



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Dispute regarding Navigational and Related Rights

(Costa Rica v. Nicaragua)

Conclusion of the public hearings

Court begins its deliberation

THE HAGUE, 12 March 2009. The public hearings in the case concerning the Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua) were concluded today. The Court has started its deliberation.

During the hearings, which opened on 2 March 2009 at the Peace Palace, seat of the Court, the delegation of Costa Rica was led by H.E. Mr. Edgar Ugalde-Alvarez, Ambassador, Vice-Minister for Foreign Affairs of Costa Rica, as Agent. The delegation of Nicaragua was led by H.E. Mr. Carlos José Argüello Gómez, Ambassador of Nicaragua to the Kingdom of the Netherlands, as Agent and Counsel.

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

Final submissions of the Parties

At the end of the oral proceedings, the Agents of the Parties presented the following final submissions to the Court:

For Costa Rica:

“May it please the Court to adjudge and declare that the Republic of Nicaragua has:

- (a) the obligation to allow all Costa Rican vessels and their passengers to navigate freely on the San Juan for purposes of commerce, including communication and the transportation of passengers and tourism;
- (b) the obligation not to impose any charges or fees on Costa Rican vessels and their passengers for navigating on the river;
- (c) the obligation not to require persons exercising the right of free navigation on the river to carry passports or obtain Nicaraguan visas;

- (d) the obligation not to require Costa Rican vessels and their passengers to stop at any Nicaraguan post along the river;
- (e) the obligation not to impose other impediments on the exercise of the right of free navigation, including timetables for navigation and conditions relating to flags;
- (f) the obligation to allow Costa Rican vessels and their passengers while engaged in such navigation to land on any part of the bank where navigation is common without paying any charges, unless expressly agreed by both Governments;
- (g) the obligation to allow Costa Rican official vessels the right to navigate the San Juan, including for the purposes of resupply and exchange of personnel of the border posts along the right bank of the river with their official equipment, including service arms and ammunition, and for the purposes of protection as established in the relevant instruments, and in particular the Second Article of the Cleveland Award;
- (h) the obligation to facilitate and expedite traffic on the San Juan, within the terms of the Treaty of 15 April 1858 and its interpretation by the Cleveland Award of 1888, in accordance with Article 1 of the bilateral Agreement of 9 January 1956;
- (i) the obligation to permit riparians of the Costa Rican bank to fish in the river for subsistence purposes.

Further, the Court is requested to adjudge and declare that by reason of the above violations, Nicaragua is obliged:

- (a) immediately to cease all the breaches of obligations which have a continuing character;
- (b) to make reparation to Costa Rica for all injuries caused to Costa Rica by the breaches of Nicaragua's obligations referred to above, in the form of the restoration of the situation prior to the Nicaraguan breaches and compensation in an amount to be determined in a separate phase of these proceedings; and
- (c) to give appropriate assurances and guarantees that it shall not repeat its unlawful conduct, in such form as the Court may order.

The Court is requested to reject Nicaragua's request for a declaration."

For Nicaragua:

"May it please the Court to adjudge and declare that:

The request of Costa Rica in her Memorial, Reply and oral pleadings are rejected in general, and in particular, on the following bases:

- (a) either because there is no breach of the provisions of the Treaty of Limits of 15 April 1858 or any other international obligation of Nicaragua;
- (b) or, as appropriate, because the obligation breach of which is alleged, is not an obligation under the provisions of the Treaty of Limits of 15 April 1858 or under general international law.

Moreover the Court is also requested to make a formal declaration on the issues raised by Nicaragua in Section II of the Chapter VII of her Counter-Memorial, in Section I, Chapter VI of her Rejoinder and as reiterated in these oral pleadings.”

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