



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)

Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)

Nicaragua requests the Court to indicate provisional measures

THE HAGUE, 15 October 2013. In the evening of 11 October 2013, the Republic of Nicaragua filed in the Registry of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, a Request for the indication of provisional measures in the cases concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) (hereinafter “the Costa Rica v. Nicaragua case”) and Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) (hereinafter “the Nicaragua v. Costa Rica case”).

In its request, Nicaragua recalls that it pointed out, in its Counter-Memorial of 6 August 2012 in the Costa Rica v. Nicaragua case, “that the construction by Costa Rica of a 160 km road running along the margin of the San Juan River constituted the most egregious violation of the Order of the Court of 8 March 2011” indicating provisional measures.

Nicaragua further claims that “Costa Rica’s road works have caused a surge in the San Juan River’s sediment load requiring Nicaragua to take active efforts, including dredging, to maintain the quality and quantity of the river’s waters”. Nicaragua also alleges that “Costa Rica has repeatedly refused to give Nicaragua appropriate information on the road works” and “has denied that it has any obligation to prepare an Environmental Impact Assessment or to provide such a document to Nicaragua”.

Nicaragua adds that it had “sent an international team of environmental scientists and road construction experts to inspect the River in October 2012” and that this team had “confirmed that Costa Rica had not taken measures to stop or even mitigate the serious harms caused to the San Juan”. Nicaragua further adds that, “in anticipation of the second heavy rainy season since the construction of the road began, [it] sent the same team on a second mission in May 2013” and that its experts then “underscored the urgent need for the mitigation measures previously presented by Nicaragua to the Court”.

Nicaragua goes on to say that, “[a]s the rainy season enters into its heaviest stage washing even greater quantities of sediments and run-off into the river’s waters, Costa Rica has still not provided the necessary information to Nicaragua, nor has it taken the necessary actions along the 160 km [long] road to avoid or mitigate the irreparable damage that is being inflicted on the river and its surrounding environment, including on navigation and the health and wellbeing of the population living along its margins”.

Nicaragua points out that it requests “the adoption of new provisional measures linked with the Nicaragua v. Costa Rica case . . . in order to avoid a continued and irreparable damage to [its] rights”.

Nicaragua, therefore, “respectfully requests the Court, as a matter of urgency to prevent further damage to the River and to avoid aggravation of the dispute, to order the following provisional measures:

1. that Costa Rica immediately and unconditionally provides Nicaragua with the Environmental Impact Assessment Study and all technical reports and assessments on the measures necessary to mitigate significant environmental harm to the River;
2. that Costa Rica immediately takes the following emergency measures:
 - (a) Reduce the rate and frequency of road fill failure slumps and landslides where the road crosses the steeper hill slopes, especially in locations where failed or eroded soil materials have been or could potentially be delivered to the Río San Juan.
 - (b) Eliminate or significantly reduce the risk of future erosion and sediment delivery at all stream crossings along Route 1856.
 - (c) Immediately reduce road surface erosion and sediment delivery by improving dispersion of concentrated road runoff and increasing the number and frequency of road drainage structures.
 - (d) Control surface erosion and resultant sediment delivery from bare soil areas that were exposed during clearing, grubbing and construction activities in the last several years.
3. Order Costa Rica not to renew any construction activities of the road while the Court is seized of the present case.”

Nicaragua adds that it “reserves its right to amend and modify the measures sought in light of any situation that might arise”.

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In view of the date on which Nicaragua’s request for the indication of provisional measures was submitted, the Court has decided that it will not hear the Parties on that request at the same time as on the request transmitted by Costa Rica to the Court on 24 September 2013, on which public hearings are currently being held, but that it would hold separate hearings for that purpose in early November 2013. The schedule for those hearings will be made public at a later date.

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On 17 April 2013, the proceedings in the Costa Rica v. Nicaragua case and in the case concerning the Nicaragua v. Costa Rica case were joined by the Court “in conformity with the principle of the sound administration of justice and with the need for judicial economy”.

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Full text of the Request

The full text of Nicaragua’s Request will be available shortly on the Court’s website under the heading “Contentious cases”, in the documentation for the Nicaragua v. Costa Rica 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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