

On 1 October 2018, the International Court of Justice handed down its judgment in *Bolivia v Chile*.

The key issue was whether Chile was under an obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean, as submitted \_\_\_\_\_ by \_\_\_\_\_ Bolivia.

A matter of immense importance to both States, the hearing (held in March 2018) lasted two weeks, with Vaughan Lowe QC and Amy Sander (and other Counsel) appearing for Bolivia, and Sam Wordsworth QC (and other Counsel) appearing for Chile.

The Court found against Bolivia.

In its judgment, the Court considered the legal bases relied upon by Bolivia in turn, namely (1) bilateral agreements (2) Chile's declarations and unilateral acts (3) acquiescence (4) estoppel (5) legitimate expectations (6) Article 2(3) of the United Nations Charter and Article 3 of the Charter of the Organisation of American States (OAS) (7) resolutions of the General Assembly of the OAS and (8) the legal significance of instruments, acts and conduct taken cumulatively.

The Court concluded with respect to each and every basis that Chile had not undertaken a legal obligation to negotiate a sovereign access to the Pacific Ocean for Bolivia. Consequently, it did not accept the other submissions of Bolivia (as to breach and performance of that obligation) which were premised on the existence of such an obligation.

The Court clarified that its finding should not be understood as precluding the Parties from continuing their dialogue and exchanges, in a spirit of good neighbourliness, to address the issues relating to the landlocked situation of Bolivia, noting that with "*willingness on the part of the Parties, meaningful negotiations can be undertaken*".