

INTERNATIONAL COURT OF JUSTICE

**APPLICATION  
INSTITUTING PROCEEDINGS**

filed in the Registry of the Court  
on 25 February 2014

**MARITIME DELIMITATION IN THE CARIBBEAN SEA  
AND THE PACIFIC OCEAN**

(COSTA RICA *v.* NICARAGUA)

---

COUR INTERNATIONALE DE JUSTICE

**REQUÊTE  
INTRODUCTIVE D'INSTANCE**

enregistrée au Greffe de la Cour  
le 25 février 2014

**DÉLIMITATION MARITIME DANS LA MER DES CARAÏBES  
ET L'OCÉAN PACIFIQUE**

(COSTA RICA *c.* NICARAGUA)

2014  
General List  
No. 157

I. LETTER FROM THE AGENT OF THE REPUBLIC  
OF COSTA RICA TO THE REGISTRAR  
OF THE INTERNATIONAL COURT OF JUSTICE

25 February 2014.

I have the honour to submit for consideration of the Court the Application instituting proceedings against the Republic of Nicaragua with regard to a “dispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)”.

*(Signed)* Sergio UGALDE,  
Co-Agent of the Republic of Costa Rica.

---

## II. APPLICATION INSTITUTING PROCEEDINGS

1. The undersigned, being duly authorized by the Republic of Costa Rica, has the honour to submit to the International Court of Justice this Application instituting proceedings on behalf of the Republic of Costa Rica against the Republic of Nicaragua in the following dispute.

### I. INTRODUCTION

2. On behalf of the Government of the Republic of Costa Rica and pursuant to Article 36, paragraphs 1 and 2, and Article 40 of the Statute of the Court, as well as Article 38 of the Rules of Court, I have the honour to submit for decision of the Court the present Application instituting proceedings against the Government of the Republic of Nicaragua.

3. The dispute between Costa Rica and Nicaragua concerns the establishment of single maritime boundaries between the two States in the Caribbean Sea and the Pacific Ocean, respectively, delimiting all the maritime areas appertaining to each of them, in accordance with the applicable rules and principles of international law.

### II. THE JURISDICTION OF THE COURT

4. The Court has jurisdiction over the present dispute in accordance with the provisions of Article 36, paragraph 2, of its Statute, by virtue of the operation of the declarations of acceptance made by Costa Rica, dated 20 February 1973, and by Nicaragua, dated 24 September 1929.

5. The Court also has jurisdiction over the present dispute in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of Article XXXI of the American Treaty on Pacific Settlement of Disputes, Bogotá, 30 April 1948 (the Pact of Bogotá)<sup>1</sup>. The Parties have expressed their commitment to the Pact of Bogotá through Article III of the Pact of Amity, Washington, 21 February 1949<sup>2</sup>.

### III. THE DISPUTE

6. Costa Rica and Nicaragua share a land boundary spanning the Central American isthmus from the Caribbean Sea to the Pacific Ocean. As such, both States have coastal territory facing both bodies of water. The coasts of the two States generate overlapping entitlements to maritime areas in both the Caribbean Sea and the Pacific Ocean. There has been no maritime delimitation between the two States on either side of the isthmus.

<sup>1</sup> *United Nations Treaty Series (UNTS)*, Vol. 30, p. 55. Both Costa Rica and Nicaragua are parties to the Pact of Bogotá.

<sup>2</sup> *Ibid.*, Vol. 1465, p. 221.

7. Diplomatic negotiations have failed to establish by agreement the maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea. In the spirit of co-operation, in 2002 Costa Rica proposed to enter into negotiations with Nicaragua to reach agreement on single maritime boundaries in both the Caribbean Sea and the Pacific Ocean. During the series of meetings that followed, the two States presented different proposals for a single maritime boundary in the Pacific Ocean to divide their respective territorial seas, exclusive economic zones and continental shelves. The divergence between the two States' proposals demonstrated that there is an overlap of claims in the Pacific Ocean. No further progress was made before the unilateral termination of negotiations by Nicaragua in 2005.

8. There is also a dispute between the two States in respect of their maritime boundary in the Caribbean Sea. During negotiations that took place from 2002 to 2005 the States focused on the location of the initial land boundary marker on the Caribbean side, but they were unable to reach agreement on the starting point of the maritime boundary.

