ARTICLES

JERUSALEM IN THE COURTS AND ON THE GROUND

Sam F. Halabi

THE LAW AND ECONOMICS OF (FUNCTIONAL) ANTITRUST STANDING IN THE UNITED STATES AND THE EUROPEAN UNION

Jeffrey L. Harrison

CHINA’S HOMEGROWN FREE-SPEECH TRADITION: IMPERIAL PAST AND MODERN PRESENT, AND POST-MODERN FUTURE?

Ray L. Sturgeon

ESSAY

MARITIME DELIMITATION: DISPUTE AMONGST PERU AND CHILE INTERNATIONAL COURT OF JUSTICE, 2008-2014

Vishal Gehrana

NOTE

THE ANSWER TO ENFORCING MULTILATERAL ENVIRONMENTAL AGREEMENTS: THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Ashleigh R. Shelver
ESSAY

MARITIME DELIMITATION: DISPUTE AMONGST PERU AND CHILE
INTERNATIONAL COURT OF JUSTICE, 2008-2014

Vishal Gehrana

I. INTRODUCTION ........................................................................... 332

II. EVOLUTION OF THE DISPUTE .................................................. 333

III. ISSUES INVOLVED IN THE CASE ........................................ 335

IV. LEGAL POSITION OF PERU ..................................................... 336

V. LEGAL POSITION OF CHILE .................................................... 337

VI. PROCEEDING BEFORE THE INTERNATIONAL COURT OF JUSTICE: ........................................................................... 339

VII. JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE ........ 340

   A. Existence of Agreed Maritime Boundary
      Between the Parties ............................................................ 341
         1. The 1947 Proclamations of Chile and Peru ....................... 341
         2. The 1952 Santiago Declaration ......................................... 341
         3. The Various 1954 Agreements ........................................... 341
         4. The 1968-1969 Lighthouse Arrangements .......................... 342
         5. The Nature and the Extent of the Agreed Maritime Boundary ............................................................... 342

   B. The Starting Point of the Agreed Maritime Boundary .............. 343

   C. The Course of the Maritime Boundary from Point A ............... 344

VIII. CONCLUDING REMARKS .......................................................... 345

* Author is a practicing Advocate in the Supreme Court of India and is currently associated with the Fox Mandal & Co. (Advocate and Solicitors), Noida, India.

331
I. INTRODUCTION

The disagreement between Peru and Chile concerns the delimitation of the borderline between the maritime zones of these two States in the Pacific Ocean, opening at a point on the coastline named Concordia. The dispute also encompasses the recognition of a large maritime zone, in favor of the Republic of Peru, which is located within two hundred nautical miles of Peru’s coastline, and thus, is associated with Peru. However, Chile contemplates the zone to be part of the high seas. In order to understand such dispute we should first appreciate its historic upbringing, particularly the significance of the War of the Pacific, and the quality of their relations since then.

In the historical past until the initial half of the 19th century, both the Republics were part of the Spanish empire. Peru was the Vice-Royalty of the empire and Chile constituted the Captaincy General. Both republics gained their independence after nearly three centuries of Spanish domination. After their respective independences, the economic interests of both countries led them into the War of the Pacific. As an outcome of the war, an arrangement was made under which Bolivia gave control to Chile of its entire coast, as well of the present day Antofagasta region (the Atacama Desert) with its valuable nitrate, copper, and other mineral deposits. This left Bolivia a non-coastal state. As far as Peru was concerned, she signed the Treaty of Peace and

1. “The War of the Pacific” was fought in western South America between Chile on one hand and a united Bolivia and Peru on the other. The war began on February 14, 1879 and ended with the Treaty of Ancon signed on October 20, 1883. Bolivia also signed the truce with Chile in 1884. See also Treaty of Ancon, Chile-Peru, Oct. 20, 1883, available at https://archive.org/stream/treatyofanconin00bela/treatyofanconin00bela_djvu.txt.

2. Chile gained its independence on April 5, 1818, and Peru on July 18, 1821. Peruvian independence was in fact proclaimed after Argentinean Jose de San Martin launched an independence movement.

