



Ministerio de Relaciones Exteriores

## Case concerning the Maritime Delimitation between Peru and Chile before the International Court of Justice

### I The International Court of Justice and the Pacific Settlement of Disputes

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. Peru has brought the case to this Court in order for it to establish the maritime boundary between Peru and Chile.

The option of recurring to the International Court of Justice constitutes a pacific means of settling legal disputes between States. Therefore, submitting this case to the decision of the ICJ represents an option for peace.



Recurring to the Court as an option for peace

### II The conclusion of the Maritime Dispute with Chile: Its resolution favors the enhancement of Bilateral Relations and Integration



Solving the dispute regarding the maritime boundary with Chile will allow to strengthen even further the important economic, commercial, social, cultural and political relations, taking advantage of the complementarity that exists between the two countries.

Source: Presidencia de la República

The highest authorities of Peru and Chile have manifested their willingness to comply with and execute the ruling of the Court, regardless of the outcome.

## III Nature of the dispute: Lack of an Agreement on Maritime Delimitation

On January 16, 2008, Peru brought the case before the Court by filing an Application instituting proceedings against Chile in the case concerning the maritime delimitation between both countries, requesting the Court to determine the following:

### 1 The course of the boundary between the maritime zones of the two States in accordance with International Law

1.1 The subject of the legal dispute refers to the delimitation of the maritime zones of both States due to the absence of a maritime delimitation treaty.

1.2 Chile, based on the 1952 Declaration of Santiago and the 1954 Agreement relating to a Special Maritime Frontier Zone, argues that the two States have agreed on a maritime boundary that begins on the coast and continues along the geographical parallel that passes through Boundary Marker No. 1 of the common land boundary. However, neither the 1952 Declaration nor the 1954 Agreement contain any agreement concerning the maritime delimitation.

1.3 Chile also claims that the maritime boundary agreement with Peru has been confirmed through the practice of both parties. Peru, however, has never accepted the existence of a maritime boundary. Furthermore, the establishment of a permanent maritime boundary is a matter of grave importance and agreement is not easily to be presumed, as has been stated in the jurisprudence of the International Court of Justice.

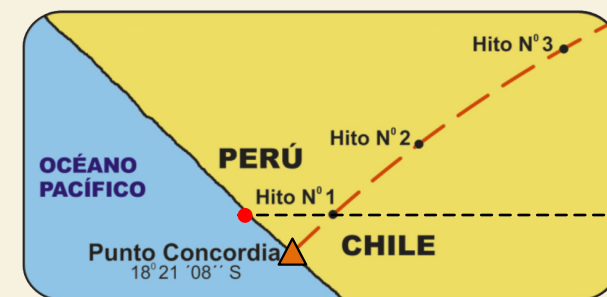
1.4 Due to the lack of an agreement on maritime delimitation, Peru has requested the Court to draw the maritime boundary in accordance with the principles and rules of international law.

1.5 In accordance with the aforementioned principles and rules of international law, in the absence of an agreement between both States and the lack of special circumstances such as the presence of islands in the area, an equidistant line from the coasts of both countries is to be drawn in order to achieve an equitable solution. The Court will consider the elements submitted by the parties to establish a final maritime boundary.



THE EQUIDISTANCE LINE

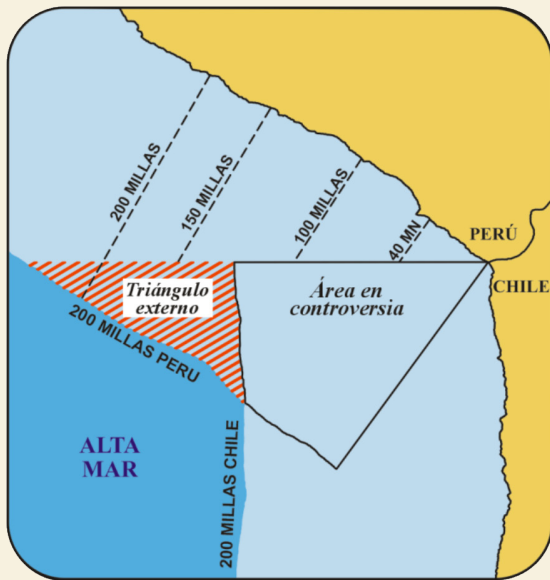
1.6 Peru has also stated that the maritime boundary must be traced from "Point Concordia", which is the point where the land border between Peru and Chile reaches the sea, as defined by the 1929 Treaty and the Final Act of the 1929-1930 Joint Demarcation Commission (See ▲) Chile's position is that the starting point of the maritime boundary is located at the point where the parallel that passes through Boundary Marker No. 1 reaches the low-tide line. (See ●)



