



INTERNATIONAL COURT OF JUSTICE

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Costa Rica institutes proceedings against Nicaragua with regard to a “[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean”

THE HAGUE, 26 February 2014. The Republic of Costa Rica yesterday instituted proceedings against the Republic of Nicaragua with regard to a “[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean”.

In its Application, Costa Rica requests the Court

“to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific Ocean, on the basis of international law”.

The Applicant “further requests the Court to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean”.

Costa Rica explains that “[t]he coasts of the two States generate overlapping entitlements to maritime areas in both the Caribbean Sea and the Pacific Ocean” and that “[t]here has been no maritime delimitation between the two States [in either body of water]”.

The Applicant states that “[d]iplomatic negotiations have failed to establish by agreement the maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea”, referring to various failed attempts to settle this issue by means of negotiations between 2002 and 2005, and in 2013. It goes on to contend that the two States “have exhausted diplomatic means to resolve their maritime boundary disputes”.

According to the Applicant, during negotiations, Costa Rica and Nicaragua “presented different proposals for a single maritime boundary in the Pacific Ocean to divide their respective territorial seas, exclusive economic zones and continental shelves” and “[t]he divergence between the . . . proposals demonstrated that there is an overlap of claims in the Pacific Ocean”.

With respect to the Caribbean Sea, Costa Rica maintains that in negotiations, both States “focused on the location of the initial land boundary marker on the Caribbean side, but . . . were unable to reach agreement on the starting point of the maritime boundary”.

In the view of the Applicant

“[the existence of a dispute] between the two States as to the maritime boundary in the Caribbean Sea has been affirmed . . . , in particular by the views and positions expressed by both States during Costa Rica's request to intervene in [the ICJ case concerning] Territorial and Maritime Dispute (Nicaragua v. Colombia); in exchanges of correspondence following Nicaragua's submissions to the Commission on the Limits of the Continental Shelf; by Nicaragua's publication of oil exploration and exploitation material; and by Nicaragua's issuance of a decree declaring straight baselines in 2013”.

According to Costa Rica, in that decree, “Nicaragua claims as internal waters areas of Costa Rica’s territorial sea and exclusive economic zone in the Caribbean Sea”. The Applicant adds that it “promptly protested this violation of its sovereignty, sovereign rights and jurisdiction in a letter to the United Nations Secretary-General dated 23 October 2013”.

Costa Rica claims that, in March 2013, it once again invited Nicaragua to resolve these disputes through negotiations, but that Nicaragua, while formally accepting this invitation, “took no further action to restart the negotiation process it had unilaterally abandoned in 2005”.

As basis for the jurisdiction of the Court, Costa Rica invokes the provisions of Article 36, paragraph 2, of its Statute, by virtue of the operation of the declarations of acceptance made by Costa Rica on 20 February 1973 and by Nicaragua on 24 September 1929.

In addition, Costa Rica submits that the Court has jurisdiction “in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of Article XXXI of the American Treaty on Pacific Settlement of Disputes” (officially known as the “Pact of Bogotá”), signed on 30 April 1948.

Costa Rica finally indicates that it “reserves its rights to supplement or amend [its] Application”.

The full text of Costa Rica’s Application of 25 February 2014 will be available shortly on the Court’s website.

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 Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), 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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