



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Delimitation in the Caribbean Sea and the Pacific Ocean **(Costa Rica v. Nicaragua)**

The Court to arrange for an expert opinion

THE HAGUE, 9 June 2016. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, is to arrange for an expert opinion relating to the state of a portion of the Caribbean coast near the border between Costa Rica and Nicaragua, in the case concerning Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua).

By an Order of 31 May 2016, the Court decided that:

“(1) An expert opinion shall be obtained, which will be entrusted to two independent experts appointed by Order of the President of the Court after hearing the Parties.

(2) The experts referred to in paragraph (1) above shall visit the site. They shall advise the Court regarding the state of the coast between the point suggested by Costa Rica and the point suggested by Nicaragua in their pleadings as the starting-point of the maritime boundary in the Caribbean Sea, and in particular answer the following questions:

- (a) What are the geographical co-ordinates of the point at which the right bank of the San Juan River meets the sea at the low-water line?
- (b) What are the geographical co-ordinates of the land point which most closely approximates to that identified by the first Alexander Award as the starting-point of the land boundary?
- (c) Is there a bank of sand or any maritime feature between the points referred to in subparagraphs (a) and (b) above? If so, what are their physical characteristics? In particular, are these features, or some of them, permanently above water, even at high tide? Is Los Portillos/Harbor Head Lagoon separated from the sea?
- (d) To what extent is it possible, or probable, that the area concerned will undergo major physical changes in the short and long term?

(3) Before taking up his duties, each expert shall make the following declaration:

‘I solemnly declare, upon my honour and conscience, that I will perform my duties as expert honourably and faithfully, impartially and conscientiously, and will refrain from divulging or using, outside the Court, any documents or information of a confidential character which may come to my knowledge in the course of the performance of my task.’

- (4) The Registrar shall be responsible for the secretarial arrangements of the experts. He may appoint officials of the Registry to perform these duties.
- (5) The Registrar shall place the pleadings and annexed documents in the case at the disposal of the experts, who shall treat them as confidential so long as they have not been made available to the public in accordance with Article 53, paragraph 2, of the Rules of Court.
- (6) The Parties shall furnish any necessary assistance to the expert mission.
- (7) The experts shall prepare a written report on their findings and file it with the Registry. That report shall be communicated to the Parties, which shall be given the opportunity of commenting upon it, pursuant to Article 67, paragraph 2, of the Rules of Court.
- (8) The experts shall be present, in so far as required, at the oral proceedings. They will answer questions from the Agents, Counsel and Advocates of the Parties, pursuant to Article 65 of the Rules of Court.
- (9) The Court reserves the right to put further questions to the experts if it thinks fit.”

In its Order, the Court explains that there are certain factual matters relating to the state of the coast that may be relevant for the purpose of settling the dispute submitted to it, which concerns in particular the delimitation of the maritime boundary between the Parties in the Caribbean Sea, and that, with regard to such matters, it would benefit from an expert opinion. The Court also points out that, having heard the Parties pursuant to Article 67, paragraph 1, of the Rules of Court, and possessing all the information needed for the purpose of its decision, it is now in a position to define the subject of the expert opinion, state the number and mode of appointment of the experts, and lay down the procedure to be followed.

The Court further emphasizes in its Order that the decision to arrange for an expert opinion in no way prejudices the question of the determination of the starting-point or the course of the maritime boundary between the Parties in the Caribbean Sea, nor any other question relating to the dispute brought before the Court, and leaves intact the Parties’ right to submit their arguments on those subjects, in accordance with the Rules of Court.

History of the proceedings

On 25 February 2014, the Republic of Costa Rica 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”.

By an Order dated 1 April 2014, the Court fixed 3 February 2015 and 8 December 2015 as the respective time-limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua. The Memorial and the Counter-Memorial were filed within the time-limits thus prescribed. The Parties have agreed not to ask for a second round of written pleadings.

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The full text of the Order 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 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), 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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