



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)

Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)

Conclusion of the public hearings on the Request for the indication of provisional measures submitted by Nicaragua on 11 October 2013

THE HAGUE, 8 November 2013. Today, the International Court of Justice concluded the public hearings on the Request for the indication of provisional measures submitted to it by the Republic of Nicaragua on 11 October 2013 in the case concerning the Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica), which has been joined with the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua). The Court will now begin its deliberation.

Two rounds of oral observations on the Request were held from Tuesday 5 to Friday 8 November 2013 at the Peace Palace in The Hague, seat of the Court. During the hearings, the delegation of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Ambassador of the Republic of Nicaragua to the Kingdom of the Netherlands, as Agent and Counsel. The delegation of Costa Rica was led by H.E. Mr. Edgar Ugalde Álvarez, Ambassador of the Republic of Costa Rica to the Organization of American States, as Agent.

The Court's decision on the Request for the indication of provisional measures submitted by Nicaragua on 11 October 2013 will be delivered at a public sitting, the date of which will be announced in due course.

Requests of the Parties

At the end of the second round of oral observations, the Parties presented the following submissions to the Court:

For Nicaragua:

“In accordance with Article 60 of the Rules of the Court and having regard to the request for the Indication of Provisional Measures filed by the Republic of Nicaragua and its oral pleadings, Nicaragua respectfully requests the Court, as a matter of urgency to prevent further prejudice to Nicaragua's rights and damage to the

River, and to avoid aggravation of the dispute, to order the following provisional measures:

- (1) that Costa Rica immediately and unconditionally provide Nicaragua with the Environmental Impact Assessment Study and all technical reports and assessments on the measures necessary to mitigate significant environmental harm to the Río San Juan,
- (2) that Costa Rica immediately take the following emergency measures:
 - (a) Reduce the rate and frequency of road fill failure slumps and landslides where the road crosses the steeper hill slopes, especially in locations where failed or eroded soil materials have been or could potentially be delivered to the Río San Juan;
 - (b) Eliminate or significantly reduce the risk of future erosion and sediment delivery at all stream crossings along Route 1856;
 - (c) Immediately reduce road surface erosion and sediment delivery by improving dispersion of concentrated road runoff and increasing the number and frequency of road drainage structures; and
 - (d) Control surface erosion and resultant sediment delivery from bare soil areas that were exposed during clearing, grubbing and construction activities in the last several years.
- (3) that Costa Rica not renew any construction activities on the road while the Court is seised of the present case.”

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For Costa Rica:

“In accordance with Article 60 of the Rules of Court and having regard to the Request for the indication of provisional measures of the Republic of Nicaragua and its oral pleadings, the Republic of Costa Rica submits that,

— for the reasons explained during these hearings and any other reasons the Court might deem appropriate, the Republic of Costa Rica asks the Court to dismiss the Request for provisional measures filed by the Republic of Nicaragua.”

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The verbatim records of the hearings held from 5 to 8 November 2013 are available on the Court’s website (www.icj-cij.org).

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It is recalled that, on 17 April 2013, the proceedings in the case concerning Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) and in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) were joined by the Court “in conformity with the principle of the sound administration of justice and with the need for judicial economy”.

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