9. That a dispute exists between the two States as to the maritime boundary in the Caribbean Sea has been affirmed since Nicaragua unilaterally suspended negotiations in 2005, in particular by the views and positions expressed by both States during Costa Rica's request to intervene in *Territorial and Maritime Dispute (Nicaragua v. Colombia)*; in exchanges of correspondence following Nicaragua's submissions to the Commission on the Limits of the Continental Shelf; by Nicaragua's publication of oil exploration and exploitation material; and by Nicaragua's issuance of a decree declaring straight baselines in 2013. In respect of Nicaragua's straight baseline decree dated 19 August 2013, in which Nicaragua claims as internal waters areas of Costa Rica's territorial sea and exclusive economic zone in the Caribbean Sea, Costa Rica promptly protested this violation of its sovereignty, sovereign rights and jurisdiction in a letter to the United Nations Secretary-General dated 23 October 2013. Most recently, Nicaragua amended its domestic law in a manner that implies that a maritime boundary exists between Costa Rica and Nicaragua by virtue of judgments of the International Court of Justice. To the contrary, no judgment of the International Court of Justice has settled the maritime boundaries between Costa Rica and Nicaragua.

10. In light of the disputed maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea, in March 2013 Costa Rica once again invited Nicaragua to resolve these disputes through negotiation. Nicaragua appeared formally to accept this invitation, while rejecting the substantive basis of Costa Rica's claim in the Caribbean Sea, including Costa Rica's unquestionable right to extend its jurisdiction to 200 nautical miles. Nicaragua took no further action to restart the negotiation process it had unilaterally abandoned in 2005. On 19 July 2013, Costa Rica reiterated the invitation to re-commence negotiations. Nicaragua never responded, but instead continued to assert its untenable maritime claims in the Caribbean, including through its submission to the Commission on the Limits of the Continental Shelf; the issuance of its unlawful straight baselines decree; and offshore hydrocarbon lease offerings (in both the Caribbean Sea and the Pacific Ocean). Costa Rica's maritime entitlements in the Caribbean Sea and the Pacific Ocean are potentially prejudiced by all of these actions.

11. The futility of further negotiations has become readily apparent. Costa Rica and Nicaragua have exhausted diplomatic means to resolve their maritime boundary disputes.

#### IV. THE GROUNDS UPON WHICH COSTA RICA BASES ITS CLAIM

12. The law applicable to the resolution of this dispute is found in the relevant provisions of the United Nations Convention on the Law of the Sea, as well as the general international law of maritime delimitation as applied by the International Court of Justice and other international tribunals. Both Costa Rica and Nicaragua are States parties to the United Nations Convention on the Law of the Sea.

13. Pursuant to Article 6 of the 1949 Constitution of Costa Rica<sup>3</sup>, and in conformity with international law, Costa Rica claims a twelve-nautical mile territorial sea, a 200-nautical mile exclusive economic zone and a continental shelf extending to the maximum seaward distance allowed under international law.

14. In the Pacific Ocean, there are no relevant circumstances that would render an equidistant delimitation inequitable. In contrast, equidistance applied to the concave shape of the south-western Caribbean Sea, a concavity formed by the coasts of Costa Rica in the centre and of Nicaragua and Panama on either side, would severely cut off Costa Rica's maritime entitlements in the Caribbean leading to an inequitable result. In addition, the presence of Nicaraguan islands gives rise to a need to adjust any provisional equidistance line as those islands, if given effect, would have a disproportionate impact. Consequently, there is a need to modify any provisional equidistance line between Costa Rica and Nicaragua in the Caribbean in order to take account of these relevant circumstances.

#### V. DECISION REQUESTED

15. Accordingly, the Court is asked to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific Ocean, on the basis of international law.

16. Costa Rica further requests the Court to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean.

---

<sup>3</sup> "Article 6:

The State exercises complete and exclusive sovereignty over the airspace above its territory, its territorial waters for a distance of 12 miles from the low-water line along its coasts, its continental shelf and its insular sill, in accordance with the principles of international law.

Furthermore, it exercises special jurisdiction over the seas adjacent to its territory for an extent of 200 miles from the aforesaid line, in order to protect, conserve and utilize on an exclusive basis all natural resources and riches existing in the waters, soil and sub-soil of those zones, in conformity with the aforesaid principles."

VI. RESERVATION OF RIGHTS

17. Costa Rica reserves its rights to supplement or amend the present Application.

VII. INTENT TO DESIGNATE A JUDGE *AD HOC*

18. Pursuant to Article 35 (1) of the Rules of Court, Costa Rica declares its intention to exercise the right of designating a judge *ad hoc* as conferred by Article 31 of the Statute of the Court.

19. The Minister of Foreign Affairs of Costa Rica has appointed as Agent for these proceedings Ambassador Edgar Ugalde Alvarez, and as Co-Agents Ambassador Jorge Urbina and Mr. Sergio Ugalde. It is requested that all communications of this case be notified to the Agent at the following address:

Embassy of the Republic of Costa Rica  
Laan Copes van Cattenburch 46  
2585 GB The Hague  
Netherlands

*(Signed)* Sergio UGALDE,  
Co-Agent of the Republic of Costa Rica.

---