

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

CERTAIN ACTIVITIES CARRIED OUT
BY NICARAGUA
IN THE BORDER AREA
(COSTA RICA *v.* NICARAGUA)

ORDER OF 18 JULY 2017

2017

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

CERTAINES ACTIVITÉS MENÉES
PAR LE NICARAGUA
DANS LA RÉGION FRONTALIÈRE
(COSTA RICA *c.* NICARAGUA)

ORDONNANCE DU 18 JUILLET 2017

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(COSTA RICA *v.* NICARAGUA)

ORDER

The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and to Articles 45, paragraph 2, and 48 of the Rules of Court,

Having regard to the Judgment delivered on 16 December 2015 in the joined cases concerning *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, by which the Court found, *inter alia*, that the Republic of Nicaragua (hereinafter “Nicaragua”) has the obligation to compensate the Republic of Costa Rica (hereinafter “Costa Rica”) for material damages caused by Nicaragua’s unlawful activities on Costa Rican territory (point 5 (a) of the operative part),

Having regard to the decision of the Court, set forth in the said Judgment, according to which, “failing agreement between the Parties on this matter within 12 months from the date of this Judgment, the question of compensation due to Costa Rica will, at the request of one of the Parties, be settled by the Court” (point 5 (b) of the operative part),

Having regard to the letter dated 16 January 2017, whereby the Co-Agent of Costa Rica indicated that “the Parties ha[d] not been able to agree on the compensation due to Costa Rica for material damages caused by Nicaragua’s unlawful activities” and requested the Court “to

settle the question of the compensation due to Costa Rica for material damages caused by Nicaragua's unlawful activities" as ascertained by the Court in the case concerning *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*",

Having regard to paragraph 142 of the above-mentioned Judgment according to which the Court will determine the amount of compensation on the basis of further written pleadings limited to this issue,

Having regard to the Order dated 2 February 2017, whereby the Court fixed 3 April 2017 and 2 June 2017, respectively, as the time-limits for the filing of a Memorial of Costa Rica and a Counter-Memorial of Nicaragua on the sole question of compensation due in the present case,

Having regard to the Memorial and Counter-Memorial duly filed within the time-limits thus prescribed;

Whereas, by a letter dated 20 June 2017, Costa Rica stated that, in its Counter-Memorial, Nicaragua introduced evidence, and raised a number of arguments, in particular in respect of Costa Rica's expert evidence, which Costa Rica "ha[d] not yet had the opportunity to address"; whereas, in the same letter Costa Rica, *inter alia*, contested the methodology used by Nicaragua for the assessment of environmental harm; whereas Costa Rica thus requested the Court to be given an opportunity to respond by way of a short reply;

Whereas, by a letter dated 23 June 2017, Nicaragua objected to Costa Rica's request and asked the Court "to proceed and assess the relevant material damage and the amount of compensation based on the evidence that the Parties have provided in their Memorial and Counter-Memorial";

Whereas the Court notes that the Parties hold different views as to the methodology for the assessment of environmental harm and finds it necessary for them to address this issue in a brief second round of written pleadings,

Authorizes the submission of a Reply by Costa Rica and a Rejoinder by Nicaragua on the sole question of the methodology adopted in the expert reports presented by the Parties in the Memorial and Counter-Memorial, respectively, on the question of compensation due in the present case;

Fixes the following time-limits for the filing of those pleadings:

8 August 2017 for the Reply of the Republic of Costa Rica;

29 August 2017 for the Rejoinder of the Republic of Nicaragua;

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighteenth day of July, two thousand and seventeen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Costa Rica and the Government of the Republic of Nicaragua, respectively.

(Signed) Ronny ABRAHAM,
President.

(Signed) Philippe COUVREUR,
Registrar.
