



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](#) [Twitter](#) [YouTube](#) [LinkedIn](#)

Press Release

Unofficial

No. 2022/13

14 April 2022

Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)

Conclusion of the public hearings

The Court to begin its deliberation

THE HAGUE, 14 April 2022. The public hearings in the case concerning *Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia)* concluded today at the Peace Palace in The Hague, the seat of the Court.

The hearings, which opened on 1 April 2022 and comprised two rounds of oral argument, were devoted to the merits of the case, including the counter-claims of Bolivia.

The delegation of Chile was led by H.E. Ms Ximena Fuentes Torrijo, Vice-Minister for Foreign Affairs of the Republic of Chile and Professor of Public International Law at the University of Chile, as Agent, Counsel and Advocate. The delegation of Bolivia was led by H.E. Mr. Roberto Calzadilla Sarmiento, Ambassador of the Plurinational State of Bolivia to the Kingdom of the Netherlands, as Agent.

The Court will now begin its deliberation. Its decision will be delivered at a public sitting, the date of which will be announced in due course.

Final submissions of the Parties

On Monday 11 April 2022, Chile presented the following final submissions to the Court in respect of its own claims:

“Chile requests the Court to adjudge and declare that:

- (a) The Silala River system, together with the subterranean portions of its system, is an international watercourse, the use of which is governed by customary international law;
- (b) Chile is entitled to the equitable and reasonable utilization of the waters of the Silala River system in accordance with customary international law;
- (c) Under the standard of equitable and reasonable utilization, Chile is entitled to its current use of the waters of the Silala River;

- (d) Bolivia has an obligation to take all appropriate measures to prevent and control pollution and other forms of harm to Chile resulting from its activities in the vicinity of the Silala River;
- (e) Bolivia has an obligation to cooperate and to provide Chile with timely notification of planned measures which may have an adverse effect on shared water resources, to exchange data and information and to conduct where appropriate an environmental impact assessment, in order to enable Chile to evaluate the possible effects of such planned measures. Obligations that Bolivia has breached so far as concerns its obligation to notify and consult Chile with respect to activities that may affect the waters of the Silala River or the utilization thereof by Chile.”

On Wednesday 13 April 2022, Bolivia presented the following final submissions to the Court in respect of Chile’s claims and its own counter-claims:

“Bolivia respectfully requests the Court to:

- 1) Reject all of Chile’s submissions.
- 2) To the extent that the Court were to consider that there is still a dispute between the Parties, to adjudge and declare that:
 - a) The waters of the Silala constitute an international watercourse whose surface flow has been artificially enhanced;
 - b) Under the rules of customary international law on the use of international watercourses that apply to the Silala, Bolivia and Chile are each entitled to an equitable and reasonable utilization of the Silala waters;
 - c) Chile’s current use of the waters of the Silala is without prejudice to Bolivia’s right to an equitable and reasonable use of these waters;
 - d) Bolivia and Chile each have an obligation to take all appropriate measures to prevent the causing of significant transboundary harm in the Silala;
 - e) Bolivia and Chile each have an obligation to cooperate, notify and consult the other State with respect to activities that may have a risk of significant transboundary harm when confirmed by an environmental impact assessment;
 - f) Bolivia has not breached any obligation owed to Chile with respect to the waters of the Silala.
- 3) As to Bolivia’s Counter-Claims, Bolivia respectfully requests the Court to adjudge and declare that:
 - a) Bolivia has sovereignty over the artificial canals and drainage mechanisms in the Silala that are located in its territory and has the right to decide whether and how to maintain them;
 - b) Bolivia has sovereignty over the artificial flow of Silala waters engineered, enhanced, or produced in its territory and Chile has no acquired right to that artificial flow;
 - c) Any request by Chile made to Bolivia for the delivery of the enhanced flow of the Silala, and the conditions and modalities thereof, including the

compensation to be paid for said delivery, is subject to the conclusion of an agreement with Bolivia.”

On Thursday 14 April 2021, Chile presented the following final submissions to the Court in respect of Bolivia’s counter-claims:

“With respect to the counter-claims presented by the Plurinational State of Bolivia, the Republic of Chile requests the Court to adjudge and declare that:

- (a) To the extent that Bolivia claims sovereignty over the channels and drainage mechanisms in the Silala River system that are located in its territory and the right to decide whether to maintain them, the Court lacks jurisdiction over Bolivia’s Counter-Claim a) or, alternatively, Bolivia’s Counter-Claim a) is moot; to the extent that Bolivia claims that it has the right to dismantle the channels in its territory without fully complying with its obligations under customary international law, Bolivia’s Counter-Claim a) is rejected;
- (b) Bolivia’s Counter-Claims b) and c) are rejected.”

History of the proceedings

The history of the proceedings can be found in [press releases](#) Nos. 2016/16, 2016/22, 2018/23, 2018/56, 2019/27 and 2022/9, available on the Court’s website (www.icj-cij.org).

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

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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

Information Department:

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