



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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**Costa Rica institutes proceedings against Nicaragua with regard to a “[d]ispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua” on the beach of Isla Portillos**

THE HAGUE, 16 January 2017. The Republic of Costa Rica today instituted proceedings against the Republic of Nicaragua with regard to a “[d]ispute concerning the precise definition of the boundary in the area of Los Portillos/Harbor Head Lagoon and the establishment of a new military camp by Nicaragua” on the beach of Isla Portillos.

In its Application, Costa Rica asks the Court to “determine the precise location of the land boundary separating both ends of the Los Portillos/Harbor Head Lagoon sandbar from Isla Portillos, and in doing so to determine that the only Nicaraguan territory existing today in the area of Isla Portillos is limited to the enclave consisting of Los Portillos/Harbor Head Lagoon and the sandbar separating the Lagoon from the Caribbean Sea, insofar as this sandbar remains above water at all times and thus this enclave is capable of constituting territory appertaining to a State”. It claims that “the land boundary runs today from the northeastern corner of the Lagoon by the shortest line to the Caribbean Sea and from the northwestern corner of the Lagoon by the shortest line to the Caribbean Sea”.

The Applicant also requests the International Court of Justice “to adjudge and declare that, by establishing and maintaining a new military camp on the beach of Isla Portillos, Nicaragua has violated the sovereignty and territorial integrity of Costa Rica, and is in breach of the Judgment of the Court of 16 December 2015” in the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua). Consequently, Costa Rica “further requests the Court to declare that Nicaragua must withdraw its military camp situated in Costa Rican territory and fully comply with the Court’s 2015 Judgment”. Costa Rica indicates that it “reserves its rights to seek any further remedies with respect to any damage that Nicaragua has [caused] or may cause to its territory”.

The Applicant explains that it has written to Nicaragua on various occasions to protest the establishment of the above-mentioned camp, but that, in a response of 17 November 2016, “Nicaragua not only refused to remove [it], but . . . also made a new claim of sovereignty over ‘the entire stretch of coast abutting the Caribbean Sea between Harbor Head and the river’s mouth’”. In the view of Costa Rica, “that claim is radically inconsistent with the Court’s Judgment of 16 December 2015 where it was declared — and is now a matter of res judicata — that the ‘disputed territory’ (which includes the beach between Harbor Head Lagoon and the mouth of the San Juan River) is Costa Rican territory”. Costa Rica adds that, “[g]iven the factual and legal positions adopted by Nicaragua, the futility of further negotiations is apparent”.

Costa Rica requests that the Court join the newly instituted proceedings with the proceedings in the case concerning Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua), pursuant to Article 47 of the Rules of Court.

Costa Rica seeks to found the jurisdiction of the Court on the declaration it made on 20 February 1973 under Article 36, paragraph 2, of the Statute, as well as on the declaration which Nicaragua made on 24 September 1929 under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, for the period which it still has to run, to be acceptance of the compulsory jurisdiction of this Court.

In addition, Costa Rica submits that the Court has jurisdiction “in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of [Article XXXI] of the American Treaty on Pacific Settlement of Disputes” (officially known as the “Pact of Bogotá”), signed on 30 April 1948.

Costa Rica finally indicates that it “reserves its rights to supplement or amend [its] Application”.

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The full text of Costa Rica’s Application of 16 January 2017 will be available shortly on the Court’s website.

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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 international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), 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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