3. Also known as the “Saltpetre War” due to its original cause—the control over huge quantities of high-quality nitrate deposits (guano and saltpetre) in the Atacama Desert (between the 23d and 26th parallels of latitude on the Pacific coast) which were known for their fertilizing properties and for being a key ingredient for explosives that had been discovered during the 1840s. This war was fought between Chile and the Joint forces of Bolivia & Peru from 1879–1883. It is also important to note here that for some Chilean historians this is actually the Second War of the Pacific, the first having been a war that took place in 1837–1839 and initiated by Diego Portales in order to destroy the “Confederation of Peru and Bolivia. For Peruvian historians, however, the War of the Pacific discussed herein is simply known as the ‘War against Chile.’” See also supra note 1.

4. This agreement was made permanent by the subsequent “Treaty of Peace and Friendship,” signed at Santiago on October 20, 1904 between Bolivia and Chile. See Treaty of Peace and Friendship Between Chile and Bolivia and Convention for the Construction and Convention for the Construction and operation of Railroad from Arica to La Paz, Oct. 20, 1904 Chile No. 427, available at http://images.library.wisc.edu/FRUS/EFacs/1905/reference/frus-frus1905.i0011.pdf
Friendship of 1883 with Chile and accordingly agreed to the annexation of the provinces of Tacna and Ancon to Chile with some other areas. But this annexation was temporary as according to Article 3 of the 1883 treaty, the provinces were to be occupied by Chile for ten years only, and after that, a plebiscite would decide their fortunes. Finally, in 1929, a settlement was concluded with the mediation by the United States according to which Peru reacquired Tacna with $6 million as the indemnity amount, and Chile retained Arica.

It is to be noted here that neither the 1883 Treaty of Ancon nor the 1929 Treaty of Lima were intended to establish the naval boundary between these two countries. However, the 1929 Treaty had established that no issue concerning the limits should remain undecided.

II. EVOLUTION OF THE DISPUTE

Legitimately, in 1986 for the first time, the Government of Peru communicated its disagreement with its Chilean counterpart concerning the dispute of maritime delimitation. Then, after a series of negotiations and meetings, Peru filed a memorandum which appealed that the recipe suggested by the Agreement on a Special Maritime Frontier Zone of 1954 was not anymore ample to meet the needs of the signatories with regards to the security and that the extensive interpretation could result in an inequitable situation and therefore intimidation for the Republic of Peru. The Government of Chile had given no certified reaction to this memorandum.

On September 21, 2000, in pursuance of the provisions of the U.N. Convention on Law of the Sea of 1982 (UNCLOS), the Chilean Government had deposited, with the Secretary General of the United Nations, the charts displaying normal and straight baselines, the continental shelf, the territorial sea, the contiguous zone, the special economic zone, and the details of geographical coordinates of the points that indicated the geodetic datum. In the charts, the Chilean

5. See Treaty of Ancon, supra note 1. Also known as “Treaty of Ancon.”
6. This agreement was enshrined in the Treaty for the Settlement of the Dispute Regarding Tacna and Arica (also known as the Treaty of Lima). See Treaty for the Settlement of the Dispute Regarding Tacna and Arica, Chile-Peru, June 3, 1929.
7. Memorandum was filed on May 23, 1986.
9. The “geodetic datum” is a reference surface defining the basis of a co-ordinate system. It defines among other parameters the latitude and longitude of dimensions of the spheroid used as the mathematical model of earth, and is sometimes referred to as the horizontal datum, as distinct from the vertical datum. In other words, it positions & orients a geodetic reference-system in relation to the geoids and astronomical reference system.
Government had also pointed out the 18°21'00'' parallel of south latitude as the maritime frontier between Peru and Chile. This action fetched a twofold response by the Republic of Peru:

a memo was addressed to the Chilean Government on October 20, 2000; and

a verbal annotation to the Secretary General, United Nations on January 1, 2001.

In both responses, Peru contended that no maritime periphery had been recognised with the Republic of Chile as per International law. Therefore, the time of responses given to the Government of Chile is considered critical for this maritime dispute, as it was then that inconsistent assertions over the maritime borderline between the two republics were advanced for the first time. After a number of years, the Republic of Peru requested the commencement of formal dialogues to establish the maritime boundary within the closing date of sixty days. 10

The Chilean Government retorted by demanding that the issue had already been solved by international agreements and settled between the two countries. 11

Thereafter, on November 3, 2005, the Parliament of Peru voted for a law on the Baselines for the Definition of the Peruvian Maritime Domain. The intents of the commandment were:

- to implement Article 54 of the Constitution of Peru, 1993;

- to inaugurate appropriately the extent of the maritime sphere of the Republic of Peru for the first time;

- to attribute the character of internal waters to those waters fenced by the straight baselines, where pertinent.