Peru - Chile frontier line according to the 1929 Treaty and the work of the Joint Demarcation Commission of 1929-1930

2 Peru possesses exclusive sovereign rights over the maritime area situated within 200 nautical miles of its coast but more than 200 nautical miles from Chile's coast

2.1 Peru has requested the Court to recognize its exclusive sovereign rights in the maritime area situated within 200 nautical miles from its coast and beyond 200 miles off the coast of Chile ("the outer triangle"). Chile considers it as high seas and has even developed the thesis of the "Presential Sea", a concept incompatible with the rules of international law, which has been used by Chile to attribute itself certain rights in that area.



THE OUTER TRIANGLE: area situated within 200 nautical miles from Peru and beyond 200 nautical miles from Chile coasts, which that country considers "high seas"

2.2 Peru bases its argument on the principle of international law under which all coastal states are entitled to an adjacent maritime domain up to a distance of 200 nautical miles from its coast.

IV Procedure and judgment of The International Court of Justice

Written Proceedings:

The process began with the presentation of the Application on January 16, 2008.

Subsequently, Peru submitted:

The Memorial: March 19, 2009.

The Reply: November 9, 2010.

While Chile presented:

The Counter-Memorial: March 9, 2010.

The Rejoinder: July 11, 2011.

Oral Proceedings:

The public hearings took place from 3 to 14 December 2012 at the Peace Palace, The Hague (Netherlands).

Reading of the Judgment:

Monday, January 27, 2014

9 a.m. (Peruvian time)

The reading of the judgment will be done by the President of the Court, Judge Peter Tomka, on a public sitting that will be broadcasted live by national television and will be simultaneously interpreted into Spanish. This State policy, which was followed by three consecutive democratic governments, has established a permanent sense of national unity and a close coordination with all the political forces of the country, Congress, civil society organizations, the business community and political leaders, and will continue throughout the execution of the judgment delivered by the Court.

"Peace Palace" (The Hague, Netherlands)  
Seat of the International Court of Justice



V The judgment of the Court as the triumph of an "option for peace" The ICJ as an Organ of the United Nations System

Peru is pleased with the fact that the entire proceeding before the International Court of Justice has been carried out in an atmosphere of cooperation and serenity with Chile.

The judgments of the Court are binding, final and without appeal for the parties concerned. It must be pointed out that in its judgments the Court applies international law and seeks to achieve equitable solutions that contribute in the preservation of peace, which is the main goal of the United Nations System to which it belongs.

VI Compliance with the Judgment

Member States, as parties of the United Nations Charter, must comply with the judgments of the Court on the cases they have brought before it or those cases where the Court has declared that it has jurisdiction to decide.

Article 94 of the United Nations Charter lays down that "each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party".

VII The Peruvian Team



The Peruvian delegation is headed by the Minister of Foreign Affairs of Peru, Eda Rivas, and the State Agent, Ambassador Allan Wagner Tizón, former Minister of Foreign Affairs on two occasions. The delegation also has two Co- Agents, the former Minister of Foreign Affairs, Ambassador José Antonio García Belaunde, and Ambassador Jorge Chávez Soto.

Source: Agencia Andina

The International jurists of the delegation are: Professor Alain Pellet (France), Mr. Rodman Bundy (United States), Professor Vaughan Lowe (United Kingdom), Sir Michael Wood (United Kingdom) and Professor Tullio Treves (Italy). The national jurists are: Ambassador Manuel Rodríguez Cuadros, Eduardo Ferrero Costa, Roberto Mac Lean Ugarteche, and Juan Vicente Ugarte del Pino. The experts on cartography are: Mr. Scott Edmonds (United States) and Lieutenant Commander (r) Jaime Valdez Huamán.

In addition, from the Ministry of Foreign Affairs take part the Coordinator of the Peruvian delegation, Minister Marisol Agüero, the Legal Adviser of the Ministry of Foreign Affairs, Dr. Juan José Ruda, and the Advisory Office for the Law of the Sea, which was initially in charge of Ambassador Gustavo Meza-Cuadra, and currently is in charge of Ambassador Carlos Herrera. The aforementioned Office is staffed by diplomats, lawyers, navy officers and cartographers.