

LANDLOCKED STATES AND THE LIMITS OF LEGAL ACCESS: REFLECTION ON BOLIVIA v. CHILE (ICJ, 2018)

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For landlocked and geographically disadvantaged states, access to the sea is not just a matter of trade but of development, dignity, and sovereignty. While the United Nations Convention on the Law of the Sea (UNCLOS) provides a framework for transit rights, the real-world application of these principles remains uneven.

The 2018 judgment of the International Court of Justice (ICJ) in ***Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*** offers a sobering case study on the limits of legal remedies in the face of historical grievances and geopolitical asymmetry.

The Legal Landscape: UNCLOS and Transit Rights

UNCLOS Articles 69 and 70 recognize the rights of landlocked and geographically disadvantaged states to exploit marine resources and access the sea through transit arrangements. These provisions are grounded in the principle of equitable participation and the broader goal of reducing structural inequalities in global trade.

However, these rights are not absolute. They depend on bilateral agreements, geographical feasibility, and the good faith cooperation of transit states.

Bolivia v. Chile (ICJ, 2018): A Case of Legal Frustration

In 2013, Bolivia brought a case before the ICJ, arguing that Chile was legally obligated to negotiate sovereign access to the Pacific Ocean. Bolivia lost its coastline to Chile during the War of the Pacific (1879–1884) and has remained landlocked ever since.

In its 2018 judgment, the ICJ ruled, by 12 votes to 3, that Chile was not legally obligated to negotiate sovereign access. The Court acknowledged past diplomatic exchanges and regional declarations but found no binding legal commitment.

“The Court finds that the Republic of Chile did not undertake a legal obligation to negotiate a sovereign access to the Pacific Ocean for the Plurinational State of Bolivia.” — ICJ Judgment, October 1, 2018

Source:

Judgment of 1 October 2018

<https://www.icj-cij.org/node/105707>

Developmental Implications

Bolivia's landlocked status has contributed to higher transport costs, limited trade competitiveness, and slower economic growth. According to the World Bank, 16 of the world's 31 landlocked developing countries are among the poorest globally.

The ICJ's ruling underscores a broader truth: legal recognition of disadvantage does not guarantee legal remedy. While UNCLOS and other instruments promote equitable access, enforcement depends on political will, not just legal doctrine.

Conclusion: From Legal Text to Political Practice

The ***Bolivia v. Chile*** case reminds us that international law can clarify, but not always compel. For landlocked and geographically disadvantaged states, the path to meaningful access lies in treaties and tribunals, regional diplomacy, infrastructure investment, and multilateral solidarity.

Because in the law of the sea, geography may be destiny, but cooperation can still chart a new course.

#UNCLOS #ICJ #LandlockedStates #BoliviaChile #LawOfTheSea #TransitRights
#Geopolitics #LLMLOS