In a rejoinder, the Republic of Chile recommended the creation of the Arica-Parinacota Region by an appropriate legislation. This response elicited an innovative ambassadorial hostility between the two republics. On January 26, 2007, Peru issued a remonstration against Chile’s successive attempt to demarcate their common boundaries. The clash ended only when Chile’s Constitutional Court of law declared unconstitutional that part of the law which established the new

boundary limits with Peru, though the respective ministries made announcements strengthening their own arguments.

On July 28, 2007, Peru declared that the decision had been taken to seek the peaceable settlement of the dispute by bringing a claim before the International Court of Justice\(^\text{12}\) ("ICJ" or "the Court") against the Government of Chile. It also announced that Peru had communicated this decision to the Republic of Chile. Subsequently, on August 12, 2007, Peru ratified the chart of the outer limit of its maritime province, indicating the maritime spaces nearby Chile as an "area in dispute."

Finally, on January 16, 2008, after the unsuccessful efforts of several years, Peru filed an application\(^\text{13}\) before the Court, instituting the proceedings against Chile for the peaceful settlement of this maritime dispute.

### III. ISSUES INVOLVED IN THE CASE

The question involved in the case was: "Does Peru enjoy 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?”

IV. LEGAL POSITION OF PERU

The core of Peru’s position is found in a note, dated January 9, 2001 and addressed to the Secretary General of the United Nations. In this note, Peru contended that the Governments of Chile and Peru have not yet concluded, according to the pertinent rules of international law, any special treaty on maritime delimitation. Consequently, the indication of parallel 18°21'00” as the maritime boundary between the two countries does not have any legal grounds. As a result, the Government of Peru does not recognize the indication of the line of parallel as being the maritime boundary between Chile and Peru.

Further, the Peruvian Government claims that the instruments Chile refers to have been taken out of context because they belong to the time of development of the “200-nautical miles” thesis and that therefore, in neither combination nor individuality do they reflect, at any point, the basis of a maritime boundary with Peru. Consequently, for Peru, the rules are those applicable in the absence of an agreement between the parties, namely, the rules developed by the international law of maritime delimitation. As for the instruments invoked by Chile, the Declaration on the Maritime Zone of 1952, the 1954 Agreement, and the Acts adopted in 1968 and 1969 should be considered with respect to the emplacement of sighting towers to indicate the maritime limit and materialize the parallel along the boundary-post no. 1 of the border.

As for the Santiago Declaration, Peru claims that this international instrument was aimed at proclaiming exclusive jurisdiction and sovereignty of Chile, Ecuador, and Peru over the sea along their coasts to a minimum distance of 200 nautical miles. It thus constituted an instrument of international maritime policy rather than a treaty to delimit lateral borders between the signatory Parties. Alternatively, by way of an interpretation of its preamble, it can be argued that the main aim of this Declaration was to conserve and safeguard the natural resources of the maritime zones adjacent to the coasts of the signatory parties, for the benefit of their people. Far from the spirit of this Declaration was the idea of delimiting maritime spaces between the countries concerned.15

The official position of Peru is that since no maritime boundary has

---


been taken from the judgment of the International Court of Justice in this matter.
ever been agreed upon with Chile, this dispute is to be settled\textsuperscript{16} with respect to the territorial sea, by recourse to the method of equidistance, and to the exclusive economic zone and the continental shelf based on international law\textsuperscript{17} in order to achieve an equitable result.

The final submissions\textsuperscript{18} presented by Peru before the Court at the conclusion of the oral hearing are as follows:

For the Republic of Peru

For the reasons set out in Peru’s Memorial and Reply and during the oral proceedings, the Republic of Peru requests the Court to adjudge and declare that:

The delimitation between the respective maritime zones between the Republic of Peru and the Republic of Chile, is a line starting at “Point Concordia” (defined as the intersection with the low-water mark of a 10-kilometre radius arc, having as its centre the first bridge over the River Lluta of the Arica-La Paz railway) and equidistant from the baselines of both Parties, up to a point situated at a distance of 200 nautical miles from those baselines, and

Beyond the point where the common maritime border ends, Peru is entitled to exercise exclusive sovereign rights over a maritime area lying out to a distance of 200 nautical miles from its baselines.

