



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### **Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)**

#### **Conclusion of the public hearings**

#### **The Court to begin its deliberation**

THE HAGUE, 28 March 2018. The public hearings in the case concerning the Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 19 March 2018 at the Peace Palace, seat of the Court, the delegation of the Plurinational State of Bolivia was led by H.E. Mr. Eduardo Rodríguez Veltzé, former President of Bolivia, former President of the Bolivian Supreme Court of Justice and former Dean of the Law School of the Catholic University of Bolivia in La Paz, as Agent. The delegation of the Republic of Chile was led by H.E. Mr. Claudio Grossman, member of the International Law Commission, R. Geraldson Professor of International Law and Dean Emeritus at American University Washington College of Law, as Agent.

Notably, also present during the hearings were H.E. Mr. Evo Morales, President of Bolivia, and H.E. Mr. Roberto Ampuero, Minister for Foreign Affairs of Chile, as leaders of their respective national authorities.

The Court's judgment will be delivered at a public sitting, the date of which will be announced in due course.

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#### **Submissions of the Parties**

At the end of the hearings, the Agents of the Parties presented the following submissions to the Court:

##### **For Bolivia:**

“In accordance with Article 60 of the Rules of the Court and the reasons set out during the written and oral phase of the pleadings in the case Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile), the Plurinational State of Bolivia respectfully requests the Court to adjudge and declare that:

- (a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;
- (b) Chile has breached the said obligation; and
- (c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean.”

For Chile:

“The Republic of Chile respectfully requests the Court to:

Dismiss all of the claims of the Plurinational State of Bolivia.”

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#### Internal Judicial Practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure. The Court first holds a preliminary deliberation, during which the President outlines the issues which, in his opinion, require discussion and decision by the Court. Each judge then prepares a written Note setting out his or her views; these Notes are exchanged among the judges. A full deliberation is subsequently held, at the end of which a drafting committee is chosen by secret ballot, taking account of the views expressed. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a preliminary draft text, which is the subject of written amendments. Two further drafts are produced in turn, each of which is subject to a detailed reading. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion, which are communicated to the other judges. The final vote is taken after adoption of the final text of the judgment at the second reading.

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#### History of the proceedings

The history of the proceedings can be found in paragraphs 92-104 of the Court’s Annual Report for 2016-2017, available on its website (under the headings “The Court”/“Annual Reports”).

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Note: The Court’s press releases do not constitute official documents. The complete verbatim records of the hearings held from 19 to 28 March 2018 are published on the website of the Court ([www.icj-cij.org](http://www.icj-cij.org)).

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Court (ICC, the only permanent international criminal court, which was established by treaty and does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), the Mechanism for International Criminal Tribunals (MICT, mandated to take over residual functions from the International Criminal Tribunal for the former Yugoslavia and from the International Criminal Tribunal for Rwanda), the Kosovo Specialist Chambers and Specialist Prosecutor’s Office (an ad hoc judicial institution which has its seat in The Hague), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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