



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2016/16

6 June 2016

Chile institutes proceedings against Bolivia with regard to a dispute concerning the status and use of the waters of the Silala

THE HAGUE, 6 June 2016. Today the Republic of Chile (hereinafter “Chile”) instituted proceedings against the Plurinational State of Bolivia (hereinafter “Bolivia”) before the International Court of Justice (ICJ), the principal judicial organ of the United Nations, with regard to a dispute concerning the status and use of the waters of the Silala.

In its Application, Chile argues that the Silala originates from groundwater springs in Bolivian territory “at a few kilometres north-east of the Chile-Bolivia international boundary”. The Silala then flows across the border into Chilean territory where it “receives additional waters from various springs . . . before it reaches the Inacaliri River”. According to Chile, the total length of the Silala is about 8.5 km; of this distance, approximately 3.8 km are located on Bolivian territory and 4.7 km on Chilean territory. Chile also states that “[t]he waters of the Silala River have historically and for more than a century been used in Chile for different purposes, including the provision of water supply to the city of Antofagasta and the towns of Sierra Gorda and Baquedano”.

Chile explains that “[t]he nature of the Silala River as an international watercourse was never disputed until Bolivia, for the first time in 1999, claimed its waters as exclusively Bolivian”. Chile contends that it “has always been willing to engage in discussions with Bolivia concerning a regime of utilization of the waters of the Silala”, however these discussions were unsuccessful “due to Bolivia’s insistence on denying that the Silala River is an international watercourse and Bolivia’s contention that it has rights to the 100% use of its waters”. According to Chile, the dispute between the two States therefore concerns the nature of the Silala as an international watercourse and the resulting rights and obligations of the Parties under international law.

Chile thus “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 use 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.”

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As the basis for the jurisdiction of the Court, the Applicant invokes Article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties. 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:

- (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 Chile’s Application instituting proceedings will be available shortly on the Court’s website (www.icj-cij.org). It can also be obtained by e-mail request to the Information Department: information@icj-cij.org.

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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