V. LAW\textsc{al Position of Chile}

Chile argues that the maritime periphery with Peru has been recognized in view of the contents of the Presidential Decree of 1947 of the Republic of Peru as well as in accordance with the Santiago Declaration of 1952, and also the 1954 agreement, which had been appreciated by both the countries until a certain time and recognized by the international community. This has been confirmed by the Acts of 1968 and 1969 and by the recent practice of Chile & Peru as well as of


other countries.

Furthermore, Chile asserts that the geographical parallel is the maritime borderline between the two countries as acknowledgement by those conventions of an existing situation and not necessarily because of the combined conventions. This is how the Government of Chile is known to have settled the matter.

According to Chile, another legal source that refers to the lateral limits of Peru with its neighbors is the Peruvian Presidential Decree No. 781 of August 1, 1947. Chile claimed that since this Peruvian law did not modify what the Peruvian Supreme Decree No. 781, had established, it confirmed Peru’s inclination to demarcate this maritime space between the parallels of both ends of its coastline. This technique of delimitation through unilateral acts, according to Chile, was later assimilated into the 1992 Santiago Declaration where the signatory countries announced their sovereignty and jurisdiction over 200 nautical miles off their coasts.

Similarly, Article 1 of the 1954 Agreement pontificates, “A special zone is hereby established, at a distance of twelve nautical miles on both the side of the parallel which constitutes a maritime boundary between the two countries.”

The brief final submissions presented by Chile before the Court at the conclusion of the oral hearing are as follows:

For the Republic of Chile

Chile respectfully requests the Court to:

- dismiss Peru’s claims in their entirety;
- adjudge and declare that:

the respective maritime zone entitlements of Chile and Peru have been fully delimited by agreement;

those maritime zone entitlements are delimited by a boundary following the parallel of latitude passing through the most seaward boundary marker of the land boundary between Chile and Peru, known as Hito No. 1, having a latitude of 18° 21’ 00” S under WGS84 Datum; and

Peru has no entitlement to any maritime zone extending to the south of that parallel.

20. See supra note 18.
VI. PROCEEDING BEFORE THE INTERNATIONAL COURT OF JUSTICE:

Following the submission of the claim and the meeting,21 held by the President of the ICJ with the Agents of the Parties, the Court fixed time limits22 for the filing of the initial pleadings. The Court further fixed the time limits24 for the supplementary pleadings25 in the matter and reserved the subsequent procedure for further decision.

Thereafter, in the subsequent sitting, the Court pronounced26 that it would hold public hearings on the case from Monday December 3 to Friday December 14 of 2012 at the Peace Palace in The Hague, the seat of the ICJ, which later on changed to the auditorium of The Hague Academy of International Law, a building adjacent to the Peace Palace.27

As the public hearing concluded on December 14, 2012, the International Court declared that it would begin its deliberation on the issues raised by the parties before the Court. The relevant portion of the order of the Court is reproduced here for reference:

During the hearings, which opened on Monday 3 December 2012 at the Peace Palace, seat of the Court, the delegation of the Republic of Peru was led by H.E. Mr. Allan Wagner, Ambassador, former Minister for Foreign Affairs, former Minister of Defence, former Secretary-General of the Andean Community, Ambassador of Peru to the Kingdom of the Netherlands, as Agent; and the delegation of the Republic of

21. Meeting between the President of the ICJ and the agents of the parties was held on March 14, 2008.
Chile was led by H.E. Mr. Albert van Klaveren Stork, Ambassador, former Vice-Minister for Foreign Affairs, Professor at the University of Chile, as Agent.

The Court’s Judgment will be rendered at a public sitting, the date of which will be announced in due course.28

The Court also jotted down the Internal Judicial Practice of the ICJ with respect to deliberations and pointed out that,

Deliberations take place in private in accordance with the following procedure: the Court first holds a preliminary discussion, during which the President outlines the issues which require discussion and decision by the Court. Each judge then prepares a written Note setting out his or her views on the case. Each Note is distributed to the other judges. A full deliberation is then held, at the end of which, on the basis of the views expressed, a drafting committee is chosen by secret ballot. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a draft text, which is first the subject of written amendments and then goes through two readings. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion. The final vote is taken after adoption of the final text of the Judgment at the second reading.29

VII. JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE

The ICJ pronounced its judgment30 on January 27, 2014. The reading of the judgment was done by the President of the Court, Judge Peter Tomka, on a public sitting which was broadcasted live by national television and was simultaneously interpreted into Spanish.

