ *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi)*, Order of 21 October 1999, *I. C. J. Reports* 1999, p.1018, <http://www.icj-cij.org/docket/files/115/8050.pdf> (accessed 30 May 2016).

²⁶ République du Burundi, *Affaire des activités armées sur le territoire du Congo (République démocratique du Congo c. Burundi). Exceptions préliminaires. Mémoire de la République du Burundi*, 20 April 2000, pp. 5, 6, 21, 33, 34, 52, 67, 68, <http://www.icj-cij.org/docket/files/115/13462.pdf> (accessed 30 May 2016).

²⁷ ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Burundi) and (Democratic Republic of the Congo v. Rwanda)*. The two cases are removed from the List at the request of the Democratic Republic of the Congo, Press Release 2001/2 (1 February 2001), <http://www.icj-cij.org/docket/index.php?pr=655&code=cb&p1=3&p2=3&p3=6&case=115&k=1d> (accessed 30 May 2016).

²⁸ "Affaire de la délimitation de la frontière maritime entre la Guinée-Bissau et le Sénégal. Sentence du 31 juillet 1989," *Reports of International Arbitral Awards* (New York: United Nations, 2006), pp. 127, 153.

²⁹ ICJ, *Application instituting proceedings of the Government of the Republic of Guinea-Bissau filed in the Registry of the Court on 23 August 1989 (Arbitral Award of 31 July 1989)(Guinea-Bissau v. Senegal)*, <http://www.icj-cij.org/docket/files/82/6667.pdf> (accessed 5 June 2016).

³⁰ ICJ, *Application instituting Proceedings filed in the Registry of the Court on 12 March 1991. Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. Senegal)*, <http://www.icj-cij.org/docket/files/85/6843.pdf> (accessed 1 June 2016).

³¹ *Arbitral Award of 31 July 1989, Order of 1 November 1989, I.C.J. Reports* 1989, p. 126, <http://www.icj-cij.org/docket/files/82/6823.pdf> (accessed 31 May 2016).

³² République du Sénégal, *Cour internationale de justice. Affaire relative à la sentence arbitrale du 23 juillet 1989 (Guinée-Bissau c. Sénégal). Contre-mémoire du Gouvernement de la République du Sénégal. 31 octobre 1990*, <http://www.icj-cij.org/docket/files/82/6682.pdf> (accessed 31 May 2016).

³³ *Arbitral Award of 31 July 1989, Judgment, I.C.J. Reports* 1991, p. 63, para. 26.

³⁴ *Ibid.*, p. 76.

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