



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

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Peru institutes proceedings against Chile with regard to a dispute concerning maritime delimitation between the two States

THE HAGUE, 16 January 2008. Today Peru instituted proceedings against Chile before the International Court of Justice (ICJ), the principal judicial organ of the United Nations, concerning a dispute in relation, on the one hand, to “the delimitation of the boundary between the maritime zones of the two States in the Pacific Ocean, beginning at a point on the coast called Concordia, . . . the terminal point of the land boundary established pursuant to the Treaty . . . of 3 June 1929¹”, and, on the other, to the recognition in favour of Peru of a “maritime zone lying within 200 nautical miles of Peru’s coast, and thus appertaining to Peru, but which Chile considers to be part of the high seas”.

In its Application Peru claims that “the maritime zones between Chile and Peru have never been delimited by agreement or otherwise” and that accordingly, “the delimitation is to be determined by the Court in accordance with customary international law”. Peru explains that “since the 1980s, [it] has consistently endeavoured to negotiate the various issues in dispute, but . . . has constantly met a refusal from Chile to enter into negotiations”. It asserts that as a result of a Note of 10 September 2004 from the Minister for Foreign Affairs of Chile addressed to the Minister for Foreign Affairs of Peru, further attempts at negotiations were no longer possible.

Peru now “requests the Court to determine the course of the boundary between the maritime zones of the two States in accordance with international law . . . and to adjudge and declare that Peru possesses exclusive sovereign rights in the maritime area situated within the limit of 200 nautical miles from its coast but outside Chile’s exclusive economic zone or continental shelf”.

As the basis for the Court’s jurisdiction, Peru invokes Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties without reservation. This Article provides that: “In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a judicial nature that arise among them concerning:

¹Treaty between Chile and Peru for the settlement of the dispute regarding Tacna and Arica, signed at Lima on 3 June 1929.

- (a) The interpretation of a treaty;
- (b) Any question of international law;
- (c) The existence of any fact which, if established, would constitute the breach of an international obligation;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.”

The full text of Peru’s Application instituting proceedings will shortly be available on the Court’s website (www.icj-cij.org).

Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of Department (+31 (0)70 302 2336)
Messrs. Boris Heim and Maxime Schouppe, Information Officers (+31 (0)70 302 2337) Ms
Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)