In paragraph 196 of the judgment, the Court conclusively held that the maritime boundary between the Parties starts at the intersection of the parallel of latitude passing through Boundary Marker No. 1 with the low-water line, and extends for 80 nautical miles along that parallel of

29. Id.
latitude to Point A. From this point, the maritime boundary runs along the equidistance line to Point B, and then along the 200-nautical-mile limit measured from the Chilean baselines to Point C.\textsuperscript{31}

We can summarize the judgment under the following heads.

A. *Existence of Agreed Maritime Boundary Between the Parties*

The Court observed that as Peru and Chile have adopted essentially diverse positions in the case, in order to settle the dispute the Court has to first ascertain whether an agreed maritime boundary exists as Chile claims.\textsuperscript{32}

1. The 1947 Proclamations of Chile and Peru

The Court inaugurated by scrutinizing the 1947 Proclamations of Chile and Peru and observed that the language as well as the impermanent nature of the proclamations precluded an interpretation of them as reflected by a shared understanding of the parties with reference to the maritime delimitation. The Court also pointed out that the proclamations encompass similar claims regarding their rights and jurisdiction in the maritime zone, giving rise to the inevitability of establishing the lateral limits of these zones in the future.\textsuperscript{33}

2. The 1952 Santiago Declaration\textsuperscript{34}

In respect of the Santiago Declaration of 1952, the Court applied the rules of interpretation recognized under the customary international law of Vienna Convention on the Law of Treaties in order to determine whether it established a maritime boundary between the parties. The Court observed that the declaration does not make express reference to the delimitation of maritime boundaries of the zones generated by the continental coasts of its State parties and did not establish a lateral maritime boundary between Peru and Chile along with the line of latitude running into the Pacific Ocean from the seaward terminus of their land boundary.

3. The Various 1954 Agreements

The Court also considered the various agreements (*i.e.*,}

\textsuperscript{31} See supra note 30, sketch-map No. 2–3.
\textsuperscript{32} See supra note 27, ¶¶ 24–151.
\textsuperscript{33} See supra note 30, ¶¶ 25–44.
\textsuperscript{34} Id. ¶¶ 45–70.
Complementary Convention to the Santiago Declaration of 1952, Special Maritime Frontier Zone Agreement of 1954 and Agreement relating to Measures of Supervision and Control of the Maritime Zones of the Signatory Countries of 1954, which were the bases of Chile’s claim that the parallel of latitude constitutes the maritime boundary).

The Court held\(^{35}\) that the primary purpose of the 1952 convention was for the parties to assert their claim of sovereignty and jurisdiction to a minimum distance of 200 nautical miles from their coasts. Nevertheless, in view of the Court, it does not follow that the primary purpose was the sole purpose or even less so that the primary purpose determined the sole outcome of the 1954 meetings and the Inter-state conference. In respect of Agreement relating to Measures of Supervision and Control of the Maritime Zones of the Signatory Countries, the Court observed that the text of the agreement gives no suggestion as to the location or nature of boundaries of the zones. The Court also took into account the presence of the Special Maritime Frontier Zone Agreement between Peru, Chile and Ecuador and pointed out that Article 1, read together with the preambular paragraphs of the agreement, clearly recognizes in a binding international agreement that a maritime boundary already exists. Nonetheless, the 1954 agreement gives no indication of the nature of the maritime boundary, nor does it indicate its extent except that its provisions make it clear that the maritime boundary extends beyond 12 nautical miles from the coast.

4. The 1968–1969 Lighthouse Arrangements

The Court subsequently examined the number of lighthouse arrangements entered into by the parties to the dispute in 1968–1969 to construct a lighthouse at each point at which the common border reaches the sea, near Boundary Marker No. 1. The Court held that the scope of these arrangements was restricted and the progression leading to the arrangements and the lighthouses does not refer to any pre-existent delimitation agreement. Nonetheless, the arrangements proceed on the basis that a maritime boundary extending along the parallel beyond 12 nautical miles already exists but then again do not indicate the extent and nature thereof.\(^{36}\)

5. The Nature and the Extent of the Agreed Maritime Boundary

In respect of the nature\(^{37}\) (i.e., whether it is a single maritime boundary applicable to the water column, the sea bed and its subsoil, or

\(^{35}\) Id. ¶¶ 71–95.

