



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands  
Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928  
Website: [www.icj-cij.org](http://www.icj-cij.org)

## Press Release

Unofficial

No. 2013/23  
25 September 2013

**Costa Rica requests the Court to indicate new provisional measures in the case concerning  
Certain Activities carried out by Nicaragua in the Border Area  
(Costa Rica v. Nicaragua)**

THE HAGUE, 25 September 2013. On 24 September 2013, the Republic of Costa Rica filed in the Registry of the International Court of Justice (ICJ) a document entitled “Request for the Indication of New Provisional Measures” in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) (hereinafter the “Costa Rica v. Nicaragua case”).

Costa Rica claims that its request is prompted by (i) Nicaragua’s continued presence on Costa Rica’s territory; (ii) the recent and ongoing construction by Nicaragua of two new artificial channels (or caños) in the “disputed territory” which is the subject of the Court’s Order of 8 March 2011 on provisional measures; and (iii) related dredging and dumping activities by Nicaragua affecting that territory and detrimentally impacting upon its ecology.

Costa Rica contends that the construction of these “new channels”, which it states are located on the right bank of the San Juan River and close to the mouth of that river, commenced between June and September 2013; that it “first became aware of potential activity in the disputed territory at the end of August [2013]”; and that it obtained satellite images on 13 September 2013 confirming the construction of these two new artificial caños.

Costa Rica recalls that, in the Order of 8 March 2011, the Court: requests the Parties to refrain from sending to, or maintaining in the disputed territory, including the caño, any personnel, whether civilian, police or security; authorizes Costa Rica, in certain specific circumstances, to dispatch civilian personnel there charged with the protection of the environment; and calls on the Parties not to aggravate or extend the dispute before the Court or make it more difficult to resolve.

Costa Rica also recalls that both Parties had previously requested the Court to modify its Order of 8 March 2011, and that the Court declined those requests by an Order of 16 July 2013.

In its present request, Costa Rica explains that it does not seek the modification of the Order of 8 March 2011, but rather that its request “is an independent [one] based on new facts”. It contends that, since the Order of 16 July 2013, it has “found out about new and grave activities by Nicaragua in the disputed territory”.

Costa Rica adds that it “immediately protested to Nicaragua” but that “Nicaragua refused to immediately cease its construction activities”, even “going so far as to deny the existence of the new artificial caños in the face of incon[tr]overtible evidence in satellite images”.

In its request, Costa Rica further contends that “through its construction and ongoing dredging of the caños, Nicaragua is attempting unilaterally to modify, to its own benefit, the location and configuration of [the San Juan] River, the right bank of which constitutes a valid, agreed and settled international boundary”.

Costa Rica explains that it seeks to protect “its rights to sovereignty, to territorial integrity and to non-interference with its lands and environmentally protected areas”. It also asserts that “[t]here is a real risk that Nicaragua’s continued activities in the disputed territory will cause further irreparable prejudice to Costa Rica’s rights which are the subject of the present case”, and that “the urgency of this Request is demonstrated by the continued damage inflicted by Nicaragua on Costa Rican territory which is the subject of the present dispute”.

Costa Rica states in its request that “[i]f the Court does not take, with urgency, the requested provisional measures, Costa Rica, which is unable to exercise its territorial sovereignty over the disputed territory (a protected wetland) pending the resolution of this dispute, will only be able to receive in the final judgment an area geographically altered and seriously damaged”.

For these reasons, Costa Rica

“respectfully requests the Court as a matter of urgency to order the following provisional measures so as to prevent further breaches of [its] territorial integrity and further irreparable harm to the territory in question, pending the determination of this case on the merits:

- (1) the immediate and unconditional suspension of any work by way of dredging or otherwise in the disputed territory, and specifically the cessation of work of any kind on the two further artificial caños . . . ;
- (2) that Nicaragua immediately withdraw any personnel, infrastructure (including lodging tents) and equipment (including dredgers) introduced by it, or by any persons under its jurisdiction or coming from its territory, from the disputed territory;
- (3) that Costa Rica be permitted to undertake remediation works in the disputed territory on the two new artificial caños and the surrounding areas, to the extent necessary to prevent irreparable prejudice being caused to the disputed territory; and
- (4) that each Party shall immediately inform the Court as to its compliance with the above provisional measures not later than one week of the issuance of the Order”.

Costa Rica adds that it “reserves its right to amend this Request and the measures sought in light of further information which may be received as to Nicaragua’s unilateral plans and actions”.

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#### History of the proceedings

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

The history of those proceedings can be found in paragraphs 1 to 11 of the Order of 16 July 2013.

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Full text of the request

The full text of Costa Rica's request will be available shortly on the Court's website under the heading "Contentious cases", in the documentation for the Costa Rica v. Nicaragua case.

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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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Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)  
Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)  
Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)  
Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)