



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)

Court to deliver its Judgment on Monday 13 July 2009 at 10 a.m.

THE HAGUE, 6 July 2009. On Monday 13 July 2009, the International Court of Justice (ICJ), principal judicial organ of the United Nations, will deliver its Judgment in the case concerning the Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua).

A public sitting will take place at 10 a.m. at the Peace Palace in The Hague, during which the President of the Court, Judge Hisashi Owada, will read the Court's Judgment.

A new media accreditation procedure has been established. Media representatives are invited to give careful attention to the note below and to Media Advisory 2009/g, which accompanies this press release.

History of the proceedings

On 29 September 2005, Costa Rica filed an Application instituting proceedings against Nicaragua in a dispute concerning navigational and related rights of Costa Rica on the San Juan River.

The Memorial of Costa Rica and the Counter-Memorial of Nicaragua were filed within the time-limits set by the Order of 29 November 2005. By an Order dated 9 October 2007, the Court authorized the filing of a Reply by Costa Rica and a Rejoinder by Nicaragua. These were filed within the time-limits thus fixed.

Hearings were held from Monday 2 March to Thursday 12 March 2009 at the Peace Palace, seat of the Court. At the end of the oral proceedings, the Agents of the Parties presented the following final submissions to the Court:

For Costa Rica:

“Having regard to the written and oral pleadings and to the evidence submitted by the Parties, may it please the Court to adjudge and declare that, by its conduct, the Republic of Nicaragua has violated:

- (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 re-supply 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:

"On the basis of the facts and legal considerations set forth in the Counter-Memorial, Rejoinder and oral pleadings,

May it please the Court to adjudge and declare that:

The requests 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 its Counter-Memorial and in its Rejoinder and as reiterated in the oral proceedings:

- “(i) Costa Rica is obliged to comply with the regulations for navigation (and landing) in the San Juan imposed by Nicaraguan authorities in particular related to matters of health and security;
- (ii) Costa Rica has to pay for any special services provided by Nicaragua in the use of the San Juan either for navigation or landing on the Nicaraguan banks;
- (iii) Costa Rica has to comply with all reasonable charges for modern improvements in the navigation of the river with respect to its situation in 1858;
- (iv) revenue service boats may only be used during and with special reference to actual transit of the merchandise authorized by Treaty;
- (v) Nicaragua has the right to dredge the San Juan in order to return the flow of water to that obtaining in 1858 even if this affects the flow of water to other present day recipients of this flow such as the Colorado River.”

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NOTE TO THE PRESS AND PUBLIC

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are permitted in the courtroom provided they are switched off. Any offending device will be temporarily retained.

2. **Media representatives** are subject to a **new accreditation procedure**, the details of which can be found in the Media Advisory (2009/g) attached to this Press Release.

3. **Individual visitors** (with the exception of members of the Diplomatic Corps) **and groups are subject to an admission procedure**. They are kindly requested to give advance notification of their attendance by filling out the relevant form on the Court’s website (to the right of the screen under Calendar, click on “Attending a Hearing”, and then under “Admission for individuals” or “Admission for groups”, click on “Online Application Form”). **The admission process will close at midnight on Thursday 9 July 2009.**

4. At the end of the sitting, a Press Release, a summary of the Judgment and the full text of the Judgment will be distributed. All of these documents will be made available at the same time on the Court's website.

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