\(^{36}\) Id. ¶¶ 96–99.

\(^{37}\) Id. ¶¶ 100–02.
a boundary applicable only to the water column), the Court observed that the parties have drawn no distinction between these spaces and, therefore, the boundary is an all-purpose one. The Court then came to the determination of the extent\(^\text{38}\) of the agreed maritime boundary and, for that purpose, examined the relevant practice of the parties in the early and mid-1950s altogether with developments in the law of the sea at that time. The Court observed that considering the fishing activities of the parties at that time, which were conducted up to a distance of some 60 nautical miles from the main ports in the area, the appropriate practice of other States and the work of the International Law Commission on the Law of the Sea, the evidence at its disposal does not allow it to conclude that the agreed maritime boundary along with the parallel extended beyond 80 nautical miles from its starting point.

In light of this inference, the Court further examined the element of practice subsequent to 1954 viz. the legislative practice of the parties, the lighthouse arrangements, negotiations entered into by Chile with Bolivia in 1975–1976 regarding a proposed exchange of territory that would provide Bolivia with a “corridor to the sea” and an adjacent maritime zone, and a memorandum sent by Peruvian Ambassador Bakula to the Chilean Ministry of Foreign Affairs on May 23, 1986. The Court found that the elements reviewed do not lead it to change its earlier tentative conclusion and therefore, held that the agreed maritime boundary between the parties extended to a distance of 80 nautical miles along parallel from its starting point.

B. The Starting Point of the Agreed Maritime Boundary

In order to determine the starting point of the maritime boundary, the Court has examined the evidence in relation to fishing and maritime practices in the region, cartographic evidence produced by the parties, as well as the record of the process leading to the lighthouse arrangements between the parties. However, the Court found that only the lighthouse arrangements serve as convincing evidence that the agreed maritime boundary follows the parallel that passes through the Boundary Marker No. 1. The Court further observed that it is not called upon to take a position as to the location of point Concordia where the land frontier between the parties starts. It could be possible for the aforementioned point not to coincide with the starting point of the maritime boundary. However, such a situation would be the consequence of the agreement reached between the parties.

\(^{38}\) Id. ¶103–51.
Considering the above points the Court held that the starting point of the maritime boundary between the parties is the intersection of the parallel of latitude passing through the Boundary marker No. 1 with the low water line.39

C. The Course of the Maritime Boundary from Point A

In order to determine the course of the maritime boundary, the Court followed the three stages methodology, which it usually employs in seeking an equitable solution. The first stage of the methodology begins with the construction of a provisional equidistance line unless there are compelling reasons preventing that. At the second stage, there has to be the consideration whether there are relevant circumstances which may call for an adjustment of that line to achieve an equitable result. At the third stage, the disproportionality test has to be conducted for the assessment whether the effect of the line, as adjusted, is such that the

39. Id. ¶¶ 152–76.
respective shares of the parties of the relevant area are markedly disproportionate to the lengths of their relevant coasts.

On the basis of this methodology, the Court held that the maritime boundary between the two Parties from Point A runs along the equidistance line to Point B, and then along the 200-nautical-mile limit measured from the Chilean baselines to Point C.\textsuperscript{40}

\textbf{VIII. CONCLUDING REMARKS}

The judgment of the ICJ is of great importance and has finally settled down the deep-rooted dispute between the two republics. The judgment is binding, final and without appeal for the parties concerned as per Article 94 of the U.N. Charter, which contemplates each member of the United States to comply with the decision of the ICJ in any case to which it is a party.

The judgment is seen by the global community as the triumph of an

\textsuperscript{40} Id. ¶¶ 177–95.
option for peace as the whole proceedings before the Court was carried out in an atmosphere of cooperation and peacefulness between the parties. It contributes to the maintenance of peace, which is the central goal of the United Nations.

In the concluding remark, it can be said that the judgment will be the route guider for the future maritime disputes between the member countries of the United Nations.