



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

Press Release

Unofficial

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Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)

Preliminary Objection

The Court to hold public hearings from Monday 4 May to Friday 8 May 2015

THE HAGUE, 16 February 2015. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will hold public hearings in the case concerning the Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile) from Monday 4 May to Friday 8 May 2015, at the Peace Palace in The Hague, the seat of the Court.

The hearings will concern solely the preliminary objection to jurisdiction raised by Chile.

Schedule for the public hearings

— First round of oral argument

Monday 4 May 3 p.m.-6 p.m.: Chile

Wednesday 6 May 10 a.m.-1 p.m.: Bolivia

— Second round of oral argument

Thursday 7 May 4.30 p.m.-6 p.m.: Chile

Friday 8 May 3 p.m.-4.30 p.m.: Bolivia

History of the proceedings

On 24 April 2013, the Plurinational State of Bolivia filed an Application instituting proceedings against the Republic of Chile concerning a dispute in relation to “Chile’s obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean”.

Bolivia's Application contains a summary of the facts — starting from the independence of that country in 1825 and continuing until the present day — which, according to Bolivia, constitute “the main relevant facts on which [its] claim is based”.

In its Application, Bolivia states that the subject of the dispute lies in “(a) the existence of [the above-mentioned] obligation, (b) the non-compliance with that obligation by Chile, and (c) Chile's duty to comply with the said obligation”.

Bolivia asserts *inter alia* that “beyond its general obligations under international law, Chile has committed itself, more specifically through agreements, diplomatic practice and a series of declarations attributable to its highest-level representatives, to negotiate a sovereign access to the sea for Bolivia”. According to Bolivia, “Chile has not complied with this obligation and . . . denies the existence of its obligation”.

Bolivia accordingly “requests the Court to adjudge and declare that:

- (a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;
- (b) Chile has breached the said obligation;
- (c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean”.

As basis for the jurisdiction of the Court, the Applicant invokes Article XXXI of the Pact of Bogotá of 30 April 1948, to which both States are parties.

By an Order dated 18 June 2013, the Court fixed 17 April 2014 and 18 February 2015 as respective time-limits for the filing of the Memorial of Bolivia and the Counter-Memorial of Chile. The Memorial was filed within the time-limit thus fixed.

On 15 July 2014, Chile, referring to Article 79, paragraph 1, of the Rules, filed a preliminary objection to the jurisdiction of the Court in the case. In accordance with paragraph 5 of the same Article, the proceedings on the merits were then suspended.

In its preliminary objection Chile contends *inter alia* that Article VI of the Pact of Bogotá excludes Bolivia's claim from the jurisdiction of the Court because it concerns matters settled and governed by the 1904 Peace Treaty.

By an Order of 15 July, the President of the Court fixed 14 November 2014 as the time-limit for the filing by Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile. Bolivia's written statement was filed within the time-limit thus fixed.

In its written statement Bolivia observes *inter alia* that the claim submitted to the Court is independent of the 1904 Treaty, and that this precludes the application of Article VI of the Pact of Bogotá as an obstacle to the Court's jurisdiction.

A. Admission procedures

Owing to the limited number of seats available in the Great Hall of Justice, priority access will be given to representatives of the States parties to the case, and to members of the diplomatic corps.

1. Members of the diplomatic corps

The Information Department requests members of the diplomatic corps who plan to attend the hearings to notify it accordingly **before midnight on Thursday 30 April 2015** (The Hague time), by e-mail to confirmation@icj-cij.org.

2. Members of the public

A number of seats will be allocated to members of the public on a first-come, first-served basis. There will be no advance registration procedure, and admission requests submitted beforehand will not be considered.

3. Media representatives

Media representatives are subject to a compulsory online accreditation procedure, which will close **at midnight on Thursday 30 April 2015**. Requests submitted after this deadline will not be considered. For full details (timetable, technical facilities, etc.), see the section below entitled “Further practical information for the media”.

B. Further practical information for the media

1. Verbatim records of the hearings

Verbatim records of the pleadings will be published daily on the Court’s website. On the final day of the hearings, a press release will be issued presenting the submissions of the Parties. Note that the Court’s press releases do not constitute official documents.

2. Entry to the Peace Palace

The Press Room will be open one hour prior to the start of hearings and will close one hour after they conclude. Accredited media representatives must bring with them their personal ID and press card, and are asked to arrive at the Peace Palace gates one hour (and no later than 30 minutes) before the start of the hearings. **Only duly accredited individuals with valid identification will be permitted to enter the Peace Palace grounds.**

3. Parking at the Peace Palace, satellite vehicles

No parking is allowed in the Peace Palace grounds apart from satellite vehicles. Media wishing to park satellite vehicles are requested to fill in the appropriate fields in the online accreditation form. Televised media wishing to broadcast the sitting live should contact the Information Department as soon as possible to make the necessary arrangements. Satellite vehicle technicians/drivers will be informed in due course of the access times for the Peace Palace grounds.

4. Access to the courtroom

Photographers and camera crews will only be permitted to enter the room for a few minutes at the start of the first day of each round of pleadings. They will be accompanied by Registry staff members and must keep to the right-hand side of the room. Journalists will be able to follow the hearings from the Press Room.

5. Press Room

The hearings will be transmitted live on a large screen, in English and French, in a press room equipped with a shared Internet access (Wi-Fi, Ethernet). TV crews can connect to the Court's PAL (HD and SD) and NTSC (SD) audio-visual system and radio reporters to the audio system.

6. Other media services

For further practical information (on requests for interviews, TV stand-up positions, audio and video outputs available, etc.), please visit the Court's website. Click on "Press Room", and then on "Media Services".

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).

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)